



Republic of the Philippines  
Supreme Court  
Manila

SECOND DIVISION

**DOMINADOR I. FERRER, JR.,**  
Complainant,

**A.M. No. RTJ-16-2478**  
(Formerly OCA IPI No. 11-3637-RTJ)

Present:

- versus -

**CARPIO, J.,** Chairperson,  
**PERALTA,**  
**PERLAS-BERNABE,\***  
**CAGUIOA,** and  
**REYES, JJ.**

**JUDGE ARNIEL A. DATING,**  
Regional Trial Court, Branch 41,  
Daet, Camarines Norte,  
Respondent.

Promulgated:

08 NOV 2017

*[Handwritten Signature]*

X-----X

**DECISION**

**CAGUIOA, J.:**

For resolution is the Administrative Complaint<sup>1</sup> dated April 18, 2011 filed by Atty. Dominador I. Ferrer, Jr. against Judge Arniel A. Dating, Regional Trial Court (RTC), Branch 41, Daet, Camarines Norte, for “abuse of authority, judicial oppression and unreasonable/malicious acts to delay raffle of cases,” relative to Special Civil Action (SCA) No. 7788<sup>2</sup> (subject case), entitled, “*Cesar E. Barcelona and Jose Vargas vs. Atty. Freddie A. Venida and Atty. Dominador Ferrer, Jr.*” for Quo Warranto with prayer for temporary restraining order and/or injunction.<sup>3</sup>

The subject case, where complainant Atty. Ferrer, Jr. is one of the respondents, was first raffled to respondent Judge Dating’s *sala*, RTC, Branch 41, Daet, Camarines Norte.<sup>4</sup> In an Order<sup>5</sup> dated January 14, 2011, Judge Dating granted petitioners Barcelona and Vargas’ prayer for a

\* On official leave.

<sup>1</sup> *Rollo*, pp. 1-8.

<sup>2</sup> *Id.* at 9-14.

<sup>3</sup> *Id.* at 144.

<sup>4</sup> *Id.*

<sup>5</sup> *Id.* at 21-22.

*[Handwritten Signature]*

temporary restraining order (TRO) and set the hearing of the application for a writ of preliminary injunction on January 24, 2011.<sup>6</sup>

Aggrieved by the said Order, Atty. Venida and Atty. Ferrer, Jr. filed the following: (a) Motion for Inhibition/Disqualification dated January 14, 2011; (b) Joint Omnibus Motion dated January 17, 2011; and (c) Second Amended Joint Omnibus Motion dated January 20, 2011.<sup>7</sup>

In an Order<sup>8</sup> dated January 25, 2011, Judge Dating denied the Motion for Inhibition/Disqualification due to absence of valid or just cause.<sup>9</sup> Moreover, in an Order<sup>10</sup> dated January 26, 2011, Judge Dating cited Atty. Ferrer, Jr., Atty. Venida, and two (2) other lawyers for direct contempt of court, and imposed a fine of Two Thousand Pesos (₱2,000.00) upon each of them, and then voluntarily inhibited himself from hearing the subject case.<sup>11</sup>

The subject case was re-raffled to the *sala* of Judge Winston S. Racoma, RTC, Branch 39, Daet, Camarines Norte.<sup>12</sup> The respondents in the subject case, through their counsel, filed motions for inhibition which Judge Racoma granted in an Order<sup>13</sup> dated March 9, 2011.<sup>14</sup> The case records were then transmitted to the Office of the Executive Judge on March 15, 2011 for re-affle.<sup>15</sup>

As mentioned above, Atty. Ferrer, Jr., filed an Administrative Complaint dated April 18, 2011 against Judge Dating, then the Executive Judge, alleging that the latter deliberately caused the delay of the re-affle of the subject case for more than a month because he was always unavailable, either on a leave of absence or in a seminar.<sup>16</sup> Atty. Ferrer, Jr. alleged that while Judge Dating has the right to attend seminars or take a leave of absence, the same should not cause unreasonable delay in the re-affle of the subject case.<sup>17</sup>

Atty. Ferrer, Jr. also alleged that Judge Dating favored the petitioners in the subject case since the latter immediately conducted hearings thereon and issued the TRO after only four (4) days from the filing of the subject case.<sup>18</sup> Hence, Atty. Ferrer, Jr. prayed that the appropriate sanction be imposed upon Judge Dating.<sup>19</sup>

---

<sup>6</sup> Id. at 144.

<sup>7</sup> Id.

<sup>8</sup> Id. at 84-85.

<sup>9</sup> Id. at 144.

<sup>10</sup> Id. at 15-17.

<sup>11</sup> Id. at 144.

<sup>12</sup> Id. at 145.

<sup>13</sup> Id. at 18-20.

<sup>14</sup> Id. at 145.

<sup>15</sup> Id.

<sup>16</sup> Id.

<sup>17</sup> Id.

<sup>18</sup> Id.

<sup>19</sup> Id.

In the 1<sup>st</sup> Indorsement<sup>20</sup> dated May 9, 2011, signed by then Deputy Court Administrator (DCA) and Officer-In-Charge of the Office of the Court Administrator (OCA) Nimfa C. Vilches, and OCA Chief of Legal Office, Wilhelmina D. Geronga, the said Administrative Complaint was referred to Judge Dating for his comment.

Meanwhile, in a Manifestation on the Continuing Delay and Non-Raffle of the Case of Respondent Honorable Judge Arniel A. Dating<sup>21</sup> dated May 10, 2011, Atty. Ferrer, Jr., reiterated the allegations in the Administrative Complaint, and added that, as of that date, the subject case had not yet been re-raffled.<sup>22</sup>

Upon receipt of the above Manifestation, Judge Dating submitted a letter<sup>23</sup> dated May 19, 2011 to DCA Vilches stating that the subject case was included in the raffle on April 28, 2011, but that the Raffle Committee unanimously decided to return the subject case to Branch 39 since the petitioners (*i.e.*, Barcelona and Vargas) in the subject case had filed a motion for reconsideration of the order of inhibition issued by Judge Racoma.<sup>24</sup>

Moreover, in compliance with the above 1<sup>st</sup> Indorsement, Judge Dating submitted his Comment<sup>25</sup> dated June 3, 2011 stating that the case raffle is conducted every Thursday.<sup>26</sup> Judge Dating also stated therein that, while the records of the subject case were received by the Office of the Executive Judge on March 15, 2011 (Tuesday), no raffle was done on March 17, 2011 (Thursday), since there was no urgent case and the number of cases was not sufficient for a raffle.<sup>27</sup>

Judge Dating also alleged that the judges of RTC, Daet, Camarines Norte were scheduled to travel to Manila on that day, March 17, 2011 to attend the 1<sup>st</sup> General Assembly of Judges the following day.<sup>28</sup> Judge Dating also stated that, in the morning of March 17, 2011, he even heard cases in Branch 40 (a Family Court), where he was a concurrent assisting judge, before he left for Manila in the afternoon of that day.<sup>29</sup>

Judge Dating also explained that he used his forfeitable leave credits on March 21-31, 2011.<sup>30</sup> On April 7-9, 2011, he attended the IBP National Convention in Subic, Zambales and, on April 14-15, 2011, he attended the Land Valuation and Just Compensation Seminar sponsored by the Philippine

---

<sup>20</sup> Id. at 33.

<sup>21</sup> Id. at 25-29.

<sup>22</sup> Id. at 145.

<sup>23</sup> Id. at 105.

<sup>24</sup> Id. at 146.

<sup>25</sup> Id. at 79-83.

<sup>26</sup> Id. at 145.

<sup>27</sup> Id. at 145-146.

<sup>28</sup> Id. at 146.

<sup>29</sup> Id. at 146 and 147.

<sup>30</sup> Id. at 146.

Judicial Academy in Tagaytay City.<sup>31</sup> He also denied that the delay was deliberate.<sup>32</sup>

In a Report<sup>33</sup> dated March 4, 2016, the OCA recommended that the Administrative Complaint against Judge Dating be re-docketed as a regular administrative matter, and that he be found guilty of simple neglect of duty and fined in the amount of Ten Thousand Pesos (₱10,000.00) with a stern warning that a repetition of the same or any similar infraction would be dealt with more severely.<sup>34</sup>

After considering the allegations in the Administrative Complaint and Judge Dating's explanation, the OCA found as follows:

This Office finds such explanation to be unacceptable. A careful perusal of Chapter V of A.M. No. 03-8-02-SC,<sup>35</sup> specifically the provisions on the conduct of raffle of cases, would reveal that it was never intended as an indispensable requirement that a substantial number of cases must have been filed in court before raffle of cases could be conducted. On the contrary, Section 2 thereof explicitly mandates that "[r]affling of cases *shall* be regularly conducted at two o'clock in the afternoon every Monday and/or Thursday as warranted by the number of cases to be raffled." Clearly, as can be easily inferred from the use of the words "*shall*" and "*regularly*," the raffle of cases should be mandatorily done on a regular basis and, much more, not only once but even twice a week depending on the number of cases to be raffled. Clearly, if the supposed substantial number of cases to be raffled affects the conduct of raffle as what respondent Judge Dating is trying to impress upon us, it is more of the fact that the conduct of raffle of cases in a week could be done twice if necessary, but *never* to altogether dispense with the raffle.

Respondent Judge Dating averred that there was no urgency to conduct a raffle (as there was no case [presumably including the Special Civil Action No. 7788] which applied for a TRO, a special raffle, and the like). Again, respondent Judge Dating missed a substantial point on the matter. Assuming that, save for Special Civil Action No. 7788, there were no cases scheduled to be raffled on 17 March 2011, respondent Judge Dating was still obligated to cause the re-raffle of the *quo warranto* petition for that particular day. As provided under Section 8 of the same guidelines, "[w]here a judge in a multiple-branch court is disqualified or voluntarily inhibits himself/herself [as what Judge Racoma did], the records shall be returned to the Executive Judge and the latter shall cause the inclusion of the said case in the next regular raffle for re-assignment." The rule is so worded in a mandatory tenor for Executive Judges to require the inclusion of cases [inhibited by judges] in the next regular raffle for a re-assignment. Unfortunately, respondent Judge Dating apparently failed to grasp the true intent of that particular guideline.

---

<sup>31</sup> Id.

<sup>32</sup> See id.

<sup>33</sup> Id. at 144-150.

<sup>34</sup> Id. at 150.

<sup>35</sup> GUIDELINES ON THE SELECTION AND DESIGNATION OF EXECUTIVE JUDGES AND DEFINING THEIR POWERS, PREROGATIVES AND DUTIES, January 27, 2004.

Respondent Judge Dating rationalized the failure to immediately raffle the *quo warranto* petition on 17 March 2011 by pointing out that on that day, the judges would be travelling to attend the 1<sup>st</sup> General Assembly of Judges in Manila on 18 March 2011. Curiously though, he also averred that he conducted trial in the morning of 17 March 2011 for cases pending before Branch 40 (a Family Court) where he also serves as the Acting/Assisting Judge, and left his station for Manila in the afternoon. While it is commendable for respondent Judge Dating to still perform his duties as a Presiding Judge by holding trial in the morning, his exemplary action was virtually negated by the fact that he failed to perform his duties as an Executive Judge. This Office understands that respondent Judge Dating, together with the other judges of the RTC, Daet, Camarines Norte, would have to leave much earlier than the others due to the considerable distance of their stations from Manila. Still, this Office believes that respondent Judge Dating [and the other members of the Raffle Committee as well] could still have set aside even a few minutes of their precious time to conduct a raffle before leaving their station. Truth be told, the raffling of cases (minus the usual chats and exchange of pleasantries) could be accomplished in less than an hour, unlike court trials that invariably consume much of the time of the judges. As Executive Judge, it is the personal duty and responsibility of respondent Judge Dating to exercise supervision over the raffling of cases. Hence, he should have been prudent enough to find ways to minimize, if not totally avoid, delays in the raffle of cases.

This ideal condition of avoiding or minimizing delays in the raffle of cases all the more applies to respondent Judge Dating's situation in light of his admission that it is his "custom" to avail of his forfeitable leaves during the month of March. While attending seminars and conventions sanctioned by the Court may excuse the non-raffle of cases in courts on specific dates, the same could not be said when the non-raffle of cases was occasioned by the trial judges' forfeitable leave of absences. Unlike seminars and conventions which are sponsored and evidently scheduled by the Court [usually through the PHILJA], availing of forfeitable leaves is a personal act on the part of judges especially on choosing the dates which they usually prefer. While they are indeed entitled to such leaves, judges should so schedule the same in the most careful manner so as to prevent a hiatus in court proceedings. Speedy administration of justice should never play second fiddle to the personal comfort and caprice of those working in the judiciary, judges and/or personnel alike. In the case at bar, respondent Judge Dating scheduled his forfeitable leaves from 21 March 2011 to 31 March 2011. Knowing fully well that he would not be able to attend to his functions as chairperson of the Raffle Committee for the raffle dates of 24 March 2011 and 31 March 2011, and aware of the fact of the incoming seminar and convention that would coincide with the succeeding raffle dates (7 April 2011 and 14 April 2011) as well as of the observance by the nation of the Holy Week (21 April 2011 being a Maundy Thursday), respondent Judge Dating should have endeavored to wrap up all his pending work before going on a sabbatical. Unfortunately, instead of allotting just a few minutes in the afternoon of 17 March 2011 to re-raffle Special Civil Action No. 7788, he opted to forthwith leave his post to attend the General Assembly of Judges, then proceeded with his "customary" forfeitable leave of absences during the month of March, then attended the IBP National Convention in Subic, Zambales (7 to 9 of April 2011) and the Just Compensation Seminar sponsored by PHILJA in Tagaytay City, Cavite (14 to 15 April

2011), and then took a break during the Holy Week, before including on 28 April 2011 the *quo warranto* petition in the list of cases to be raffled, only to have it referred back to the court of origin in view of the pending motion for reconsideration of the inhibition order. What could have been done by respondent Judge Dating in less than an hour was apathetically delayed for six (6) long weeks.

*Apropos* his letter dated 17 March 2011 to then DCA Jesus Edwin Villasor and another letter addressed to then DCA Vilches expressing his supposed dilemma in the conduct of raffle of cases during his forfeitable leaves of absence and asking if the Vice-Executive Judge could conduct the same during such time, respondent Judge Dating seemed to flip-flop and contradict himself when he subsequently explained [in the instant matter] that during his absence, the Clerk of Court and the Vice-Executive Judge are fully knowledgeable of what to do pursuant to existing circulars and directives. These vacillations do not augur well for respondent Judge Dating for they only serve to highlight either his inconsistency in making a sound justification for his inefficiency to supervise the conduct of raffle of cases, or his tendency to put the blame on the other members of the Raffle Committee.

x x x x

For his failure to strictly adhere to the provisions of A.M. No. 03-8-02-SC, specifically the provisions on the raffle of cases, this Office finds respondent Judge Dating guilty of simple neglect of duty. Simple neglect of duty signifies a disregard of a duty resulting from carelessness or indifference. The Court has consistently held that mere delay in the performance of one's functions is considered as simple neglect of duty. Under Rule IV, Section 52 (B) of the Uniform Rules on Administrative Cases in the Civil Service, it is a less grave offense punishable by suspension without pay for one (1) month and one (1) day to six (6) months. In order, however, not to disrupt the conduct of court proceedings, the imposition of a fine against respondent Judge Dating is appropriate under the circumstances.<sup>36</sup>

The Court hereby adopts the above well-reasoned OCA recommendation.

For failure to observe the procedure on the raffle of cases pursuant to A.M. No. 03-8-02-SC, Judge Dating is guilty of simple neglect of duty which is defined as the "failure to give attention to a task, or the disregard of a duty due to carelessness or indifference."<sup>37</sup> Simple neglect of duty is listed as one of the less grave offenses punishable by suspension of one (1) month and one (1) day to six (6) months for the first offense, and dismissal from the service for the second offense under Rule IV, Section 52(B)(1) of the Uniform Rules on Administrative Cases in the Civil Service.<sup>38</sup> In lieu of suspension, the Court agrees with the OCA recommendation for the imposition of a fine of Ten Thousand Pesos (₱10,000.00).

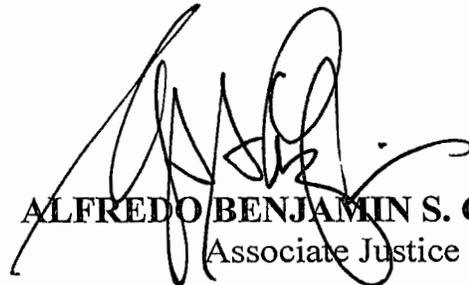
<sup>36</sup> *Rollo*, pp. 147-150.

<sup>37</sup> *Valdez v. Macusi, Jr.*, 736 Phil. 71, 78 (2014).

<sup>38</sup> CSC Resolution No. 991936 dated August 31, 1999.

**WHEREFORE**, the Court finds Judge Arniel A. Dating **GUILTY** of simple neglect of duty and imposes upon him a **FINE** in the amount of Ten Thousand Pesos (₱10,000.00), with a **STERN WARNING** that a repetition of the same or any similar infraction shall be dealt with more severely.

**SO ORDERED.**

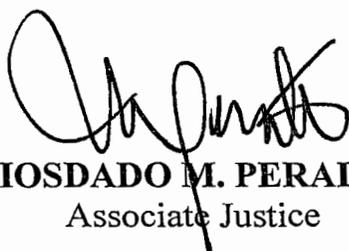


**ALFREDO BENJAMIN S. CAGUIOA**  
Associate Justice

WE CONCUR:



**ANTONIO T. CARPIO**  
Associate Justice  
Chairperson



**DIOSDADO M. PERALTA**  
Associate Justice

(On official leave)  
**ESTELA M. PERLAS-BERNABE**  
Associate Justice



**ANDRES B. REYES, JR.**  
Associate Justice