

Republic of the Philippines

**SUPREME COURT**

Manila

**SECOND DIVISION**

**G.R. Nos. L-39516-17 January 28, 1975**

**ROSARIO CASTILLO and SONIA VILLASANTA**, petitioners,

vs.

**THE HONORABLE JUDGE CELESTINO JUAN**, respondent.

*Castillo and Morales Law Offices for petitioners.*

*Respondent Judge in his own behalf.*

**FERNANDO, J.:**

In this *certiorari* proceedings, petitioners, two young maidens who are the offended parties in two rape cases, assail the actuation of respondent Judge and seek his disqualification on the ground of bias and prejudice. What was done by him, according to their strongly-worded petition, was in disregard of the highly-prized ideal in adjudication, likewise a due process requirement, that a litigant "is entitled to nothing less than the cold neutrality of an impartial judge."<sup>1</sup> Briefly, on two separate occasions on August 15 and 27, 1974, in the secrecy of his chambers he informed petitioners of the weakness of their cases, the likelihood of a verdict of acquittal in favor of the accused, and impressed upon them that it would be to their advantage to settle, as the most he could do on their behalf was to have such accused indemnify them. This move, according to him, would assure their being spared from the embarrassment occasioned by suits of this character, clearly prejudicial to their future. These conversations took place even before the prosecution had finished presenting its evidence, one of the petitioners not having testified as yet. Respondent Judge could not very well deny that he did invite them to confer with him, but he would impress on this Court that their version should not be let credence and that he was prompted to act thus from the best of motives, "as an act of charity" and as a "clear attempt to humanize justice."<sup>2</sup> With the problem thus laid bare and the essentials exposed to view, it is obvious that the petitions are impressed with merit. Respect for a number of decisions, most of them recent in character, yields no other conclusion.

Petitioners are entitled to the remedy sought. Respondent Judge must be disqualified from further hearing the cases.

1. In every litigation, perhaps much more so in criminal cases, the manner and attitude of a trial judge are crucial to everyone concerned, the offended party, no less than the accused. It is not for him to

indulge or even to give the appearance of catering to the at times human failing of yielding to first impressions. He is to refrain from reaching hasty conclusions or prejudging matters. It would be deplorable if he lays himself open to the suspicion of reacting to feelings rather than to facts, of being imprisoned in the net of his own sympathies and predilections. It must be obvious to the parties as well as the public that he follows the traditional mode of adjudication requiring that he hear both sides with patience and understanding to keep the risk of reaching an unjust decision at a minimum. It is not necessary that he should possess marked proficiency in law, but it is essential that he is to hold the balance true. What is equally important is that he should avoid any conduct that casts doubt on his impartiality. What has been said is not merely a matter of judicial ethics. It is impressed with constitutional significance. As set forth in *Mateo Jr. v. Villaluz*:<sup>3</sup> "It is now beyond dispute that due process cannot be satisfied in the absence of that degree of objectivity on the part of a judge sufficient to reassure litigants of his being fair and being just. Thereby there is the legitimate expectation that the decision arrived at would be the application of the law to the facts as found by a judge who does not play favorites. For him, the parties stand on equal footing. In the language of Justice Dizon: "It has been said, in fact, that due process of law requires a hearing before an impartial and disinterested tribunal, and that every litigant is entitled to nothing less than the cold neutrality of an impartial Judge.""<sup>4</sup> The above excerpt is from the leading case of *Gutierrez v. Santos*.<sup>5</sup> The Villaluz decision is only one of a number of cases where Gutierrez was cited with approval.<sup>6</sup> In *Geotina v. Gonzales*,<sup>7</sup> a judge, according to Justice Castro, the *ponente*, should strive to be at all times "wholly free, disinterested, impartial and independent. Elementary due process requires a hearing before an impartial and disinterested tribunal. A judge has both the duty of rendering a just decision and the duty of doing it in a manner completely free from suspicion as to its fairness and as to his integrity."<sup>8</sup>

It is in line with the above due process requirement that the Rules of Court provide for disqualification of judge 9outside of the instances referring to their pecuniary interest, relationship, previous connection, or his having presided in an inferior court when his ruling or decision is the subject of review.<sup>10</sup> The 1964 amendment contains this additional paragraph: "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."<sup>11</sup> An excerpt from the Villaluz opinion is again relevant: "Thereby, it is made clear to the occupants of the bench that outside of pecuniary interest, relationship or previous participation in the matter that calls for adjudication, there may be other causes that could conceivably erode the trait of objectivity, thus calling for inhibition. That is to betray a sense of realism, for the factors that lead to preferences or predilections are many and varied. It is well, therefore, that if any such should make its appearance and prove difficult to resist, the better course for a judge is to disqualify himself. That way, he avoids being misunderstood. His reputation for probity and objectivity is preserved. What is even more important, the ideal of an impartial administration of justice is lived up to. Thus is due process vindicated."<sup>12</sup> What is more, in the event that a judge may be unable to discern for himself his inability to meet the test of the cold neutrality required of him, this Court has seen to it that he should disqualify himself.<sup>13</sup> From what has been set forth, this certainly is another one of such cases.

2. This is not to discount in its entirety the submission of respondent Judge, who argued on his own behalf, that his final decision would be dependent on the evidence that could be presented by

petitioners. What cannot be denied, however, is that after such conferences, they could no longer be expected to have faith in his impartiality. Even before they had been fully heard, they were told that their cases were weak. They could very well conclude then that there was a prejudgment. Under the circumstances, the fact that he acted as he did because any monetary settlement would benefit petitioners, considering their straitened financial circumstances, was of no moment. Even if it be admitted that, according to his best lights, respondent Judge acted from a sense of sympathy or "charity", his conduct cannot be said to be consonant with the exacting standard of the cold neutrality of an impartial judge. The administration of justice would thus be subject to a reproach if there be a rejection of the plea for disqualification.

3. It is to be made clear, moreover, that nothing said in this opinion has reference to the merits of the two prosecutions for rape. That is not a matter before us. The controversy passed upon is whether respondent Judge should continue to preside at such trial. The decision reached goes no further than that he should not. That accomplished, the hearings should continue, with the outcome dependent on an appraisal, according to law, of the evidence submitted by the prosecution and the defense. .

WHEREFORE, this Court grants the petitions for certiorari, and respondent Judge is ordered to desist from further conducting the trial of the two prosecutions for rape, Criminal Cases Nos. 733 and 734 of the Court of First Instance of Quezon, Ninth Judicial District, respectively entitled *People of the Philippines v. Ernesto de Villa* and *People of the Philippines v. Ernesto de Villa*. No costs.

*Makalintal, C.J., Barredo, Fernandez and Aquino, JJ., concur.*

*Antonio, J, is on leave.*

## Footnotes

1 Gutierrez vs. Santos, L-15824, May 30, 1961, 2 SCRA 249.

2 Answer, pars. 6, C and 10.

3 L-34756, March 31, 1973, 50 SCRA 18.

4 *Ibid*, 23.

5 L-15824, May 30, 1961, 2 SCRA 249.

6 Cf. *Del Castillo v. Javelona*, L-16742, Sept. 29, 1962, 6 SCRA 146; *People v. Gomez*, L-22345, May 29, 1967, 20 SCRA 293; *Austria v. Masaquel*, L-22536, Aug. 31, 1967, 20 SCRA 1247; *Zaldivar v. Estenzo*, L-26065, May 3, 1968, 23 SCRA 533; *Geotina v. Gonzales*, L-26310, Sept. 30, 1971, 41 SCRA 66. In *Luque v. Kayanan*, L-26826, Aug. 29, 1969, 29 SCRA 165 and *Tobias v. Ericta*, Adm. Case No. 242-J, July 29, 1972, 46 SCRA 83, there was reference to the need for "the cold neutrality of an impartial judge" without invoking *Gutierrez v. Santos*.

7 L-26310, September 30, 1971, 41 SCRA 66.

8 *Ibid*, 73-74.

9 Cf. Rule 137.

10 According to Rule 137, Section 1, first paragraph: "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."

11 *Ibid*, second paragraph.

12 L-34756, 50 SCRA 18, 24-25. Cf. *Pimentel v. Salanga*, L-27934, September 18, 1967, 21 SCRA 160.

13 Cf. *Luque v. Kayanan*, L-26826, August 29, 1969, 29 SCRA 165; *Parades v Gopengco*, L-23710, September 30, 1969, 29 SCRA 688; *Mateo v. Villaluz*, L-34756, March 31, 1973, 50 SCRA 18.