

## FIRST DIVISION

[ **A.M. No. RTJ-16-2455 (Formerly OCA I.P.I. No.10-3443-RTJ), April 11, 2016** ]

**NEMIA CASTRO, COMPLAINANT, VS. JUDGE CESAR A. MANGROBANG, REGIONAL TRIAL COURT, BRANCH 22, IMUS, CAVITE, RESPONDENT.**

### R E S O L U T I O N

**LEONARDO-DE CASTRO, J.:**

This is an administrative complaint for Gross Inefficiency, Neglect of Duty, Gross Ignorance of the Law and Manifest Bias and Partiality, filed by Nemia Castro (Castro) against Judge Cesar A. Mangrobang (Judge Mangrobang) of the Regional Trial Court, Branch 22 (RTC-Branch 22), Imus, Cavite, relative to Civil Case No. 2187-00, entitled *Nemia Castro v. Rosalyn Guevarra, sued with her husband, Jamir Guevarra*.

The complaint arose from the following facts:

Civil Case No. 2187-00 was an action for Cancellation and/or Discharge of Check and Defamation/Slander with Damages instituted on October 5, 2000 before the RTC of Imus, Cavite, by Castro against spouses Jamir and Rosalyn Guevarra (spouses Guevarra). The case was raffled to RTC-Branch 90 of Imus, Cavite, presided by Judge Dolores Español (Judge Español). In her complaint, Castro sought the cancellation of her undated Far East Bank and Trust Company (FEBTC) Check No. 0133501 in the amount of P1,862,000.00 payable to the order of Rosalyn Guevarra, contending that the total obligation for which said check was issued had already been fully paid. Castro also prayed that her FEBTC Check Nos. 0133574 and 0133575, dated March 24, 2000 and March 31, 2000, respectively, in the amount of P10,000.00 each, be declared without value; that Rosalyn Guevarra be ordered to return the excess payments Castro had made amounting to P477,257.00, plus interest; and that Castro be awarded exemplary damages, moral damages, and attorney's fees. Spouses Guevarra, in their defense, alleged that the personal checks in question were issued by Castro in their favor in exchange for rediscounted checks in Rosalyn Guevarra's possession; and that of Castro's P1,862,000.00 obligation to the spouses Guevarra, only P230,000.00 had been paid. By reason of Castro's stop payment order to the bank for the three checks, spouses Guevarra filed before the Municipal Trial Court (MTC) of Imus, Cavite, three criminal complaints under the Bouncing Checks Law against Castro. During trial of Civil Case No. 2187-00, spouses Guevarra moved for the issuance of *subpoena ad testificandum* and *subpoena duces tecum* for certain bank officials and documents, but said motions were denied by Judge Español. Spouses Guevarra challenged Judge Español's denial of their motions for subpoena *via* a Petition for *Certiorari* before the Court of Appeals, docketed as CA-G.R. SP No. 80561. Given the pendency of CA-G.R. SP No. 80561, spouses Guevarra did not file a Formal Offer of Evidence before RTC-Branch 90 and instead filed on December 15, 2003 a Motion to Defer Action in

Civil Case No. 2187-00.

Judge Español of RTC-Branch 90 rendered a Decision on December 22, 2003 in Civil Case No. 2187-00 with the following dispositive portion:

WHEREFORE, premises considered, judgment is hereby rendered in favor of plaintiff [Nemia Castro] and against defendants Rosalyn Guevarra and Jamir Guevarra ordering the discharge of Far East Bank and Trust Co. (FEBTC) Check No. 0070789 and its replacement FEBTC Check No. 0133501, which, defendants subsequently affixed the date July 15, 2000 thereto, both in the amount of P1,862,000.00, the same are hereby cancelled if not returned to the plaintiff. Further, FEBTC Checks Nos. 0133574 and 0133575 dated March 24, 2000 and March 30, 2000, respectively, each in the amount of P10,000.00, are also hereby declared as without value. Likewise, the defendants are ordered to return to the plaintiff the amount of P477,257.00 representing the excess payment made by plaintiff plus legal interest of 12% per annum, from the filing of this complaint until fully paid. Further, defendants are ordered to pay plaintiff moral damages of P400,000.00, exemplary damages of P100,000.00, attorney's fees of P200,000.00 and the costs of suit.

Furthermore, for lack of factual and legal basis, Criminal Case No. 8624-01, entitled People of the Philippines vs. Nemia Castro, for Estafa under Article 315 (2-d), RPC in relation to P.D. 818, is hereby DISMISSED. Thus, the Clerk of Court is directed to furnish the Municipal Trial Court of Imus, Cavite, with a copy of this decision for its information and guidance with regard to the Criminal Cases involving FEBTC Checks Nos. 0133574 and 0133575 pending before the said court.<sup>[1]</sup>

In the body of the same Decision, Judge Español mentioned that the spouses Guevarra's Motion to Defer Action was denied "pursuant to Section 7, Rule 65 of the 1997 Rules of Civil Procedure."

Spouses Guevarra filed on January 26, 2004 a Motion for Reconsideration assailing the validity of the Decision dated December 22, 2003 in Civil Case No. 2187-00 on the grounds that it was promulgated after Judge Español's retirement; it was contrary to law and the facts of the case; and it was rendered without due process as they were denied the right to present evidence. Spouses Guevarra filed two days later, on January 28, 2004, a Motion to Re-Raffle Case considering Judge Español's mandatory retirement on January 9, 2004 and the uncertainty of when a new judge would be appointed to replace her. Judge Norberto Quisumbing, Jr., Executive Judge of the RTC of Imus, Cavite, issued an Order<sup>[2]</sup> dated January 28, 2004 granting spouses Guevarra's Motion to Re-Raffle Case, and consequently, Civil Case No. 2187-00 was raffled to RTC-Branch 22, presided by Judge Mangrobang.

On December 15, 2004, Judge Mangrobang issued an Omnibus Order resolving spouses Guevarra's (1) Motion to Defer Action, and (2) Motion for Reconsideration of the Decision dated December 22, 2003. Judge Mangrobang found merit in spouses

Guevarra's Motion for Reconsideration, thus:

After a thorough study of the positions of both parties, this Court is of the opinion that defendants [spouses Guevarra] had clearly presented a meritorious contention in proving that the questioned decision is null and void. Circumstantial and concrete evidence had been established by defendants which will show that the said decision was clearly promulgated after the Honorable Judge Dolores Español had retired from service.

As correctly pointed out by defendants, the certified photocopy of the original of the subject decision dated December 22, 2003, which they secured on January 14, 2004 from the court and attached to their Motion for Reconsideration, does not show that it has been filed with the clerk of court from the time it was written until it was promulgated or sent to the parties. Unfortunately, plaintiff [Castro] failed to disprove said defendants' claim. The failure of the former judge to file the said decision with the clerk of court is very vital and cannot just be considered as one simple procedural lapse.

As held by the Honorable Supreme Court:

*"The rule is well-established that the filing of the decision, judgment or order with the clerk of court, not the date of writing of the decision or judgment, nor the signing thereof or even the promulgation thereof, that constitutes rendition. (Echaus vs. CA G.R. 57343, July 23, 1990; Marcelino vs. Cruz, Jr. supra, p. 55; Castro vs. Malazo, 99 SCRA 164, 170 [1968]; Comia v. Nicolas, 29 SCRA 492 [1969].*

*"What constitutes rendition of judgment is not the mere pronouncement of the judgment in open court but the filing of the decision signed by the judge with the Clerk of Court (Quintana Sta. Maria v. Ubay, 87 SCRA 179).*

Evidently, although the decision is dated December 22, 2003, the same was mailed to the parties on January 12, 2004 and the neighboring Municipal Trial Court furnished on January 13, 2004. A considerable length of time therefore had lapsed from the time the said decision was presumably written up to the time it was actually served upon the parties. The Court cannot find a justifiable excuse in not serving the decision, during the incumbency or before the retirement of the former Judge Dolores Español, taking into account that there were occasions wherein the sheriff of this Court had caused the service of orders of lesser importance to the defendants.

x x x x

The decision dated December 22, 2003 having been considered as null and void, the other issues raised by the defendants in their Motion for Reconsideration are rendered moot and academic.<sup>[3]</sup>

Ultimately, Judge Mangrobang decreed in his Omnibus Order:

WHEREFORE, for being meritorious, defendants' [spouses Guevarra's] Motion for Reconsideration is hereby granted, and the Court's decision dated December 22, 2003 is hereby reconsidered and set aside.

Further, in order not to intricate matters in this case considering that a Petition for Certiorari had been filed by the defendants before the Honorable Court of Appeals, let the proceedings of this case be held in abeyance until after the Court of Appeals shall have ruled on the pending petition.<sup>[4]</sup>

The Court of Appeals rendered a Decision on July 20, 2006 in CA-G.R. SP No. 80561 dismissing spouses Guevarra's Petition for *Certiorari*. According to the appellate court, the issues raised in said petition had become moot and academic because of the Decision dated December 22, 2003 rendered by RTC-Branch 90 in Civil Case No. 2187-00.

Spouses Guevarra filed on October 20, 2006 before the RTC-Branch 22 a Motion to Revive Proceedings and/or New Trial in Civil Case No. 2187-00, to enable them to complete their presentation of evidence by submitting newly discovered evidence which could disprove Castro's claims. Judge Mangrobang issued an Order<sup>[5]</sup> dated March 23, 2007 granting spouses Guevarra's Motion and setting new trial of the case on April 27, 2007 at 8:30 in the morning.

It was now Castro's turn to file on July 19, 2007 before the Court of Appeals a Petition for *Certiorari*, Prohibition and Mandamus with prayer for issuance of Temporary Restraining Order (TRO), docketed as CA-G.R. SP No. 99763, directly challenging Judge Mangrobang's Order dated March 23, 2007 and also collaterally attacking his Omnibus Order dated December 15, 2004, for having been issued with grave abuse of discretion. In its Decision dated April 26, 2010, the appellate court denied Castro's petition. It opined that the petition should have been dismissed outright for Castro's failure to file a motion for reconsideration of Judge Mangrobang's Order dated March 23, 2007. The Court of Appeals also ruled that the issuance of the Order dated March 23, 2007 was not tainted with grave abuse of discretion as Judge Mangrobang acted within the bounds of his authority and in the exercise of his sound discretion. Castro filed a Motion for Reconsideration but it was denied by the Court of Appeals in a Resolution dated June 29, 2010. Castro filed before the Court a Petition for Review on *Certiorari*, docketed as G.R. No. 192737. On April 25, 2012, the Court rendered a Decision denying Castro's petition. The Court sustained Judge Mangrobang's Omnibus Order dated December 15, 2004, reasoning that: (1) Civil Case No. 2187-00 was properly assigned and transferred to RTC-Branch 22, vesting Judge Mangrobang with the authority and competency to take cognizance and to dispose of the case and all pending incidents therein, such as the spouses Guevarra's Motion for Reconsideration of Judge Español's Decision dated December 22, 2003; and (2) Judge Mangrobang's Omnibus Order dated December 15, 2004 had already attained finality after Castro failed to avail herself of any of the available remedies for questioning the same. The Court though found that the Court of Appeals should have given due course to Castro's Petition for

*Certiorari* as an exception to the general rule requiring the prior filing of a motion for reconsideration because there was no basis at all for Judge Mangrobang's Order dated March 23, 2007 granting spouses Guevarra's motion for new trial. A motion for new trial is only available when relief is sought against a judgment and the judgment is not yet final. Spouses Guevarra's motion for new trial in Civil Case No. 2187-00 was premature as RTC-Branch 22 has not yet rendered any decision in said case. Yet, in the interest of justice, the Court deemed it fair and equitable to allow the spouses Guevarra to adduce evidence in Civil Case No. 2187-00 before RTC-Branch 22 and thereafter make their formal offer. If Castro would no longer present any rebuttal evidence, RTC-Branch 22 could already decide the case on the merits. [6]

In the meantime, Castro filed on July 20, 2007 before RTC-Branch 22 a Motion to Suspend Proceedings<sup>[7]</sup> in Civil Case No. 2187-00 by reason of her Petition for *Certiorari* filed before the Court of Appeals just the day before. On November 3, 2008, Judge Mangrobang issued an Order denying Castro's Motion because the Court of Appeals had not issued a TRO or writ of preliminary injunction despite the lapse of more than a year since the filing of the Petition for *Certiorari*.

Complainant Castro then filed a Motion and Manifestation to Secure Services of Counsel after her third lawyer's withdrawal of services. During the hearing on April 16, 2009, Castro herself spoke before Judge Mangrobang reiterating her request to suspend the hearing of Civil Case No. 2187-00 to give her time to look for another lawyer and accord the Court of Appeals the opportunity to resolve her Petition for *Certiorari* in CA-G.R. SP No. 99763. Judge Mangrobang granted Castro only until May 28, 2009 to secure the services of a new lawyer but denied her motion to suspend the hearing of Civil Case No. 2187-00 while her Petition for *Certiorari* was pending before the appellate court.

Castro filed on April 23, 2009 a Motion for Inhibition,<sup>[8]</sup> charging Judge Mangrobang with manifest bias and partiality in favor of the spouses Guevarra in violation of Castro's right to due process. Spouses Guevarra filed an Opposition (To the Motion for Inhibition), to which Castro filed a Reply. On July 30, 2009, Judge Mangrobang issued an Order<sup>[9]</sup> which stated that Castro failed to submit a reply to the spouses Guevarra's Opposition (To the Motion for Inhibition) and she was already deemed to have waived her right to file the same. At the end of said Order, Judge Mangrobang adjudged:

WHEREFORE, in view of the foregoing, plaintiffs [Castro's] Motion for Inhibition is hereby denied.

Accordingly, let the hearing for this case be set on September 9, 2009 at 2:00 o'clock in the afternoon. The plaintiff is hereby sternly warned that she should appear with a lawyer on that date. Otherwise, she would be deemed to have waived her right to present her evidence and the Court would be [constrained] to allow the defendants [spouses Guevarra] to start their presentation of evidence.<sup>[10]</sup>

Castro, through new counsel, filed on August 26, 2009 an Omnibus Motion with