

SECOND DIVISION

[G.R. No. 165258, February 04, 2008]

**ROSITA L. FLAMINIANO a.k.a. ROSE FLAMINIANO, Petitioner, vs.
HON. ARSENIO P. ADRIANO, Pairing Judge (RTC, Branch 64,
Tarlac City), S.Q. FILMS LABORATORIES, INC., ALBERTO Q.
SANTOS, SUSAN MANSUETO and ANGELITA LIMSON,
Respondents.**

DECISION

QUISUMBING, J.:

This petition for certiorari alleges grave abuse of discretion by Judge Arsenio P. Adriano of the Regional Trial Court (RTC), Branch 64, Tarlac City, in rendering the Decision^[1] dated March 22, 2004 in Civil Case No. 8830.

The antecedent facts are as follows:

Petitioner Rosita L. Flaminiano is a movie producer. Private respondent S.Q. Films Laboratories, Inc. (SQ Lab) processes film prints for theater and television. Private respondents Alberto Q. Santos, Susan Mansueto, and Angelita Limson are the general manager, production manager, and sales representative, respectively, of SQ Lab.

The present controversy started when SQ Lab charged petitioner with two counts of violation of *Batas Pambansa Bilang 22* (B.P. Blg. 22)^[2] in the Metropolitan Trial Court (MeTC),^[3] Branch 59, Mandaluyong City. The charges were docketed as Criminal Case Nos. 75243-44.

As petitioner remained at large long after the issuance of a warrant for her arrest, Limson called petitioner to set up a meeting for the settlement of the case. The two met at the agreed time and place. After arriving at a compromise agreement, Limson left. Subsequently, Mansueto arrived with agents of the National Bureau of Investigation (NBI). There and then, the NBI agents finally arrested petitioner.

Petitioner asked to be taken to the court that issued the warrant of arrest or before the nearest court in Quezon City. The NBI agents refused. Petitioner requested that she be allowed to pass by her residence to make a call to her lawyer. The NBI agents acquiesced. Then they brought her to the NBI office for photographing and fingerprinting. After an order for her release was issued, petitioner was immediately released from custody.

Petitioner filed against the NBI agents who effected her arrest a complaint^[4] for violation of Republic Act No. 3019, the Anti-Graft and Corrupt Practices Act, alleging grave coercion, violation of domicile and arbitrary detention. However, the

Ombudsman dismissed the said complaint for lack of merit.^[5]

Petitioner also filed in the RTC of Tarlac City a complaint^[6] for damages against herein private respondents. The case was docketed as Civil Case No. 8830 and was raffled to the sala of Judge Martonino Marcos. Petitioner alleged in her complaint that her arrest was carried out in bad faith and was intended to harass her. She asked to be indemnified in the total amount of P20 million in damages.

After hearing the case, however, Judge Marcos was suspended for four months. Thus, public respondent Judge Arsenio P. Adriano, the pairing judge, took over the case. Judge Adriano penned the assailed Decision, the decretal part of which reads:

WHEREFORE, judgment is hereby rendered dismissing the complaint. On the counterclaim, the plaintiffs are ordered to pay the defendants the sum of Ph50,000.00 a reasonable amount for moral damages and Ph10,000.00 for attorney's fees.

Costs against the plaintiffs.

SO ORDERED.^[7]

Petitioner filed a motion for reconsideration of the abovequoted decision, but Judge Adriano denied it for lack of merit. By the time the said decision attained finality, Judge Marcos had resumed his duties; thus, he issued the writ of execution thereon.

The present petition for certiorari raises the following issues:

I.

WHETHER THE HONORABLE ARSENIO P. ADRIANO (PAIRING JUDGE OF RTC-BRANCH 64, TARLAC CITY) COMMITTED A GRAVE ABUSE OF DISCRETION AMOUNTING TO LACK OR IN EXCESS OF JURISDICTION WHEN HE DECIDED THE INSTANT CASE WITHOUT CAREFULLY STUDYING, EVALUATING AND ASCERTAINING THE FACTS OF THE CASE AND THE EVIDENCE PRESENTED ON THE RECORD WHICH NATURALLY LED HIM TO MAKE GRIEVOUS MISTAKES OR ERRORS IN HIS CONCLUSIONS OF FACTS OF LAW AND JURISPRUDENCE APPLICABLE TO THE CASE.

II.

WHETHER IN DOING SO THE HONORABLE ARSENIO P. ADRIANO (PUBLIC RESPONDENT) WHO DECIDED THE INSTANT CIVIL CASE FOR DAMAGES UNDER CIVIL CASE NO. 8830 ASSIGNED TO RTC-BRANCH 64 (TARLAC CITY) PRESIDED BY THE HONORABLE MARTONINO MARCOS OF RTC-BRANCH 64 (TARLAC CITY) ONLY THIRTEEN (13) DAYS AFTER THE SUSPENSION OF THE LATTER DECIDED THE CASE WITH IMPARTIALITY AND FAIRNESS AND WITH THE COLD NEUTRALITY OF AN IMPARTIAL JUDGE THAT HIS ACTUATION IN DECIDING THE CASE IS ABOVE-BOARD AND BEYOND SUSPICION.^[8]