

NILDA VERGINESA-SUAREZ, COMPLAINANT, VS. JUDGE RENATO J. DILAG AND COURT STENOGRAPHER III CONCEPCION A. PASCUA, RESPONDENTS.

A.M. No. RTJ-06-2014. March 04, 2009

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/4c2c66fa0c67/>

PER CURIAM:

These consolidated cases involve (a) the administrative charges of graft and corruption against respondents Judge Renato J. Dilag (Judge Dilag) and Court Stenographer III Concepcion A. Pascua (Pascua) of Branch 73 of the Regional Trial Court (RTC) of Olongapo City, Zambales filed by Nilda Verginesa-Suarez (Suarez), Court Stenographer III of the same court; and (b) the administrative charges for gross misconduct and gross ignorance of the law against Judge Dilag filed by the Office of the Court Administrator (OCA). These cases also include the counter-charges of Judge Dilag and Pascua against Suarez for falsification, negligence in the transcription of stenographic notes, and absence without official leave.

Administrative Matter No. RTJ-06-2014 stemmed from the Complaint-Affidavit[1] dated November 25, 2005 and Letter[2] dated January 11, 2006 filed before the OCA by Suarez against Judge Dilag and Pascua allegedly for collecting P30,000.000 from litigants in consideration of favorable judgments in cases for annulment or declaration of nullity of marriage. Suarez supported her accusation with a sworn statement of a certain Belen Trapane who allegedly paid the amount of P30,000.00 to Pascua to obtain a favorable judgment in an action for declaration of nullity of marriage lodged before the court presided by Judge Dilag. She also attached an anonymous letter addressed to former Chief Justice Hilario G. Davide, Jr., which stated that Judge Dilag charged the amount of P30,000.00 for a favorable judgment in every annulment case. Suarez further pointed out the existence of conflicting decisions rendered by Judge Dilag in the following cases:

- Civil Case No. 180-0-2001 entitled "Lanie Pancho v. Rolando Gopez" (Pancho case) for Declaration of Nullity of Marriage which was dismissed in a Decision dated March 14, 2005 but granted in a Decision dated June 16, 2005;
- Civil Case No. 433-0-2003 entitled "Jeffrey Joseph T. Tomboc v. Ruth Tomboc" (Tomboc case) for Declaration of Nullity of Marriage which was dismissed in a Decision dated April 29, 2005 but granted in a Decision dated May 20, 2005; and
- Special Proceeding No. 436-0-2002 entitled "Petition for Voluntary Dissolution of the Conjugal Partnership of Gains and for the Separation of the Common Properties, Danilo del Rosario and Rachele del Rosario, Petitioners" (Del Rosario case) which was dismissed in a Decision dated July 27, 2004 but granted in a Decision dated September 7, 2004.

Judge Dilag and Pascua filed their respective answers to the complaint in compliance with the directive of the OCA. In his Answer[3] dated February 21, 2006, Judge Dilag denied the allegation of graft and corruption and he filed administrative countercharges against Suarez for falsification or fabrication of the purported dismissed decisions; negligence in the transcription of stenographic notes assigned to her, supported by several

manifestations and motions of lawyers; and absence without official leave from November 22, 2005 to December 12, 2005.

In her Kontra-Salaysay[4] dated February 23, 2006, Pascua denied that she collected money from litigants for Judge Dilag and also filed countercharges against Suarez.

Suarez filed a Supplemental Affidavit[5] dated March 16, 2006 and alleged therein that Judge Carmelita Fruelda of Branch 43 of the RTC of San Fernando, Pampanga, attempted to persuade her to withdraw the administrative case she filed against Judge Dilag and Pascua. Suarez also filed separate replies to the comments of Judge Dilag and Pascua. In her Reply to the Comment of Judge Renato Dilag[6] dated May 10, 2006, Suarez contended that she had transcribed her pending transcript of stenographic notes and denied that she went on absence without official leave during the period adverted to by Judge Dilag. Suarez further pointed out that Judge Dilag had been previously charged and sanctioned administratively in *Ma. Teresa De Jesus v. Judge Renato J. Dilag*,[7] wherein Judge Dilag was fined P30,000.00 for gross ignorance of the law.

The OCA observed that the controversies between the parties were replete with substantial factual issues, and so it recommended a formal administrative inquiry to be conducted by a designated Associate Justice of the Court of Appeals. In a Resolution[8] dated August 2, 2006, this Court resolved, upon the recommendation of the OCA, to: (1) treat the comment of Judge Dilag as a complaint against Suarez; (2) redocket the instant matter as an administrative matter and refer the same to an Associate Justice of the Court of Appeals for investigation within ninety (90) days from receipt of the record; and (3) require the Investigating Justice to submit a report within thirty (30) days from termination of the investigation.

Administrative Matter No. 06-07-415-RTC, on the other hand, arose from a series of anonymous letters which reported the alleged graft and corrupt practices of Judge Dilag. As early as December 25, 2003, an anonymous letter addressed to former Chief Justice Davide, Jr. was indorsed and referred to the OCA.[9] According to this letter, Judge Dilag would initially dismiss a case, but, after payment, would subsequently re-open the case and grant the same. Another anonymous letter dated February 1, 2004 likewise reported that Judge Dilag collected P30,000.00 for a favorable judgment in cases of annulment of marriage.[10] On February 9, 2005, the OCA received the last of these anonymous letters which alleged that Judge Dilag issued two (2) conflicting decisions in the Del Rosario case.[11]

On February 10, 2005, the OCA directed a discreet investigation of the allegations against Judge Dilag.[12] Pascua, in the meantime, submitted her resignation Letter dated May 11, 2006 addressed to Judge Dilag.[13] On May 22 to 26, 2006, a judicial audit team composed of Atty. Teresita A. Tuazon, Martha Florentina A. Bedana, Noe A. Pleños, Jacklyn Manabat, Zernan S. Perez, and Ma. Rosario Cristina I. Ferrer pursued the directive of the OCA and conducted a physical inventory of cases in the court presided by Judge Dilag. In its Audit Report on the Judicial Audit Conducted at the Regional Trial Court, Branch 73, Olongapo City, Zambales[14] dated June 15, 2006, the judicial audit team observed, among others, that Judge Dilag committed irregularities in the handling and disposition of cases before his sala as follows:

(a) In *Lilibeth Agustin v. Angel B. Lopez*, CV. No. 242-0-2003, a petition dated May 4, 2003 was filed for declaration of nullity of marriage on the ground of lack of a valid marriage license and psychological incapacity of the respondent. In a Decision dated July 22, 2005, the petition was dismissed for lack of merit for failure of the petitioner to establish that the record or entry of the marriage license applied for and issued from 1983 to 1991 was unavailable due to destruction when Mt. Pinatubo erupted in 1991. On August 2, 2005, a motion for reconsideration was filed stressing the psychological incapacity of the defendant. In a Resolution dated September 30, 2005, the marriage was declared null and void ab initio pursuant to Art. 36 of the Family Code.

(b) There were two (2) conflicting decisions in SP No. 436-0-2002, "Danilo del Rosario and Rachelle del Rosario, an action for the Voluntary Dissolution of the Conjugal Partnership of Gains and for the Separation of the Common Properties." To the Monthly Report for the Month of July 2004, attached was a Decision dated July 27, 2004 dismissing the petition for an Agreement on a Voluntary Dissolution of Conjugal Partnership of Gains dated December 19, 2001 entered into by petitioner spouses for being contrary to law, moral, public policy and public order. However, in the case record, attached was a Decision dated September 7, 2004, granting the petition based on the same Agreement for not being contrary to law, moral, public policy and public order.

(c) In Lourdes Sotto v. Cresencio Diwa, CV No. 221-0-2005, which involved a Petition for Declaration of Nullity of Marriage, a decision (dated January 24, 2006) was rendered before the expiration of the period for the parties to submit memoranda (on January 26, 2006). Also, an entry of judgment dated February 20, 2006 was issued despite lack of a certificate from the Office of the Solicitor General (OSG) that it had received a copy of the decision.

(d) In Joyce Moreno v. Alvin Moreno, CV No. 188-0-01, also a Petition for Declaration of Nullity of Marriage, the petition was originally denied in a decision dated February 12, 2003. On February 24, 2003, a Motion for New Trial was filed alleging newly discovered evidence consisting, among other things, of the psychological report concerning defendant, which would show that indeed he was psychologically incapacitated to perform the marital obligations. On March 20, 2003, the Motion was granted and the marriage was declared null and void. Entry of Judgment was made on June 9, 2003 with no return or certificate showing that the OSG had received a copy of the decision / order.

(e) Two (2) petitions entitled Eliodoro Q. Perez v. Adelita Perez for declaration of nullity of marriage were filed. The first petition was filed on July 17, 2001 and docketed as CV No. 328-0-2001. In an Order dated October 28, 2003, the Motion to Dismiss dated September 25, 2003 filed by the plaintiff was granted, considering that no counterclaim was pleaded by the defendant in her answer and there was no opposition interposed by the public prosecutor. The case was considered dismissed with prejudice. However, a second petition was filed on February 01, 2005 docketed as CV No. 44-0-05 involving the same parties and also for declaration of nullity of marriage. The petition was granted in a Decision dated June 15, 2005, wherein the marriage was declared null and void ab initio. Entry of Judgment was effected on July 11, 2005 without proof of receipt of the decision by the OSG. There was a rumor circulating within the courts that petitioner in these cases sponsored the family vacation of Judge Dilag in the US worth US\$6,000.00. The audit team also noted the speed in the disposition of this case, having been filed only on February 01, 2005 and decided on July 15, 2005.

(f) In Aurea Rowena Cayabyab v. Carlo Cayabyab, CV No. 125-0-05, an action for Declaration of Nullity of Marriage, the petition was granted in a Decision dated February 7, 2006, and a Certificate of Finality was issued on March 01, 2006 by Clerk of Court VI John V. Aquino of the Office of the Clerk of Court (OCC) based on the registry return card with a stamped receipt by the OSG of the subject decision. Subsequently, the OSG filed a Manifestation and Motion dated March 21, 2006 to Recall Certificate of Finality dated March 01, 2006, asserting that the OSG was never furnished with a copy of the decision. In an Order dated March 21, 2006, the Certificate of Finality issued on March 1, 2006 was recalled, and the OSG was furnished with a copy of the decision. During a conference with the audit team, Judge Dilag relayed to the Team Leader that he had his own investigation on the matter, and that he found out that the fake registry return card attached to the records was the wrongdoing of Pascua. Consequently, he asked Pascua to resign in order to preserve the integrity of the Court. Pascua resigned per a letter dated May 11, 2006 effective May 16, 2006 for personal reasons.

(g) In a petition for adoption filed by the spouses Angelito D. Roldan and Yolanda Roldan, a similarly fake registry return card purportedly showing receipt of the subject decision by the OSG was found in the case records.

(h) Entry of Judgment was made in the following cases despite absence of proof that the OSG received copies of the decisions:

i) CV Case No. 321-0-03 (Edwin Santos v. Berlyn Santos)

For: Declaration of Nullity of Marriage

ii) CV Case No. 222-0-00 (Dinosa v. Corpuz)

For: Annulment of Marriage

iii) CV Case No. 167-0-02 (Robles v. Robles)

For: Annulment of Marriage

iv) CV Case No. 43-0-02 (Lazo v. Lazo)

For: Annulment of Marriage

v) CV Case No. 384-0-04 (Lim v. Lim)

For: Annulment of Marriage

vi) CV Case No. 187-0-04 (Manchura v. Paje)

For: Annulment of Marriage

vii) SP No. 99-0-02 (Saldana v. Saldana)

For: Annulment of Marriage

viii) CV Case No. 433-0-03 (Tomboc v. Tomboc)

For: Annulment of Marriage

The judicial audit team recommended to the OCA that the foregoing findings be consolidated with Administrative Matter No. RTJ-06-2014 and referred to an Investigating Justice of the Court of Appeals. It was also recommended that the resolution of the issue of the resignation of respondent Pascua be deferred and subjected to the outcome of the investigation by the Investigating Justice. The OCA adopted the recommendations of the judicial audit team. In a Resolution[15] dated August 1, 2006, this Court approved the recommendation of the OCA.

These cases were then assigned to Associate Justice Ramon R. Garcia of the Court of Appeals for investigation, report and recommendation.

In the course of the preliminary conference, the parties submitted their respective proposed facts of the cases. The Investigating Justice summarized the factual disputes and issues raised by the parties in the Pre-Trial Order[16] dated January 17, 2007 and Supplemental Pre-Trial Order[17] dated January 31, 2007, as follows:

PRE-TRIAL ORDER

xxx xxx xxx

A. THE ISSUES RELATIVE TO THE COMPLAINT OF PRIVATE COMPLAINANT SUAREZ

1)

Whether or not respondent Judge rendered conflicting decisions in the three (3) civil cases. [Civil Case No.

180-0-2001, Civil Case No. 433-0-2003, and Civil Case No. 436-0-2002]

2)

Whether or not a certain Belen Trapane, paid in behalf of plaintiff Lanie Pancho, in Civil Case No. 180-0-2001 for declaration of nullity of marriage, the amount of P30,000.00 to respondents through respondent Pascua.

3)

Whether or not respondents, through respondent Pascua, are charging P30,000.00 to P40,000.00 for the grant of every petition for annulment or declaration of nullity of marriage.

B. THE ISSUES RELATIVE TO THE COURT-CHARGES OF RESPONDENTS JUDGE DILAG AND COURT STENOGRAPHER III PASCUA

1)

Whether or not the three (3) Dismissed Decisions are falsified.

2)

Whether or not private complainant failed to transcribe the transcript of stenographic notes of several cases . . . as enumerated in respondent Judge's answer.

3)

Whether or not private complainant went on absence without official leave (AWOL) from November 22, 2005 to December 12, 2005.

xxx xxx xxx

SUPPLEMENTAL PRE-TRIAL ORDER

xxx xxx xxx

THE ISSUES:

Based on the . . . specific accusations of complainant OCA against respondent Judge, the core issue involved herein is whether or not respondent Judge is guilty of gross misconduct and/or gross negligence in the handling of the above-mentioned cases as set forth [by the OCA].

Thereafter, the parties presented their respective sets of evidence.

The evidence for the complainants consisted of two folders of documentary exhibits[18]and the testimonies of Admer Lumanog,[19] Belen Trapane,[20] private complainant Suarez,[21] Atty. Teresita A. Tuazon,[22] Marissa A. Pascual,[23]Evelyn A. Tec,[24] Luzviminda P. Lacaba,[25]Aurea Rowena Quiamco Cayabyab,[26]and Rizalina B. Tiongson.[27]

Private complainant Suarez was a Court Stenographer III and a colleague of Pascua. They were both assigned to Branch 73 of the RTC of Olongapo City, Zambales, under the direct supervision of Judge Dilag during the time material to these cases. Private complainant testified that Judge Dilag and Pascua collected payments for favorable judgments on cases assigned to their court, and that respondent Pascua acted as the "bagman" of Judge Dilag. The respondent judge would allegedly dismiss or deny first the case/incident and then, after payment through Pascua, he would approve or grant said case/incident. Suarez presented the sets of dismissed and granted decisions in the Pancho, Tomboc, and Del Rosario cases, and identified the signatures of Judge Dilag in the said dismissed decisions.

In connection with the countercharges against her, Suarez substantiated her claim that she had accordingly transcribed her transcript of stenographic notes,[28] and that she was not on absence without official leave from November 22, 2005 to December 12, 2005, as she had an application for leave therefor, which was disapproved by Judge Dilag but duly approved by the Leave Division of the Office of Administrative Services of the OCA.[29] Suarez contended that Judge Dilag filed these countercharges against her in retaliation for her filing a complaint against him.

Belen Trapane testified that, on behalf of her friend who was the plaintiff in the Pancho case, she gave the amount of P30,000.00 to Pascua to obtain a favorable judgment. Trapane narrated that, when she earlier inquired from Pascua about the status of the said case, the latter told her that the same was dismissed but the decision could be replaced with another one granting the petition upon payment of P30,000.00, purportedly as required by Judge Dilag.

Admer Lumanog was the Docket Clerk in charge of the monthly report on civil cases of the court presided by Judge Dilag during the time material to these cases. He attested to the existence of the Decision dated July 27, 2004 or the decision of dismissal of the Del Rosario case. He said that this decision was included in the monthly report duly submitted to this Court through the Court Management Office of the OCA. Being familiar with the signatures of the official signatories in the said monthly report of cases, Lumanog identified the signature of Judge Dilag therein as well as in the decision of dismissal in the Del Rosario case.

Marissa Pascual and Evelyn Tec were also court employees at Branch 73 of the RTC of Olongapo City, Zambales, during the time material to these cases. Both testified that they became familiar with the customary signature of Judge Dilag in the course of their official functions, and that the signature appearing in the decision of dismissal of the Del Rosario case belonged to Judge Dilag.

Luzviminda Lacaba was a Utility Worker at Branch 73 of the RTC of Olongapo City, Zambales. She testified that, from the period of 2003 to 2005, Judge Dilag assigned and authorized her to take part in the releasing of decisions of their court and that, in the course of such function, she happened to read the decision of dismissal in the Del Rosario case.

Aurea Rowena Cayabyab was the plaintiff in Cayabyab v. Cayabyab, an annulment case lodged before Branch 73 of the RTC of Olongapo City, Zambales. She stated under oath that she also paid the amount of P30,000.00 to Pascua to facilitate the early termination of her case; and that she even paid the additional amount of P1,000.00 for the service on the OSG of the decision rendered by Judge Dilag in the said case. She, however, was disappointed to learn later on that the "Registry Return Receipt" which purportedly showed receipt of the said decision by the OSG was a fake document, as the OSG manifested that there was no such service of the said decision and that it moved to recall the certificate of finality of this decision.

Atty. Teresita A. Tuazon was the Judicial Supervisor of the OCA who headed the judicial audit team which conducted the investigation and physical inventory of the cases in the court presided by Judge Dilag. She also testified to the existence of the conflicting decisions in the Del Rosario case. She further substantiated and expounded on the findings of the judicial audit team as to the irregularities in the disposition of the petitions for the declaration of nullity of marriage in Lilibeth Agustin v. Angel Lopez, Lourdes Sotto v. Cresencio Diwa, Joyce Moreno v. Alvin Moreno, Eliodoro Perez v. Adelita Perez and Aurea Rowena Cayabyab v. Carlo Cayabyab, and the petition for adoption in Angelito Roldan and Yolanda Roldan.

In Lilibeth Agustin v. Angel Lopez, the records allegedly revealed an evidentiary dearth of support for the decision rendered therein. Judge Dilag initially dismissed the petition for lack of proof that there was no valid marriage license, without resolving the issue about the psychological incapacity of the parties to contract

marriage. However, upon motion for reconsideration, the marriage was nullified on the ground of psychological incapacity of one of the parties to the marriage.

In *Lourdes Sotto v. Cresencio Diwa*, the decision rendered by Judge Dilag was allegedly done with undue haste. Judge Dilag required the parties to file their respective memoranda within a certain period, but he then decided the case without waiting for those memoranda or even before the lapse of the period to file said memoranda.

In *Joyce Moreno v. Alvin Moreno*, the final ruling issued by Judge Dilag was allegedly based on a motion for new trial on the ground of newly discovered evidence, even if the said evidence was not attached to the motion, in violation of Section 2 of Rule 37 of the Rules of Court. Moreover, the purported newly discovered evidence consisted of a psychological report of a psychiatrist, which should have been presented before or during the trial proceedings and not after the case had been dismissed. In any event, the entry of judgment of the final ruling was made without furnishing the OSG a copy thereof.

In *Eliodoro Perez v. Adelita Perez*, Judge Dilag was allegedly grossly ignorant of basic legal procedures, particularly of Section 2 of Rule 17 of the Rules of Court, because, despite the fact that the first petition filed had been "dismissed with prejudice" at the instance of the plaintiff, the second petition filed was subsequently granted. Moreover, the case was decided even before the submission of a report on the existence of collusion between the parties as required by Section 9 of the Rule on Declaration of Absolute Nullity of Void Marriages and Annulment of Voidable Marriages.

In *Cayabyab v. Cayabyab*, a fake registry return card showing receipt by the OSG of the decision rendered therein was exposed; Pascua was allegedly responsible therefore and allegedly asked by Judge Dilag to resign because of such incident.

In the *Angelito Roldan and Yolanda Roldan* adoption case, the records of this case and those of the OSG conflicted as to the date of receipt by the latter of the decision rendered therein, which resulted in a premature entry of judgment on the said decision.

Finally, in *Dinosa v. Corpuz*, the decision rendered by Judge Dilag showed receipt by the OSG and an entry of judgment that had been made but the records of the OSG revealed that it had no records of the case.

Rizalina Tiongson was the Chief Administrative Officer of the Docket Division of the OSG. Contrary to the earlier findings of the judicial audit team, she attested to the fact of receipt by the OSG of copies of the decision rendered in the following cases:

- 1) *Lourdes Sotto v. Cresencio Diwa*
- 2) *Eliodoro Perez v. Adelita Perez*
- 3) *Edwin Santos v. Berlyn Santos*
- 4) *Robles v. Robles*
- 5) *Richel B. Lazo v. Lester Dean H. Cruz*
- 6) *Lim v. Lim*
- 7) *Manchura v. Paje*
- 8) *Saldana v. Saldana*
- 9) *Tomboc v. Tomboc*

However, she also attested to the fact that the OSG had no copies of the decisions rendered in Joyce Moreno v. Alvin Moreno and Dinoso v. Corpuz, and that the records of the OSG revealed a later date of receipt of the decision in the Angelito Roldan and Yolanda Roldan adoption case.

On the other hand, the evidence for the respondents consisted of two separate folders of documentary exhibits[30] and the testimonies of respondents Judge Dilag[31] and Pascua,[32] Atty. Ma. Soledad M. Santos,[33] Ester A. Asilo,[34] Bernardo Esteban,[35] Judge Carmelita Gutierrez-Fruelda,[36] and Atty. Lourdes I. de Dios.[37]

Judge Dilag denied that he collected fees from litigants in exchange for favorable decisions. He also denied that he rendered the three dismissed decisions in the Pancho, Tomboc, and Del Rosario cases and claimed that the signatures therein were not his. He further contended that he had no hand in the preparation of the monthly report of cases submitted to this Court, to which the dismissed decision in the Del Rosario case was attached.

As to the alleged irregularities in the disposition of cases raised by the judicial audit team, Judge Dilag argued that the said cases were decided upon due consideration of the evidence presented by the parties and pursuant to the applicable laws and rules of procedure. He further claimed that he exercised sound judicial discretion in the disposition of the said cases. Judge Dilag pointed out that the OSG did not even question the propriety or correctness of the decisions he rendered.

Respondent Pascua also denied that she collected money for Judge Dilag in exchange for favorable decisions, and she claimed that the accusations hurled by Suarez against her were merely fabricated.

Atty. Ma. Soledad M. Santos was the counsel on record of the plaintiff in the Tomboc case. She testified that she had not seen or received any decision denying the petition filed in the said case.

Ester A. Asilo was a Court Stenographer and designated Officer-in-Charge of the court presided by Judge Dilag. Upon examination of the records of the said cases under the instruction of Judge Dilag, she attested that the alleged decisions of dismissal in the Pancho, Tomboc and Del Rosario cases were not part of the aforesaid records. She further testified that Suarez failed to report for work from November 22, 2005 to December 12, 2005.

Bernardo Esteban was the Process Server of the court presided by Judge Dilag. He testified that Suarez was duly served with a memorandum issued by Judge Dilag which pertained to the present administrative countercharges against Suarez.

Judge Carmelita Gutierrez-Fruelda denied the allegation that she attempted to influence Suarez to withdraw the instant administrative case against Judge Dilag.

Atty. Lourdes I. de Dios was the counsel on record in the Del Rosario case. She testified that the said case was decided favorably by Judge Dilag, and that she was not aware of a purported previous decision of dismissal therein. During the course of the trial, Atty. De Dios also admitted that she was ordered suspended for a period of six (6) months from the practice of law by this Court in a Resolution dated January 26, 2001 rendered in Administrative Case No. 4943 entitled Diana de Guzman v. Atty. Lourdes I. de Dios, and that she commenced the practice of law again without any resolution from this Court lifting the said administrative sanction.

After the trial, the parties filed their respective memoranda. The OCA filed its Memorandum[38] dated February 23, 2007; Suarez separately filed her Memorandum[39] dated March 2, 2007; and Judge Dilag filed his Memorandum[40] dated February 23, 2007.

In his Report and Recommendation,[41] the Investigating Justice dismissed the administrative charges of graft and corruption against Judge Dilag and the countercharges of falsification, negligence in the transcription of stenographic notes, and absence without official leave against Suarez for insufficiency of evidence.

However, the Investigating Justice found Judge Dilag liable for: (1) "gross misconduct constituting violations of the Code of Judicial Conduct" for signing conflicting decisions in the Pancho, Tomboc, and Del Rosario cases; (2) "gross ignorance of the law and procedure" in handling Joyce Moreno v. Alvin Moreno and Eliodoro Perez v. Adelita Perez; and (3) "gross negligence and inefficiency" for failing to administer proper supervision over his staff when a fake registry return receipt was effected in Cayabyab v. Cayabyab and entries of judgment were effected in Joyce Moreno v. Alvin Moreno, Angelito and Yolanda Roldan, and Dinoso v. Corpuz. The Investigating Justice also found Pascua guilty of the administrative charges of graft and corruption.

The Investigating Justice further recommended that the matter raised by the OCA against Atty. Lourdes I. de Dios be referred to the Office of the Bar Confidant for appropriate action.

The exhaustive evaluation of evidence and findings of fact by the Investigating Justice are quoted hereunder:

A.M. No. RTJ-06-2014

A. Respondent Judge Renato J. Dilag

This Investigating Justice finds that there is no sufficient, clear and convincing evidence to hold respondent Judge administratively liable for graft and corruption. Jurisprudence dictates that the ground for the removal of a judicial officer must be established beyond reasonable doubt. The general rules regarding the admissibility of evidence in criminal trials apply to charges of misconduct in office, willful neglect, corruption or incompetence.

In the instant case, there is no clear and convincing evidence that indeed respondent Judge received money from litigants to obtain favorable decisions. The testimonies of Belen Trapane and Aurea Rowena Cayabyab, stating to the effect that they each paid P30,000.00 to respondents, through respondent Pascua, cannot be given due weight against respondent Judge for being hearsay evidence. By the same token, the rumors relative to the alleged acceptance of money in exchange for a favorable decision remain as such and cannot be admitted as evidence, let alone given due evidentiary weight. Corollary, private complainant Suarez fell short of the required degree of proof needed in an administrative charge of graft and corruption.

Respondent Judge, however, should be made accountable for gross misconduct constituting violations of the Code of Judicial Conduct, specifically Sections 1 and 2 of Canon 2; Section 2 of Canon 3; and, Section 1 of Canon 4, of the New Code of Judicial Conduct for the Philippine Judiciary which provide:

Canon 2. Integrity is essential not only to the proper discharge of the judicial office but also to the personal demeanor of judges.

Section 1. Judges shall ensure that not only is their conduct above reproach, but that it is perceived to be so in the view of a reasonable observer.

Section 2. The behavior and conduct of judges must reaffirm the people's faith in the integrity of the judiciary. Justice must not merely be done but must also be seen to be done.

Canon 3. Impartiality is essential to the proper discharge of the judicial office. It applies not only to the decision itself but also to the process by which the decision is made.

Section 2. Judges shall ensure that his or her conduct, both in and out of court, maintains and enhances the confidence of the public, the legal profession and litigants in the impartiality of the judge and the judiciary.

Canon 4. Propriety and the appearance of propriety are essential to the performance of all the activities of a judge.

Section 1. Judges shall avoid impropriety and the appearance of impropriety of a judge.

This finds support in the case of Kaw vs. Judge Osorio [A.M. No. RTJ-03-1801, March 23, 2004], where the

Supreme Court, though dismissing the charges of extortion and graft and corruption against respondent judge therein, nevertheless, held him administratively liable for violations of the Code of Judicial Conduct.

In the case at bench, the existence of the two (2) sets of conflicting decisions in the Pancho, Tomboc and Del Rosario cases, respectively, though speculative, absent clear evidence that respondent Judge received monetary considerations, the same, however, from a reasonable point of view, would seriously arouse the suspicion of a reasonable mind that something is wrong. In other words, while not conclusively and clearly proving the charge of graft and corruption, the same casts a cloud of suspicion upon the integrity, impartiality and propriety of which respondent Judge is expected to possess and manifest. These requirements are concepts of the mind which can only be manifested through actuations of a magistrate. Thus, as explicitly worded in the New Code of Judicial Conduct, a judge must not merely possess these requirements but he must be also be seen and perceived to be such. The judiciary is the bastion of justice, fairness and equity. Certainly, it cannot afford to have erring magistrates who will only tarnish its image rather than maintain and preserve the same.

Contrary to respondent Judge's protestation and vehement denial, the evidence on record substantially proves that the three (3) dismissed Decisions dated March 14, 2005, April 29, 2005, and July 27, 2005 are, indeed, genuine decisions bearing respondent Judge's signature. Section 22, Rule 132 of the Revised Rules on Evidence provides that:

Section 22. How genuineness of handwriting proved. - The handwriting of a person may be proved by any witness who believes it to be the handwriting of such person because he has seen the person write, or has seen the writing purporting to be his upon which the witness has acted or been charged, and has thus acquired knowledge of the handwriting of such person. Evidence respecting the handwriting of such person may also be given by a comparison, made by the witness or the court, with writings admitted or treated as genuine by the party against whom the evidence is offered, or proved to be genuine to the satisfaction of the judge.

In the case at bench, a comparison of and closer look at the several documents admittedly bearing the signature of respondent Judge sufficiently show that indeed the signature in the three (3) dismissed Decisions were his. Furthermore, three (3) court personnel of respondent Judge, who are familiar with his signature, testified that the signature in the dismissed Decision dated July 27, 2005 in the Del Rosario case belongs to respondent Judge.

By the same token, respondent Judge cannot raise as an excuse that the three (3) dismissed decisions were never promulgated, nor received by the parties and their clients. It is sufficient that it was proven to genuinely exist and that they could create the suspicion of irregularity. It also bears stressing that respondent Judge cannot wash his hands that he had no participation in the preparation of the Monthly Report to which the dismissed Decision dated July 27, 2004 in the Del Rosario case was attached. Need it be pointed out that he declared under oath the truth and correctness of the information in the report. He cannot also put the blame for the error in the Monthly Report to his staff. He cannot use, as a shield, the negligence or malfeasance of court employees for his failure to perform his duties. As an administrator of the court, respondent Judge is directly responsible for the discharge of his official function and the administrative management thereof. He is called upon to supervise court personnel to ensure prompt and efficient dispatch of the court's business for a speedy administration of justice. This may be gleaned from Rule 3.08 and 3.09, Canon 3, Code of Judicial Conduct which provide:

Rule 3.08. A judge should diligently discharge administrative responsibilities, maintain professional competence in court management, and facilitate the performance of the administrative functions of other judges and court personnel.

Rule 3.09. A Judge should organize and supervise the court personnel to ensure prompt and efficient dispatch of business, and require at all time the observance of high standards of public service and fidelity.

Worthy of stressing is the applicability by analogy of *People vs. Elpedes* [1 SCRA 1344] to the case at bench. In the said case, the Supreme Court ratiocinated that where the judge signed two (2) conflicting decisions on the same day, one of conviction and another of acquittal, the losing party could not be blamed for bringing an administrative action against the judge and that the unpromulgated decision of conviction is relevant evidence against the judge. The pertinent portions of the decision read:

... [I]t is unheard of, verging on the suspicions, that on the same day should sign two decisions, one of conviction and one of acquittal, and on extremely irreconcilable terms. That is what happened in the *Elpedes* incident. Therefore, counsel for the losing party (Añosa) could not be blamed for implying something wrong and resorting to this Court against Judge Benitez, and enclosing in support of his accusation, a copy of the unpromulgated decision.

xxx xxx xxx

The unpromulgated decision was relevant evidence against the judge in the administrative case which the Supreme Court had given due course.

B. Court Stenographer III Concepcion A. Pascua

The undersigned Investigating Justice finds respondent Pascua guilty of graft and corruption.

Witnesses Belen Trapane and Aurea Rowena Cayabyab categorically and straightforwardly testified that they each paid the amount of P30,000.00 to respondent Pascua so as to facilitate a favorable outcome of their cases. The bare and flat denial of respondent Pascua cannot overcome the positive and straightforward testimony of Belen Trapane. It is well-settled that to find merit in denial, the same must be buttressed by strong evidence of non-culpability. Likewise, the testimony of Aurea Rowena Cayabyab remains uncontroverted despite the opportunity to refute the same. It should be noted that during the latter part of the investigation, respondent Pascua did not anymore appear, nor can she be reached or contacted even by her own lawyers. Such disappearance is indicative of guilt.

C. Nilda Verginesa-Suarez

The counter-charges of respondent Judge against private complainant Suarez must be dismissed for lack of merit.

The allegation of respondent Judge that private complainant falsified the three (3) dismissed Decisions dated March 14, 2005, April 29, 2005, and July 27, 2004, respectively, must fail. There is absolutely no proof advanced by respondent Judge that the three (3) dismissed Decisions were falsified. Respondent Judge should know that mere allegation, absent any proof, is not evidence. On the contrary, it was indubitably established by private complainant that the three dismissed decisions do exist and that they genuinely bear the signature of respondent judge.

The charge of failure to transcribe TSNs must also fail. Respondent Judge had not shown any clear proof that indeed private complainant failed to transcribe the TSNs of the cases that were assigned to her. It is elementary that he who alleges must prove the same. Be that as it may, private complainant has sufficiently established that she has already transcribed the TSNs of the cases that were assigned to her.

Finally, there is also no merit in the charge of AWOL from November 22, 2005 to December 12, 2005. Evidence on record shows that on November 21, 2005 and November 30, 2005, respectively, private complainant filed two (2) applications for leave for November 22 to 25 and 29 to 30, 2005 and December 1, 2, 5 to 9, and 12 to 16, 2005. Though these applications were initially disapproved by respondent Judge, the same, however, were already inconsequential since the Supreme Court, through the OCA, had already acted upon her applications for leave as four (4) days of vacation leave with pay from December 13 to 16, 2005 and fourteen (14) days of vacation leave

with pay from November 22 to December 12, 2005, as evidenced by the Certification dated May 24, 2006 signed by Hermogena F. Bayani, SC Chief Judicial Staff Officer, Leave Division.

A.M. No. 06-07-415

Anent the OCA's charge of gross negligence, gross inefficiency, gross misconduct and/or gross ignorance of the law and procedure, this Investigating Justice finds respondent Judge guilty thereof.

Respondent Judge exhibited acts amounting to gross ignorance of the law and procedure in handling the cases cited in the Audit Report.

The grant of the Motion for New Trial in the Joyce Moreno vs. Alvin Moreno case was not proper because the psychological report and the affidavit of the psychiatrist who conducted the examination were not attached to the motion pursuant to 2[nd] paragraph of Section 2, Rule 37 of the 1997 Rules of Civil Procedure which requires that a motion for new trial based on newly-discovered evidence shall be supported by affidavits of witnesses by whom such evidence is expected to be given, or by duly authenticated documents which are proposed to be introduced in evidence. Likewise, the psychological report cannot be considered as newly discovered evidence shall be supported by affidavits of witnesses by whom such evidence is expected to be given, or by duly authenticated documents which are proposed to be introduced in evidence. Likewise, the psychological report cannot be considered as newly discovered evidence because it did not exist yet at the time of the trial as the psychological examination was conducted only after the case was initially dismissed. It is well-entrenched that newly-discovered evidence refers to evidence already existing prior or during the trial but which could not have been secured and presented during the trial despite reasonable diligence on the part of the litigant offering it or his counsel.

In the Eliodoro Perez vs. Adelita Perez case, respondent Judge was grossly ignorant when he erroneously took cognizance of the second petition for declaration of nullity of marriage on the ground of psychological incapacity filed by petitioner therein considering that he had already dismissed with prejudice the first petition involving the same parties, issues and causes of action with that of the first petition. Under Section 2, Rule 17 of the 1997 Revised Rules of Civil Procedure, the dismissal of the complaint upon the motion of plaintiff is without prejudice unless otherwise specified in the order. Thus, the only instance when dismissal of an action under the rule is with prejudice is when the order itself so states. In the instant case, the Order dated October 28, 2003 dismissing the petition stated that the dismissal was with prejudice. Corollary, in accordance with elementary legal procedure, a dismissal with prejudice is an adjudication on the merits which would bar its refiling on the ground of res judicata. It must be stressed that respondent Judge's ignorance of the procedure was re-affirmed during this investigation when he was asked the reason for the qualification of the dismissal with prejudice, to which he answered that whether the dismissal is with or without prejudice, the parties can still re-file the case.

In the same Perez case, respondent Judge also disregarded basic law and procedure when he decided the case even before the submission of the City Prosecutor relative to the investigation to determine collusion between the parties as required under Section 9 of the Rule on Declaration of Absolute Nullity of Void Marriages and Annulment of Voidable Marriages.

A judge is the embodiment of competence, integrity and independence to uphold and maintain public confidence in the legal system. Thus, while he is expected to keep abreast of developments in law and jurisprudence, he is presumed to have more than a cursory knowledge of the rules of procedure. Not every error is indicative of ignorance, for if committed in good faith, no administrative sanction is imposed. Good faith, however, inheres only within the parameters of tolerable judgment. It does not apply where the issues are so simple and the applicable legal procedures evident and basic as to be beyond possible margins of error. In the case at bench,

respondent Judge failed to follow basic legal procedures which are not excusable but renders him liable to administrative sanction for gross ignorance of the law and procedure.

Respondent judge argued that the insinuations of the OCA that malice and fraud attended the dispositions of these cases have not been sufficiently proven. The argument fails. In the case of *Ora vs. Judge Almajar* [A.M. No. MTJ-05-1599, October 14, 2005], the Supreme Court, while finding that there was no allegation that respondent judge therein was motivated by bad faith, malice or corruption, nevertheless, held him administratively liable for gross ignorance of the law. The pertinent portions of the decision read:

Respondent judge is charged with gross ignorance of the law. However, to warrant a finding of gross ignorance of the law, the error must be so gross and patent as to produce an inference of bad faith. The acts complained of must not only be contrary to existing law and jurisprudence, but were also motivated by bad faith, fraud, dishonesty, and corruption. For to hold a judge administratively accountable for every erroneous order or decision he renders would be intolerable.

In the case at bar, there was no allegation whatsoever that respondent judge was motivated by bad faith, malice or corruption when he issued the premature warrant of arrest. Be that as it may, however, we hold him administratively liable for his unfamiliarity with the rules on the conduct of preliminary investigations. We have always exhorted judges to be conversant with basic legal norms and precepts as well as with statutes and procedural rules. They are expected to follow developments in the law and to apply them. Having accepted the exalted position of a judge, whereby he judges his fellowmen, the judge owes it to the public who depend on him, and to the dignity of the court he sits in, to be proficient in the law. Thus, the Code of Judicial Conduct requires a judge to be faithful to the law and be the embodiment of professional competence.

In his desperate bid to evade liability, respondent Judge reasoned out that since the OSG did not appeal, the same indicates the correctness of his decisions. The argument, however, has no persuasive effect. It bears stressing that in the instant case, no private rights are involved. The Supreme Court, however, is not proscribed from taking cognizance of the irregularities committed by judges and justices. The Court, through the OCA, has the power of judicial discipline over lower court justices, judges, and court personnel pursuant to paragraph C (1) of the Supreme Court Administrative Circular No. 30-91. The findings, therefore, contained in the Audit Report and approved by the Supreme Court to be included in this investigation is merely an exercise of such power.

Finally, respondent Judge was grossly negligent and inefficient in failing to administer proper supervision over his staff when a fake registry return receipt was effected in the Cayabyab case and Entries of Judgement were effected in the *Joyce Moreno vs. Alvin Moreno*, *Angelito and Yolanda Roldan* and *Dinosa vs. Corpuz* cases without copies of the decisions thereof being furnished to the OSG. He tried to evade liability by declaring that these were no longer his tasks but those of his staff. This is a lame excuse which merits scant consideration since it is well-settled that a judge cannot use as a shield the malfeasance or negligence of his staff. [Emphasis supplied]

We adopt the findings of fact and recommendations of the Investigating Justice with respect to the administrative sanctions to be imposed upon respondent Pascua, the dismissal of the counter-administrative charges against private complainant Suarez, and the action to be taken on the charge for illegal practice of law against Atty. Lourdes I. de Dios. However, we raise the administrative sanction to be imposed upon respondent Judge Dilag to the maximum penalty.

Judge Dilag is found guilty of serious charges falling under Section 8 of Rule 140 of the Rules of Court, namely, "gross misconduct constituting violations of the Code of Judicial Conduct" in A.M. No. RTJ-06-2014 and "gross ignorance of the law or procedure," as well as "gross negligence or inefficiency" in A.M. No. 06-07-415-RTJ. Under Section 11(A) of the said rules, the imposable penalties for the commission of a serious charge are as follows:

SEC. 11. Sanctions. - A. If the respondent is guilty of a serious charge, any of the following sanctions may be imposed:

- Dismissal from the service, forfeiture of all or part of the benefits as the Court may determine, and disqualification from reinstatement or appointment to any public office, including government-owned or controlled corporations: Provided, however, that the forfeiture of benefits shall in no case include accrued leave credits;
- Suspension from office without salary and other benefits for more than three (3) but not exceeding six (6) months; or
- A fine of more than P20,000.00 but not exceeding P40,000.00.

Considering that Judge Dilag had already been administratively sanctioned in *Ma. Teresa De Jesus v. Judge Renato J. Dilag*[42] wherein he was fined in the amount of P30,000.00 for gross ignorance of the law, Judge Dilag's already grave offenses are further aggravated. Therefore, this Court imposes upon Judge Dilag the extreme administrative penalty of dismissal from the service with forfeiture of all retirement benefits, excluding accrued leave benefits, and disqualification from reinstatement or appointment to any public office, including government-owned or controlled corporations.

On the other hand, the administrative liability of Pascua for graft and corruption is classified as a grave offense sanctioned by Paragraph A (9) of Section 52, in relation with Section 58, Rule IV of Civil Service Commission Memorandum Circular No. 19-99 as follows:

Par. A (9), Section 52. - Receiving for personal use of a fee, gift, or other valuable thing in the course of official duties or in connection therewith when such fee, gift or other valuable thing is given by any person in the hope or expectation of receiving a favor or better treatment than that accorded to other persons, or committing acts punishable under the anti-graft laws. 1[st] Offense - Dismissal.

xxx xxx xxx

Section 58. Administrative Disabilities Inherent in Certain Penalties.

a. The penalty of dismissal shall carry with it that of cancellation of eligibility, forfeiture of retirement benefits, and the perpetual disqualification for reemployment in the government service, unless otherwise provided in the decision.

Thus, the Court imposes upon Pascua the penalty of dismissal from the service which carries the accessory penalties of cancellation of eligibility, forfeiture of retirement benefits, and perpetual disqualification from reemployment in the government service. The Court further agrees with the Investigating Justice that in view of the evidence on record, Pascua should be investigated for possible criminal liability for the same acts.

Finally, the Court approves the recommendation to refer the charge of illegal practice of law against Atty. Lourdes I. de Dios (raised by the OCA in its memorandum) to the Office of the Bar Confidant.

WHEREFORE, in view of all the foregoing, we hold as follows:

- Respondent Judge Renato J. Dilag is hereby **DISMISSED FROM THE SERVICE**, with forfeiture of all retirement benefits, excluding accrued leave benefits, and disqualification from reinstatement or appointment to any public office including government-owned or controlled corporations, for gross misconduct, gross ignorance of the law or procedure, and gross negligence and inefficiency.
- Respondent Court Stenographer III Concepcion A. Pascua is hereby **DISMISSED FROM THE SERVICE**, which carries the accessory penalties of cancellation of her eligibility, forfeiture of retirement benefits, and

perpetual disqualification from reemployment in the government service, for graft and corruption under Paragraph A(9), Rule IV of Civil Service Commission Memorandum Circular No. 19-99, and this administrative case against respondent Pascua is hereby REFERRED to the Office of the Ombudsman for appropriate action.

- The counter-administrative charges of falsification, negligence in the transcription of stenographic notes, and absence without official leave against private complainant Nilda Verginesa-Suarez are hereby DISMISSED for lack of merit.

- The manifestation of the counsel of the Office of the Court Administrator in its Memorandum[43] dated February 23, 2007 concerning the alleged irregularities committed by Atty. Lourdes I. de Dios is hereby REFERRED to the Office of the Bar Confidant for appropriate action.

SO ORDERED.

Puno, Quisumbing, Carpio, Austria-Martinez, Corona, Carpio-Morales, Chico-Nazario, Velasco, Jr., Nachura, Leonardo-De Castro, Brion, and Peralta, JJ., concur.
Ynares-Santiago, and Tinga, JJ., on official leave.

[1] Rollo, pp. 37-41.

[2] Id. at 48-77.

[3] Id. at 80-104.

[4] Id. at 105-121.

[5] Id. at 161-169.

[6] Id. at 124-160.

[7] A.M. No. RTJ-05-1921, September 30, 2005, 471 SCRA 176.

[8] Rollo, pp. 195-196.

[9] Records, Folder of Exhibits for the OCA, Exhibit "O-OCA."

[10] Id., Exhibit "P-OCA."

[11] Id., Exhibit "B-OCA."

[12] Id., Exhibit "C-OCA."

[13] Rollo, p. 43.

[14] Id. at 2-42.

[15] Id. at 111-134.

[16] Records, pp. 245-249.

[17] Id. at 262-268.

[18] Records, Folders of Exhibits for Private Complainant (Exhibits "A" to "RR" with submarkings) and the OCA (Exhibits "A-OCA" to "DDDD-OCA" with submarkings).

[19] TSN dated January 17, 2007, pp. 19-51; and TSN dated February 6, 2007, pp. 9-43.

- [20] TSN dated January 17, 2007, pp. 53-89; and TSN dated January 29, 2007, pp. 9-28.
- [21] TSN dated January 17, 2007, pp. 92-151; TSN dated January 22, 2007, pp. 7-52; TSN dated January 29, 2007, pp. 28-42; and TSN dated January 31, 2007, pp. 7-123.
- [22] TSN dated January 22, 2007, pp. 56-112; TSN dated February 6, 2007, pp. 103-211; and TSN dated February 8, 2007, pp. 42-67.
- [23] TSN dated February 6, 2007, pp. 46-55.
- [24] Id. at 56-63.
- [25] Id. at 64-102.
- [26] TSN dated February 6, 2007, pp. 213-223; and TSN dated February 12, 2007, pp. 5-8.
- [27] TSN dated February 8, 2007, pp. 6-40.
- [28] Folder of Exhibits for Private Complainant, Exhibits "R" to "JJ."
- [29] Id., Exhibits "KK" to "LL."
- [30] Records, Folders of Exhibits for Respondent Judge (Exhibits "1-Dilag to 9-Dilag" with submarkings) and Respondent Pascua (Exhibits "1-Pascua" to "4-Pascua" with submarkings).
- [31] TSN dated January 26, 2007, pp. 8-73; TSN dated January 29, 2007, pp. 113-154; and February 13, 2007, pp. 5-68.
- [32] TSN dated January 29, 2007, pp. 44-104.
- [33] TSN dated January 23, 2007, pp. 7-12.
- [34] Id. at 13-34.
- [35] Id. at 35-49.
- [36] TSN dated January 25, 2007, pp. 26-37.
- [37] Id. at 38-48; and TSN dated February 12, 2007, pp. 9-33.
- [38] Records, pp. 278-333.
- [39] Id. at 372-385.
- [40] Id. at 334-369.
- [41] Id., separate envelope.
- [42] Supra at note 7.
- [43] Supra at note 40.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.