



Republic of the Philippines  
Supreme Court  
Office of the Court Administrator  
Manila

OCA CIRCULAR NO. 43-2023

**TO : ALL TRIAL COURT JUDGES**

**SUBJECT : REITERATION AND CLARIFICATION OF THE  
GUIDEPOSTS IN THE VOLUNTARY  
INHIBITION OF JUDGES**

In A.M. No. 87-9-3918-RTC (*Re: Query of Executive Judge Estrella T. Estrada, Regional Trial Court of Malolos, Bulacan, on the Conflicting Views of Regional Trial Court Judges Masadao and Elizaga Re: Criminal Case No. 4954-M*)<sup>1</sup> the Court acknowledged the existence of “not ordinary” circumstances that led Judge Roy A. Masadao, Jr. to voluntarily inhibit from hearing the case. Judge Masadao, Jr. issued an order of inhibition therein on the ground that retired Justice J.B.L. Reyes had been among those who had recommended him to the Bench. The Court went on to rule that, in these instances, voluntary inhibition may prove to be the better course of action.

Accordingly, judges are hereby **REMINDED** to conscientiously exercise discretion on whether there indeed exist extraordinary circumstances that warrant inhibition. The Rules on voluntary inhibition do not give judges the unfettered discretion to desist from hearing a case.<sup>2</sup> As the Court held in another case<sup>3</sup>, this discretion is an acknowledgment of the fact that judges are in a better position to determine the issue of inhibition, as they are the ones who directly deal with the litigants in their courtrooms. The decision on whether he/she should inhibit himself/herself, however, must be based on his/her rational and logical assessment of the circumstances prevailing in the case brought before him/her.

The provisions of OCA Circular Nos. 105-2022 dated 11 May 2022 and 176-2022 dated 11 July 2022 that laid down the Guideposts for Voluntary Inhibition shall continue to be followed.

For information, guidance and observance.

31 January 2023

  
**RAUL B. VILLANUEVA**  
Court Administrator

*mm/ACJ/CPP/CircInhibition/jjm013123 Misc.11 [B2]*

<sup>1</sup> as cited in OCA Circular No. 105-2022 dated 11 May 2022 and OCA Circular No. 176-2022 dated 11 July 2022

<sup>2</sup> *Pagoda Philippines, Inc. vs. Universal Canning, Inc.*, G.R. No. 160966, October 11, 2005, Panganiban, J.

<sup>3</sup> *Calayag, et al. vs. Sulpicio Lines, Inc.*, G.R. No. 221864, September 14, 2016, Mendoza, J.