

MAYOR SHIRLEY M. PANGILINAN, COMPLAINANT, VS. JUDGE INOCENCIO M. JAURIGUE, PRESIDING JUDGE AND ATTY. CIRILO Q. TEJOSO, JR., BRANCH CLERK OF COURT, BOTH OF BRANCH 44, REGIONAL TR...

A.M. No. RTJ-08-2100 (Formerly A.M. OCA IPI No. 03-1689-RTJ). January 31, 2008

Ponente: AZCUNA, J.

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AZCUNA, J.:

This case concerns an administrative complaint for "gross ignorance of the law, abuse of authority and disobedience to a superior order"[1] filed by complainant Shirley M. Pangilinan (then Mayor of the Municipality of Paluan, Occidental Mindoro) against respondents Judge Inocencio M. Jaurigue and Branch Clerk of Court Cirilo Q. Tejoso, Jr. (both of Branch 44, Regional Trial Court, Mamburao, Occidental Mindoro).

In an Order dated May 14, 2004, Justice Fernanda Lampas Peralta[2] directed the parties to appear for a preliminary conference on June 3, 2004.[3] Only the complainant and her counsel appeared on the scheduled preliminary conference, as both respondents merely filed a manifestation dated May 21, 2004, stating that "they are waiving their appearance in the preliminary conference x x x due to heavy workload in their official station that needs immediate attention, but rather move and pray that in lieu thereof, they be allowed to submit position paper and submit this case on the basis of the pleadings filed." [4] Complainant did not oppose the manifestation. The preliminary conference was deemed terminated and the parties were directed to submit their position papers and all pertinent documents. A hearing was scheduled on June 22, 2004 for the presentation of the parties' evidence.[5]

On June 22, 2004, respondents again did not appear and merely filed their position paper, stating that they were waiving their appearance and were willing to submit their case on the basis of their position papers, pleadings and documents submitted.[6] Complainant, through counsel, manifested that she was submitting affidavits of witnesses. In view of respondents' waiver of appearance and to expedite the proceedings, the Investigating Justice allowed the complainant to submit the affidavits of witnesses, together with her position paper and other pertinent documents, after which the case was deemed submitted for report and recommendation, unless a hearing would be necessary to clarify the positions of the parties.[7]

Complainant submitted her position paper dated June 21, 2004,[8] an affidavit dated June 21, 2004[9] of Ma. Cristina Leido and other documents. Respondents submitted their position paper dated June 17, 2004[10] and other documents. Subsequently, respondent Judge submitted an "Addendum to Respondents' Position Paper" dated July 14, 2004, attaching thereto an affidavit dated July 14, 2004 of Atty. Ulysses D. Delgado.

As stated by the Investigating Justice, the facts are as follows:

The controversy started when the questioned Order dated June 5, 2002 was issued in Election Case (EC) No. 19, directing the resumption of revision of ballots on June 10, 2002, which Order was merely stamped "Original

Signed" by respondent Clerk of Court upon the alleged instruction of respondent Judge.

Prior to the issuance of the Order dated June 5, 2002, the following facts, as narrated in complainant's position paper, are undisputed:

Complainant [was] the incumbent Mayor of the Municipality of Paluan, Occidental Mindoro, having been elected in the local election of May 2001;

That sometime in May 2001, the losing mayoralty candidate Pablo T. De Ocampo, filed an election protest against Shirley M. Pangilinan, docketed as Election Case No. 19, before the Regional Trial Court - Mamburao, Occidental Mindoro, Branch 44, presided by Hon. Inocencio M. Jaurigue with Atty. Cirilo Q. Tejoso, as the Branch Clerk of Court;

That the Revision Committee was created with respondent Atty. Cirilo Q. Tejoso, as the Head Revisor;

That sometime July 25, 2002, complainant Shirley Pangilinan filed a Petition for Certiorari before the Comelec, docketed as SPC. No. 31-2002; (sic)[11]

That conformably with the Petition for Certiorari, the Commission on Election issued an Order dated November 13, 2001, the dispositive portion of which reads as follows:

"In the meantime, considering that the twenty (20) day temporary restraining order issued in this case on November 23, 2001 (sic)[12] would soon expire, it was the consensus of the members of the Commission present that the parties follow the status quo, so as not to render this case moot and academic. Hence, the Commission issued a status quo order in open court enjoining the parties to maintain the status quo in this case, until further orders from the Second Division."

x x x

That in the said Order, the COMELEC directed the parties to maintain the status quo until further notice from the Second Division considering that the twenty (20) day restraining order issued in the case on November 13, 2001 (sic)[13] would soon expire and in order not to render the case moot and academic;

That conformably with the said Order, the Presiding Judge on December 11, 2001, issued an Order, the dispositive portion of which reads:

"ACCORDINGLY, the Court has nothing to do but to defer the revision of ballots in the remaining precincts of the above-entitled case, and instead let this case be held in abeyance until receipt of the Order from the Second Division, Commission on Election."

From the time that the questioned Order dated June 5, 2002 was issued by respondent Judge directing the revision of ballots in ECC No. 19, the parties presented their respective versions, as follows:

COMPLAINANT'S VERSION

That on June 5, 2002, the Presiding Judge issued an Order directing the revision of the ballot for the remaining precincts to commence on June 10, 2002 at 9:00 o'clock in the morning and 2:00 o'clock in the afternoon, pursuant to the Order of the Commission on Elections dated May 24, 2002 thru Commissioner Mehol K. Sadain issued in Comelec Case No. ERPC No. 2001-34 - entitled "Ricardo Quintos, protestee vs. Jose Villarosa, protestant," x x x;

That on June 10, 2002, complainant filed an Urgent motion for Postponement with Clarification and Manifestation, x x x;

That despite the said Urgent Motion for Postponement with Manifestation and Clarification, the Branch Clerk of Court, Atty. Cirilo Q. Tejoso, Jr., proceeded with the revision, in clear defiance of the status quo Order

dated November 13, 2001.

That in [the] absence of the Presiding Judge, Atty. Tejoso proceeded with [the] revision. In the two (2) day revision, i.e., on June 10 and 11, 2002, the committee was able to revise the following:

Revision Date

Precincts

June 10, 2002

26A1

June 10, 2002

46A, Tubili

June 10, 2002

10A, Harrison

June 11, 2002

15A, Mananaw

June 11, 2002

16A, 17A, Mananaw

June 11, 2002

5A, Harrison

Clearly, under the Order of the Comelec dated May 24, 2002, in the case of Quintos v. Villarosa (EPC No. 2001-34), only the following ballots were to be revised to wit:

Precincts Nos. 13A/14A, 23A, 25A, 24A, 3A, 47A1/48A, 29A/30/A, 35A, 27A/28A, 7A/8A, 26A1, 9A, 36A and 47A,

That prior thereto, from October 17, 2001 to October 24, 2001, the Revision Committee was able to revise twenty one (21) precincts, consisting of the following:

Revision Date

Precincts

October 17, 2001

44A

October 17, 2001

13A/14A

October 18, 2001

23A, Brgy. I

October 18, 2001

24A, Brgy. I

October 19, 2001

29A/30A

October 19, 2001

25A, Brgy. I

October 22, 2001

9A, Brgy. Harrison

October 22, 2001

3A, Alipaoy

October 23, 2001

27A/28A, Brgy. II

October 23, 2001

36A/37A, Brgy. 4

October 23, 2001

47A, Tubili

October 24, 2001

26A, Brgy. I

October 24, 2001

35A, Brgy. 4

October 24, 2001

47A1/48, Tubili

October 24, 2001

7A/8A

That clearly, respondent's Order dated June 5, 2002 directing the resumption of the revision on June 10, 2002, was not in accordance with the Order, dated May 24, 2002 of the Comelec (Second Division in EPC No. 2001-34 Quintos v. Villarosa).

Only precinct 26A1 should have been revised pursuant to the said Order. However, the committee was able to revise also the following precincts:

Revision Date

Precincts

June 10, 2002

46A, Tubili

June 10, 2002

10A, Harrison

June 11, 2002

15A, Mananaw

June 11, 2002

16A, 17A Mananaw

June 11, 2002

5A, Harrison

That the COMELEC issued an Order dated 11 June 2002 which effectively restrained the Presiding Judge in hearing the case. x x x That it was only on account of the issuance of the said Order that the respondents stopped the revision of the ballot boxes.[14]

RESPONDENT'S VERSION

On June 05, 2002, the respondent judge, while holding trial of several cases pending before his sala, received an important and urgent call asking him to come to San Jose, Occidental Mindoro, which is more or less 173 kilometers far from Mamburao, his official station, on the same date to attend to some important official business, i.e. dialogue with IBP-Occidental Mindoro Chapter, but taking into account the Order dated May 24, 2002 issued by the Commission on Elections and the policy of preferential disposition of election cases because the term of local officials is only three (3) years, he immediately instructed respondent Clerk of Court to prepare for him and issue an Order for the resumption of revision of ballots commencing on June 10, 2002, giving the latter an authority to do the signing by using the stamped "original signed" since the respondent judge had to leave and could not wait to sign the Order by virtue of the above-mentioned important calling;

In compliance with such Order dated June 05, 2002, the Revision Committee resumed their duties in the revision of ballots on June 10, 2002 despite the "Urgent Motion for Postponement with Clarification and Manifestation" filed by Protestee, Shirley Pangilinan, thru counsel, on the same date at 8:45 in the morning;

When respondent judge reported back to office on June 11, 2002, he immediately signed the challenged order while the Revision Committee was conducting revision of ballots in the Session Hall of the Court, x x x;

The revision of ballots last[ed] until June 11, 2002 when the Commission on Elections, Second Division issued an Order dated June 11, 2002, enjoining the parties to maintain the status quo in the case, as directed in [the] November 13, 2001 Order of the Commission, until further orders from the Second Division, x x x;

To formally suspended (sic) the revision of ballots, the Court issued an Order on June 13, 2002 ordering the Revision Committee to cease and desist from opening the ballot boxes involved in the protest, x x x;[15]

x x x

Respondent Clerk of Court followed the instructions of the respondent judge, bearing in mind that he is always subject to the control and supervision of the Presiding Judge, and only performs and discharges duties as may be assigned by the Presiding Judge aside from the duties imposed under the Manual for Clerks of Court. He never exercised judicial functions but merely ministerial ones. x x x;

x x x

Respondent Judge x x x unwittingly construed or interpreted differently the Order dated May 24, 2002 issued by the Second Division, Commission on Elections in EPC No. 2001-34, involving the case of Quintos vs. Villarosa, as to be applied in the election protest pending before the court, but considering that the said controversy is imbued with public interest; x x x.[16]

Accordingly, the issues are:

- WHETHER OR NOT THE ORDER DATED JUNE 5, 2002 OF RESPONDENT JUDGE DIRECTING THE REVISION OF BALLOTS TO COMMENCE ON JUNE 10, 2002 WAS ISSUED WITH GROSS IGNORANCE OF THE LAW TANTAMOUNT TO GROSS INEFFICIENCY. COROLLARILLY, WHETHER OR NOT THE VARIOUS COMELEC ORDERS WERE INCONSISTENT OR AMBIGUOUS WHICH PROVIDED REASONABLE BASIS FOR THE ISSUANCE OF THE JUNE 5, 2002 ORDER.
- WHETHER OR NOT THE ORDER DATED JUNE 5, 2002 WHICH WAS ISSUED AND RELEASED IN THE ABSENCE OF RESPONDENT JUDGE AND MERELY STAMPED WITH ORIGINAL SIGNED BY RESPONDENT CLERK OF COURT IS TANTAMOUNT TO GROSS ABUSE OF AUTHORITY OR SERIOUS MISCONDUCT ON THE PART OF BOTH RESPONDENTS. COROLLARILLY, WHETHER OR NOT THE ABSENCE OF RESPONDENT JUDGE FROM THE COURT TO ATTEND TO MATTERS NOT RELATED TO HIS OFFICIAL FUNCTIONS PREJUDICED THE PERFORMANCE OF HIS JUDICIAL FUNCTIONS.

Justice Fernanda Lampas Peralta made the following findings:

FIRST ISSUE

On the Comelec Orders providing for the status quo and the Comelec Orders directing revision of ballots in EC No. 19

For clarity, there are two Comelec cases which are related to EC No. 19 of Branch 44, RTC-Mamburao, Occidental Mindoro wherein respondent Judge issued the questioned Order dated June 5, 2002, thus:

(1) SPR No. 32-2001,[17] "Shirley Pangilinan v. Hon. Inocencio Jaurigue and Pablo Ocampo" of the Second Division, Comelec, which is a petition for certiorari emanating from EC No. 19, wherein Comelec issued status quo Orders dated November 13, 2001 and June 11, 2002, thus holding in abeyance the revision of ballots in EC No. 19;

(2) EPC No. 2001-34,[18] "Ricardo Quintos v. Jose Villarosa" of the Second Division, Comelec, which is an election protest against the proclamation of Jose Villarosa as the winning candidate for the Office of Governor, Occidental Mindoro, wherein Comelec issued the following Orders directing the revision of ballots in EC No. 19:

(a)

Order dated August 27, 2001 directing respondent Judge to conduct revision/appreciation of ballots in EC Nos. 19 and 20.

(b)

Order dated May 24, 2002 directing respondent Judge to proceed and terminate revision and/or appreciation of ballots of the precincts subject of the protest within fifteen (15) days.

There is no question that respondent Judge complied with Comelec's status quo Order dated November 13, 2001 when he issued an Order dated December 11, 2001 deferring the revision of ballots in the remaining precincts in EC No. 19 until receipt of further orders from Comelec. When Comelec issued again another status quo Order on June 11, 2002 in SPR No. 32-2001, respondent Judge issued an Order dated June 13, 2002 ordering the "Revision Committee to cease and desist from opening the ballot boxes involved x x x until further orders from the same Commission."

Complainant claims that Comelec Order dated May 24, 2002 directing the revision of ballots contemplates only the ballot boxes of certain precincts as specified in said order. Pertinent portions of Comelec Order dated May 24, 2002 read:

Anent the protested ballot box of Precinct No. 13A/14A and the counter-protested ballot boxes of Precinct Nos 23A, 25A, 24A, 3A, 47A1/48A, 29A/30A, 35A, 27A/28A, 7A/8A, 26A1, 9A, 36A and 47A, all of Paluan, Occidental Mindoro, which are the subject of Election Case Nos. 19 and 20 (Ocampo vs. Pangilinan and Terana vs. Velandrai, respectively) pending before the Regional Trial Court, Branch 44, Mamburao, Occidental Mindoro, the Commission (Second Division), pursuant to its August 27, 2001 Order giving the court a quo first priority over the said ballot boxes and directing thus:

"2. The Regional Trial Court on Mamburao, Occidental Mindoro, Branch 44, is requested to conduct the revision and appreciation proceedings in Election Case Nos. 19 and 20 (Ocampo vs. Pangilinan and Terana vs. Valandrai, respectively) in the most expeditious manner possible in order that the subject ballot boxes and other election documents can be turned over to the Commission in due time. xxx"

hereby:

1. DIRECTS the Honorable Presiding Judge of the Regional Trial Court (RTC), Branch 44, Mamburao, Occidental Mindoro to expedite and terminate the revision and/or appreciation of ballots of the aforementioned precincts of the Municipality of Paluan involved in the cases pending before it within fifteen days from receipt hereof. x x x.[19]

Indeed, Comelec Order dated May 24, 2002 (EPC No.2001-34) contemplates only the ballot boxes of the following Precinct Nos: 13A/14A, 23A, 25A, 24A, 3A, 47A1/48A, 29A/30A, 35A, 27A/28A, 7A/8A, 26A1, 9A, 36A and 47A. These ballot boxes were also among the contested ballot boxes in EC No. 19 before respondent Judge.[20] Of these ballot boxes, the following had already been revised from October 17 to 24, 2001, or prior to Comelec's issuance of the status quo order dated November 13, 2001 in SPR 32-2001:

Precincts Nos. 3A, 13A/14A, 23A, 24A, 25A, 27A/28A, 29A/30A, 35A, 36A, 47A, 47A1[21]

Hence, when Comelec Order dated May 24, 2002 in EPC No. 2001-34 was issued directing respondent Judge to proceed with and terminate the revision and/or appreciation of ballots of the precincts subject of the protest only, the following ballot boxes may be revised in EC No. 19 as they were mentioned in said Order dated May 24, 2002: 26A1 AND 48A.

Respondent Judge claims that he unwittingly interpreted Comelec Order dated May 24, 2002 which was the basis for the issuance of the Order dated June 5, 2002 directing the resumption of revision of ballots. Thus:

As early as August 27, 2001, the Court received an Order (Annex 6) issued by the Second Division, Commission on Elections in EPC No. 2001-34, Quintos vs. Villarosa, or the gubernatorial protest case, directing this court to conduct the revision and appreciation proceedings in Election Case Nos. 19 and 20 (De Ocampo vs. Pangilinan and Terana vs. Velendria, respectively,) in the most expeditious manner in order that the subject ballot boxes and other election documents both subject of election protest pending the court and the Commission on Elections can be turned over in due time.

On November 13, 2001, however, the same Commission issued status quo order in SPR No. 32-2001 (Annex 7), thus, the Court had nothing to do but defer the revision of ballots in the remaining precincts x x x and instead the election protest case pending before the court was held in abeyance until receipt of the Order from the Second Division, Commission on Elections.

Another order was issued in ECP No. 2001-34 directing the court to expedite and terminate within fifteen (15) days from notice the revision and appreciation of ballots.

x x x

Without passing the blame on the Commission on Elections, it is necessary, however, with all due respect to mention that the Commission on Elections itself had been inexplicably inconsistent and ambiguous when, in EPC No. 2001-34, it directed speedy termination of revision and appreciation proceedings in the cases pending in the court first in its August 27, 2001 order and subsequently in May 24, 2002 order but only to be overruled and/or negated by its issuance of the November 23, 2001 then the June 11, 2002 status quo order in SPR No. 32-2001.

Confronted with such contradictory orders, respondent judge had the prerogative to reasonably construe, without having in mind to disobey the issuance of superior order, as it had done, to the effect that the May 24, 2002 Order in EPC No. 2001-34 had effectively lifted the status order in SPR No. 32-2001. Simply stated, between one which adheres to the policy and legal mandate for speedy disposition of election protest cases, and one which contravenes or hampers said policy respondent's only recourse, a just and logical one, is to implement the former order.[22]

Evidently, the Order dated June 5, 2002 directing, without qualification, the revision of ballots for the remaining precincts to commence on June 10, 2002 pursuant to the Comelec Order of May 24, 2002, is erroneous, for it failed to take into account that said Comelec Order covered only certain ballot boxes in specified precincts, not all the ballot boxes protested in EC No. 19 before respondent Judge. While the erroneous interpretation by respondent Judge of the Comelec Order dated May 24, 2002 may not be considered gross ignorance of the law, his failure to rectify his Order dated June 5, 2002 when complainant filed an urgent motion for postponement with manifestation and clarification, constitutes gross inefficiency.

SECOND ISSUE

On the alleged absences of respondent Judge

The erroneous interpretation of the Comelec Order dated May 24, 2002 would have been avoided or readily corrected by respondent Judge and the revision of ballots covered by Comelec's status quo Order would not have proceeded, had respondent Judge been in his office on June 5 (Wednesday), 6 (Thursday), 7 (Friday), 10 (Monday) and 11 (Tuesday), 2002.

Respondent Judge admits that he was not in his official station on June 6, 7 and 10, 2002.[23] However, there is no showing that he ever filed an application for leave of absence on said dates. Neither did he state any reason for his absence on June 7 and 10, 2002.

Respondent Judge claims that on June 5, 2002, while holding trial of several cases pending before his sala, he received an important and urgent call asking him to come to San Jose, Occidental Mindoro on the same date to attend to some important "official business." Thus, he immediately instructed respondent Clerk of Court to prepare for him and issue an Order for the resumption of revision of ballots on June 10, 2002, giving respondent Clerk of Court authority to do the signing by using the stamp "Original Signed."

Initially, respondent Judge claimed that he had a dialogue with the IBP Chapter President in Occidental Mindoro on June 5, 2002,[24] but he later claimed that the dialogue was on June 6, 2002.[25] When he went to San Jose, Occidental Mindoro on June 5, 2002 in order to attend to some "official business," he could not specify what "official business" it was. It could not be the supposed dialogue with the IBP Chapter President, because the certification[26] submitted by respondent Judge refers to a conference with the IBP Chapter President on the following day, June 6, 2002. The certification is also dubious, as it has no letterhead or any address of the signatory thereto. Even if, indeed, such conference transpired on June 6, 2002, respondent Judge cannot claim that

he was on official business because his dialogue with the IBP Chapter President is not part of his judicial functions.

The allegations of respondent Judge that he was still able to hold trial of several cases in the morning of June 5, 2002 and that he even signed some Orders before he left for San Jose, Occidental Mindoro does not inspire credence for if it did, he could have readily prepared the one-page Order dated June 5, 2002 and signed the same before he left for San Jose, Occidental Mindoro. The Orders[27] in the other cases purportedly signed by respondent Judge on June 5, 2002, merely pertain to resetting of hearings in said cases. The Orders do not conclusively show that respondent Judge indeed signed the Order of June 5, 2002, as he himself claims that he signed the Order of June 5, 2002 in EC No. 19 only after he reported back to his office. Moreover, the calendar of hearing on June 5, 2002[28], as compared to the other calendars of hearings on June 4, 5, 19, 20, 21, 25, 26 and 27, 2002[29] submitted by respondent Judge, does not bear any handwritten notes as to what transpired in the hearing.

Moreover, after his alleged dialogue with the IBP Chapter President on June 6, 2002, respondent Judge should have reported to his official station on June 7, 2002, or at least, immediately after he was informed of complainant's urgent motion for postponement of the scheduled revision on June 10, 2002. The claim of respondent Judge that he reported back to his official station on June 11, 2002 and signed the order of June 5, 2002 while the revision committee was conducting revision of ballots is also not credible and not supported by independent and competent evidence. Even if, indeed, he signed the Order dated June 5, 2002 on June 11, 2002, the fact remains that the revision of ballots proceeded on the basis of the June 5, 2002 Order which was merely stamped with "Original Signed" by respondent Clerk of Court. Also, if he was back to his office on June 11, 2002, why did he stay inside his chambers instead of attending to the ongoing revision on said date? His claim that his presence was not necessary[30] deserves scant consideration, because even if the Head Revisor was respondent Clerk of Court, the revision proceedings should be under his direct control and supervision and therefore his presence thereat was essential.

The foregoing considerations show that, indeed, respondent Judge was absent in his official station not only on June 6, 7 and 10, 2002, as he admits, but also on June 5 and 11, 2002. The unexplained absences of respondent Judge, including the issuance of the Order dated June 5, 2002 without his signature, constitute serious misconduct, gross neglect of duty and gross inefficiency, as he failed to exercise the requisite circumspection and diligence in the discharge of his official duties and functions required by the attendant circumstances.

On the other hand, respondent Clerk of Court failed to exercise reasonable diligence when he failed to take into account that the ballot boxes to be revised in EC Case No. 19 should only be those specified in the Comelec Order dated May 24, 2002. Since the basis of the Order dated June 5, 2002 which he prepared was the Comelec Order dated May 24, 2002, he should have carefully read and analyzed the contents of said Comelec Order. Also, when complainant filed the motion for postponement of June 10, 2002, citing the reasons therefor, respondent Clerk of Court should have exercised prudence in proceeding with the revision of ballot boxes, by revising first those which were mentioned in the Comelec Order dated May 24, 2002, specifically ballot boxes of Precinct Nos. 26A1 and 48A.

On the basis of her findings, the Investigating Justice recommends that respondent Judge be meted suspension from office, without pay, for a period of six (6) months for gross inefficiency, serious misconduct and gross neglect of duty, and that respondent Clerk of Court be reprimanded for failure to exercise reasonable diligence in the issuance of the Order dated June 5, 2002 and in the revision of ballots.

The Court fully agrees with the findings of Justice Fernanda Lampas Peralta. The records and copies of the Orders

issued by respondent Judge in relation to the Orders of the Comelec clearly support the finding of gross inefficiency. The admission of respondent Judge in the face of his patently lame excuses equally bears out his serious misconduct and gross neglect of duty.

Similarly, the respondent Clerk of Court's failure to exercise reasonable diligence in the issuance of the Order dated June 5, 2002 in the revision of ballots is incontrovertible.

WHEREFORE, respondent Judge Inocencio M. Jaurigue is found GUILTY of gross inefficiency, serious misconduct and gross neglect of duty and is hereby SUSPENDED from office, without pay, for six (6) months. Respondent Clerk of Court Atty. Cirilo Q. Tejoso, Jr. is hereby REPRIMANDED for failure to exercise reasonable diligence in the performance of his duty with a warning that a repetition of the same will be more severely dealt with.

No costs.

SO ORDERED.

Puno, C.J., Quisumbing, Ynares-Santiago, Sandoval-Gutierrez, Carpio, Austria-Martinez, Corona, Carpio Morales, Tinga, Nachura, Reyes, and Leonardo-De Castro, JJ., concur.
Chico-Nazario, J., on official leave.
Velasco, Jr., J., no part.

[1] Rollo, p. 4.

[2] The Court designated Court of Appeals Associate Justice Fernanda Lampas Peralta as the Investigator.

[3] Rollo, p. 91.

[4] Id. at 99.

[5] Id. at 101-103.

[6] Id. at 104.

[7] Id. at 105.

[8] Id. at 498-522.

[9] Id. at 533-534.

[10] Id. at 104-129.

[11] Should be SPR No. 32-2001.

[12] Should be October 23, 2001, rollo, p. 54.

[13] Id.

[14] Rollo, pp. 499-503.

[15] Id. at 111-112.

[16] Id. at 115.

[17] Id. at 465-474.

[18] Id. at 486-494.

[19] Id. at 35.

[20] Page 2, Petition of Protest annexed to Compliance dated June 17, 2004.

[21] Page 2, Affidavit of Ma. Cristina A. Lindo, Annex G of complainant's position paper.

[22] Rollo, Position Paper of Respondents, pp. 113-114, 116.

[23] Rollo, p. 121.

[24] Id. at 111.

[25] Id. at 558.

[26] Id. at 561.

[27] Id. at 563, 565, 567, 569, 571, 573, and 576.

[28] Id. at 194-195.

[29] Id. at 190-193, 196-209.

[30] Id. at 578.

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