

EN BANC

[A.M. No. RTJ-04-1854 [OCA-IPI No. 02-1379-RTJ], June 08, 2004]

ANA MARIA C. MANGUERRA, COMPLAINANT, VS. JUDGE GALICANO C. ARRIESGADO, REGIONAL TRIAL COURT, BRANCH 18, CEBU CITY; JUDGE ANACLETO L. CAMINADE, RTC, BRANCH 6, CEBU CITY; CLERK OF COURT VII GEOFFREY S. JOAQUINO, RTC-OCC, CEBU CITY; AND BRANCH CLERK OF COURT MYRNA V. LIMBAGA, RTC, BRANCH 6, CEBU CITY, RESPONDENTS.

D E C I S I O N

YNARES-SATIAGO, J.:

In a verified letter-complaint,^[1] Ana Maria C. Manguerra charged respondents Executive Judge Galicano C. Arriescado, Judge Anacleto L. Caminade, Clerk of Court VII Jeoffrey S. Joaquino, Branch Clerk Myrna V. Limbaga, all of the Regional Trial Court of Cebu City, with Irregular Raffling of Cases, Dereliction of Duty and/or Incompetence and Falsification relative to Special Proceeding No. 1700-R entitled, "*In the Matter of the Intestate Estate of Mariano F. Manguerra.*"

The complainant alleges, in sum, that Special Proceeding No. 1700-R, pending with Branch 6 of the Regional Trial Court of Cebu City, was irregularly unloaded and clandestinely re-raffled to Branch 23 of the same court. Complainant argues that the irregular raffling of Special Proceeding No. 1700-R to Branch 23 was done to favor the oppositors therein.

In their joint Comment,^[2] respondents, Branch 6 Presiding Judge Anacleto L. Caminade and Branch 6 Clerk of Court Myrna V. Limbaga, averred that Special Proceeding No. 1700-R was unloaded as a consequence of the re-affle of Special Proceeding No. 916-R, entitled, "*Intestate Estate of Vito Borromeo*" (Borromeo case) to Branch 6 in view of Judge Antonio Echavez's inhibition. Respondents explained that when a judge recuses himself from a case, it shall be assigned to another branch by regular raffle, and the branch to which it is assigned will then unload a case of similar nature and status to the judge who inhibited himself *without need of raffle*. This, according to them, is the established practice in the Cebu City Regional Trial Court. Hence, respondent Limbaga unloaded Special Proceeding No. 1700-R to Branch 8, presided by Judge Echavez in exchange for Special Proceeding No. 916-R.

Respondent Executive Judge Galicano C. Arriescado averred in his Comment^[3] that prior written notice of the date and time of re-affle of the inhibited case is not given to the parties. A written order is also not a mandatory requirement to unload a particular case from the receiving branch of the inhibited case and the Presiding Judge thereof may just verbally direct his Branch Clerk to unload a case of the same kind and status. Nonetheless, if only to clear once and for all any doubts in complainant's mind, respondent Executive Judge and the Raffle Committee would be