

## SECOND DIVISION

**[ A.M. No. RTJ-14-2367 (formerly OCA I.P.I. No. 12-3879-RTJ), January 13, 2014 ]**

**SR. REMY ANGELA JUNIO, SPC AND JOSEPHINE D. LORICA,  
COMPLAINANTS, VS. JUDGE MARIVIC A. CACATIAN-BELTRAN,  
BRANCH 3, REGIONAL TRIAL COURT, TUGUEGARAO CITY,  
CAGAYAN, RESPONDENT.**

### RESOLUTION

**BRION, J.:**

For our resolution is the Report and Recommendation<sup>[1]</sup> dated August 13, 2013 of the Office of the Court Administrator (OCA) in OCA I.P.I. No. 12-3879-RTJ.

#### The Antecedents

Claire Ann Campos, a 17-year old student, filed an affidavit-complaint for violation of Republic Act (R.A.) No. 7610 (the Child Abuse Law) and R.A. No. 7277 (the Magna Carta for the Disabled) before the Tuguegarao City Prosecution Office against Sr. Remy Angela Junio and Dr. Josephine D. Lorica, the President and the Dean of the School of Health Services, respectively, of St. Paul University of the Philippines (SPUP).

In her complaint, Claire alleged that she was refused enrolment by SPUP for the B.S. Nursing course in her sophomore year because of her cleft palate; she alleged that the refusal was made despite her completion of SPUP's College Freshmen Program Curriculum.

In its resolution dated August 22, 2008, the prosecutor's office found probable cause to indict Junio and Lorica of the crimes charged, and recommended the filing of the corresponding informations against them.

On September 8, 2008, Junio and Lorica appealed the August 22, 2008 resolution of the prosecutor's office, but Undersecretary Jose Vicente Salazar of the Department of Justice (DOJ) denied their petition for review in his resolution of February 24, 2011.

On March 31, 2011, the prosecutor's office filed two informations against Junio and Lorica for violations of Section 10(a), Article VI, in relation with Article 3(a) and (b) of R.A. No. 7610, and Section 12 of R.A. No. 7277 before the Regional Trial Court (RTC), Branch 4, Tuguegarao City, presided by Judge Lylaha Aquino.

On April 27, 2011, the cases were assigned to Judge Marivic A. Cacatian-Beltran of the RTC, Branch 3, Tuguegarao City, due to the inhibition of Judge Aquino.

On April 4, 2011, Junio and Lorica sought a reconsideration of the DOJ's February 24, 2011 resolution.

On May 5, 2011, the RTC found probable cause to issue warrants of arrest against Junio and Lorica. Accordingly, it issued the warrants of arrest against them.

On May 24, 2011, Lorica posted bail for her provisional liberty.

On May 25, 2011, Junio and Lorica filed an *urgent motion to hold in abeyance further proceedings and to recall warrants of arrest*. Junio posted bail on the same day.

In its order dated June 14, 2011, the RTC denied Junio and Lorica's *urgent motion to hold in abeyance further proceedings and to recall warrants of arrest*.

Meanwhile, DOJ Secretary Leila de Lima granted Junio and Lorica's motion for reconsideration and set aside the February 24, 2011 resolution of Undersecretary Salazar. Accordingly, in her resolution dated August 8, 2011, she directed the Cagayan Provincial Prosecutor to immediately cause the withdrawal of the informations for violations of R.A. Nos. 7610 and 7277 against Junio and Lorica for lack of probable cause.

On August 12, 2011, Junio and Lorica filed a manifestation and motion before the RTC, praying for the cancellation of their scheduled arraignment, and for the dismissal of the cases against them.

On September 5, 2011, the City Prosecutor, Junio and Lorica filed a *joint motion to withdraw informations in view of Secretary De Lima's August 8, 2011 resolution*.

On September 14, 2011, Judge Cacatian-Beltran issued an order stating that "the motion relative to the resolution of the Department of Justice is deemed submitted for resolution."<sup>[2]</sup>

On December 20, 2011, Junio, Lorica and the City Prosecutor filed a joint motion for resolution.

In its order of January 6, 2012, the RTC denied the *joint motion to withdraw informations* for lack of merit.

The City Prosecutor, Junio and Lorica moved to reconsider this order, but the RTC denied their motion in its order dated April 10, 2012.

### **The Administrative Complaint**

Junio and Lorica filed an affidavit-complaint against Judge Cacatian-Beltran for violation of Rules 1.02, 3.01, 3.02, and 3.05 of the Code of Judicial Conduct. They alleged that Judge Cacatian-Beltran only resolved the joint motion to withdraw informations after almost four months from the time it was submitted for resolution. They claimed that four months was beyond the period prescribed by existing rules for the resolution of simple motions.

Junio and Lorica further alleged that Judge Cacatian-Beltran “arrogated unto herself the role of a prosecutor and a judge”<sup>[3]</sup> when she insisted that they stand for trial although she did not find any grave abuse of discretion on the part of Justice Secretary De Lima.

In her comment, Judge Cacatian-Beltran explained that Junio and Lorica might have conducted a follow-up of the motions to dismiss at Branch 4 where the records of the criminal cases had been retained, and that the staff of Branch 4 failed to inform her of any follow-up by Junio and Lorica and/or by their counsel. She maintained that she “lost no time in finishing the draft”<sup>[4]</sup> of her January 6, 2012 order when the joint motion for resolution was brought to her attention.

Judge Cacatian-Beltran maintained that the RTC was not bound by the findings of the Secretary of Justice since her court had already acquired jurisdiction over the case. She added that she made an independent assessment of the evidence before denying the motion. She further stated that she acted promptly on all other incidents in the case.

### **The OCA’s Report and Recommendation**

In its Report and Recommendation dated August 13, 2013, the OCA recommended that: (1) the administrative complaint against Judge Cacatian-Beltran be dismissed for being judicial in nature; and (2) Judge Cacatian-Beltran be admonished to strictly comply with the reglementary periods to act on pending motions and other incidents in her court.

The OCA held that errors committed by a judge in the exercise of his adjudicative functions cannot be corrected through administrative proceedings. It explained that the aberrant acts allegedly committed by Judge Cacatian-Beltran relate to the exercise of her judicial functions, and added that only judicial errors tainted with fraud, dishonesty, gross ignorance, bad faith or deliberate intent to do an injustice should be administratively sanctioned.

The OCA, nonetheless, ruled that Judge Cacatian-Beltran should be admonished to be more mindful of the reglementary periods to resolve pending motions.

### **Our Ruling**

After due consideration, we **approve and adopt** the OCA’s recommendations as our own ruling.

#### *Delay in resolving a motion*

Section 15(1), Article VIII of the Constitution requires lower court judges to decide a case within the period of ninety (90) days. Rule 3.05, Canon 3 of the Code of Judicial Conduct likewise holds that judges should administer justice without delay and directs every judge to dispose of the courts’ business promptly within the period prescribed by law. Rules prescribing the time within which certain acts must be done are indispensable to prevent needless delays in the orderly and speedy disposition of cases. Thus, the ninety (90) day period is mandatory. This mandate applies even to