



Republic of the Philippines
Supreme Court
Manila

EN BANC

RE: JUDICIAL AUDIT CONDUCTED
IN THE REGIONAL TRIAL COURT,
BRANCH 20, CAGAYAN DE ORO
CITY, MISAMIS ORIENTAL

A.M. No. 14-11-350-RTC

Present:

SERENO, *C.J.*,
CARPIO,
VELASCO, JR.,
LEONARDO-DE CASTRO,
PERALTA,
BERSAMIN,*
DEL CASTILLO,
PERLAS-BERNABE,
LEONEN,
JARDELEZA,**
CAGUIOA,
MARTIRES,
TIJAM,
REYES, JR., *and*
GESMUNDO,** *JJ.*

Promulgated:

December 5, 2017

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H. H. Dizon - Srane
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DECISION

DEL CASTILLO, J.:

The present administrative matter arose from the judicial audit conducted on March 12 and 13, 2013, of Branch 20 of the Regional Trial Court (RTC) of Cagayan de Oro City, Misamis Oriental, then presided by Judge Bonifacio M. Macabaya (Judge Macabaya).

In a Memorandum¹ dated April 17, 2013, the audit team found that out of the 573 cases examined by it, (1) 69 cases were submitted for decision but have yet to be decided despite the lapse of the 90-day period [as mandated by par. 1,

* On official leave.

** On leave.

¹ Rollo, pp. 1-35.

Section 15, Article VIII of the 1987 Constitution];² (2) 33 cases with pending incidents were not yet resolved despite the lapse of the reglementary period to resolve them; and (3) 155 cases were dormant and unacted upon for a considerable length of time.

The audit team noted the following irregularities:

1. In Criminal Case No. 2001-888 entitled *People [v.] Jabinao*, the [RTC] issued an Order dated 22 November 2011 directing the accused to secure another bond within five (5) days from notice, ‘*it appearing that the bond put up by the accused had already expired.*’ The Order [goes against] Sec. 2(a) of Rule 114 of the Revised Rules of Criminal Procedure, which provides that ‘*(t)he undertaking shall be effective upon approval, and unless cancelled, shall remain in force at all stages of the case until promulgation of the judgment of the Regional Trial Court, irrespective of whether the case was originally filed in or appealed to it.*’³

2. In Criminal Case Nos. 2000-260 and 2000-316, both entitled *People [v.] Alba, et. al.* as well as Criminal Case Nos. 2002-098 and 2002-100, [also] both entitled *People [v.] Alba*, the [RTC] issued twin Orders, both dated 26 September 2006, directing the issuance of a Warrant of Arrest against the accused for his failure to appear,⁴ and directing the Branch Clerk of Court ‘*to receive evidence of the prosecution through ex-parte hearing*’ – [in violation of] the Revised Rules of Criminal Procedure [and by] existing jurisprudence x x x.⁴

Moreover, the audit team noted inaccuracies in the RTC’s February 2013 report. It failed to include 43 cases already submitted for decision and 13 cases with unresolved motions, while it prematurely reported six cases⁵ as submitted for decision, although the records did not show that the appellees received the appellants’ briefs or memoranda, against which the prescribed period within which to submit the formers’ briefs or memoranda should be reckoned.⁶ These omissions and inaccuracies in the report violated paragraph 8 of the Guidelines and Instructions in Administrative Circular No. 61-2001 dated December 10, 2001, which state that “*(i)n filling up Item No. VI x x x where all the data needed must be indicated, include all cases with unresolved motions which may determine the disposition of the cases, e.g., Motion to Dismiss on Demurrer to Evidence. Patent non-indication of undecided cases or unresolved motions is tantamount to falsification of official document.*”



² Section 15. (1) All cases or matters filed after the effectivity of this Constitution must be decided or resolved within twenty-four months from date of submission for the Supreme Court, and, unless reduced by the Supreme Court, twelve months for all lower collegiate courts, and **three months for all other lower courts.** (Emphasis supplied)

³ *Rollo*, p. 27.

⁴ *Id.* at 28.

⁵ See *id.* Namely Civil Case No. 2011-174, Criminal Case Nos. 4819, 2010-961, 2010-1037, 2011-772 and 2011-909.

⁶ *Id.* at 27.

In addition, the audit team discovered that the docket books for civil cases were not updated regularly; the docket inventory for the period July-December 2012 suffered from a number of defects in form; and, there was no judgment book, no book of entries of judgment, nor an execution book.⁷

The audit team furthermore noted the constant presence and active participation of Judge Macabaya's wife during the entire judicial audit although she was not a court employee. She was observed to be handing over case records to, and talking with, the court staff. When this matter was brought to the attention of Judge Macabaya, the latter assured the audit team that he was in full control of the actions of his wife, and even acknowledged "that she has been a big help x x x [in] overseeing the administrative functions of his office, [thus allowing] him to focus his attention on his judicial functions."⁸

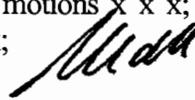
In a Letter⁹ dated April 4, 2013, Judge Macabaya's Clerk of Court V Atty. Taumaturgo U. Macabinlar (Atty. Macabinlar) submitted a copy of an Action Plan¹⁰ for the Period April 2013 to April 2014, bearing the signature of Judge Macabaya himself. The Action Plan was "formulated as a result of (their) discussions with the Supreme Court Audit Team and (their) brainstorming session with all the Branch 20 staff," and "is intended to make a more lasting plan of action to prevent recurring audit exceptions."¹¹

The audit team noted that the action plan provided for a single strategy only and an inflexible time frame for the disposition of three kinds of cases.¹² Hence, the audit team recommended that the Action Plan be revised to make it more specific and more results-oriented for easier measurement of output.

Taking a holistic approach, the audit team made the following recommendations to Judge Macabaya to:

x x x x

- 1.1 SUBMIT x x x within fifteen (15) days x x x a revised action plan, incorporating therein the strategies, specific courses of action and the corresponding time frame[s], to be measured by specific number of calendar days, for: (a) the disposition of the cases x x x; (b) the resolution of the incidents or motions x x x; and (c) all the other judicial audit findings above x x x;



⁷ Id. at 28-29.

⁸ *Rollo*, p. 30.

⁹ Id. at 36.

¹⁰ Id. at 38-43.

¹¹ Id. at 37.

¹² See id at 44. Namely: cases submitted for decision, cases with incidents or motions for resolution and cases for ex-parte presentation of evidence.

- 1.2 Immediately TAKE APPROPRIATE ACTION on the untranscribed stenographic notes taken down by then court stenographer Oscar P. Rabanes, x x x in Civil Case No. 3672, x x x and SUBMIT to this Office within fifteen (15) days from receipt hereof a written report thereon;
- 1.3 SUBMIT x x x within fifteen (15) days x x x a written status report on the untranscribed stenographic notes x x x in Civil Case No. 6776 and in Criminal Case Nos. 1863 and 3418;
- 1.4 ENSURE that a request for extension of time to decide a case is filed with the Office of the Court Administrator before the expiration of the mandated period for decision, x x x;
- 1.5 TAKE APPROPRIATE ACTION immediately in the cases referred to in Item No. I (7) above, and SUBMIT to this Office within thirty (30) days from receipt hereof a written report thereon, attaching thereto copies of the orders or decisions, if any, issued in connection therewith;
- 1.6 CONDUCT PERSONALLY [a] physical inventory of cases at the end of every semester, and CONSIDER the results of the exercise in the evaluation and assessment of the performance of the court against its existing action plan, and use the same as a basis for drawing up a new action plan to ensure the sustainability of the remedial measures earlier adopted;
- 1.7 ADOPT a firm policy against improvident postponements and ENSURE that cases are heard and disposed of with deliberate dispatch, x x x;
- 1.8 COMMENT in writing on the observations raised in Item No. II, Sub-item Nos. 1 and 2 above, and SUBMIT the same to this Office within fifteen (15) days from receipt hereof;
- 1.9 DISCOURAGE and MINIMIZE his wife's presence in his court, and PREVENT her from interfering with the business of the court with a WARNING that any violation thereof will warrant an administrative action against him; and
- 1.10 SUBMIT to this Office within fifteen (15) days from receipt hereof a written report on the action/s taken on the immediately preceding directive;

x x x x¹³

But in a letter¹⁴ dated July 22, 2013, Judge Macabaya and his Branch Clerk of Court, Atty. Macabinlar, merely submitted copies of the Decisions and Orders in some of the cases enumerated in the April 17, 2013 Memorandum; and this was done despite the passage of almost 10 months. Thus, in a letter-directive¹⁵ to Judge Macabaya dated March 14, 2014, Deputy Court Administrator (DCA)

¹³ Id. at 32-33.

¹⁴ Id. at 243-248.

¹⁵ Id. at 289.



Jenny Lind R. Aldecoa-Delorino (DCA Aldecoa-Delorino) reiterated the recommendations above.

In reply thereto, on May 12, 2014, Judge Macabaya attached another set of copies of orders, resolutions, and decisions, without any other explanation other than the inadvertent attachment of the letter-directive to the RTC's October 2013 monthly report.¹⁶

Via a Letter¹⁷ dated May 19, 2014, one month after the deadline set in the action plan, DCA Aldecoa-Delorino gave an updated summary on the number of cases that had not yet been decided or resolved, and acted upon. This letter likewise reiterated the directive for Judge Macabaya to comply with the audit team's Memorandum, particularly item nos. 2, 3, 8 and 9, with a reminder that "*all directives coming from the Court Administrator and his deputies are issued in the exercise of the Court's administrative supervision of trial courts and their personnel, hence, should be respected. These directives are not mere requests but should be complied with promptly and completely.*"¹⁸ Thus, DCA Aldecoa-Delorino directed Judge Macabaya to:

1. EXPLAIN x x x the delay in: (a) deciding the remaining thirty [30] cases x x x; (b) resolving the incidents in the remaining fifteen (15) cases listed x x x; and (c) taking appropriate actions [on] the remaining fifty-seven [57] dormant cases x x x; and SUBMIT the same to this Office within fifteen (15) days from receipt hereof;
2. SUBMIT x x x within fifteen (15) from receipt hereof a copy of each of the decisions, orders[,] or resolutions, if any, rendered or issued in the cases referred to above; and
3. SUBMIT x x x within fifteen (15) days from receipt hereof a written report on the actions x x x taken on x x x the directives contained in our Memorandum dated 19 April 2013.¹⁹

In a letter-compliance²⁰ dated June 30, 2014, Judge Macabaya attached copies of the decisions, resolutions and orders rendered or issued by his court. He then asked for a 90-day extension to decide or resolve the remaining cases, giving as reason therefor the court's heavy caseload and claiming that the remaining cases submitted for decision comprised "mainly of those referred to the Branch Clerk of Court, Atty. Taumaturgo U. Macabinlar[,] for ex-parte hearing x x x."²¹

¹⁶ Id. at 298.

¹⁷ Id. at 639-640.

¹⁸ Id. at 640. Italics in the original.

¹⁹ Id.

²⁰ Id. at 641.

²¹ Id.

Owing to Judge Macabaya's repeated failure to fully comply with the directives of the Office of the Court Administrator (OCA) for more than one year,²² this Court on December 1, 2014 resolved to:

1. DIRECT Judge x x x Macabaya, x x x to:

a. SHOW CAUSE x x x why no disciplinary action should be taken against him for his failure to: (a) decide the remaining twenty-eight [28] cases due for decision; (b) resolve the incidents in the remaining eleven [11] cases with incidents for resolution; (c) take appropriate actions [on] the remaining thirty-eight [38] cases found to be dormant at the time of the judicial audit, all despite the lapse of more than one year since the said judicial audit was conducted; and (d) comply with the other directives contained in the 19 April 2013 Memorandum of the OCA, x x x;

b. DECIDE with dispatch the remaining twenty-eight (28) cases submitted for decision x x x and SUBMIT x x x copies of the Decisions within thirty (30) days from notice;

c. RESOLVE with dispatch the incidents in the remaining eleven (11) cases x x x referred to above, and SUBMIT x x x copies of the corresponding Orders or Resolutions within thirty (30) days from notice;

d. TAKE APPROPRIATE ACTIONS immediately in the thirty-eight (38) remaining dormant cases referred to above, and SUBMIT x x x copies of the Orders or Decisions, if any, issued in connection therewith; and

e. SUBMIT x x x within fifteen (15) days from notice his compliance with directive Nos. 2, 3, 8, 9^[,] and 10 contained in the 19 April 2013 Memorandum of the OCA, with a STERN WARNING that failure to do so will be dealt with more severely;

2. RELIEVE Judge Macabaya of his judicial and administrative functions, effective immediately and to continue until further orders from the Court, EXCEPT to: (a) DECIDE the remaining twenty-eight (28) cases submitted for decision; (b) RESOLVE the remaining eleven (11) cases with incidents for resolution; and (c) TAKE APPROPRIATE ACTIONS [on] the remaining thirty-eight (38) dormant cases;

3. WITHHOLD the salaries and other benefits accruing to Judge Macabaya, effective immediately until such time that the Court shall have ordered the restoration of his judicial and administrative functions;

4. DESIGNATE Judge Gil G. Bollozos, RTC, Br. 21, Cagayan de Oro City, Misamis Oriental, Acting Presiding Judge of RTC, Br. 20, Cagayan de Oro



²² Counting from the Memorandum dated April 19, 2013 reiterating the recommendations in the audit team's April 17, 2013 Memorandum to the Resolution dated December 1, 2014.

City, Misamis Oriental, effective immediately and to continue until further orders from the Court, x x x and

5. ENTITLE Judge Bollozos to x x x traveling expenses with *per diems* (if applicable), as well as an additional expense allowance and judicial incentive allowance, x x x²³

On February 18, 2015, Judge Macabaya filed a Motion for Reconsideration/Explanation²⁴ claiming that the penalties imposed upon him were unjust because they were solely based on the Memorandum dated April 17, 2013; that no formal charge had been filed against him, nor had any investigation been conducted relative to any administrative case filed against him. Simply put, Judge Macabaya insisted that he was not given his day in court, as he “was not apprised of any administrative complaint about him.”²⁵

Judge Macabaya then filed a Supplemental Explanation to the Motion for Reconsideration²⁶ reiterating the arguments he put forward in his MR, and further claiming that some unresolved cases, those filed between 1971 to 2009, had long been submitted for decision, and were well within the extension of time he had requested in his compliance.²⁷ Judge Macabaya claimed that the judicial audit mistakenly and inaccurately found that there were only 26 inherited cases when in fact he inherited no more than 361 unresolved cases.²⁸ Judge Macabaya also argued that the audit team’s recommendation that he be made to resolve one case per day was “preposterous if not downright impossible.”²⁹ Nevertheless, Judge Macabaya hastened to add that he was ready to dispose of the remaining inherited cases.³⁰

On March 5, 2015, Judge Macabaya filed a Recapitulative Statement with Urgent Reiterative Motion to Lift the Suspension of Administrative and Judicial Functions and the Release of Salaries, Benefits[,] and Emoluments,³¹ to enable him to “issue orders and help in the restoration and reconstitution of the records of cases scorched by fire.”³²

On March 16, 2015, this Court referred Judge Macabaya’s (1) motion for reconsideration/explanation dated February 16, 2015; (2) supplemental explanation to the motion for reconsideration dated February 27, 2015, and (3) recapitulative statement with urgent reiterative motion to lift the suspension of

²³ *Rollo*, pp. 722-723.

²⁴ *Id.* at 725-736, sans Annexes.

²⁵ *Id.* at 732.

²⁶ *Id.* at 843-854.

²⁷ *Id.* at 845.

²⁸ *Id.* at 847.

²⁹ *Id.* at 851.

³⁰ *Id.*

³¹ *Id.* at 883-891.

³² *Id.* at 889.



administrative and judicial function and the release of salaries, benefits and emoluments dated March 4, 2015, to the OCA for evaluation, report, and recommendation.³³

In a Memorandum³⁴ dated May 7, 2015, the OCA recommended that the matter be re-docketed as a regular administrative complaint; that Judge Macabaya be adjudged guilty of gross misconduct (due to his failure to comply with the OCA and this Court's directives) and also of gross ignorance of the law or procedure;³⁵ and that Judge Macabaya be dismissed "from the service, with forfeiture of his retirement benefits, except his accrued leave credits, and with prejudice to reinstatement in any branch of government, including government-owned and controlled corporations."³⁶

The OCA explained that Judge Macabaya and his court staff never questioned the findings and observations of the audit team; and that Judge Macabaya even undertook to decide all the cases/incidents listed in the audit findings within one year from April 2013. The OCA noted that in all five of his letters-compliance with the April 19, 2013 Memorandum of the OCA, Judge Macabaya never took issue with such findings, but instead merely submitted copies of his Decisions and Orders on the cases submitted for decision in his sala.³⁷ Needless to say, the derelictions imputed against Judge Macabaya constituted insubordination, disrespect, and disdain against the authority of this Court, as these acts stemmed from his deliberate failure to comply with the directives of the OCA – which directives contained the command to "be complied with promptly and completely."³⁸ The OCA likewise noted the officious interference of Judge Macabaya's wife in the court's functions – an observation that was never refuted by Judge Macabaya; this, in turn, further tarnished Judge Macabaya's already compromised integrity.³⁹

Lastly, the OCA affirmed the findings of the audit team that Judge Macabaya's Order dated November 22, 2011 in Criminal Case No. 2001-888,⁴⁰ and his twin Orders dated September 26, 2006 in Criminal Case Nos. 2000-260,⁴¹ 2000-316⁴² and 2000-098,⁴³ were clearly violative of the Constitution and the law, thus rendering Judge Macabaya guilty of ignorance of the law and procedure.



³³ Id. at 892.

³⁴ Id. at 893-920.

³⁵ Id. at 916.

³⁶ Id.

³⁷ Id. at 904.

³⁸ Id. at 912.

³⁹ Id. at 911.

⁴⁰ Entitled *People v. Jabinao*.

⁴¹ Entitled *People v. Alba*.

⁴² Entitled *People v. Alba*.

⁴³ Entitled *People v. Alba*.

Issue

Whether Judge Macabaya is guilty of gross misconduct and of gross ignorance of the law, warranting his dismissal from the service and the forfeiture of his retirement benefits (except accrued leave credits), with prejudice to reinstatement in any branch of government, including government-owned and controlled corporations.

Our Ruling

We adopt and agree with the OCA's findings but with modification as regards the recommended penalty.

Judge Macabaya claimed that the audit team made vague and sweeping accusations that were allegedly meant to mislead and misinform the Court about the status of cases pending before his sala.⁴⁴ He also insisted that the administrative charges against him were made without notice and hearing, hence violative of his right to due process. Judge Macabaya moreover assailed the Report/Memorandum dated April 17, 2013, saying that the 264-working day-period requiring him to decide or resolve 168 cases was unrealistic due to (1) the cases' voluminous records, (2) his sala's receipt of 761 new cases upon his assumption into office, (3) his appointment as acting presiding judge of the RTC Branch 9 in Malaybalay City, Bukidnon, (4) the assignment to his court of other cases from other courts caused by the inhibition of other judges, and (5) his busy schedule of hearings.⁴⁵ Lastly, Judge Macabaya maintained that as much as he was willing to decide the 12 remaining cases that he had inherited, he was unable to do so because of the conflagration that gutted the records in the Hall of Justice of Cagayan de Oro.⁴⁶

Judge Macabaya's arguments lack basis.

We find it surprising that throughout the breadth and length of the space and time that were accorded to him as shown in the OCA's (1) Memorandum dated April 19, 2013, (2) the letter dated March 14, 2014, and (3) the letter dated May 19, 2014, Judge Macabaya never protested against the validity or correctness of the judicial audit's findings. Interestingly, it was only after this Court resolved on December 1, 2014 to withhold his salaries and benefits that he started to question the audit findings. However, his assertion that the audit findings were incorrect or baseless, is self-serving and lacked credence vis-à-vis the clear-cut and well-supported findings of the audit team.

⁴⁴ See *rollo*, p. 843.

⁴⁵ *Id.* at 849-850.

⁴⁶ *Id.* at 851.

Judge Macabaya's woeful lamentation that his right to due process had been violated fails to persuade. It is axiomatic that due process requires nothing else but the opportunity to be heard – by no means does it require a formal, trial-type hearing. Thus we held in *F/O Ledesma v. Court of Appeals*.⁴⁷

Due process, as a constitutional precept, does not always and in all situations require a trial-type proceeding. Due process is satisfied when a person is notified of the charge against him and given an opportunity to explain or defend himself. In administrative proceedings, the filing of charges and giving reasonable opportunity for the person so charged to answer the accusations against him constitute the minimum requirements of due process. The essence of due process is simply to be heard, or as applied to administrative proceedings, an opportunity to explain one's side, or an opportunity to seek a reconsideration of the action or ruling complained of.

Here, Judge Macabaya was given ample opportunities to be heard. Indeed, as early as April 19, 2013, Judge Macabaya was asked to submit a written explanation to answer the directives issued in the Memorandum dated April 17, 2013⁴⁸ and to comment (in writing) on the observations raised in the judicial audit.⁴⁹ In a letter⁵⁰ dated March 14, 2014, the OCA acknowledged receipt of Judge Macabaya's and his clerk of court's compliance letter dated July 22, 2013, but noted the lack of explanation/full compliance to its directives, as mandated in the OCA's earlier letters. In the May 19, 2014 OCA letter⁵¹ and December 1, 2014 Court Resolution,⁵² Judge Macabaya was directed anew to explain the delay in (1) deciding cases, (2) resolving incidents, and (3) taking appropriate action in dormant cases. Yet, despite such repeated behests and warnings, punctuated by the caveat that "*all directives from the Court Administrator and his deputies are issued in the exercise of the Court's administrative supervision of trial courts and their personnel, hence, said directives should be respected [and should not be construed] as mere requests [and] should be complied with promptly and completely,*"⁵³ Judge Macabaya only submitted decisions and resolutions on a **piecemeal** basis sans explanation for his failure to comply in full. Judge Macabaya ought to be reminded that:

A resolution of the Supreme Court should **not** be construed as a mere request, and should be complied with promptly and completely. Such failure to comply accordingly betrays not only a recalcitrant streak in character, but also disrespect for the Court's lawful order and directive. This contumacious conduct of refusing to abide by the lawful directives issued by the Court has likewise been considered as an utter lack of interest to remain with, if not contempt of, the

⁴⁷ 565 Phil. 731, 740 (2007). Citations omitted.

⁴⁸ See *rollo*, p. 45.

⁴⁹ *Id.*

⁵⁰ *Id.* at 292.

⁵¹ *Id.* at 639-640.

⁵² *Id.* at 721-724.

⁵³ *Id.* at 640.



system. x x x⁵⁴

The records disclose that Judge Macabaya utterly failed to decide the cases submitted for decision or resolve pending incidents within the reglementary period as well as within the time frame that he himself fixed in the initial Action Plan. As noted during the audit, these cases were already deemed submitted for decision much further beyond the period⁵⁵ allowed by the Constitution and by statute. In *Re: Judicial Audit of the RTC, Br. 14, Zamboanga City*,⁵⁶ we cited Rule 3.05 of the Code of Judicial Conduct which underscores the need to speedily resolve cases, thus:

The Supreme Court has consistently impressed upon judges the need to decide cases promptly and expeditiously on the principle that justice delayed is justice denied. Failure to resolve cases submitted for decision within the period fixed by law constitutes a serious violation of the constitutional right of the parties to a speedy disposition of their cases.

The office of the judge exacts nothing less than faithful observance of the Constitution and the law in the discharge of official duties. Section 15 (1), Article VIII of the Constitution mandates that cases or matters filed with the lower courts must be decided or resolved within three months from the date they are submitted for decision or resolution. Moreover, Rule 3.05, Canon 3 of the Code of Judicial Conduct directs judges to 'dispose of the court's business promptly and decide cases within the required periods.' Judges must closely adhere to the Code of Judicial Conduct in order to preserve the integrity, competence, and independence of the judiciary and make the administration of justice more efficient. Time and again, we have stressed the need to strictly observe this duty so as not to negate our efforts to minimize, if not totally eradicate, the twin problems of congestion and delay that have long plagued our courts. Finally, Canons 6 and 7 of the Canons of Judicial Ethics [exhort] judges to be prompt and punctual in the disposition and resolution of cases and matters pending before their courts, to wit:

6. PROMPTNESS

He should be prompt in disposing of all matters submitted to him, remembering that justice delayed is often justice denied.

7. PUNCTUALITY

He should be punctual in the performance of his judicial duties, recognizing that the time of litigants, witnesses, and attorneys is of value and that if the judge is unpunctual in his habits, he sets a bad example to the bar and tends to create dissatisfaction with the administration of justice.

Parenthetically, Administrative Circular No. 1 dated 28 January 1988, requires all magistrates to observe scrupulously the periods prescribed in Article VIII, Section 15 of the Constitution and to act promptly on all motions and interlocutory matters pending before their courts.

⁵⁴ *Office of the Court Administrator v. Judge Indar*, 725 Phil. 164, 177 (2014). Citations omitted.

⁵⁵ CONSTITUTION, Article VIII, Section 15, paragraph 1.

⁵⁶ 517 Phil. 507, 516-518 (2006). Citations omitted.

We cannot overstress this policy on prompt disposition or resolution of cases. Delay in case disposition is a major culprit in the erosion of public faith and confidence in the judiciary and the lowering of its standards.

Failure to decide cases within the reglementary period, without strong and justifiable reason, constitutes gross inefficiency warranting the imposition of administrative sanction on the defaulting judge.

Nor is there merit in Judge Macabaya's claim that at the time his motion for reconsideration was filed, there were only 11 to 12 cases left undecided or unresolved, and that the period to decide or resolve these cases were within the time extension he prayed for.⁵⁷ Judge Macabaya ought to know that requests for extension of time are not always granted as a matter of course and, even if they were, such requests for extension of time in no wise operate to absolve him from administrative liability. Here, the records showed that Judge Macabaya asked for additional time to resolve the cases submitted for decision only on June 30, 2014⁵⁸ and on November 24, 2014⁵⁹ – or 61 and 208 days respectively, past the deadline that Judge Macabaya himself set in the action plan. The audit team even reminded him to submit the request for extension of time before the mandated period to decide would expire.⁶⁰ This, he failed to do.

Even so, our independent examination disclosed the following discrepancies between the status of the cases and the allegations of Judge Macabaya:

1. In Civil Case Nos. 1971-3672 and 1971-3673, Judge Macabaya insisted that the above-mentioned inherited cases were disposed of on June 24, 2014.⁶¹ However, the alleged decision or order disposing of the case has not been attached on record; the only relevant document related to the instant case being an Order dated March 25, 2014 ordering the parties to appear for a preliminary conference on May 2, 2014.⁶²

2. There was no decision, resolution or order attached in the records in the following cases:

- a. Civil Case No. 1990-258 entitled *Integrated Rural Bank v. Acenas*;⁶³
- b. Civil Case No. 1995-403 entitled *Minda Development Bank v. Sps.* 

⁵⁷ See *rollo*, pp. 731, 851 and 884.

⁵⁸ *Id.* at 641.

⁵⁹ *Id.* at 885.

⁶⁰ *Id.* at 33.

⁶¹ *Id.* at 846.

⁶² *Id.* at 309.

⁶³ See *id.* at 1.

Rabaya;⁶⁴

- c. Civil Case No. 1996-514 entitled *PCI Leasing and Finance, Inc. v. Sps. Lee*;⁶⁵
- d. Civil Case No. 1996-521 entitled *BA Savings Bank v. Sps. Yap, et al.*;⁶⁶
- e. Civil Case No. 1998-176 entitled *Minda Development Bank v. Agcopra*;⁶⁷
- f. Civil Case No. 2004-214 entitled *Veluz v. Morados*;⁶⁸
- g. Civil Case No. 2011-220 entitled *Tomarong v. P/Supt. Pimentel*;⁶⁹
- h. LRC No. 1999-085, LRC No. 2000-039, and LRC No. 2006-020 all concerning Phividec Industrial Authority as the applicant;⁷⁰
- i. Criminal Case No. 2004-100 entitled *People v. Manlunas*;⁷¹
- j. Civil Case No. 1992-503 entitled *Republic of the Philippines v. Yanez, et al.*;⁷²
- k. Civil Case No. 1996-167 entitled *Dumdum v. Dumdum*;⁷³
- l. Civil Case No. 2002-195 entitled *Shoreline Environment Association, Inc. v. Reyes, et al.*;⁷⁴
- m. Civil Case No. 2002-290 entitled *Asset Pool, et al. v. Sps. Forster*;⁷⁵
- n. Civil Case No. 2006-123 entitled *Sps. Nera v. Tobias*;⁷⁶
- o. Civil Case No. 2011-062 entitled *Pepsi Cola Products Phils., Inc. v. Escauso*;⁷⁷

⁶⁴ See id. at 2.

⁶⁵ Id.

⁶⁶ Id.

⁶⁷ Id.

⁶⁸ See id. at 3-4.

⁶⁹ See id. at 4.

⁷⁰ See id. at 5. This is notwithstanding Judge Macabaya's Orders relating to LRC Nos. 2002-034, 2006-02, and 2006-005. See also id. at 20.

⁷¹ See id. at 6.

⁷² See id. at 12.

⁷³ Id.

⁷⁴ See id. at 13.

⁷⁵ Id.

⁷⁶ Id.

⁷⁷ See id. at 15.

- p. Civil Case No. 2011-191 entitled *Sps. Encinareal v. Hult, et al.*;⁷⁸
- q. Spec. Proc. Case No. 2010-135 with Santiago C. Sabal as petitioner;⁷⁹
- r. Criminal Case No. 4804 entitled *People v. Roque, et al.*;⁸⁰
- s. Criminal Case Nos. 2005-103 to 107 and 2005-156 to 157 all entitled *People v. Autor*;⁸¹
- t. Criminal Case Nos. 2005-462 to 463 both entitled *People v. Rosios*;⁸²
- u. Criminal Case No. 2010-925 entitled *People v. Velez*;⁸³ and,
- v. Criminal Case No. 2011-323 entitled *People v. Gelam*.⁸⁴

In some of the above-mentioned cases,⁸⁵ Judge Macabaya claimed that he submitted a decision/order/resolution concerning the same through an alleged Compliance dated November 24, 2014. However, a perusal of the records shows that this alleged Compliance was never submitted to this Court.

3. Judge Macabaya claimed that he already resolved Civil Case No. 1998-04 last December 19, 2014 but failed to attach the same at the earliest possible time. Judge Macabaya submitted a mere photocopy thereof in his Supplemental to the Reiterative Motion to Release of Salaries, Benefits and Other Emoluments Dated 27 October 2015,⁸⁶ without any explanation for the belated submission thereof notwithstanding his previous submission of a Motion for Reconsideration/Explanation⁸⁷ dated February 16, 2015; Supplemental Explanation to the Motion for Reconsideration⁸⁸ dated February 27, 2015; Recapitulative Statement with Urgent Reiterative Motion to Lift the Suspension of Administrative and Judicial Function[s] and the Release of Salaries, Benefits and Emoluments⁸⁹ dated March 4, 2015, Compliance/Report⁹⁰ dated September 18, 2015, and Reiterative Motion to Release of Salaries, Benefits and

⁷⁸ See id. at 16.

⁷⁹ See id. at 19.

⁸⁰ See id. at 20.

⁸¹ See id. at 22.

⁸² Id.

⁸³ See id. at 23.

⁸⁴ Id.

⁸⁵ Particularly Civil Case Nos. 1990-258, 1996-514, 1996-521, 1998-176, 2011-220, 2011-191, and Spec. Proc. No. 2010-135.

⁸⁶ Id. at 971-985.

⁸⁷ Id. at 725-736 sans attachments.

⁸⁸ Id. at 843-854.

⁸⁹ Id. at 883-891.

⁹⁰ Id. at 931-936.



Emoluments⁹¹ dated October 27, 2015.

4. Similar to Civil Case No. 1998-04, Judge Macabaya claimed to have issued a Consolidated Order⁹² dated November 20, 2015 dismissing Civil Case No. 2010-103 entitled *Sandigan v. Cagayan De Oro Holy Infant School* and Spec. Proc. Case No. 2010-116 in *Re: Petition to Approve the Will of Gregoria Veloso* but only attached the same to its Letter of Transmittal of Decided Cases Subject to A.M. No. 14-11-350-RTC in the RTC of Cagayan De Oro City, Misamis Oriental, Br. 20 with Reiterative Request for Certification (Letter of Transmittal).⁹³ Although Judge Macabaya alleged that “he has already submitted them with the Honorable Supreme Court, Second Division as part of his pleadings and compliance with copies furnished to this Honorable Office,”⁹⁴ a thorough review of the records reveals that the said cases were not submitted to this Court prior to said Letter of Transmittal.

5. In Criminal Case No. 2002-394, Judge Macabaya issued an Order⁹⁵ dated June 28, 2013 recalling the previous order declaring the case submitted for decision on the ground that the records showed “that the prosecution has not yet presented their evidence.”⁹⁶ However, the audit team noted that “this case may be considered as inherited since the hearing in this cases [sic] was entirely heard by the former judge, although the motion for reconsideration of the Order dated 15 [Sept]. 2003 denying the Formal Offer of Exhibits of the accused was only resolved on 15 Nov. 2011.”⁹⁷ The audit team’s observation runs counter to Judge Macabaya’s findings that the prosecution has not yet presented its evidence. To date, no other order has been submitted to this Court regarding the status of the instant case.

6. In Criminal Case Nos. 2011-772, 2011-909 and 2012-732 Judge Macabaya issued Orders dated June 19, 2013⁹⁸ and July 3, 2013⁹⁹ which deemed the criminal cases submitted for judgment. However, to date, Judge Macabaya has not submitted to this Court a copy of the said judgment (despite the numerous pleadings he has filed in the instant administrative case). Judge Macabaya is reminded of this Court’s Resolution dated December 1, 2014 “to take appropriate action on the remaining dormant cases” such as Criminal Case Nos. 2011-772, 2011-909, and 2012-732.

Also, despite this Court’s directive for Judge Macabaya to decide or resolve

⁹¹ Id. at 957-963.

⁹² Id. at 2104-2105.

⁹³ Id. at 1080-1085.

⁹⁴ Id. at 1084.

⁹⁵ Id. at 167.

⁹⁶ Id.

⁹⁷ Id. at 6.

⁹⁸ Id. at 237 and 237-A, respectively.

⁹⁹ Id. at 238.



the remaining cases/incidents that were included in the judicial audit, Judge Macabaya failed to comply with the same. Even with Judge Macabaya's own acquiescence that the remaining cases have to be resolved/acted upon by him,¹⁰⁰ he merely attached orders¹⁰¹ issued by Acting Presiding Judge Gil G. Bollozos, concerning cases under the former's responsibility in clear defiance of this Court's mandate, to wit:

1. Civil Case No. 1998-325-R entitled *Heirs of Yacapin v. Buhay*;¹⁰²
2. Civil Case No. 2010-022-R entitled *Emata, Jr. v. Emamo*;¹⁰³
3. Civil Case No. 2010-282 entitled *Maybank Philippines, Inc. v. Noval and John Doe*;¹⁰⁴
4. Civil Case Nos. 1984-9853 entitled *Padilla v. Development Bank of the Philippines* and 1985-10009-R entitled *Development Bank of the Philippines v. Padilla*;¹⁰⁵
5. Civil Case No. 1996-766 entitled *Nabo v. Lim*;¹⁰⁶
6. Civil Case No. 2011-055-R entitled *First Standard Finance Corp v. Sps. Pacatan*;¹⁰⁷
7. Civil Case No. 2011-241-R entitled *Soriano v. Onari*;¹⁰⁸
8. Civil Case No. 2012-253 entitled *Heirs of Longos v. Kahayag Home Settlers Association, Inc.*;¹⁰⁹
9. LRC Case No. N-2006-005 with Phividec Industrial Authority as applicant;¹¹⁰

Judge Macabaya's negligence does not end here.

For, aside from the delay/s in rendering a Decision or Resolution on cases submitted for decision, the judicial audit team also found errors or irregularities in several orders issued by Judge Macabaya.



¹⁰⁰ Id. at 961.

¹⁰¹ Some merely photocopies thereof.

¹⁰² See *rollo*, p. 968 and 1095.

¹⁰³ See *id.* at 1016 and 2125.

¹⁰⁴ See *id.* at 969-970 and 1092-1093.

¹⁰⁵ See *id.* at 1034-1035.

¹⁰⁶ See *id.* at 1091.

¹⁰⁷ *Id.* at 1086.

¹⁰⁸ See *id.* at 1017-1020 and 1087-1090.

¹⁰⁹ See *id.* at 1096-1097 and 2211-2212.

¹¹⁰ See *id.* at 967, 1099 and 2210.

In Criminal Case No. 2001-888, entitled *People v. Jabinao*, Judge Macabaya issued an Order dated November 22, 2011 directing the accused to secure another bail bond within five days from notice, “it appearing that the bond put up by the accused had already expired,”¹¹¹ in clear violation of Section 2(a) Rule 114 of the Revised Rules of Criminal Procedure, which provides:

SECTION 2. Conditions of the Bail; Requirements. — All kinds of bail are subject to the following conditions:

(a) The undertaking shall be effective upon approval, and unless cancelled, shall remain in force at all stages of the case until promulgation of the judgment of the Regional Trial Court, irrespective of whether the case was originally filed in or appealed to it;

This Court, in its Resolution¹¹² of July 20, 2004, had already clarified that “[u]nless and until the Supreme Court directs otherwise, the lifetime or duration of the effectivity of any bond issued in criminal and civil action/special proceedings, or in any proceeding or incident therein shall be from its approval by the court until the action or proceeding is finally decided, resolved or terminated.”¹¹³

Then again, in Criminal Case Nos. 2000-260 and 2000-316, both entitled *People v. Alba*, and in Criminal Case Nos. 2002-098 and 2002-100, also entitled *People v. Alba*, Judge Macabaya issued twin Orders directing his Branch Clerk of Court “to receive evidence of the prosecution through *ex-parte* hearing.”¹¹⁴ Nowhere in the Rules of Criminal Procedure are Clerks of Court allowed to receive evidence *ex-parte* in criminal proceedings – unlike in ordinary civil actions and in special proceedings where the judge may delegate such act to his Clerk of Court.¹¹⁵ These orders clearly showed gross ignorance of the rules of procedure. Thus, we held in *Spouses Lago v. Judge Abul, Jr.*:¹¹⁶

Though not every judicial error bespeaks ignorance of the law or of the rules, and that, when committed in good faith, does not warrant administrative sanction, the rule applies only in cases within the parameters of tolerable misjudgment. When the law or the rule is so elementary, not to be aware of it or to act as if one does not know it constitutes gross ignorance of the law. One who accepts the exalted position of a judge owes the public and the court proficiency

¹¹¹ Id. at 27.

¹¹² A.M. No. 04-7-02-SC Guidelines on Corporate Surety Bonds.

¹¹³ Id., Item No. VII.

¹¹⁴ *Rollo*, p. 28.

¹¹⁵ See: Section 9, Rule 30 of the Rules of Court.

SECTION 9. Judge to Receive Evidence; Delegation to Clerk of Court. — The judge of the court where the case is pending shall personally receive the evidence to be adduced by the parties. However, in default or ex parte hearings, and in any case where the parties agree in writing, the court may delegate the reception of evidence to its clerk of court who is a member of the bar. The clerk of court shall have no power to rule on objections to any question or to the admission of exhibits, which objections shall be resolved by the court upon submission of his report and the transcripts within ten (10) days from termination of the hearing.

¹¹⁶ 654 Phil. 479, 491 (2011). Citations omitted.

in the law, and the duty to maintain professional competence at all times. When a judge displays an utter lack of familiarity with the rules, he erodes the confidence of the public in the courts. A judge is expected to keep abreast of the developments and amendments thereto, as well as of prevailing jurisprudence. Ignorance of the law by a judge can easily be the mainspring of injustice. (Underscoring supplied)

The audit team also noted that Judge Macabaya's wife meddled or interfered with the court's business. Judge Macabaya, however, saw nothing wrong with that, and even claimed that her presence helped him focus more on his judicial functions. Apparently, Judge Macabaya seems to have missed the point of his being the presiding Judge of his court; he seems to be unaware that this unwholesome atmosphere can only further aggravate the court's already fractured integrity and efficiency. It is not too much to say that the court's official business is none of Mrs. Macabaya's officious business. In *Gordon v. Judge Lilagan*,¹¹⁷ we said:

As pointed out by the Investigating Justice in his factual findings, there is enough evidence on record to show that respondent [judge] permitted [his wife] to have access to court records in order to monitor the dates when cases are submitted for decision. There is impropriety in this. Records of cases are necessarily confidential, and to preserve their integrity and confidentiality, access thereto ought to be limited only to the judge, the parties or their counsel and the appropriate court personnel in charge of the custody thereof. Since [the judge's wife] is not a court employee, much less the employee specifically in charge of the custody of said records, it was improper for respondent to allow her to have access thereto.

In this regard, the Code of Judicial Conduct states in no uncertain terms that —

Rule 3.08. A judge should diligently discharge administrative responsibilities, maintain professional competence in court management and facilitate the performance of the administrative functions of other judges and court personnel.

Rule 3.09. A judge should organize and supervise the court personnel to ensure the prompt and efficient dispatch of business and require at all times the observance of high standards of public service and fidelity.

The foregoing rules should be observed by respondent judge with the help of his staff and without the intervention of his wife who is not a court employee. It needs be stressed in this regard that respondent judge is not wanting in help from his staff to warrant the assistance of one who, while closely related by affinity to respondent judge, is actually an outsider in his sala insofar as official business and court functions are concerned.

In sum, Judge Macabaya must be held to account for acts constitutive of

¹¹⁷ 414 Phil. 221, 229-230 (2001).



serious misconduct and gross ignorance of the law and/or procedure.

Although this Court has meted out the penalty of dismissal or forfeiture of retirement benefits to judges who were found guilty of several infractions¹¹⁸ such as in this case, we have nevertheless imposed lighter penalties towards members of the bench when mitigating circumstances merit the same.

Judge Macabaya has continuously rendered almost 31 years of government service – starting as Trial Attorney II of the Citizen’s Legal Assistance Office on December 2, 1986, as Public Attorney II of the Public Attorney’s Office from January 1, 1990 to March 31, 1997, as a prosecutor on April 1, 1997 up to his appointment to the Judiciary on March 5, 2010.¹¹⁹ In the three decades he has been in public service, this Court has not adjudged him guilty of any infraction – with four of the six administrative cases filed against him dismissed.¹²⁰

Also, this Court notes that in the four years Judge Macabaya was sitting as Presiding Judge of Branch 20, 761 new cases were raffled to his sala.¹²¹ At the same time, he was appointed as Acting Presiding Judge of Branch 9 of the RTC of Malaybalay City, Bukidnon – some 93 kilometers away from his sala – to hear, resolve and dispose of cases in that branch.¹²² This is notwithstanding the assignment of other cases from other courts where judges had inhibited and his continuous hearings in his sala.¹²³

Lastly, this Court notes the fire that engulfed the Cagayan de Oro Hall of Justice last January 30, 2015.¹²⁴ Albeit beyond the prescribed period for Judge Macabaya to act on the cases mentioned in the audit, this may have contributed to the difficulty in disposing of or resolving the remaining cases under his responsibility.

In light of the above-mentioned circumstances, we believe that a fine equivalent to two (2) months’ salary, with a stern warning that a repetition of the same or similar offenses shall be dealt with severely, is more commensurate.

¹¹⁸ See *Tuvillo v. Judge Laron*, A.M. Nos. MTJ-10-1755 and MTJ-10-1756, October 18, 2016; *Re: Judicial Audit Conducted in the RTC, Br. 20, Cagayan de Oro City, Misamis Oriental*, 730 Phil. 23 (2014); and *Samson v. Judge Caballero*, 612 Phil. 737 (2009).

¹¹⁹ Bonifacio Magto Macabaya’s Service Records.

¹²⁰ A.M. No. 11-3803-RTJ dismissed on December 9, 2013; A.M. No. 11-3815-RTJ dismissed on November 11, 2012; A.M. No. 13-4082-RTJ dismissed on August 7, 2017; and A.M. No. 13-4097-RTJ dismissed on July 18, 2014. Aside from the instant case, A.M. No. RTJ-16-2475 is still pending with this Court.

¹²¹ *Rollo*, p. 849.

¹²² *See id.* at 850.

¹²³ *Id.*

¹²⁴ *Id.* at 732. See also *Fire hits Cagayan de Oro Hall of Justice, says Sereno* <http://newsinfo.inquirer.net/6692821/fire-hits-cagayan-de-oro-hall-of-justice-says-sereno> (visited October 18, 2017).

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¹¹⁸ See *Tuvillo v. Judge Laron*, A.M. Nos. MTJ-10-1755 and MTJ-10-1756, October 18, 2016, *Re: Judicial Audit Conducted in the RTC, Br. 20, Cagayan de Oro City, Misamis Oriental*, 730 Phil. 23 (2014), and *Samson v. Judge Caballero*, 612 Phil. 737 (2009).

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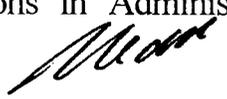
WHEREFORE, Judge Bonifacio M. Macabaya, Presiding Judge of the Regional Trial Court, Branch 20, Cagayan de Oro City, Misamis Oriental, is hereby found **GUILTY** of: (1) gross misconduct for his repeated failure to comply with the directives of the Office of the Court Administrator and this Court; and (2) gross ignorance of the law and procedure. Nevertheless and in view of the mitigating circumstances mentioned above, the Court hereby imposes upon him a **FINE** equivalent to two (2) months' salary, with a **STERN WARNING** that a repetition of the same or similar acts shall be dealt with more severely.

Judge Macabaya is also **ORDERED** to:

1. **SUBMIT** a copy of his Judgment on the following cases within 30 days from receipt of this Decision:
 - a. Criminal Case No. 2002-394 entitled *People v. Baylon*;
 - b. Criminal Case No. 2011-772 entitled *People v. Valledor*;
 - c. Criminal Case No. 2011-909 entitled *People v. Tan*;
 - d. Criminal Case No. 2012-732 entitled *People v. Mendoza*; and
 - e. Civil Case No. 2009-003 entitled *Heirs of Ramos v. Heirs of Abejuela, et al.*

2. **FURNISH** a copy of the Decision/Resolution/Order in the following cases:
 - a. Civil Case No. 1971-3672 entitled *Pabito v. Nicolas*;
 - b. Civil Case No. 1971-3673 entitled *Rustia v. Pabito*;
 - c. Civil Case No. 1990-258 entitled *Integrated Rural Bank v. Acenas*;
 - d. Civil Case No. 1995-403 entitled *Minda Development Bank v. Sps. Rabaya*;
 - e. Civil Case No. 1996-514 entitled *PCI Leasing and Finance, Inc. v. Sps. Lee*;
 - f. Civil Case No. 1996-521 entitled *BA Savings Bank v. Sps. Yap*;
 - g. Civil Case No. 1998-176 entitled *Minda Development Bank v. Agcopra*;
 - h. Civil Case No. 2004-214 entitled *Veluz v. Morados*;
 - i. Civil Case No. 2011-220 entitled *Tomarong v. P/Supt. Pimentel*;
 - j. LRC No. 1999-085, LRC No. 2000-039, and LRC No. 2006-020 all concerning Phividec Industrial Authority as the applicant;
 - k. Criminal Case No. 2004-100 entitled *People v. Manlunas*;
 - l. Civil Case No. 1992-503 entitled *Republic of the Philippines v. Yanez*;
 - m. Civil Case No. 1996-167 entitled *Dumdum v. Dumdum*;
 - n. Civil Case No. 2002-195 entitled *Shoreline Environment Association, Inc. v. Reyes*;
 - o. Civil Case No. 2002-290 entitled *Asset Pool v. Sps. Forster*;



- p. Civil Case No. 2006-123 entitled *Sps. Nera v. Tobias*;
 - q. Civil Case No. 2011-062 entitled *Pepsi Cola Products Phils., Inc. v. Escauso*;
 - r. Civil Case No. 2011-191 entitled *Sps. Encinareal v. Hult*;
 - s. Spec. Proc. Case No. 2010-135 with Santiago C. Sabal as petitioner;
 - t. Criminal case No. 4804 entitled *People v. Roque*;
 - u. Criminal Case Nos. 2005-103 to 107 and 2005-156 to 157 all entitled *People v. Autor*;
 - v. Criminal Case Nos. 2005-462 to 463 both entitled *People v. Rosios*;
 - w. Criminal Case No. 2010-925 entitled *People v. Velez*; and
 - x. Criminal Case No. 2011-323 entitled *People v. Gelam*.
3. **CREATE, MAINTAIN and REGULARLY UPDATE** the following books in accordance with Sections 9 and 10 of Rule 136 of the Rules of Court:
- a. Judgment Book;
 - b. Book of Entries; and
 - c. Execution Book.
4. **UPDATE** his court's docket books;
5. **UPDATE** and make the necessary **CORRECTIONS** in his court's Docket Inventory Report, particularly:
- a. **COMPLY** with the prescribed form of the Docket Inventory Report;
 - b. **INCLUDE** a column for the following details:
 - i. "Last Trial/Action Taken and Date thereof;"
 - ii. Names of the judges to whom cases are assigned;
 - iii. Pre-trial dates for criminal cases;
 - c. **REMOVE** the following columns for being unnecessary:
 - i. "Bonded or Detained;"
 - ii. "Place of Detention;" and
 - iii. "Date of Detention."
6. **ENSURE** the accuracy of monthly reports, in accordance with Paragraph 8 of the Guidelines and Instructions in Administrative Circular No. 61-2001 dated December 10, 2001;
- 

7. **DISALLOW** his wife to have access to court records and **MINIMIZE** her presence in his court to prevent the impression of interference in the discharge of his judicial and administrative functions.

Failure to comply with any of the directives set herein shall constitute open defiance of this Court's orders and shall be dealt with accordingly.

Judge Macabaya is **DIRECTED** to report to this Court the actual date of his receipt of this Decision to enable this Court to determine when his suspension shall have taken effect.

The current Acting Presiding Judge of Branch 20 of the Regional Trial Court of Cagayan De Oro City is mandated to **CONTINUE TRIAL** on the following cases **WITH DISPATCH** while Judge Macabaya is serving his two-year period of suspension:

1. Criminal Case Nos. 2000-260 and 2000-316 both entitled *People v. Alba, et al.*; and
2. Criminal Case Nos. 2002-098 and 2002-100 both entitled *People v. Alba*.

The current Acting Presiding Judge of Branch 20 of the Regional Trial Court of Cagayan De Oro City is ordered to **RECALL** Judge Macabaya's previous Order dated November 22, 2011 in Criminal Case No. 2001-888 entitled *People v. Jabinao* as the bail bond put up by the accused in the said case remains valid during the pendency of the case.

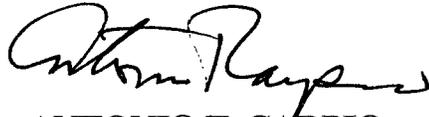
Let a copy of this Decision be attached to the personal records of Judge Macabaya and furnished to Branch 20 of the Regional Trial Court of Cagayan De Oro for its proper compliance.

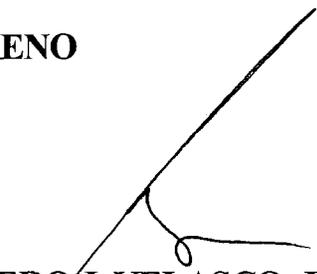
SO ORDERED.


MARIANO C. DEL CASTILLO
Associate Justice

WE CONCUR:


MARIA LOURDES P. A. SERENO
Chief Justice


ANTONIO T. CARPIO
Associate Justice

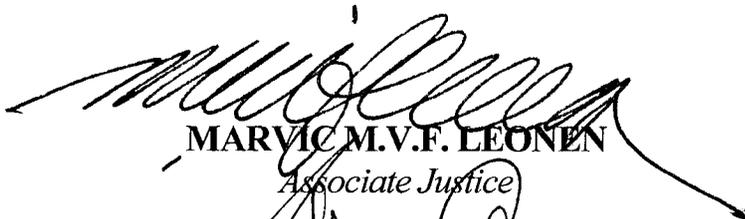

PRESBITERO J. VELASCO, JR.
Associate Justice


TERESITA J. LEONARDO-DE CASTRO
Associate Justice

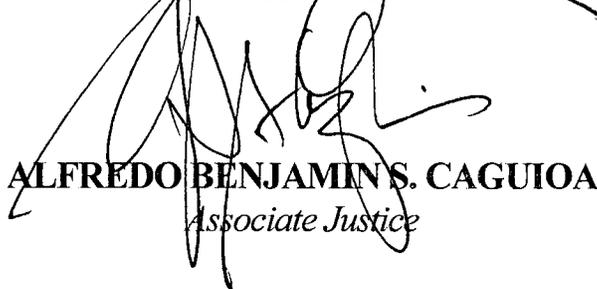

DIOSDADO M. PERALTA
Associate Justice

(On official leave)
LUCAS P. BERSAMIN
Associate Justice


ESTELA M. PERLAS-BERNABE
Associate Justice


MARVIC M.V.F. LEONEN
Associate Justice

(On leave)
FRANCIS H. JARDELEZA
Associate Justice


ALFREDO BENJAMIN S. CAGUIOA
Associate Justice


SAMUEL R. MARTIRES
Associate Justice

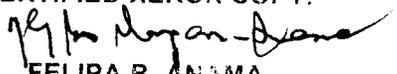

NOEL GOMEZ TIJAM
Associate Justice


ANDRES B. REYES, JR.
Associate Justice

*This is to certify that I
 Gesmundo left his vote of concurrence*


ALEXANDER G. GESMUNDO
Associate Justice

CERTIFIED XEROX COPY:


FELIPA B. ANAMA
 CLERK OF COURT, EN BANC
 SUPREME COURT