



Republic of the Philippines
SANDIGANBAYAN
Quezon City

SIXTH DIVISION

PEOPLE OF THE PHILIPPINES,

Plaintiff,

-versus-

SB-12-CRM-0274 to 0282
For: Malversation of Public Funds
Through Falsification of
Public/Official Document (Article
217 of the Revised Penal Code (RPC)
in relation to Article 171 (4) of the
same Code)

LUZVIMINDA VALDEZ, ET AL.,

SANTOS
Accused.

PRESENT:

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

Promulgated:

25 NOV 2022

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RESOLUTION

MIRANDA, J.:

This resolves the Motion Praying for the Voluntary Inhibition of Associate Justice Karl B. Miranda dated October 17, 2022 filed by Accused Luzviminda S. Valdez (Valdez) on October 18, 2022, and the Comment/Opposition dated November 7, 2022 filed by the Prosecution on November 8, 2022.

In her motion, Accused Valdez claims that Associate Justice Miranda may no longer participate impartially in these cases because he joined the Dissenting and Concurring Opinion of Honorable Associate Justice Maryann E. Corpus-Mañalac in Criminal Case Nos. SB-14-CRM-0317 to 0324 before the Sandiganbayan Special Fifth Division which involved similar matters as these cases. In the cases before the Special Fifth Division, Associate Justice Mañalac voted to convict accused Valdez. Accused Valdez posits that as a result of his concurrence with the said opinion, Associate Justice Miranda now has a pre-conceived bias against her, her defenses, and her witnesses.

In its Comment/Opposition, the Prosecution, through the Office of the Special Prosecutor, stresses that Accused Valdez failed to show any clear, convincing, and extrinsic evidence showing any bias or partiality of Associate Justice Miranda against the accused. It further pointed out that the evidence and issues presented in these cases before the Sixth Division are separate and distinct from those already decided by the Special Fifth Division. Also, the Prosecution argued that these cases will be decided by the Sixth Division as a collective body, and not solely by Associate Justice Miranda. Hence, Accused Valdez' claims of bias and partiality against Associate Justice Miranda are mere conjectures and purely speculative.

The Court finds the motion for voluntary inhibition bereft of merit.

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.

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. [Emphasis supplied]

In addition, Section 8, Rule XIII of the Internal Rules of the Sandiganbayan provides for 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. [Emphasis supplied]

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.¹

Accused Valdez imputes that Associate Justice Miranda has a pre-conceived bias against her by the mere fact that he joined the vote of Associate Justice Mañalac against Accused Valdez in Criminal Case Nos. SB-14-CRM-0317 to 0324 before the Special Fifth Division. Other than such imputation, however, the accused failed to show any evidence that the ponente acted partially against her. Neither did she point out any circumstance during the course of the trial of these cases that Associate Justice Miranda exhibited bias and prejudice towards her person, her defenses, or her witnesses. Accused Valdez claims partiality and bias against Associate Justice Miranda when the decision for Criminal Case Nos. SB-14-CRM-0317 to 0324 was promulgated and only after knowing that Associate Justice Miranda voted against her.

The Supreme Court has explained in several occasions that the mere imputation of bias or partiality is not enough ground for inhibition, especially when the charge is without basis.² Extrinsic evidence must further be presented to establish bias, bad faith, malice, or corrupt purpose, in addition to palpable error which may be inferred from the decision or order itself.³ There must be a proof of act or conduct of the judge clearly indicative of arbitrariness or prejudice before they can be branded with the stigma of being biased or partial.⁴

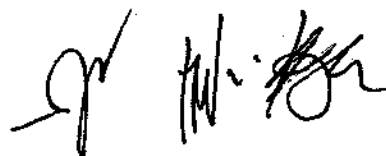
Accused Valdez failed to show any evidence of bias and partiality against Associate Justice Miranda. Although related and involving the same

¹ Uniwide Sales Warehouse Club, Inc. vs. Madrona, G.R. No. 193972, April 19, 2017.

² Gochan vs. Gochan, G.R. No. 143089, February 27, 2003.

³ Aleria, Jr. vs. Velez, G.R. No. 127400, November 16, 1998.

⁴ Philippine Commercial International Bank vs. Dy Hong Pi, G.R. No. 171137, June 5, 2009.



accused, the cases before this Court are distinct from those already decided by the Special Fifth Division. They have a different set of evidence that needs separate scrutiny by the Sixth Division.

It also bears stressing that participation in a Special Division by a Justice is a normal occurrence in this Court. Associate Justice Miranda would set a wrong precedent if Justices would voluntarily inhibit due to the frivolous reason that they have previously participated as a Special Member in a similar case of another division. This would result in unduly delaying the proceedings, increasing the workload of other justices, and most importantly, fostering impermissible judge shopping.⁵


WHEREFORE, the Motion Praying for the Voluntary Inhibition of Associate Justice Karl B. Miranda dated October 17, 2022 of accused Luzviminda S. Valdez 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

⁵ Judge shopping is a practice of trying to replace a judge that has been assigned to a litigant's file with another one in the hopes that the new judge will be more favorable for the case. (Source: <https://hmclawyers.com/civil-litigation/what-is-judge-shopping/> Retrieved: November 23, 2022)