



Republic of the Philippines  
Supreme Court  
Baguio City

FIRST DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, First Division, issued a Resolution dated April 26, 2022 which reads as follows:*

“A.M. No. MTJ-22-006 [Formerly OCA IPI No. 19-3071-MTJ] (Cristhyn R. Abing, *Complainant vs. Presiding Judge Mario V. Manayon, Municipal Trial Court in Cities, Branch 1, Talisay City, Cebu, Respondent*). – This administrative matter arose from the Verified Disbarment Complaint/Letter-Affidavit<sup>1</sup> (complaint) filed by Cristhyn R. Abing<sup>2</sup> (complainant) charging Judge Mario V. Manayon (respondent Judge) of Branch 1, Municipal Trial Court in Cities (MTCC), Talisay City, Cebu with alleged violation of the New Code of Judicial Conduct relative to Criminal Case No. 15829, entitled “*People of the Philippines v. Christine Racaza*,” for Obstruction of Justice.<sup>3</sup>

In precis, complainant, the accused in Criminal Case No. 15829, alleged that: (1) respondent Judge should have inhibited himself from the case because the witness, Julius Bacacao Gabasa (Gabasa), a job order employee of the Talisay City Hall, was detailed in his court and (2) respondent Judge manifested partiality during the hearings of the case as he, at times, had either explained the question to Gabasa or answered it for him.<sup>4</sup>

Complainant further alleged that on February 22, 2019, she filed a Motion to Authenticate Video<sup>5</sup> which respondent Judge granted on March 19, 2019.<sup>6</sup> However, the Regional Anti-Cyber

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<sup>1</sup> *Rollo*, pp. 3-19.

<sup>2</sup> “Christine Racaza” in some parts of the *rollo*. (see *rollo* pp. 20, 21, and 22 among others).

<sup>3</sup> *Id.* at 3-4.

<sup>4</sup> *Id.*

<sup>5</sup> *Id.* at 276.

<sup>6</sup> *Id.* at 279.

Crime Unit VII of the National Bureau of Investigation (NBI) gave notice that it could not authenticate the video and could only conduct a forensic examination on it. As a result, complainant filed a Motion to Subject Video for Forensic Examination and for Enhancement<sup>7</sup> dated April 11, 2019 (pending motion); but to date, respondent Judge had not acted on it.<sup>8</sup>

Hence, the complaint.

In his comment,<sup>9</sup> respondent Judge denied having manifested signs of partiality towards Gabasa and asserted that he had to intervene during Gabasa's cross-examination because there were questions that were either vague or misleading.<sup>10</sup> He pointed out that complainant filed the instant complaint after he denied the latter's first and second motions for inhibition based on the comment<sup>11</sup> filed by the State, through the Office of the Prosecutor, Talisay City, Cebu.<sup>12</sup> The comment<sup>13</sup> contained a Certification<sup>14</sup> from the Office of the City Administrator, Human Resource Division (HRD), Talisay City that Gabasa is a job order employee assigned at the Office of the Prosecutor. As such, he found no reason to inhibit.<sup>15</sup>

Anent the pending motion, respondent Judge alleged as follows: that in the attached Transcript<sup>16</sup> of Stenographic Notes taken during the hearing on May 10, 2019, he had thoroughly discussed the issue with complainant's counsel and the public prosecutor; that he previously issued an order for the authentication of the video but the public prosecutor opposed the additional motion of complainant to enhance the video as it would amount to evidence tampering; and that complainant's counsel agreed and manifested that instead of pursuing the issuance of another order for the enhancement of the video, they would just return to the NBI and explain to the personnel how the court wanted the previous order to be complied with, such as the enhancement of the video could be done in a duplicate copy, without touching the original video, and the technician concerned could testify in court to explain the procedure he followed.<sup>17</sup> Respondent Judge

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<sup>7</sup> Id. at 280.

<sup>8</sup> Id. at 294.

<sup>9</sup> Id. at 255-259.

<sup>10</sup> Id. at 256.

<sup>11</sup> Id. at 267-268.

<sup>12</sup> Id. at 294.

<sup>13</sup> Id.

<sup>14</sup> Id. at 269.

<sup>15</sup> Id. at 294.

<sup>16</sup> Id. at 283-291.

<sup>17</sup> Id. at 295.

further alleged that complainant's counsel committed to follow the directives of the court; however, complainant and her counsel did not make the necessary follow-through with the NBI. He insisted that any enhancement of the video was not allowed in the rules and that his previous order authorizing the forensic examination of the video was already sufficient.<sup>18</sup>

*Judicial Integrity Board (JIB) Report and Recommendation*

In its Report and Recommendation<sup>19</sup> dated November 9, 2021, the JIB found that: (1) Gabasa was not assigned in respondent Judge's sala as shown by the certification of the Office of the City Administrator, HRD, Talisay City and (2) complainant's allegations of bias and partiality were not supported by credible evidence. Thus, it declared that respondent Judge cannot be held liable for his refusal to inhibit.<sup>20</sup>

Nonetheless, the JIB found respondent Judge guilty of undue delay in rendering an order because of his inaction in resolving complainant's motion to subject video for forensic examination and for enhancement. Thus, it recommended that respondent Judge be fined in the sum of Ten Thousand Pesos (₱10,000.00)<sup>21</sup> in accordance with Sections 23<sup>22</sup> and 25 (b),<sup>23</sup> Rule 140 of the Rules of Court, as amended:<sup>24</sup>

WHEREFORE, it is respectfully RECOMMENDED that:

1. the instant administrative complainant against respondent Judge Mario V. Manayon, Branch 1, MTCC, Talisay City, Cebu, be RE-DOCKETED as a regular administrative matter; and

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<sup>18</sup> Id.

<sup>19</sup> Id. at 293-299. Penned by Justice Rodolfo A. Ponferrada (Ret.) and concurred in by Justices Romeo J. Callejo, Sr. (Ret.), Angelina Sandoval-Gutierrez (Ret.), and Sesinado E. Villon (Ret.).

<sup>20</sup> Id. at 296-297.

<sup>21</sup> Id. at 298.

<sup>22</sup> Section 23. *Less Serious Charge*. – Less Serious charge include:

(1) Undue delay in rendering a decision or order x x x.

x x x x

<sup>23</sup> Section 25. *Sanctions*. –

x x x x

B. If the respondent is guilty of a less serious charge, any of the following sanctions shall be imposed:

1. Suspension from office without salary and other benefits for not less than one (1) month nor more than three (3) months; or

2. A fine of not more than ₱10,000.00 but not exceeding ₱20,000.00.

<sup>24</sup> A.M. No. 18-01-05-SC (October 2, 2018).

2. respondent Judge Mario V. Manayon be found GUILTY of undue delay in rendering an order, and that he be FINED in the sum of ₱10,000.00.<sup>25</sup>

### *The Issue*

The issue to be resolved is whether respondent Judge should be held administratively liable.

### *The Court's Ruling*

The Court adopts the findings and recommendation of the JIB with modification.

The Court agrees with the JIB that respondent Judge should not be faulted for his refusal to inhibit and for his active participation in the proceedings before him. *First*, orders of inhibition are judicial, not administrative in nature. Thus, questions regarding the competency of the inhibiting judge should be determined in an appropriate judicial proceeding.<sup>26</sup> *Second*, it is well settled that “[w]hile judges should as much as possible refrain from showing partiality to one party and hostility to another, it does not mean that a trial judge should keep mum throughout the trial and allow parties to ask the questions that they desire, on issues which they think are the important issues, when the former are improper and the latter, immaterial,”<sup>27</sup> as in the case.

The Court likewise agrees with the JIB that respondent Judge is guilty for the less serious charge of undue delay in rendering an order for his inaction on the pending motion. Notably, Canon 6, Section 5 of the New Code of Judicial Conduct provides that “[j]udges shall perform all judicial duties, including the delivery of reserved decisions, efficiently, fairly and with reasonable promptness.” Moreover, the Constitution<sup>28</sup> requires judges of the lower courts to decide cases or resolve matters within three months from the date of their submission for resolution.

However, it bears stressing that the Court, in its Resolution<sup>29</sup> dated February 22, 2022 in A.M. No. 21-08-09-SC, amended Rule 140 of the Rules of Court and deleted the provision which classified

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<sup>25</sup> *Rollo*, p. 298.

<sup>26</sup> *Carriaga v. Judge Baldado*, 484 Phil. 34, 39 (2004).

<sup>27</sup> *Ventura v. Judge Yatco*, 105 Phil. 287, 294 (1959).

<sup>28</sup> Article VIII, Section 15(1).

<sup>29</sup> Supreme Court, Re: Further Amendments to Rule 140 of the Rules of Court, A.M. No. 21-08-09-SC (February 22, 2022).

“undue delay in rendering a decision or order” as a less serious charge. Considering that “undue delay in rendering a decision or order” is no longer included in the classification of administrative charges, the Court finds respondent Judge guilty of the less serious charge of simple neglect of duty<sup>30</sup> which is defined as the “failure to give proper attention to a task expected of an employee resulting from either carelessness or indifference.”<sup>31</sup>

Under Section 17(2) of Rule 140, as amended, the following sanctions shall be imposed if the respondent is guilty of a less serious charge, *viz.*:

(a) Suspension from office without salary and other benefits for not less than one (1) month nor more than six (6) months; or

(b) A fine of more than ₱35,000.00 but not exceeding ₱100,000.00.

Considering that this is respondent Judge’s first infraction, the penalty of suspension from office for a period not less than one month nor more than six months; or the imposition of fine of more than ₱35,000.00 but not exceeding ₱100,000.00 is a bit harsh.

Under Section 20 of the same rule, the Court may impose the penalties of suspension or fine for a period or amount not less than half of the minimum prescribed under Rule 140 provided that there are one or more mitigating circumstances and no aggravating circumstances present.<sup>32</sup> As such, the Court deems it appropriate to penalize respondent Judge with a fine of not less than half of the minimum prescribed under Rule 140 or ₱17,500.00, with a warning that the commission of the same or a similar offense will be dealt with more severely.

**WHEREFORE**, the administrative complaint against respondent Presiding Judge Mario V. Manayon, Branch 1, Municipal Trial Court in Cities, Talisay City, Cebu is **RE-DOCKETED** as a regular administrative matter.

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<sup>30</sup> Section 15 (b), Rule 140 of the Rules of Court, as amended.

<sup>31</sup> *Re: Ricky R. Regala*, A.M. No. CA-18-35-P, November 27, 2018.

<sup>32</sup> Section 20. Manner of Imposition – If one (1) or more aggravating circumstances and no mitigating circumstances are present, the Supreme Court may impose the penalties of suspension or fine for a period or amount not exceeding double of the maximum prescribed under this Rule.

If one (1) or more mitigating circumstances and no aggravating circumstances are present, the Supreme Court may impose the penalties of suspension or fine for a period or amount not less than half of the minimum prescribed under the Rule.

If there are both aggravating and mitigating circumstances present, the Supreme Court may offset each other. (Emphasis supplied.)

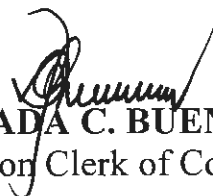
Respondent Presiding Judge Mario V. Manayon is found **GUILTY** of Simple Neglect of Duty. He is ordered to pay a **FINE** of ₱17,500.00 and **STERNLY WARNED** that a repetition of the same or similar offense shall be dealt with more severely.

The following are **NOTED**:

1. Verified Disbarment Complaint/Letter-Affidavit dated July 2, 2019 of Cristhyn R. Abing against Presiding Judge Mario V. Manayon charging him with violation of Canon 1, Section 4, and Canon 3, Section 5(a) of the New Code of Judicial Conduct relative to Criminal Case No. 15829;
2. Letter/Comment dated October 27, 2019 of Presiding Judge Mario V. Manayon; and
3. Report and Recommendation dated November 9, 2021 of the Judicial Integrity Board.

**SO ORDERED.**” *Gaerlan, J., on official leave.*

**By authority of the Court:**

  
**LIBRADA C. BUENA**  
Division Clerk of Court *2022*

by:

**MARIA TERESA B. SIBULO**  
Deputy Division Clerk of Court

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AUG 05 2022

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Hon. Mario V. Manayon  
Respondent – Presiding Judge  
Municipal Trial Court in Cities, Branch 1  
Talisay City, 6045 Cebu

The Clerk of Court  
Municipal Trial Court in Cities, Branch 1  
Talisay City, 6045 Cebu

The Hon. Executive Judge  
Municipal Trial Court in Cities  
Talisay City, 6045 Cebu

Hon. Raul B. Villanueva (x)  
Court Administrator  
Hon. Jenny Lind R. Aldecoa-Delorino (x)  
Hon. Leo Tolentino Madrazo (x)  
Deputy Court Administrators  
Hon. Lilian Barribal-Co (x)  
Hon. Maria Regina A. F. M. Ignacio (x)  
Assistant Court Administrators  
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Office of Administrative Services (x)  
Legal Office (x)  
Court Management Office (x)  
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