



REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila

SECOND DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated **07 December 2020** which reads as follows:*

“G.R. No. 253573 (Metropolitan Bank and Trust Company v. Hon. Brigido Artemon M. Luaa II, in his capacity as Presiding Judge of Branch 196 of the Regional Trial Court of Parañaque City, Arlen S. Morales, and Phoebe A. Gabuya). – The Court **NOTES** the manifestation dated 16 November 2020 of counsel for petitioner Metropolitan Bank and Trust Company (petitioner), stating that in its motion for extension, petitioner asked for a period of thirty (30) days from the expiration of reglementary period or until 12 November 2020, within which to file a petition; however, it was unable to file and serve the petition within the requested period because of the work suspensions in all courts in the NCJR on 12 and 13 November 2020 due to Typhoon Ulysses, and begging the kind indulgence of the Court in filing the petition on 16 November 2020 given such circumstances.

After a judicious study of the case, the Court resolves to **DENY** the instant petition¹ and **AFFIRM** the October 30, 2019 Decision² and the September 9, 2020 Resolution³ of the Court of Appeals (CA) in CA-G.R. SP No. 157088 for failure of petitioner to sufficiently show that Hon. Brigido Artemon M. Luna II (Judge Luna), in his capacity as Presiding Judge of Branch 196 of the Regional Trial Court of Parañaque City, committed grave abuse of discretion in denying petitioner’s Motion to Recuse.⁴

As correctly ruled by the CA: (a) petitioner failed to prove with clear and convincing evidence how Judge Luna’s actions in Criminal Case Nos. 2016-1343 and 2016-1344 would affect his impartiality in resolving the other criminal cases involving petitioner and private respondents Arlen S. Morales and Phoebe A. Gabuya; and (b) since voluntary inhibition is discretionary, the sitting judge is in the best position whether or not to hear the case and that should be respected, in the interest of justice and equity, and public interest. It is settled that mere

¹ *Rollo*, pp. 17-41.

² *Id.* at 50-55. Penned by Associate Justice Germano Francisco D. Legaspi with Associate Justices Remedios A. Salazar-Fernando and Samuel H. Gaerlan (now a member of the Court), concurring.

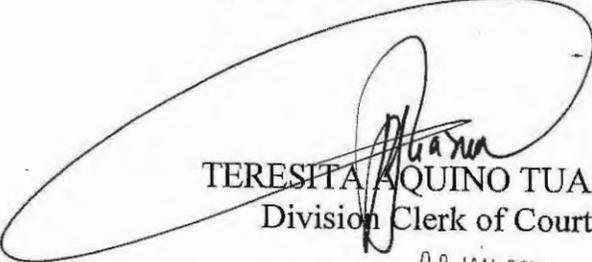
³ *Id.* at 56-58. Penned by Associate Justice Germano Francisco D. Legaspi with Associate Justices Remedios A. Salazar-Fernando and Geraldine C. Fiel-Macaraig, concurring.

⁴ *Id.* at 421-427.

imputation of bias and partiality is not enough for a judge to inhibit himself. There must be a clear showing of acts indicative of arbitrariness,⁵ which petitioner failed to show in this case.

SO ORDERED. (Rosario, J., designated Additional Member per Special Order No. 2797 dated November 5, 2020.)”

By authority of the Court:


TERESITA AQUINO TUAZON
Division Clerk of Court *with*
08 JAN 2021 1/8

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HON. PRESIDING JUDGE (reg)
Regional Trial Court, Branch 196
Parañaque City
(Crim. Case Nos. 2016-0199, 2016-1332 to 38;
2016-0231/32; 2016-1767/69; 2016-1770/71;
2016-1780/81; 2016-1784/5; 2016-1788/9;
2016-1791/2; 2016-1795/96)

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Please notify the Court of any change in your address.
GR253573. 12/07/2020(178)URES

⁵ See *Pagoda Philippines, Inc. v. Universal Canning, Inc.*, 509 Phil. 339, 346 (2005).