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Republic of the Philippines
Supreme Court
Manila

SPECIAL FIRST DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, Special First Division, issued a Resolution dated **February 3, 2021** which reads as follows:

“G.R. No. 244662 (Joahnes A. Pañares¹ v. Sumifru Philippines, Inc., and/or AJMR Port Services Corporation)

For resolution is the Motion for Partial Reconsideration² filed by Judge Ronald S. Tolentino (*Judge Tolentino*) of this Court’s October 9, 2019 Resolution³ which partly granted petitioner Joahnes A. Pañares’ (*petitioner*) Verified Petition⁴ and directed Judge Tolentino to cease and desist from handling Civil Case No. R-DVO-16-05245-CV. In response to Judge Tolentino’s motion, petitioner filed a Motion for Leave of Court to Admit and Consider Appellant-Petitioner’s Opposition to the Motion for Partial Reconsideration with attached Opposition to the Motion for Partial Reconsideration.⁵

In his motion, Judge Tolentino argues that he should not be asked to desist from handling the trial of the case since no judicial dispute resolution (*JDR*) was actually conducted. Also, he points out that the option to retain the *JDR* judge as the trial judge is not limited to single sala courts only. Furthermore, he claims that he was denied due process when petitioner did not implead him in the instant petition and when he was not asked by this Court to file his comment thereon.

This Court finds Judge Tolentino to be out of his place. He has no personality to file the present motion for partial reconsideration, or any pleading for that matter, in this case. He is not a party to the case. Under Section 4, Rule 45 of the Rules of Court, lower court judges are

- over – three (3) pages ...
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¹ Referred to as “Panares” in other pleadings.
² *Rollo*, pp. 153-162.
³ *Id.* at 142-152.
⁴ *Id.* at 4-24.
⁵ *Id.* at 165-178.

not impleaded either as petitioner or respondent in a petition for review before this Court.

Section 4. Contents of petition. — The petition shall be filed in eighteen (18) copies, with the original copy intended for the court being indicated as such by the petitioner and shall (a) state the full name of the appealing party as the petitioner and the adverse party as respondent, **without impleading the lower courts or judges thereof either as petitioners or respondents**; (b) indicate the material dates showing when notice of the judgment or final order or resolution subject thereof was received, when a motion for new trial or reconsideration, if any, was filed and when notice of the denial thereof was received; (c) set forth concisely a statement of the matters involved, and the reasons or arguments relied on for the allowance of the petition; (d) be accompanied by a clearly legible duplicate original, or a certified true copy of the judgment or final order or resolution certified by the clerk of court of the court *a quo* and the requisite number of plain copies thereof, and such material portions of the record as would support the petition; and (e) contain a sworn certification against forum shopping as provided in the last paragraph of section 2, Rule 42. (emphasis supplied)

Not being a party to the instant petition, it is grave error for Judge Tolentino to expect this Court to require him to file his comment on the petition for review filed by petitioner or be given an opportunity to be heard.

Similar to a Rule 65 petition where a judge is deemed a nominal party, a judge in a Rule 45 petition must “maintain a detached attitude from the case and should not waste his time by taking an active part in a proceeding which relates to official actuations in a case but should apply himself to his principal task of hearing and adjudicating the cases in his court.”⁶ This reminder is even truer in this case where Judge Tolentino has sentenced petitioner to one month imprisonment for indirect contempt and where he has been the subject of an urgent motion to recuse not only because he allegedly conducted the JDR proceedings but also since he can no longer be expected to be neutral and impartial in view of said indirect contempt proceedings initiated by the Regional Trial Court against petitioner.

WHEREFORE, Judge Ronald S. Tolentino’s Partial Motion for Reconsideration and petitioner Joahnes A. Pañares’ Motion for Leave with Attached Opposition are **STRICKEN OFF** from the records of this case.

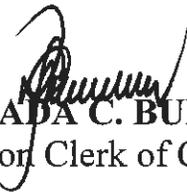
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⁶ *National Electrification Administration v. Maguindanao Electric Cooperative, Inc.*, 829 Phil. 421, 437-438 (2018), citing *Judge Barillo v. Lantion*, 629 Phil. 39, 74 (2010).

SO ORDERED.”

By authority of the Court:


LIBRADA C. BUENA
Division Clerk of Court

by:

MARIA TERESA B. SIBULO
Deputy Division Clerk of Court
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(Civil Case No. R-DVO-16-05245-CV)

The Hon. Executive Judge
Regional Trial Court
8000 Davao City

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