

THIRD DIVISION

[G.R. Nos. 89591-96, January 24, 2000]

**PEOPLE OF THE PHILIPPINES, PETITIONER, VS. HON.
BONIFACIO SANZ MACEDA, PRESIDING JUDGE OF BRANCH 12,
REGIONAL TRIAL COURT OF ANTIQUE, AND AVELINO T.
JAVELLANA, RESPONDENTS.**

RESOLUTION

PARDO, J.:

On September 8, 1999, we denied the People's motion seeking reconsideration of our August 13, 1990 decision in these cases. In said resolution, we held that respondent Judge Bonifacio Sanz Maceda committed no grave abuse of discretion in issuing the order of August 8, 1989 giving custody over private respondent Avelino T. Javellana to the Clerk of Court of the Regional Trial Court, Branch 12, San Jose, Antique, Atty. Deogracias del Rosario, during the pendency of Criminal Cases Nos. 3350-3355. At that time, sufficient reason was shown why private respondent Javellana should not be detained at the Antique Provincial Jail. The trial court's order specifically provided for private respondent's detention at the residence of Atty. del Rosario. However, private respondent was not to be allowed liberty to roam around but was to be held as detention prisoner in said residence.

This order of the trial court was not strictly complied with because private respondent was not detained in the residence of Atty. Del Rosario. He went about his normal activities as if he were a free man, including engaging in the practice of law. Despite our resolution of July 30, 1990 prohibiting private respondent to appear as counsel in Criminal Case No. 4262,^[1] the latter accepted cases and continued practicing law.

On April 7, 1997, Senior State Prosecutor Henrick F. Guingoyon filed with the Supreme Court a motion seeking clarification on the following questions: "(1) Does the resolution of this Honorable Court dated July 30, 1990, prohibiting Atty. Javellana from appearing as counsel refer only to Criminal Case No. 4262? (2) Is Atty. now (Judge) Deogracias del Rosario still the custodian of Atty. Javellana? and (3) Since it appears that Atty. (now Judge) del Rosario never really held and detained Atty. Javellana as prisoner in his residence, is not Atty. Javellana considered an escapee or a fugitive of justice for which warrant for his arrest should forthwith be issued?"^[2]

In a resolution dated June 18, 1997, we "noted" the above motion.

After we denied the motion for reconsideration on September 8, 1999, the trial court resumed hearing Criminal Cases Nos. 3350-3355. Earlier, on August 2, 1999, Rolando Mijares filed with the Regional Trial Court, Branch 12, San Jose, Antique, a motion seeking the revocation of the trial court's custody order and the