

NESTOR ERNESTO P. DEQUIÑA, COMPLAINANT, VS. JUDGE ROLANDO V. RAMIREZ, PRESIDING JUDGE, MTCC, CADIZ AND SANDRA M. LEDESMA, CLERK OF COURT, MTCC, CADIZ CITY RESPONDENTS.

A.M. NO. MTJ-06-1657 (Formerly A.M. OCA I.P.I. No. 99-681-MTJ). September 27, 2006

Ponente: AUSTRIA-MARTINEZ, J.

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AUSTRIA-MARTINEZ, J.:

After the issuance of the Resolution dated February 6, 2002 dismissing Mr. Nestor Ernesto P. Dequiña's complaint against the respondents, he filed numerous pleadings containing innuendos that tend to malign the integrity not only of the Division Clerks of Court, Deputy Court Administrator Zenaida N. Elepaño, the Associate Justices and the Chief Justice but also of the entire Court. This prompted the Court to clarify all his misconceptions that a "syndicate" is operating in the Court and had a hand in the dismissal of his complaint against the respondents in the Resolution dated February 28, 2005. In the said Resolution, the Court, *inter alia*, ordered that henceforth, all pleadings which reiterate the same issues will no longer be entertained and shall be expunged from the records. Despite such Resolution, Mr. Dequiña continued to file pleadings which reiterate his misconceptions. Thus, the Court issued the Resolution dated August 10, 2005 directing him to show cause why he should not be cited for indirect contempt of court for continuously filing pleadings which cast aspersions and serious accusations that tend to malign the integrity not only of the Court officials including that of the Chief Justice but also of the entire Court despite the Resolution dated February 28, 2005.

In his Compliance, Mr. Dequiña alleges that there is nothing contumacious in the a) Urgent Motion to be Furnished Certified Copy of the Resolution dated February 28, 2005 From Whence the Minute Resolution (of even dated) was alleged to have Been Quoted; b) Omnibus Motion dated April 12, 2005; and c) the Third Manifestation and Urgent Ex-Parte Motion To Be Furnished Certified Copy of the Resolution dated February 6, 2002 from whence the minute resolution was quoted.

Mr. Dequiña argues that: in the aforesaid pleadings, he was merely pointing out the serious errors and falsehoods that characterized the issuance of the minute resolutions and even invoked jurisprudential principles; he had never cast aspersions and serious accusations that tend to malign the integrity of the Chief Justice and the Court; if ever there is such a serious accusation, it is not intended against the Court nor to the Chief Justice but against the erring Court officials issuing minute resolutions based on untruthful facts, for and in behalf of the Court in a desperate move to shield the respondent judge from the consequences of his misdeeds and other undoings while at the same time, harass complainant from pursuing his quest for justice; the enumerated pleadings, are valid responsive pleadings addressed to the Court with all respect and candor, for the judicious resolutions of the issues therein raised which the Court had even failed to resolve judiciously up to this point of time; moreover, to expunge the enumerated responsive pleadings from the records of OCA IPI No. 99-681-MTJ, will perpetuate the frauds and deceits, and prevent the truth to be ventilated; and considering the quantum of documentary evidences adduced by him during the administrative proceedings of OCA IPI No. 99-681-MTJ, that are more than sufficient to establish the guilt of the respondents, had the case (OCA IPI No. 99-681-MTJ) been actually deliberated upon by the

Justices of the First Division, Supreme Court, as was made to appear in the minute resolution of February 6, 2002.

Further, Mr. Dequiña avers that the February 28, 2005 Resolution contained serious falsehoods, particularly in paragraph 6 of page 2 thereof, which stated that in the August 29, 2001, the case was referred to the Office of the Court Administrator which in turn was raffled to DCA Elepaño. He maintains that said resolution refers to another matter.

Mr. Dequiña also alleges that the matters as stated in paragraph 7, page 2 of the subject Resolution dated February 28, 2005 is wrong and utterly misleading. He asserts that the subject administrative complaint being referred to, that he earlier filed against the same respondent Judge Rolando V. Ramirez and co-respondent Clerk of Court Sandra M. Ledesma before the OCA, Supreme Court, is different and distinct from that of the Administrative Complaint in OCA IPI No. 99-681-MTJ, which disappeared from the files of the Court Management Office, Office of the Court Administrator (OCA). For which, complainant prays for an administrative investigation. In that administrative complaint, the same respondent Judge Rolando V. Ramirez and co-respondent Clerk of Court Sandra M. Ledesma were accused for the loss and/or Pilferage of vital documents submitted to the trial court by the spouses defendants Anastacio and Angelina Villanueva for their defense in Civil Case No. 796, Sixth Judicial Region, Cadiz City, for alleged EJECTMENT WITH DAMAGES, where respondent Judge Rolando V. Ramirez acts as the Presiding Judge, and co-respondent Sandra M. Ledesma as the Clerk of Court.

The Court shall delve first on the alleged falsehoods, wrong and misleading statements in the February 28, 2005 Resolution.

Contrary to the allegation of Mr. Dequiña, there is no falsehood in the February 28, 2005 Resolution. The records show, specifically, page 214, Rollo that in an internal Resolution dated August 29, 2001, the case was referred to the Office of the Court Administrator for evaluation, report and recommendation which case was raffled to the Office of DCA Zenaida N. Elepaño as stated in the Resolution of February 28, 2005.

Neither does the Resolution of February 28, 2005 contain wrong and misleading statements as to his complaint of the alleged disappearance of the records of another administrative complaint against the same respondents regarding "loss and pilfered" vital records of Civil Case No. 796 before the sala of respondent judge in the Office of the Court Administrator. The records show that this has been addressed by the then Court Administrator Alfredo Benipayo as shown by his Memorandum dated March 10, 2000 including therein the aforesaid complaint dated October 14, 1998 of Mr. Dequiña. Thus, then Court Administrator Benipayo sent a letter dated March 23, 2000 to Mr. Dequiña stating that an agenda report had already been prepared for the consideration of the Court.

As to the show cause Resolution.

As borne by the records of the case, the Court had been very lenient and accommodating to Mr. Dequiña. His numerous pleadings containing unfair accusations against Court officials, biased and prejudged statements and misconceptions, all casting doubts on the integrity of said officials and the entire Court, were simply noted without action on the ground that the administrative complaint against the respondents had been dismissed in the Resolution dated February 6, 2002. However, Mr. Dequiña went overboard. In spite of the Resolution of February 28, 2005 which stressed the point that the Court is a court of justice, to the extent of explaining in detail how the Court operates through the different offices particularly, the offices of the Division Clerks and the Court Administrator, Mr. Dequiña remains unperturbed in his continuous filing of numerous pleadings, reiterating his allegation that the dismissal of his complaint against the respondents was brought about by a "syndicate" that connive to coddle the respondents. This frame of mind of Mr. Dequiña is evident even in the present Compliance.

The Court finds the explanation of Mr. Dequiña untenable and finds his persistence in filing pleadings after the

Court's Resolution dated February 28, 2005 to be contumacious. Certainly, the Court will not allow Itself to be pestered with pleadings that reiterate the same issues and misconceptions which the Court had already dealt with.

The precious time and resources of the Court have been consumed unnecessarily and which could have been used to attend to more pressing matters before the Court.

WHEREFORE, Mr. Nestor Ernesto P. Dequiña is found GUILTY of Indirect Contempt of Court and FINED the amount of P20,000.00 payable within 30 days from finality of herein Resolution.

SO ORDERED.

Panganiban, C. J. (Chairperson), Ynares-Santiago, Callejo, Sr. and Chico-Nazario concur.

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