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# **FRANCISCO I. CHAVEZ, PETITIONER, VS. IMELDA R. MARCOS, RESPONDENT. - Digest Philippines**

4-5 minutes

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## **CHAVEZ VS. MARCOS**

Ponente: LEONEN, J.

Decision Date: 2018-06-27

GR Number: G.R. No. 185484

Benedict Victa 2 years ago

**Avg. Rating:**

### **Summary:**

The petitioner filed a motion to for the judge to inhibit in deciding the criminal cases against the Imelda Marcos. The judge denied the motion and proceeded to hear and decide the same. In affirming the judge's decision, the

SC ruled that there was no sufficient legal basis for the judge to grant to motion for inhibition. Further, the SC finds that the petition for inhibition does not present question of law because Rule 137, Sec. 1 to which the petition was based, deals more on a question of fact.

### **Doctrine:**

1) On the inhibition of judges, Rule 137 of the Rules of Court provides:

Section 1. *Disqualification of judges.* - No judge or judicial officer shall sit in any case in which he, or his wife or child, is pecuniarily interested as heir, Legatee, creditor or otherwise, or in which he is related to either party within the sixth degree of consanguinity or affinity, or to counsel within the fourth degree, computed according to the rules of the civil law, or in which he has been executor, administrator, guardian, trustee or counsel, or in which he has presided in any inferior court when his ruling or decision is the subject of review, without the written consent of all parties in interest, signed by them and entered upon the record.

A judge may, in the exercise of his sound discretion, disqualify himself from sitting in a case, for just or valid reasons other than those mentioned above.

2) The second paragraph of Rule 137, Section 1 was introduced, this Court has periodically repeated that it shall always presume that a judge will decide on the

merits of the case without bias. Allowing a judge to inhibit without concrete proof of personal interest or any showing that his bias stems from an extrajudicial source will open the floodgates to abuse

## **Facts:**

33 consolidated criminal cases was filed against Imelda R. Marcos (Imelda). Trial ensued and Chavez filed motions for the judge to inhibit. According to Chavez, the judge's setting of hearing were scheduled unfavorably to him. He further claimed that the judge made it impossible for petitioner to appear at the hearing dates set by the court.

The RTC denied the motion. The decision of the RTC was brought to the CA but the same denied the petition of Chavez. The decision was brought to the SC.

## **Issues Ratio:**

Whether or not, there is sufficient basis for the judge's inhibition.

There is no basis for inhibition. There was insufficient showing of bias to substantiate Chavez's claim of bias on the part of Judge.

Aside from that, the question raised by the petitioner regarding judge's inhibition is not a question of law subject to SC's review. In explaining so, the SC states

that "essentially, petitioner takes issue with how the Court of Appeals interpreted the acts of Judge Pampilo and found no manifest partiality, which are clearly not questions of law."

Although this Court may, in exceptional cases, delve into questions of fact, these exceptions must be alleged, substantiated, and proved by the parties before this Court may evaluate and review facts of the case. Petitioner having failed to establish the basis for this Court to evaluate and review the facts in this case, the petition may be dismissed on this ground.

No concrete proof of Judge's personal interest in the case was presented.

### **Dispositive:**

**WHEREFORE**, the Petition for Review on Certiorari is **DENIED**. The Court of Appeals February 28, 2008 Decision and November 24, 2008 Resolution in CA-GR. SP No. 98799 are hereby **AFFIRMED**.

### **Other Notes:**