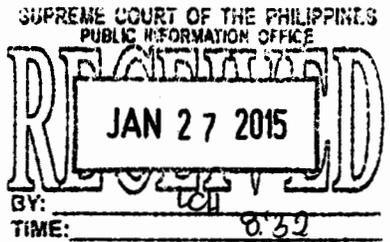




REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila
SECOND DIVISION



NOTICE

Sirs/Mesdames:

Please take notice that the Court, Second Division, issued a Resolution dated 12 November 2014 which reads as follows:

G.R. No. 214551 (Elsie Tible Masalunga, Cresenciana P. Tible and Raul Cabrera v. The Court of Appeals, 8th Division, Hon. Pedro M. Redoña, Presiding Judge of the Regional Trial Court, Branch 63, Calabanga, Camarines Sur, Mary Jean Martinez, for herself and in behalf of minor child Amiel Christian Martinez). – This is a petition for *certiorari* with prayer for the issuance of a temporary restraining order (*TRO*) and/or writ of preliminary injunction filed by petitioners Elsie Tible Masalunga, Cresenciana Tible and Raul Cabrera assailing the August 1, 2014 resolution¹ of the Court of Appeals (*CA*) in CA-G.R. SP No. 135179.

The Case

The records showed that on May 25, 2006, Cezar Martinez died of electrocution while he was replacing an electrical pole whose electrical lines were connected to the building owned by the petitioners.

Sometime in 2007, Mary Jean Martinez, for herself and in representation of her minor child, Amiel Christian Martinez, filed a complaint for damages against the petitioners before the Regional Trial Court (*RTC*), Branch 63, Calabanga, Camarines Sur. The case was docketed as Civil Case No. 07-215.

In 2013, Judge Pedro M. Redoña was appointed as Presiding Judge of the *RTC*, Branch 63. During trial, Judge Redoña asked numerous questions to the witness. The petitioners found Judge Redoña's manner of questioning indicative of the prejudging of their guilt and an undue interference. Thereafter, the petitioners moved for the inhibition of Judge Redoña from the case.

In his Order of December 3, 2013, Judge Redoña denied the motion to inhibit for "want of legal basis." Judge Redoña reasoned out that the questions he asked merely aimed to clarify matters contained in the witness' judicial affidavit.

The petitioners moved to reconsider this order, but Judge Redoña denied their motion.

¹ Per Associate Justices Fernanda Lampas-Peralta, Francisco P. Acosta and Myra V. Garcia-Fernandez. The one-page resolution was signed by Atty. Caroline G. Ocampo-Peralta. *Rollo*, p. 20.

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The petitioners brought the case to the CA and sought a TRO and/or writ of preliminary injunction.² The case was docketed as CA-G.R. SP No. 135179.

In its one-page resolution dated August 1, 2014, the CA (Eight Division) denied the prayer for the issuance of a TRO and/or writ of preliminary injunction for lack of merit. It also referred the case to the Philippine Mediation Center of the CA for possible settlement.

The Petition for Certiorari with Prayer for TRO and/or Writ of Preliminary Injunction

In the present petition, the petitioners claimed that the CA committed grave abuse of discretion when it denied their petition without stating the factual and legal basis for the denial. The petitioners also maintained that Judge Redoña was biased and partial, and that they will suffer "undue and grave sufferings" unless the Court issues a TRO.

Our Ruling

After due consideration, we **dismiss** the petition.

We point out at the outset that there is no definite and stringent rule on how the CA will frame its ruling on a case. The CA has the discretion to decide to use a minute resolution on rulings on deficiencies of form, technical insufficiencies, or for lack of merit on a petition's face, or use a full-blown decision on the merits of a particular case. The Court reiterates that a "resolution" is not a "decision" within the constitutional requirement of Section 14, Article VIII of the Constitution. This constitutional mandate is applicable only in cases "submitted for decision," that is, where the petition is given due course and after the filing of the briefs or memoranda and/or other pleadings.

In the present case, the CA's denial of the prayer for the issuance of a TRO and/or writ of preliminary injunction by a minute resolution in CA-G.R. SP No. 135179 did not violate the constitutional mandate that no petition for review or motion for reconsideration of a decision of a court shall be refused due course or denied without stating the legal basis therefor, for this requirement applies only to decisions. The CA is under no obligation to render signed decisions in every case filed before it. It has ample discretion to formulate decisions and/or minute resolutions depending on the grounds for the ruling and its evaluation of a case.

At any rate, the actuations of the respondent judge in asking questions and clarifying matters during trial do not amount to partiality, bias and undue interference. Section 7 of A.M. No. 12-8-8-SC (the Judicial Affidavit

² The *rollo* did not indicate whether the injunction is the main action or merely a provisional or ancillary remedy.

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Rule) mandates the trial courts to “take active part in examining the witness to determine his credibility as well as the truth of his testimony and to elicit answers that it needs for resolving issues.”

We stress that the issue of *voluntary* inhibition is primarily a matter of conscience and sound discretion on the part of the judge.³ It is a subjective test whose result the reviewing tribunal will not disturb in the absence of any manifest finding of arbitrariness and whimsicality. Bare allegations of bias and prejudice are not enough in the absence of clear and convincing evidence to overcome the presumption that a judge will undertake his noble role to dispense justice according to law and evidence and without fear or favor.⁴ Contrary to the petitioners’ claim, the respondent judge did not give any indication that he had prejudged the case; he asked questions to the witness in order to obtain matters he needed in properly deciding the case before him.

WHEREFORE, premises considered, we **DISMISS** the petition for failure of the petitioners to show that the Court of Appeals committed grave abuse of discretion amounting to lack or excess of jurisdiction in issuing its assailed August 1, 2014 resolution in CA-G.R. SP No. 135179.

SO ORDERED.

Very truly yours,


 MA. LOURDES C. PERFECTO
 Division Clerk of Court *h 11/13*

³ *Rubin v. Corpus-Cabochan*, OCA I.P.I. No. 11-3589-RTJ, July 29, 2013, 702 SCRA 330, 341, citing *People v. Hon. Ma. Theresa L. Dela Torre-Yadao, et al.*, G.R. Nos. 162144-54, November 13, 2012, 685 SCRA 264.

⁴ See *Kilosbayan Foundation v. Janulo, Jr.*, G.R. No. 180543, July 27, 2010, 65 SCRA 684, 697.

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Regional Trial Court, Br. 63
Calabanga, Camarines Sur
(Civil Case No. 07-215)

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GR214551. 11/12/14 (210[a])SR *11/13*