



Republic of the Philippines
SANDIGANBAYAN
Quezon City

SIXTH DIVISION

PEOPLE OF THE PHILIPPINES,
Plaintiff,

SB-18-CRM-0498
For: Violation of Section 3(e) of
Republic Act (R.A.) No. 3019

-versus-

PRESENT:

PROCESO JARAZA ALCALA,
LAUREANO ARNULFO
FIDELINO MAÑALAC, AND
BAUTISTA HERNANDEZ ELLA,
Accused.

FERNANDEZ, J., Chairperson
MIRANDA, J. &
VIVERO, J.

Promulgated:

January 4, 2024 [Signature]

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RESOLUTION

MIRANDA, J.:

This resolves the Motion for the Inhibition of the 6th Division dated December 5, 2023 filed by accused Laureano Arnulfo Fidelino Mañalac (Mañalac).

As basis, Mañalac claims that the “the passionate questioning by Hon. Karl B. Miranda gripped herein accused with mortal fear that the pending Motion for Reconsideration has no chance to be reversed or modified or neutrally disposed of”.¹ As such, Mañalac prays for the inhibition not only of Justice Miranda, but of the *whole* 6th Division from further handling this case.

The court finds the motion for inhibition completely bereft of merit.

First, Mañalac himself admits that the “state of mind harbored by the accused” is not a ground for inhibition.² Section 1, Rule 137 of the Rules of Court on the disqualification of judges states:

SECTION 1. *Disqualification of judges.* - 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.

¹ Motion for Inhibition dated December 5, 2023, p. 2.

² *Id.*

[Handwritten signatures]

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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.

Additionally, Section 8, Rule XIII of the Internal Rules of the Sandiganbayan enumerates the grounds when a Justice may inhibit from a case, as follows:

Sec. 8. Grounds for Inhibition of Division Members. – A Justice may inhibit from a case on the following grounds:

- (a) When the Justice was the ponente of the appealed decision of the lower court;
- (b) When the Justice was counsel or member of a law firm which was counsel in a case before the Division, within ten (10) years from joining the Sandiganbayan unless the Justice was no longer a partner or member of the law firm when it was engaged as counsel in the case and the Justice votes against the client of such law firm. In any event, the mandatory inhibition shall cease after the lapse of ten (10) years from the resignation or withdrawal of the Justice from the law firm, unless the Justice personally handled the case when he/she was a partner member of the law firm; or
- (c) When the Justice, spouse or child, or any member of the family, is pecuniarily interested in said case as heir, legatee, creditor or otherwise; or
- (d) When the Justice is related to either party in the case within the sixth degree of consanguinity or affinity or to counsel within the fourth degree, computed according to the rules of civil law; or
- (e) When the Justice has been executor, administrator, guardian or trustee in the case.

A Justice may also inhibit for any compelling reason or cause other than those mentioned above or for any other ground provided for under the Rules, subject to the condition that the replacement shall be by raffle.

As the ground Mañalac advances is not among the bases for the 6th Division's inhibition, his motion should accordingly be denied.

Second, the motion failed to allege any just, valid, or compelling reason which should merit the inhibition of Justice Miranda or the entire 6th Division. The import of the rule on the voluntary inhibition of judges is that the decision on whether to inhibit is left to the sound discretion of conscience of judges based on their rational and logical assessment of the circumstances prevailing in the case brought before them. It makes clear to the occupants of the Bench that outside of pecuniary interest, relationship or previous participation in the matter that calls for adjudication, there might be other causes that could conceivably erode the trait of objectivity, thus calling for inhibition.³ No such cause is present in this case. Mañalac failed to show any bias and partiality exhibited by Justice Miranda or the other members of the 6th Division.

³ *Uniwide Sales Warehouse Club, Inc. vs. Madrona*, G.R. No. 193972, April 19, 2017.

Mañalac's claimed fear, that "the passionate questioning" by Justice Miranda dooms his chances of a reversal or modification of the Court's Decision dated August 23, 2023, is baseless as it is irrational.

Justice Miranda asked Mañalac *only* five questions:⁴

Q: Okay. Mr. Mañalac, could you please come over? Okay. There's a Motion for Reconsideration. Now, attached to it is a Verification. You verified this. **I mean you said that you have read and understood the Motion for Reconsideration, correct, Mr. Mañalac?**

A: Yes, Your Honor.

Q: **And, that the contents and allegations of the same are true and correct.**

A: Yes, Your Honor.

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Q: Yes. Please show Mr. Mañalac and Atty. Pulgar the copy that we have of the Motion for Reconsideration filed with the court. Okay. Do you see that on page 39 supposedly? Okay. There is a Verification. So, Mr. Mañalac, some details are lacking. **It says here in witness whereof I have affixed my signature this blank day. When was that?**

A: About September, Your Honor.

Q: Sometime September; **And where at? Atty. Pulgar said at their law office. Correct?**

A: Yes, Your Honor.

Q: Okay. So that's one. And now, okay. **So, you confirm that you have read this Motion for Reconsideration and the allegations thereof are true and correct.**

A: Yes, Your Honor. (*Emphasis supplied*)

Justice Miranda then explained to Mañalac why he asked these five questions:⁵

Justice Miranda: Okay. And that was the reason, Mr. Mañalac why I was asking you, okay, if indeed you have read the Motion for Reconsideration that was filed on your behalf and if the contents of the same are true and correct.

Mañalac: I've read it, Your Honor, pero, sorry to say po hindi ko lahat nauwaaan yong nakasulat. Although naunawaan ko naman po.

Justice Miranda: Although, again, sir.

Mañalac: Sorry to say, Your Honors, na noong binasa ko ho parang mabilis lang noong pinirmahan ko po. Hindi ko naman na detalye lahat yong context na ano ang meaning ng word kagaya ng sinasabi ninyo po, Your Honor.

⁴ TSN dated November 8, 2023, pp. 4-6.

⁵ *Id.*, p. 37.



The rest of the questions were directed to Mañalac's counsel simply because of the need to clarify *counsel's conflicting statements*. When asked by the Court to whom he was attributing the subterfuge he claimed was used to exculpate Alcala, he first said that he was referring to the Prosecution. Later on, counsel changed his answer and pointed to accused Alcala.⁶

Q: No, no. The phrase with due respect kung ang kasunod naman is napaka very disrespectful. Okay. That does not make the disrespectful words or word, okay. So, the Court is asking you now, sir. Subterfuge by whom?

A: Well, the **prosecution**, Your Honor.

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Q: So who is now the one who use subterfuge, the court, or now are you saying Alcala?

A: I think it's **Alcala**, Your Honor.

Q: Alcala now

A: **Yes**, Your Honor.

Q: First, the prosecution

A: **Yes**, Your Honor.

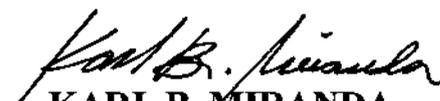
Q: Now, it's Alcala.

A: **Yes**, Your Honor. (*Emphasis supplied*)

From the foregoing, it is clear that the motion for inhibition of the 6th Division is simply a desperate and unwarranted attempt to prevent this Court from ruling on the case.

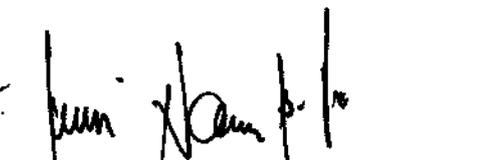
WHEREFORE, the Motion Praying for the Inhibition of the 6th Division dated December 5, 2023 of accused Laureano Arnulfo Fidelino Mañalac is **DENIED** for lack of merit.

SO ORDERED.


KARL B. MIRANDA
Associate Justice

WE CONCUR:


SARAH JANE T. FERNANDEZ
Associate Justice
Chairperson


KEVIN NARCE B. VIVERO
Associate Justice

⁶ *Id.*, pp. 27-30.