



Republic of the Philippines
Supreme Court
Manila

SECOND DIVISION

SR. REMY ANGELA JUNIO, SPC
and JOSEPHINE D. LORICA,
Complainants,

A.M. No. RTJ-14-2367
(formerly OCA I.P.I. No. 12-3879-RTJ)

Present:

CARPIO, J., Chairperson,
BRION,
DEL CASTILLO,
PEREZ, and
PERLAS-BERNABE, JJ.

-versus-

JUDGE MARIVIC A. CACATIAN-
BELTRAN, BRANCH 3, REGIONAL
TRIAL COURT, TUGUEGARAO
CITY, CAGAYAN,

Promulgated:

JAN 13 2014

Respondent.

X-----X

RESOLUTION

BRION, J.:

For our resolution is the Report and Recommendation¹ 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

¹ See Report and Recommendation dated August 13, 2013, unnumbered page.

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 Lyliha 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."²

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"³ 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"⁴ 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.

² Rollo, Annex "C," unnumbered page.

³ See Affidavit-Complaint, unnumbered page.

⁴ See page 7 of Comment, unnumbered page.

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 motions or interlocutory matters or incidents pending before a magistrate.⁵

In the present case, the City Prosecutor's *joint motion to withdraw informations* was deemed submitted for resolution on September 14, 2011. Judge Cacatian-Beltran, however, did not act on the motion within the prescribed three (3) month period (or up to December 13, 2011), and instead ruled on it only on January 6, 2012.

In her defense, 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 were retained, and that the

⁵ *Dela Cruz v. Judge Vallarta*, 546 Phil. 292 (2007).

staff of Branch 4 failed to inform her of any follow-up by Junio and Lorica and/or their counsel. We note, however, that Branch 4 is paired with Judge Cacatian-Beltran's Branch 3 per Circular No. 7-74, as amended by SC Circular No. 19-98. Since Criminal Case Nos. 14053-54 had been assigned to Judge Cacatian-Beltran, it was incumbent upon her to update herself on the developments in these consolidated cases; she should have kept her own record of cases and noted therein the status of each case to ensure prompt and effective action. To do this, Judge Cacatian-Beltran should have adopted a record management system and organized her docket – an approach that she appears not to have done.

Sections 9 and 11, Rule 140 of the Rules of Court, as amended by A.M. No. 01-8-10-SC, classifies undue delay in rendering a decision or order as a less serious charge, with the following administrative sanctions: (a) suspension from office without salary and other benefits for not less than one (1) nor more than three (3) months; or (b) a fine of more than ₱10,000.00 but not exceeding ₱20,000.00.

However, the records are bereft of any evidence showing that there had been *undue delay* (as shown by the records), any attendant bad faith, any intent to prejudice a party to the case, or some other ulterior ends. The OCA, in fact, pointedly ruled that the inaction was not attended with malice: Judge Cacatian-Beltran resolved the joint motion to withdraw informations two (2) days after she learned of its existence on January 4, 2012.

To our mind, these circumstances are sufficient to mitigate the liability of Judge Cacatian-Beltran and keep us from imposing a fine or suspension from office. Accordingly, we find sufficient and warranted the OCA's recommended penalty of admonition.

Denial of the joint motion to withdraw informations

The trial court is **not bound to adopt the resolution of the Secretary of Justice** since it is mandated to independently evaluate or assess the merits of the case; in the exercise of its discretion, it may agree or disagree with the recommendation of the Secretary of Justice. Reliance on the resolution of the Secretary of Justice alone would be an abdication of the trial court's duty and jurisdiction to determine a *prima facie* case.⁶ We stress that once a criminal complaint or information is filed in court, any disposition of the case (whether it be a dismissal, an acquittal or a conviction of the accused) rests within the exclusive jurisdiction, competence, and discretion of the trial court; it is the best and sole judgment of what to do with the case before it.⁷

In resolving a motion to dismiss a case or to withdraw the information filed by the public prosecutor (on his own initiative or pursuant to the directive of the Secretary of Justice), either for insufficiency of evidence in

⁶ See *Flores v. Gonzalez*, G.R. No. 188197, August 3, 2010, 626 SCRA 661, 674.

⁷ See *Crespo v. Judge Mogul, Jr.*, 235 Phil. 465, 476 (1987).

the possession of the prosecutor or for lack of probable cause, the trial court should not merely rely on the findings of the public prosecutor or of the Secretary of Justice that no crime had been committed or that the evidence in the possession of the public prosecutor is insufficient to support a judgment of conviction of the accused.⁸ To do so is to surrender a power constitutionally vested in the Judiciary to the Executive.

In the present case, Judge Cacatian-Beltran does not appear to have arbitrarily denied the joint motion to withdraw informations. The records show that she evaluated and assessed the informations, the resolution of the City Prosecutor, the affidavit and reply-affidavit of the complainants, the counter-affidavit and rejoinder and the appeal memorandum of Junio and Lorica, and the supporting documents attached to them.

In her January 6, 2012 order, Judge Cacatian-Beltran notably explained the basis for her denial. No proof whatsoever exists in all these, showing that bad faith, malice or any corrupt purpose attended the issuance of her order. It is also important to note in this regard that the issue of whether Judge Cacatian-Beltran correctly denied the joint motion to withdraw informations, despite the finding of Secretary De Lima of lack of probable cause, is judicial in nature: Junio and Lorica's remedy under the circumstances should have been made with the proper court for the appropriate judicial action, not with the OCA by means of an administrative complaint.

We also find unmeritorious Junio and Lorica's argument that Judge Cacatian-Beltran "arrogated unto herself the role of a prosecutor and a judge"⁹ when she insisted that the accused stand trial although she did not find any grave abuse of discretion on the part of Justice Secretary de Lima. When a court acts, whether its action is consistent or inconsistent with a prosecutor's recommendation, it rules on the prosecutor's action and does not thereby assume the role of a prosecutor. The case of *Hipos, Sr. v. Bay*¹⁰ best explains why we so rule:

To clarify, we never stated in *Ledesma* that a judge is allowed to deny a Motion to Withdraw Information from the prosecution *only* when there is grave abuse of discretion on the part of the prosecutors moving for such withdrawal. Neither did we rule therein that where there is no grave abuse of discretion on the part of the prosecutors, the denial of the Motion to Withdraw Information is void. What we held therein is that a trial judge commits grave abuse of discretion if he denies a Motion to Withdraw Information **without an independent and complete assessment of the issues presented in such Motion.**

With the independent and thorough assessment and evaluation of the merits of the joint motion to withdraw information that Judge Cacatian-Beltran undertook before dismissing it, she acted as a judge should and can

⁸ *Santos v. Orda*, 481 Phil. 93, 106 (2004).

⁹ *Supra* note 2.

¹⁰ G.R. Nos. 174813-15, March 17, 2009, 581 SCRA 674, 687; italics supplied, emphasis ours.

in no way be said to have assumed the role of a prosecutor. The parties, for their part, are not without any remedy as the Rules of Court amply provide for the remedy against a judicial action believed to be grossly abusive when the remedy of direct appeal is not available. We cannot rule on this point in the present case, however, as this is a matter not before us in this administrative recourse against Judge Cacatian-Beltran.

WHEREFORE, premises considered, we **APPROVE AND ADOPT** as our own the August 13, 2013 Report and Recommendation of the Office of the Court Administrator. Judge Marivic A. Cacatian-Beltran is hereby **ADMONISHED** and **REMINDED** that she should dispose of her cases within the period required by law.

SO ORDERED.



ARTURO D. BRION
Associate Justice

WE CONCUR:



ANTONIO T. CARPIO
Associate Justice
Chairperson



MARIANO C. DEL CASTILLO
Associate Justice



JOSE PORTUGAL PEREZ
Associate Justice



ESTELA M. PERLAS-BERNABE
Associate Justice