

**Republic of the Philippines**  
**COURT OF APPEALS**  
**Manila**

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April 30, 2012

**Ms. Letty Jimenez-Magsanoc**  
Editor-in-Chief  
*The Philippine Daily Inquirer*

Dear Ms. Jimenez-Magsanoc:

This is in connection with the Article "**Is CA on the side of criminals**" that appeared in the column *As I See It* by Mr. Neal H. Cruz of your newspaper, the *Philippine Daily Inquirer*, April 26, 2012 issue, several portions of which contain untruthful statements.

In particular, let me stress that:

1. the Court of Appeals is never on the side of Mr. Neal's so-called "criminal" especially so in the light of the 2 cases he made as reference. In the case of Mayor Licerio Antiporda III, his conviction was actually affirmed in this Court's Decision penned by Justice Sorongon with me as concurring member. With respect to the Villarosa case, all the accused were convicted except for Villarosa whose guilt beyond reasonable doubt was not proven by the prosecution. As Mr. Cruz had correctly stated in his column, even the Office of the Solicitor General then moved for his acquittal;
2. The motion for reconsideration in the Antiporda case "did not land on my lap" as if by choice or anything of that sort. As the remaining regular member of the Division that handed down the decision, following Justice Sorongon's and, later, Justice Barza's inhibition, the task to write the opinion of the entire new Division that would be constituted to dispose of Mayor Antriporda's motion for reconsideration now lies on me as mandated by Section 7, Rule VI of the Internal Rules of the Court of Appeals (IRCA);
3. Mr. Cruz was mistaken to sweepingly declare that the cases he cited have just been recently decided. The CA Decision in *People of the Philippines vs. Jose Villarosa, et al.*," docketed as CA-G.R. CR No. 02091-HC, was long rendered on March 18, 2008, or 4 years ago. Considering that he took time to lengthily discuss the disquisition in the said case, he might have as well discussed it accurately. 🖱

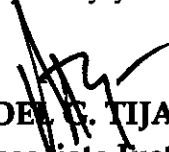
4. That Villarosa was "hastily acquitted" by the then CA 5<sup>th</sup> Division allegedly "although there were two motions still pending" are both inaccurate and downright misleading. Actually, these are no longer novel issues as these have been repeatedly used by a disgruntled litigant in this case to endlessly attack my persons and integrity over and over. I would have wanted to stand by my conviction not to deviate from the unwritten rule that Judges and magistrates are not supposed to explain their decisions in public, for Our Decisions should speak for themselves. Nonetheless, considering that Mr. Neal H. Cruz took time to lengthily discuss the case, *albeit* wrongly and without any basis, I found it compelling to correct some of the disinformations mentioned in his column.
5. In a *Resolution*, dated Sept. 11, 2007, the Supreme Court in dismissing *A.M. No. 07-5-07-CA* filed by former Cong. Quintos anent this case, categorically declared that it could not discern any taint of "unwarranted haste and unfair treatment on the part of Justice Tijam". On the matter of the CA's alleged erroneous assumption of jurisdiction over this case, this is the first time that this issue has been brought out in relation to this case. At any rate, the Court does not choose which case should be brought to it and which should not. It only acts upon issues brought to it for consideration and, sadly, this belated issue seems a mere afterthought having gone out in the open while the Court of Appeals has long rendered its decision and while two petitions for certiorari, filed by the Heirs of Paul and Michael Quintos, are now awaiting resolutions by the High Court;
6. Quite surprisingly, Mr. Cruz seemed to have deliberately failed to mention my name as the ponente of the CA Decision in the Villarosa case notwithstanding his oratorical discussion of the merits of the case and considering his gratuitous statement that the Antiporda case "landed on my lap."
7. Mr. Cruz' misleading assertion that the Villarosa case has also just been recently decided is a malicious attempt to link it to the Antiporda case where a motion for reconsideration thereon is awaiting resolution with me as the new ponente. This is rather distasteful. While people from the media has this higher freedom of expression enshrined in their right to protected speech and fair commentaries, this do not translate to an unbridled license to distort the truth especially if designed to influence the court to decide in a particular way; much less to malign, prejudice and accuse the magistrates and the court of wrongdoings without any proof or reason. ✓

8. More importantly, both of the cited cases are still pending and awaiting final resolutions by the Courts. Comments or any discussion on the merits as well as disclosures of matters affecting judicial proceedings are strictly abhorred as the same would amount to *sub-judice*.
9. Since Mr. Neal H. Cruz has wittingly or unwittingly invited the public to judge the entire institution of the Court of Appeals as that "siding with the criminals" or peddling injustice, may I suggest that, pursuant to fair and balance reporting, you please take time to verify your facts and data to avoid confusion and misinformation. If you fail in this simple task, you will stand to be accused as a purveyor of lies; a propagandist or lobbyist for disgruntled litigants with an ax to grind against the Court;
10. The records of the Court of Appeals abundantly show that many judgments of convictions rendered by lower courts have been affirmed. While other judgment of convictions were set aside, this does not mean that the Court of Appeals has sided with the criminals. This is but a re-affirmation of the Court's bounden duty to insure that the accused's guilt is proven beyond reasonable doubt. Our Constitution and our laws require this no less.

Journalists and judges are equally victims of murder, calumny, influence peddling and false accusations. Let us all be investors in the truth, justice, integrity, honor and fair play.

Thank you and good day.

Very truly yours,

  
**NOEL C. TIJAM**  
**Associate Justice**  
**Court of Appeals**

Copy furnished:

- |   |   |
|---|---|
| -Mr. Neal Cruz<br>Philippine Daily Inquirer                                 | -Chief Justice Renato Corona<br>and Members of the Supreme Court  |
| -Hon. Andres B. Reyes, Jr.<br>Presiding Justice<br>Court of Appeals, Manila | -Hon. Jose Midas P. Marquez<br>Court Administrator, Supreme Court |
| -Atty. Teresita Marigomen<br>Clerk of Court, Court of Appeals               | -Members of the Judicial and Bar Council<br>Supreme Court         |

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# OPINION

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THE PHILIPPINE DAILY INQUIRER, INC. has its business and editorial offices at:  
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of other land reform cases. In fact, the extension of the CARL, which was supposed to lapse in 2009 and which led to the passage of the CARP Extension with Reforms (Carp-er) law, had been premised on the need to allow more time to resolve such burning cases.

As many as 4,915.75 hectares are covered by the SDO program, which was approved in November 1989. Of that number, 4,335 hectares will now be distributed to farm worker-beneficiaries or their successors in interest, who number 6,296.

The justices still need to qualify whether their landmark ruling is "nunc pro tunc," a legal term stipulating that it cannot be used as basis for similar cases. This must be made clear because the high court has to resolve 13 other land reform cases. Moreover, considering its record of flip-flopping, as shown by its rulings on the case of Philippine Airlines flight attendants and stewards, the high court might change its mind suddenly. But we have the assurance of its spokesperson, Midas Marquez, that the ruling is "final and executory," and that the high court will not entertain further pleadings and motions for reconsideration on the dispute that took 27 years to resolve.

What should concern everyone now is the government's capability to implement that final ruling. Antonio Ligon, a spokesperson of Hacienda Luisita Inc., said HLI "will abide and comply with what is required by the decision." In addition, Agrarian Reform Secretary Virgilio de los Reyes said he would start the land distribution "immediately." Before that, however, the Department of Agrarian Reform will have to conduct the valuation and inspection of the estate, as well as the identification of the beneficiaries. He promised to do all three steps simultaneously, but the whole process is expected to take about a year.

Much will depend on the willingness of HLI to cooperate with agrarian reform officials. It will have to show its net income in 1989, the year the Supreme Court said the value of the estate should be set in accordance with the aborted SDO scheme hammered out that year between the management and the farm workers.

Moreover, HLI may still question that compensation base year set by the high court with the DAR Adjudication Board. DAR officials said this would not hamper the pre-distribution process, but considering that the case has dragged on for more than a quarter of a century, their optimism must be taken with a grain of salt. In any event, it's a test case for the

WHAT'S HAPPENING to the Court of Appeals? Is it on the side of truth and justice, or the criminals? I ask the questions because two recent cases, both involving multiple murders, decided by it seem to have allowed the accused to run away laughing, free as birds, and left the families of their victims crying. (The murders were committed decades ago, but the appeals by the accused were decided by the CA only recently.)

One is the double murder case in Buguey town, Cagayan, where Mayor Licerio Antiporda III was convicted of killing two poll watchers of his father's political rival. Antiporda elevated the case to the CA where the case lingered for 17 years, and 17 justices (repeat, 17 justices) inhibited themselves from the case one after another. Why were the justices so scared to handle the case? Doesn't that make you wonder?

Finally, Justice Edwin Sorongon affirmed the decision of the Regional Trial Court. Antiporda filed a motion for reconsideration with a plea for Sorongon to inhibit himself, which the justice promptly did. The case was raffled, again, and landed on the lap of Justice Noel Tijam.

But here is the 64-dollar question: Although Antiporda was convicted of two capital offenses—one murder and one homicide—he was granted bail. This is contrary to jurisprudence. In the case of former Batangas Gov. Jose Leviste, he remains in prison while his motion for reconsideration and petition for bail are being heard. What's so special with Antiporda?

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The other case involves the murder in December 1997 of brothers Michael and Paul Quintos while at a party in Mamburao, Occidental Mindoro. Charged were former Rep. Jose Villarosa, named as the mastermind, and 17 co-conspirators. Villarosa is the political rival of former Rep. Ricardo Quintos, father of the two victims. Villarosa is also the husband of Rep. Amelita Villarosa, former Deputy Speaker of the House of Representatives, close ally and traveling companion of former President Gloria Macapagal-Arroyo, and the alleged "bagman" who voluntarily and publicly admitted that Kampi was the source of the P500,000 given to each congressman who attended a Malacañang meeting years ago.

## Is CA on the side of criminals?

### AS I SEE IT



Neal H. Cruz

After eight years of trial, Judge Ma. Theresa Yadao of the Quezon City RTC convicted Villarosa and his gang of double murder and imposed the mandatory penalty of death.

Villarosa et al. appealed the decision to the Court of Appeals. In December 2006, ex-Rep. Eduardo Nachura, then Solicitor General, recommended the acquittal of Villarosa. Less than 60 days after the filing of that manifestation, Nachura was appointed to the Supreme Court.

Villarosa's appeal was assigned to the 5th Division of the CA, which acquitted him hastily although there were two motions still pending.

The 5th Division reasoned that while conspiracy existed and that the gunmen and lookouts played out their respective roles and therefore deserved to be convicted, there was no mastermind. It added that while the confession of a gunman was entitled to full credence and was sufficient to uphold his conviction and those of his co-conspirators, insofar as Villarosa was concerned, that confession cannot be used.

According to a statement by the group Justice for Paul and Michael Quintos, the CA "disregarded the conspiratorial facts, such as the established linkage between Villarosa and the gunmen before, during and after the murders, and that Villarosa gave financial assistance to the gunmen as proven by the encashed checks that were presented as evidence."

The CA also ignored the testimony of Col. Winston Ebersole recounting how, four months prior to the murders, he attempted to arrest one of the gunmen on a robbery charge only to be prevented by Villarosa. The gunman eventually disappeared, only to be seen again on the night of Dec. 13,

1997, repeatedly shooting Michael Quintos until he ran out of bullets. A few weeks after his damaging testimony against Villarosa, Colonel Ebersole was murdered.

"The CA completely ignored the confession of one of the lookouts who disappeared from Mindoro right after the murders, only to be arrested in 2002 working as a security guard allegedly for an agency where Rep. Amelita Villarosa had been a long-time officer," the group said.

It said that while the lookout was in the custody of the National Bureau of Investigation by virtue of an outstanding warrant of arrest, "Congresswoman Villarosa and her lawyer rushed to the NBI and tried to have the self-confessed lookout released in their custody, but this was aborted by the timely arrival and vigorous protest of former Congressman Quintos."

The group continued: "Meanwhile, Malacañang, in rather bad taste, immediately congratulated Congresswoman Villarosa for her 'early Easter gift.' The acquittal apparently did wonders to Villarosa's health, since he had been confined for months at the Makati Medical Center recuperating from 'major lung surgery.' He walked out of the hospital smiling the afternoon the CA promulgated its decision."

In October 2011, the Solicitor General questioned before the Supreme Court the authority of the Court of Appeals to review and revise the rulings of the RTC in criminal cases punishable by life imprisonment.

Solicitor General Jose Anselmo Cadiz also asked the high court to take "a second look" at its decision in the case against Efren Mateo, which paved the way for the CA to amend the judgment of lower courts in criminal cases.

"The CA acted without jurisdiction when it took cognizance of and decided the case against Villarosa et al.," the Solicitor General said. "The convictions should have been automatically elevated to the Supreme Court since all the accused were meted out the penalty of death."

Again, what's happening to the Court of Appeals?



Republic of the Philippines  
Supreme Court  
Manila

2007 SEP 17 AM 9:50

Sirs/Mesdames:

*Quoted hereunder, for your information, is a resolution of the Court En Banc dated September 11, 2007*

**“A.M. No. 07-5-07-CA – Re: Letter of Ricardo V. Quintos for Investigation on the Alleged Unwarranted Haste and Unfair Treatment Being Conducted by the Court of Appeals in Disposing of CA G.R. CR HC No. 02091, entitled “People of the Philippines v. Jose Villarosa, et al.”**

X-----X

On April 24, 2007, Ricardo V. Quintos (complainant) sent Chief Justice Reynato S. Puno a letter-complaint for “unwarranted haste and unfair treatment being conducted by the Court of Appeals in disposing of CA-G.R. CR HC No. 02091, entitled “*People of the Philippines v. Jose Villarosa, et al.*” pending therein. These acts were done in order to unduly benefit Jose Villarosa, one of the appellants, to the prejudice of the heirs of the victims.

Complainant also stated in his letter-complaint that during the pendency of the appeal, he has been receiving reliable reports that Congresswoman Amelita Villarosa, wife of appellant Jose Villarosa, is boasting in Mindoro that the latter would be acquitted by the Court of Appeals; and that the Court of Appeals “has been bought.”

According to complainant, the reports are true considering the following events:

a. The Solicitor General, without filing a motion for extension to file the appellee’s brief, hastily filed with the Court of Appeals, on December 4, 2006, a Manifestation recommending the acquittal of

appellants Jose Villarosa, Ruben Balaguer, Gelito Bautista, and Mario Tobias despite sufficient evidence which warrants their conviction;

b. The Resolution of the Court of Appeals dated April 13, 2007 holding that the Solicitor General's Manifestation can be considered in its Decision rendered moot complainant's *omnibus* motion dated January 26, 2007 to strike out the said Manifestation; and

c. In the same Resolution dated April 13, 2007, the appeal was considered submitted for decision. However, upon complainant's verification, the appeal was raffled off to the 7<sup>th</sup> Division of the Court of Appeals prior to that date.

On June 12, 2007, the Court *En Banc* issued a Resolution referring the above letter-complaint to Presiding Justice Ruben T. Reyes<sup>1</sup> of the Court of Appeals for appropriate action.

In his First Indorsement dated July 26, 2007, Justice Reyes referred the letter-complaint to Justices Edgardo P. Cruz and Noel G. Tijam for their comment or appropriate action.

In his Second Indorsement dated August 13, 2007, Justice Cruz forwarded his comment to Acting Presiding Justice Conrado M. Vasquez, Jr.

For his part, Justice Tijam also sent his comment to Acting Presiding Justice Vasquez on August 3, 2007.

At this point, it is relevant to narrate the factual backdrop of this case.

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<sup>1</sup> Now Associate Justice of this Court.

Appellants Villarosa and six (6) others<sup>2</sup> were convicted of murder by the Regional Trial Court, Branch 81, Quezon City in Criminal Cases Nos. Q-98-75633-34 for the killing of Paul and Michael, complainant's sons. The case is now pending appeal before the Court of Appeals.

On April 21, 2006, the case was raffled off to Justice Edgardo P. Cruz of the 13<sup>th</sup> Division of the appellate court for the completion of the records. On October 19, 2006, appellants separately filed their briefs.

On December 4, 2006, the Office of the Solicitor General (OSG) filed a Manifestation, in lieu of the appellee's brief, recommending the acquittal of appellants Jose Villarosa, Ruben Balaguer, Gelito Bautista, and Mario Tobias. Then the OSG filed a consolidated brief for the People (appellee) refuting the appellants' brief of these appellants – Ungsod, Matricio, and Hermoso.

Appellant Villarosa filed successive motions to consider the appeal submitted for decision and to re-affle the case to another justice for study and report.

On December 8, 2006, appellant Villarosa filed a "Manifestation with Motion to Deem Appeals Submitted for Decision" which was noted by the Court of Appeals on January 15, 2007.

On January 26, 2007, complainant and the other heirs of Paul and Michael filed an *Omnibus* Motion to strike out the OSG's Manifestation recommending the acquittal of appellants Villarosa, Balaguer, Bautista, and Tobias.

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<sup>2</sup> Namely, Josue G. Ungsod, Manolito Matricio, Mario Tobias, Ruben Balaguer, Gelito Bautista, and Eduardo Hermoso.

On March 8, 2007, appellant Villarosa filed another “Motion to Deem Appeal Submitted for Decision and for Raffle to a Justice for Study and Report.” This was noted by the Court of Appeals.

On March 8, 2007, Congresswoman Amelita Calimbas-Villarosa, wife of appellant Villarosa, sent a letter to then Presiding Justice Ruben T. Reyes seeking intercession for the immediate raffle of the case for decision.

On April 2, 2007, appellant Villarosa filed his third “Motion Reiterating that Appeal be Deemed Submitted for Decision and for Raffle to Justice for Study and Report.”

On April 13, 2007, after the parties had filed the required briefs and memoranda, the Court of Appeals issued a Resolution granting appellant Villarosa’s third motion and considered the appeal submitted for decision. In the same Resolution, the appellate court noted without action the motion of the heirs of the victims to expunge from the records the OSG’s Manifestation recommending the acquittal of appellants Villarosa and others.

On April 18, 2007, the case was re-raffled to Justice Noel G. Tijam of the 7<sup>th</sup> Division for decision.

Going back to the comments of Justices Cruz and Tijam – Justice Cruz explains that the completion stage of CA-G.R. CR HC No. 02091 was conducted regularly and in accordance with the 2002 Interim Rules of the Court of Appeals, as amended. He denies that there was “unwarranted haste” and “unfair treatment” that blemished the proceedings. He maintains that there is nothing anomalous “in the OSG making a recommendation for the acquittal of an accused.” Being an independent agency, the OSG allows the Solicitor General to recommend the acquittal of an appellant. It was



only on April 13, 2007, or almost a year after the case was raffled to him for completion of the records, that the case was considered submitted for decision.

We reviewed the various Resolutions issued by Justice Cruz and found no indication therein that he acted hastily in disposing of the appealed case. In fact, it took Justice Cruz almost one year to complete the records and to consider the case submitted for decision. Neither can we conclude that Justice Cruz treated complainant unfairly.

Justice Tijam, on the other hand, received the records of the case for decision on April 18, 2007. Thereafter, these were the incidents that took place before his Division.

1. On May 28, 2007, complainant filed a motion for inhibition praying that the members of Justice Tijam's Division voluntarily inhibit themselves from further resolving the case. Complainant alleged that during the pendency of the appeal, Congresswoman Amelita Villarosa has been boasting in the entire province of Mindoro that her husband would be acquitted by the Court of Appeals; and that the latter has bought this court, "particularly Justice Noel G. Tijam of the 7<sup>th</sup> Division" and that "a decision acquitting him is already being prepared or was already made."

During the hearing of the motion for inhibition on June 8, 2007, complainant reiterated his allegations therein and added that "he is only being prudent and vigilant."

On June 28, 2007, Justice Tijam's Division issued a Resolution denying complainant's motion because it was based mainly on mere innuendos.

Justice Tijam further explained:

We said (in our Resolution) that to grant the request for inhibition is to send the wrong message that every time a party is displeased with a resolution of a judge or a justice of this Court, he may effectively dislodge him by the simple expedient of a motion requesting for his inhibition, even if the same lacks evidentiary support and is based on pure innuendos. It would also encourage litigants to bring their case from one judge/justice/division to another, every time they feel or suspect that the judge/justice/division will not rule in their favor. We stressed that this action cannot be countenanced since it is, in fact, a form of forum shopping.”

x x x

However, mindful of the Supreme Court’s pronouncement that the court’s contempt power should be used sparingly [*Office of the Court Administrator v. Paderanga*, 468 SCRA 21, 34 (2005), citing *Sison v. Caoibes, Jr.*, 429 SCRA 258 (2004)], We merely warned Mr. Quintos to behave prudently and not to impute false, malicious and unfounded accusations or insults to this Court under pain of contempt. We likewise served final warning on both parties that any act to influence, malign or subvert the functions of the Court will be dealt with severely.

x x x

My actions on the case would show that there was no undue haste or unfair treatment in the manner I handled the incidents of the appeal after the case was raffled to my office for study and report. Mr. Quintos was heard on his motion for inhibition, and even as the heirs of Michael Quintos failed to submit their Memorandum on time, this Court admitted their *Consolidated Comments*, treating the same as their Memorandum, and their *Supplemental Memorandum*, in the interest of substantial justice. The *Resolutions* of my Division were issued only after considering the submissions of both parties and after consultation among the members of the Division. The reasons for our dispositions were clearly set out in the *Resolutions* and supported by the record, the rules and applicable jurisprudence. Furthermore, even when the derogatory and malicious remark in Mr. Quintos’ *Motion for Inhibition* constituted actionable direct contempt of court, We discerningly opted to merely warn him to be more prudent and circumspect in his language.

Mr. Quintos’ claim that a decision acquitting appellant Villarosa has been or is being prepared is completely false. My office has not even fully evaluated the case for decision given the delays caused by the motions filed by Mr. Quintos. The falsity of Mr. Quintos’ claims is even made more apparent by the fact that the elections were long over, and the purported acquittal has, to date, not been rendered by this Court. Indeed, it is baffling that Mr. Quintos refuses to believe the Villarasos’ allegations of innocence and yet accepts their statements of having “bought” this Court as gospel truth.

While my actions on the case are not the subject of Mr. Quintos’ request for administrative investigation, please allow me to express my

sentiments on Mr. Quintos' doubts on this Court's ability to render an impartial judgment. Like his motion for inhibition, Mr. Quintos' request for administrative investigation is an apparent attempt to coerce and influence this Court in deciding the appeal. As it is, this Court is under threat that if it renders judgment adverse to Mr. Quintos, it would confirm his suspicion that the decision had been "bought." Mr. Quintos' supposed distrust simply cannot be allowed to dictate the outcome of the appeal.

From the comment of Justice Tijam, we could not discern any taint of "unwarranted haste" and "unfair treatment" on his part. The case is still pending. His Division has not yet rendered a decision. Obviously, he or the members of his Division could not have acted hastily as claimed by complainant.

While Justice Tijam denied the motion for inhibition, such action does not constitute "unfair treatment" against complainant. As explained by Justice Tijam, complainant failed to prove the allegations in his motion; they are mere innuendos.

**WHEREFORE**, we **DISMISS** the letter-complaint of Ricardo Quintos against Justices Edgardo P. Cruz and Noel G. Tijam for lack of merit. "

Very truly yours,

*MA. LUISA D. VILLARAMA*  
MA. LUISA D. VILLARAMA  
Clerk of Court

*9.13.2007*

- OVR -

Resolution

-8-

A.M. No. 07-5-07-CA  
11 September 2007

Court Administrator

Hon. Christopher O. Lock (x)

Deputy Court Administrators

Hon. Zenaida N. Elepaño (x)

Hon. Jose P. Perez (x)

Hon. Reuben P. Dela Cruz (x)

Assistant Court Administrators

Hon. Antonio Dujua (x)

Hon. Nimfa C. Vilches (x)

Supreme Court

Mr. Ricardo V. Quintos (reg)

Mamburao, Occ. Mindoro

Court of Appeals (x)

Manila

CA-G.R. CR HC No. 02091

Hon. Conrado M. Vasquez, Jr. (x)

Acting Presiding Justice

Court of Appeals, Manila

✓ Hon. Noel G. Tijam (x)

Hon. Edgardo P. Cruz (x)

Associate Justices

Court of Appeals, Manila

A.M. No. 07-5-07-CA

nmr/091107 [SEE RES]