



REPUBLIC OF THE PHILIPPINES
SANDIGANBAYAN
Quezon City

SIXTH DIVISION

PEOPLE OF THE PHILIPPINES,
Plaintiff,

Crim. Case No.
SB-22-CRM-0114 to
0116

*For: Violation of Section
3(e), R.A. No. 3019;
Malversation of Public
Funds; and Malversation
of Public Funds or
Property through
Falsification of Public
Documents*

-versus-

MATEO G. MONTANO,
ET AL.,
Accused,

Present:

Fernandez, S.J., J,
Chairperson
Vivero, K.B., J., and
Moreno, R.B., J.

PROMULGATED:

January 4, 2024

X-----X

RESOLUTION

Moreno, J.:

For resolution is the *Motion for Inhibition* filed by accused Leonila M. Hayahay on November 6, 2023, to which the prosecution filed its *Opposition* on November 20, 2023.

In her motion, Hayahay's prayed for Justice Ronald B. Moreno's inhibition from the present consolidated cases. She explained that Justice Moreno concurred in the following (i.e., *People v. Ipong, et al.*): *first*, the Court's May 27, 2022 Decision where she (Hayahay) had been convicted for violation of Section 3(e) of Republic Act No. 3019 and for malversation of public funds under Article 217 of the Revised Penal Code; and, *second*, the Court Resolution of July 20, 2022 denying herein movant's motion for reconsideration.

Hayahay claimed that due to the similarities between the *Ipong* cases and the present cases, she is "greatly worried that Hon. Justice Moreno's participation and ruling in the *Ipong* Case, and his assent to her conviction therein, may potentially influence his appreciation of the facts and the law in this case."¹

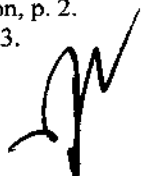
Citing Section 8, Rule XIII of the 2018 Revised Internal Rules of the Sandiganbayan and Section 1, Rule 137 of the Rules of Court, she claimed that Justice Moreno should consider inhibiting himself from the subject cases, considering that his "participation and ruling in the *Ipong* Case could potentially influence said appreciation."²

In its *Comment/Opposition*, the People of the Philippines, through the Office of the Special Prosecutor, moved for the denial of Hayahay's Motion for Inhibition for lack of merit. It countered that Hayahay failed to establish any act or conduct on Justice Moreno's part that would engender a reasonable suspicion as to his fairness and ability to decide the present cases with the cold neutrality of an impartial judge.

The prosecution pointed out that the law office which filed the present motion for inhibition was merely the collaborating counsel for Hayahay. It explained that as early as the signing of the Pre-Trial Order dated January 18, 2023 (and long after the May 27, 2022 Decision and July 20, 2022

¹ Motion, p. 2.

² Id. at 3.



x-----x

Resolution had been issued), Hayahay – through her lead counsel, *Burkley and Aquino Law Office* – already knew that Justice Moreno was a Special Member of the Anti-Graft Court’s 6th Division. Notwithstanding this fact, Hayahay’s lead counsel did not move for Justice Moreno’s inhibition. Notably, the said lead counsel also did not join or conform to the present motion for inhibition.

The prosecution further argued that Hayahay miserably failed to allege and prove with clear and convincing and extrinsic evidence any act or conduct that would demonstrate any bias or partiality on the part of Justice Moreno that would warrant his voluntary inhibition. It added that Hayahay’s assertion of a potential bias or partiality on Justice Moreno’s part was purely speculative. The prosecution maintained that Justice Moreno’s concurrence in Hayahay’s conviction in the *Ipong* case did not constitute as a valid ground for his inhibition in the present cases.

OUR RULING:

We deny the *Motion for Inhibition* filed by Leonila Hayahay.

To recall, Hayahay relied on Section 8, Rule XIII of A.M. No. 13-7-05-SB in relation to Section 137 of the Rules of Court, to call for Justice Moreno’s voluntary inhibition.

Section 8, Rule XIII of the 2018 Revised Internal Rules of the Sandiganbayan reads:

x x x x

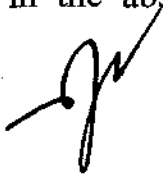
A Justice may also inhibit for any compelling reason or cause other than those mentioned above or for any other ground provided for under the Rules, subject to the condition that the replacement shall be by raffle.

Corollarily, Section 1 of Rule 137 of the Rules of Court provides:

x x x x

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."

We point out at the onset that the issue of voluntary inhibition is primarily a matter of conscience and sound discretion on the part of the judge. It is a subjective test, the result of which the reviewing tribunal will not disturb in the absence of any manifest finding of arbitrariness and



X-----X

whimsicality. The discretion given to trial judges is an acknowledgment of the fact that they are in a better position to determine the issue of inhibition, as they are the ones who directly deal with the parties-litigants in their courtrooms.³

Hayahay essentially claimed that Justice Moreno's concurrence in the *Ipong* case (where she had been convicted), as well as in the resolution denying her motion for reconsideration, could potentially influence his (Justice Moreno's) appreciation of the facts and the law in the present consolidated cases.

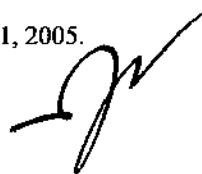
We emphasize, however, that aside from Justice Moreno's concurrences, there was nothing in Hayahay's motion indicating any likelihood of Justice Moreno being influenced as regards his appreciation of the facts and the law of the present consolidated cases. Moreover, Hayahay failed to point out any incident or occurrence during trial where Justice Moreno exhibited bias or partiality against her or her witnesses or counsel/s. In fact, **Hayahay even stated in the present motion that she was not questioning Justice Moreno's impartiality or ability to render judgment.**

That Justice Moreno concurred in the judgment of conviction of Hayahay did not *ipso facto* lead to the conclusion that he will also decide adversely against her. While the cases may have similarities, they have a different set of evidence that needs separate perusal and scrutiny by the Sixth Division. In any event, bare allegations of their partiality will not suffice in the absence of clear and convincing evidence to overcome the presumption that a judge will undertake his noble role to dispense justice according to law and evidence and without fear or favor.⁴

We also stress that participation of a magistrate in a Special Division is a normal occurrence in the Anti-Graft Court. Accordingly, Justice Moreno would set a wrong precedent or impression 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. To require a Justice who participated in a similar case could have dire consequences, *viz*: unduly delay the proceedings; result in increase in the workload of other justices; and/or open the floodgates to a form of forum-shopping, in which litigants would be allowed to shop for a magistrate more sympathetic to their cause.

³ G.R. No. 180543, July 27, 2010.

⁴ *Pagoda Philippines, Inc. v. Universal Canning, Inc.*, G.R. No. 160966, October 11, 2005.



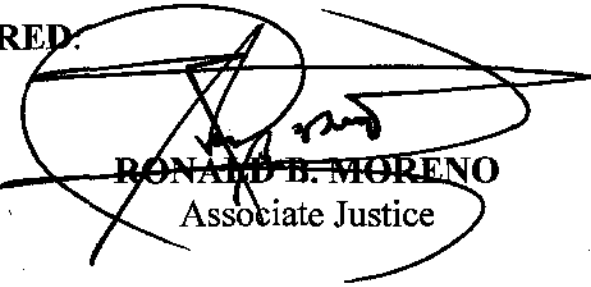
As the Supreme Court held in *Chin v. Court of Appeals*:⁵

We agree that judges have the duty of protecting the integrity of the judiciary as an institution worthy of public trust and confidence. But under the circumstances here, we also agree that unnecessary inhibition of judges in a case would open the floodgates to forum-shopping. x x x

x x x x [T]he invitation for judges to disqualify themselves need not always be heeded. It is not always desirable that they should do so. It might amount in certain cases to their being recreant about their duties. It could also be an instrument whereby a party could inhibit a judge in the hope of getting another more amenable to his persuasion.

WHEREFORE, premises considered, we **DENY** the *Motion for Inhibition* filed by accused Leonila M. Hayahay for lack of merit.

SO ORDERED:



RONALD B. MORENO
Associate Justice

WE CONCUR:



SARAH JANE T. FERNANDEZ
Chairperson



KEVIN NARCE B. VIVERO
Associate Justice

⁵ G.R. No. 144618, August 15, 2003.