

RE: FINAL REPORT ON THE JUDICIAL AUDIT CONDUCTED AT THE REGIONAL TRIAL COURT, BR. 67, PANIQUI, TARLAC.

A.M. No. 06-7-414-RTC. October 19, 2007

Ponente: TINGA, J.

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TINGA, J.:

This administrative matter arose from the judicial audit and physical inventory of cases conducted on 20-24 June 2005 at the Regional Trial Court (RTC) of Paniqui, Tarlac, Branch 67, then presided by Judge Cesar M. Sotero who compulsorily retired on 23 February 2006.

As of audit date, the RTC had a total caseload of 523 cases consisting of 309 criminal cases and 214 civil cases, including 33 unaccounted LRC cases. The Audit Team made the following observations:

In the conduct of the audit, the Team used the case numbers in the Docket Books from January 2003 up to [the] present as reference in the inventory of cases. Entries in the docket books are insufficient especially in the special proceedings cases which merely indicate the title of the case and the date the case was filed and the word “decided.”

During the audit, it was observed by the Team that there was no special proceeding case records presented. Upon inquiry, Clerk of Court Paulino Saguyod averred that mostly [sic] of these cases are for Petitions for Correction of Entries in the Civil Registry and mostly [sic] are already decided and there are only few pending. Considering that the docket books have insufficient entries, the Team Leader used as reference the case numbers filed from January 2003 up to [the] present. During the random sampling of records, the same cannot be produced as the records were already bundled. x x x

COC Saguyod gave the team four (4) [folder] copies of decisions in the special proceedings cases. Initial findings reveal that the date of filing indicated in the docket books and the date of decision was so near that it will be highly improbable that the required publication will be complied with. Hence, the Team demanded for [sic] the production of 608 case records of special proceeding[s] cases.

In the copies of decisions presented, common in the second paragraph of the pro-forma decisions, are statements that “finding the petition to be sufficient in form and substance, the same was set for hearing on x x x. On said date and time, the petition was announced in open court. Nobody interposed any objection. Accordingly, the counsel for petitioner presented documentary evidence to prove jurisdictional facts ([Exh.] “A” and series). Thereafter, he moved and was allowed to adduce further evidence before the Clerk of Court and at [sic] the presence of the Assistant Provincial Prosecutor who appeared in behalf of the State.” However, during the course of the audit it was observed by the Team that almost all of the petitions are pro-forma and notarized by COC Saguyod as ex-officio notary public. There are even unsigned, unverified and not notarized petitions granted by the Court. Further, almost all of them have no hearings conducted that it will be improbable if not possible that the court orders be published in a newspaper of general circulation as required by the Rules of Court. The docketing of cases was not also in sequence as to its date of filing (Annex “A”).

Moreover, there are eighty-six (86) petitions [where] the date of filing were simultaneous or ahead of the date

of [the] alleged hearing/decision (Annex “B”) and fifty-eight (58) petitions [were] found to have either no [c]ourt action or no further action for a considerable length of time (Annex “C”). Also, nine (9) petitions have similar docket numbers and three (3) cases with the same docket number (Annex “D”) while one hundred seventy-nine (179) cases [sic] records were not presented to the Team (Annex “E”).

Further, in the reconciliation of the Semestral Docket Inventory for the period July-December 2004 of Land Registration Cases, thirty-three (33) case records are unaccounted [for] x x x.

The Team also observed that there is no Certificate of Arraignment attached to [the] criminal case records. Minutes of the Hearing have no summary of what transpired during the hearing of the case. Docket books for criminal and civil cases are [sic] not updated. [The] [d]ocket book for special proceedings cases merely indicated the title of the case and the date it was filed with [a] notation “decided.” There is no docket book shown for land registration cases.

Anent Election Protest No. 001-04, the Court in its order dated 04 June 2004 directed the protestant to make an initial deposit of [P]500.00 per ballot box (61 ballot boxes) as compensation for the revisors within five (5) days from notice. There was no receipt attached to the records of the case. COC Saguyod explained that the receipt was with the protestant and that the same was not per official receipt and not deposited to [sic] the Fiduciary Account as the same will be paid to the revisors. He claimed that he will also render an accounting of the expenses incurred at the end of the hearing.

Likewise noted are the payments made in SP Nos. 1032 and 1033, both undocketed petitions, [having] the same Official Receipts Numbers which when compared with the original receipts[,] referred to other cases and/or transactions x x x.[1]

In view of its observation, the Audit Team recommended in its Memorandum dated 11 July 2005 [2] that Judge Sotero and Clerk of Court Paulino I. Saguyod be directed to explain the following within ten (10) days from notice:

(a)

why 375 petitions for change of name and/or correction of entries in the civil registry were granted without the required hearing and publication, in gross violation of the provisions of Rule 108 of the Rules on Civil Procedure;

(b)

why the dates of filing of 86 other petitions were either the same as or ahead of the date of the alleged hearing/decision;

(c)

why 70 petitions had no court action after their filing or no further action/setting for a considerable length of time after the last order/incident of the case;

(d)

why nine (9) petitions had similar docket numbers and three (3) other cases had the same docket number; and

(e)

why the records of 179 special proceedings and those of 33 land registration case were not presented to the Audit Team.[3]

It was also recommended that Clerk of Court Saguyod be required to: (a) explain why the initial deposit of P500.00 per ballot box for 61 ballot boxes made by the protestant in Election Protest No. 001-04 pursuant to the

order of 4 June 2004 was not remitted to the Fiduciary Fund Account; and (b) explain the discrepancy in the official receipts representing the payment of filing fees for Spec. Proc. Nos. 1028, 1029 and 1030 which appeared as payment for Spec. Proc. Nos. 1032 and 1033.[4]

Judge Sotero and Clerk of Court Saguyod jointly filed an Explanation dated 1 August 2005,[5] giving the following reasons for their actions:

(a) As to the petitions for correction of entry/ies without hearing and publication —

Judge Sotero and Clerk of Court Saguyod explained that almost all of these petitions may be covered by Republic Act (R.A.) No. 9048[6] which authorizes city or municipal civil registrars to correct clerical or typographical errors in an entry and/or change the first name or nickname in the civil registry without need for a judicial order. The petitions were filed before the trial court because there was no incumbent Local Civil Registrar and the OIC-Civil Registrar could not act on these petitions under R.A. No. 9048. Since R.A. No. 9048 allows corrections of entries without hearing and publication for as long as the necessary documents are submitted, the trial court considered the same procedure as applicable to the petitions for correction of entries filed before it. The Clerk of Court still held ex parte hearings to receive the evidence. In resolving these petitions which are summary and non-adversarial in nature, the trial court adopted the procedure in civil cases where the defendant is declared in default and the court renders judgment based on the pleadings filed by plaintiff and grants such relief as may be warranted, following Sec. 3, Rule 9 of the Revised Rules of Court. The trial court adopted this procedure to expedite the resolution of said petitions to afford the court more time to devote to the resolution of criminal and civil cases that required more attention.

(b) As to the 86 petitions that were resolved on the same date as the date of filing or date of hearing —

These petitions were for correction of entry/ies and involved innocuous errors that may be subject of administrative corrections under R.A. No. 9048. The trial court resolved these petitions with dispatch to accommodate the petitioners' need to have their civil registry documents immediately corrected to conform with their passport applications, applications to take board examinations and petitions to travel abroad. The petitioners discovered the errors after they submitted the required documents and yet they were given a limited period to secure the correction of the erroneous entries. If the corrected documents were not submitted on time, the applications of the petitioners would be denied and the denials would mean lost opportunities, particularly for the applicants for overseas contract work and applicants to take board examinations. Judge Sotero was more lenient in such instances since in his view no substantial prejudice would ensue. In any event, he resolved to adopt, henceforth, a stricter policy in cases where no publication is required, by imposing a ten (10) day period for posting of the petition after its filing and seeing to it that the petition is set for hearing only after it is so posted.

(c) As to the 70 petitions where no court action was taken for a considerable length of time after filing —

Some are petitions for adoption awaiting the submission of the Home Study and Child Study Reports by the social welfare officers assigned to the cases. The initial hearing cannot proceed without the reports being submitted to the court.

Others are petitions for correction of entry/ies where the petitioners have not yet submitted the required supporting documents. They will be either dismissed for lack of interest in due time or resolved within the next thirty (30) days.

The rest are petitions for judicial reconstitution of title which are still pending because the reports and recommendation of the Land Registration Authority have not yet been submitted to the court.

(d) As to the petitions with similar/same docket numbers —

According to the docket clerk, Mr. Ruben A. Gigante, the nine (9) petitions with similar docket numbers were either cancelled or withdrawn by petitioner/s (they bear the notation “no action taken”).

As to the three (3) cases with the same docket number, Mr. Gigante admitted that he failed to enter the first filed petition in the docket book, and that he accepted for filing the succeeding petitions but assigned the same case number without indicating a letter after the number to distinguish the second and third petitions from the first.

It was admitted that the irregularity was the offshoot of inefficiency in the docketing system. To avoid similar incidents, the Clerk-in-Charge of Civil Cases was assigned to take charge of the docket in special proceedings and land registration cases in place of Mr. Gigante who is only a utility clerk.

(e) As to un-audited records of 179 special proceedings and 33 land registration cases —

Judge Sotero and Clerk of Court Saguyod reported that as of the time of the submission of the explanation, the records of 124 special proceedings and 10 land registration cases had been accounted for. Thereupon, they requested another 15 days to retrieve the remaining records which they believe were soaked in floodwater in 2004.

The Office of the Court Administrator (OCA), in its Memorandum dated 8 May 2006,[7] deemed the explanation bereft of merit or deserving of scant consideration. The OCA noted that the petitions for change of name and/or correction of entries in the civil registry are special proceedings governed either by Rules 103 or 108 of the Revised Rules of Court. Sec. 3, Rule 103 specifically provides when the order for hearing of such petitions shall be issued and what the order should contain, thus:

SEC. 3. Order for hearing.—If the petition filed is sufficient in form and substance, the court, by an order reciting the purpose of the petition, shall fix a date and place for the hearing thereof, and shall direct that a copy of the order be published before the hearing at least once a week for three (3) successive weeks in some newspaper of general circulation published in the province, as the court shall deem best. The date set for the hearing shall not be within thirty (30) days prior to an election or within four (4) months after the last publication of the notice.

Sec. 4, Rule 108 similarly requires the issuance of an order of hearing and the publication of the order in petitions for correction of entries in the civil registry, thus:

SEC. 4. Notice and Publication.—Upon the filing of the petition, the court shall, by an order, fix the time and place for the hearing of the same, and cause reasonable notice thereof to be given to the person named in the petition. The court shall also cause the order to be published once a week for three (3) consecutive weeks in a newspaper of general circulation in the province.

The OCA maintained that the provisions of the Rules of Court on publication of the order of hearing should have been strictly observed as publication is a jurisdictional requirement. Hence, the OCA remarked, it is appalling that Judge Sotero and Clerk of Court Saguyod favorably acted on the petitions even though they were only pro-forma and notarized by Saguyod as an ex officio notary public and still others were unsigned, unverified or unnotarized. Some 86 petitions were found to bear dates of filing which are the same as or ahead of the date of the alleged hearing/decision, clearly belying the claim of Judge Sotero that hearings on these petitions were conducted or that they were referred to the Clerk of Court for presentation of evidence ex parte. Said practices, according to the OCA, constitute a mockery of established procedure under the Rules of Court, especially since nothing in R.A. No. 9048 or its Implementing Rules and Regulations would justify the procedure that Judge Sotero and Clerk of Court Saguyod adopted.

The OCA observed that what R.A. No. 9048 mandates is the administrative proceeding for change of name/correction of entry in the civil registry which has no application to a petition for change of name or correction of entry filed in court. Thus, the OCA went on to say, Judge Sotero's ratiocination for adopting the procedure under R.A. No. 9048 or for treating the petitions in the same manner as ordinary cases where the defendant is declared in default displays a deplorable lack of grasp or total ignorance of the Rules of Civil Procedure, notwithstanding his claim that he did so for the purpose of expediting the resolution of the petitions.

As to the fifty-six (56) petitions where no action was taken by Judge Sotero for almost one year, the OCA found him to be decidedly remiss in the performance of his duties and responsibilities. As court manager, it was incumbent upon Judge Sotero to adopt a system of record management since the prompt disposition of the court's business is attained only through proper and efficient court management, the OCA added.

The OCA recommended that Judge Sotero be fined for gross ignorance of the law and gross inefficiency in the amount of P100,000.00, to be deducted from his retirement benefits, and that the amount of P50,000.00 be withheld from such benefits pending the outcome of the financial audit.[8]

As to Clerk of Court Saguyod, the OCA recommended that he be directed to submit a report of the actions taken on the civil and criminal cases then pending before the RTC which Judge Sotero was directed to either decide with dispatch or immediately act upon. Saguyod complied with the submission of his Report dated 22 September 2006 which was in turn referred to the OCA for further action.[9]

After careful consideration of the findings and recommendations of the OCA, the Court agrees that indeed Judge Sotero is guilty of gross ignorance of the law.

Articles 376[10] and 412[11] of the New Civil Code are the substantive laws covering the alteration or correction of entries in the civil registry. Civil registry records are public documents and are accepted as prima facie evidence of the facts contained therein,[12] which is why prior to the enactment of R.A. No. 9048, changes or corrections thereof could be made only upon judicial authorization. Rules 103 and 108 of the Revised Rules of Court provide the procedure for such alterations in the civil registry.

The procedure for change of name under Rule 103 is a proceeding in rem and as such strict compliance with all jurisdictional requirements, particularly on publication, is essential in order to vest the court with jurisdiction.[13] The reason for this is that a change of name is a matter of public interest.[14]

Petitions for cancellation or correction of entries in the civil registry are governed by Rule 108. This rule covers petitions for corrections of clerical errors of a harmless or innocuous nature, as well as petitions which seek to effect substantial changes or corrections in entries for as long as all the procedural requirements in said rule are followed. In *Republic v. Bautista*,[15] citing *Republic v. Valencia*,[16] it was declared that the proceedings under Rule 108 may either be summary or adversarial in nature. If the correction sought to be made in the civil registry is clerical, the procedure to be adopted is summary. If the rectification affects the civil status, citizenship or nationality of a party, it is deemed substantial and the procedure to be adopted is adversarial.[17] The procedure under Rule 108 becomes the appropriate adversarial proceeding to effect substantial changes in the registry only if the procedural requirements therein are complied with.[18]

R.A. No. 9048, enacted in 2001, substantially amended Articles 376 and 412 of the New Civil Code, to wit:

SECTION 1. Authority to Correct Clerical or Typographical Error and Change of First Name or Nickname.—No entry in a civil register shall be changed or corrected without a judicial order, except for clerical or typographical errors and change of first name or nickname which can be corrected or changed by the concerned city or municipal civil registrar or consul general in accordance with the provisions of this Act and

its implementing rules and regulations.

Thus, under this new law, clerical or typographical errors and change of first name or nickname may be corrected or effected by the concerned city or municipal registrar or consul general, without need of any judicial order.

At first glance, the seeming effect of the amendment is to remove from the ambit of Rule 108 the correction of clerical or typographical errors or change of entries in the civil register and to make Rule 108 apply only to substantial changes and corrections to entries in the civil register. Hence, we clarified in *Republic v. Benemerito*[19] that the obvious effect of R.A. No. 9048 is merely to make possible the administrative correction of clerical or typographical errors in entries and the administrative change of first name or nickname in the civil register, leaving to Rule 108 the correction of substantial changes in the civil registry in appropriate adversarial proceedings. Hence, the question that now arises is whether trial courts still have jurisdiction over petitions for correction of clerical errors and change of first name and nickname in the civil registry. Assuming that the trial courts retain such authority, the corollary question is whether the summary procedure prescribed in R.A. No. 9048 should be adopted in cases filed before the courts, or should the adversarial proceeding under Rule 108 be followed.

The answers to these queries are central to the resolution of the case at bar, as they determine whether Judge Sotero had indeed acted with gross ignorance of the law or whether his liability, if any, can be tempered as he acted in good faith on a doubtful question of law.

A review of the deliberations on R.A. No. 9048 clearly shows that it was enacted to give the people an option to have the erroneous entries in their civil records corrected via an administrative proceeding before the local civil registrar that is less expensive and more expeditious. In his sponsorship speech at the Senate, the main proponent mentioned in particular that the judicial process under Rule 108 of the Revised Rules of Court for the correction of clerical errors is tedious and expensive. To address the problem, it was proposed that Article 412 of the Civil Code be amended by providing, by way of an exception thereto, that clerical or typographical errors be corrected by the city or municipal civil registrar. The sponsor specified that the errors that may be corrected under the proposal are only those “committed in the performance of clerical work in writing, copying, transcribing or typing an entry in the civil register that is harmless and innocuous, such as a misspelled name or place of birth which is visible to the eyes or obvious to the understanding, and can be corrected or changed only by reference to other existing records,” and that “in no case may the correction involve the change of nationality, age, status or gender of a person.”[20] Further debate led to the proposal to include change of first name or nickname which was approved. However, such change of first name or nickname would only be allowed if based on some reasonable ground such as when the name to be changed is ridiculous.[21]

Subsequent deliberations revolved around specific provisions of the bill. Thus, under the bill, any person who wants an entry corrected needs only to file a verified petition supported by certain documents with the local civil registry office of the city or municipality where the records sought to be corrected are kept and, in case the petitioner has already migrated to another place, the petition may be filed with the local civil registrar where he resides. Publication of the petition for correction of entry is dispensed with and in lieu of publication, the petition needs only to be posted in a conspicuous place in the office of the local civil registrar for ten (10) consecutive working days. However, regarding petitions for change of first name, the petition has to be published once a week for two (2) consecutive weeks in a newspaper of general circulation, with the petitioner also submitting a certification that he has no pending case or prior criminal record. The local civil registrar is mandated to decide the petition not later than five (5) working days after the prescribed posting period. The decision of the local registrar is subject to the automatic review of the Civil Registrar General who shall act within ten (10) working days from receipt of the decision. If the Civil Registrar General finds that the correction is not clerical or

typographical in nature or that it affects the civil status of the person, he shall set aside the decision and advise the petitioner to file the necessary petition with the RTC in accordance with the Revised Rules of Court.

The authority or jurisdiction of the trial courts over petitions for correction of entries and change of first name or nickname was never taken up at the deliberations. In contrast, it is quite clear from the deliberations that the local civil registrar is given the authority to act on such petitions filed before his office, yet there was nary a mention or even insinuation that such petitions can no longer be filed with the regular courts. In fact, it was clarified that the grounds upon which the administrative process before the local civil registrar may be availed of are limited under the law; hence, outside of such limited grounds, the judicial process should be availed of. Indeed, there was no intent on the part of the lawmakers to remove the authority of the trial courts to make judicial corrections of entries in the civil registry. It can thus be concluded that the local civil registrar has primary, not exclusive, jurisdiction over such petitions for correction of clerical errors and change of first name or nickname, with R.A. No. 9048 prescribing the procedure that the petitioner and local civil registrar should follow.

Since R.A. No. 9048 refers specifically to the administrative summary proceeding before the local civil registrar it would be inappropriate to apply the same procedure to petitions for the correction of entries in the civil registry before the courts. The promulgation of rules of procedure for courts of justice is the exclusive domain of the Supreme Court.[22] Moreover, as observed by the OCA, there is nothing in R.A. No. 9048 and its Implementing Rules and Regulations that warrants the adoption of the procedure set therein for petitions before the courts even for the purpose of expediting the resolution of said petitions.

Thus, there should be recourse to the procedure prescribed for the courts as if R.A. No. 9048 were not enacted at all. In other words, the procedure provided in the Revised Rules of Court for such petitions remains binding and should be followed by the courts. The procedural requirements laid down in Rules 103 and 108 still have to be complied with. In the case at hand, Judge Sotero should have applied the procedure prescribed in Rules 103 and 108 in resolving the petitions before him, not the procedure prescribed in R.A. No. 9048 or the procedure provided in Section 3, Rule 9 which applies in civil cases where the defendant is declared in default.

Under Rule 103, the petition for change of name should be signed and verified by the person desiring a change of name, and set forth compliance with the residency requirement, the cause for which the change of name is sought, and the new name asked for. The court, after finding the petition to be sufficient in form and substance, shall issue an order reciting the purpose of the petition and fixing the date and place for the hearing of the petition, and direct the publication of the order before the hearing at least once a week for three (3) consecutive weeks in a newspaper of general circulation in the province. Any interested person may appear at the hearing and oppose the petition, with the Solicitor General or city fiscal appearing on behalf of the Government. The court shall grant the petition only when satisfactory proof has been presented in open court that the order had been published as directed, the allegations in the petition are true, and proper and reasonable causes appear for changing the name of the petitioner.[23]

Rule 108 requires publication of the verified petition for cancellation or correction of entry once a week for three (3) consecutive weeks in a newspaper of general circulation in the province; and that the civil registrar and all persons who claim any interest and who would be affected by the petition be made parties to the proceeding and be allowed to file their opposition to the said cancellation or correction within fifteen (15) days from notice of the petition or from the last date of publication. It is only after a hearing that the court may either dismiss or grant the petition.[24] Whether the proceeding under this rule is summary or adversarial, depending on the type of errors to be corrected, the procedural requirements under this rule still need to be complied with, the nature of the proceeding becoming adversarial only when any opposition to the petition is filed and actively prosecuted.

Petitions for change of name and correction of entries in the civil registry are actions in rem, the decision on the petition being binding not only on the parties thereto but on the whole world. An in rem proceeding is validated essentially through publication. Publication gives notice to the whole world that the proceeding has for its object to bar indefinitely all who might be minded to make an objection of any sort against the right sought to be established. It is the publication of such notice that brings in the whole world as a party to the case and vests the court with jurisdiction to hear and decide it.[25]

In the case at bar, the more than 300 cases for correction of entries filed before the RTC of Paniqui and decided by Judge Sotero do not fall within the purview of R.A. No. 9048. In other words, not all of said petitions pertain to the change of first name or nickname or the correction of typographical errors in the entries of the registry. Some of said petitions involve substantial changes in the registry such as change of age, sex, status, and nationality, and even of middle names and surnames of the petitioners. Judge Sotero's conduct in acting on the petitions, without full compliance with the procedural requirements under Rules 103 and 108 of the Revised Rules of Court, is appalling. He explained that since R.A. No. 9048 allows corrections of entries without need of hearing and publication for as long as the necessary documents are submitted, the same procedure under R.A. No. 9048 is applicable to the petitions filed before the court. The explanation does not impress. The records of the cases show that Judge Sotero did not comply with the administrative procedure under the said law. Thus, while R.A. No. 9048 requires that the petition for correction of entries be posted in a conspicuous place for ten (10) consecutive days, the records show that some of the petitions were decided less than ten (10) days from the date of filing. Clearly then, there was no way that the 10-day posting requirement could have been accomplished. The petitions for change of name were also granted even without publication of the order of hearing in a newspaper of general circulation.

Observance of the procedure under R.A. No. 9048 does not excuse Judge Sotero's blunders. It appears though that he could have acted under the false impression that the petitions could be filed only with the local civil registrar and not with the courts. Verily, he claims that he resolved the petitions with dispatch in order to accommodate the need of the petitioners to have their civil registry documents corrected with immediacy and that he was more lenient since no substantial prejudice would ensue. His misapprehension affords him no justification or extenuation. Moreover, his concern and compassion for the petitioners are misplaced. As a member of the bench, he should be equipped with the basic knowledge of rules of procedure, including Rules 103 and 108, which govern the disposition of the petitions. Judge Sotero's actuations clearly exposed a deplorable deficiency in his grasp of the basic principles of law and rudimentary rules of procedure, for which he should be held administratively liable.

As an advocate of justice and a visible representation of the law, a judge is expected to be proficient in the interpretation and application of our laws. Competence and diligence are prerequisites to the due performance of judicial office.[26] When the law is sufficiently basic, a judge owes it to his office to simply apply it, and anything less than that would be constitutive of gross ignorance of the law. In short, when the law is so elementary, not to be aware of it constitutes gross ignorance of the law.[27]

Judge Sotero's ignorance of the law is aggravated by his gross inefficiency in failing to take prompt action on some of the petitions for almost one year. Proper and efficient court management is ultimately the judge's responsibility since he is the administrator of the court. Canon 3, Rule 3.08 [28] and Rule 3.09,[29] of the Code of Judicial Conduct[30] requires judges to manage their dockets in such manner that the work of their courts is accomplished with reasonable dispatch.[31] Inefficiency implies negligence, incompetence, ignorance and carelessness. There is inexcusable inefficiency on the part of a judge when he fails to observe in the performance of his duties that degree of diligence, prudence, and circumspection which the law requires in the rendition of any

public service. When the inefficiency springs from a failure to consider so basic and elemental a rule, a law or a principle in the discharge of his duties, a judge is either too incompetent and undeserving of the position and title he holds or he is too vicious that the oversight or omission was deliberately done in bad faith and in grave abuse of authority.[32]

Gross ignorance of the law is classified as a serious charge under Section 8 of A.M. No. 01-8-10-SC, amending Rule 140 of the Rules of Court on the Discipline of Justices and Judges, which took effect on October 1, 2001. It is penalized either by dismissal from service, 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. The serious infractions would have required the imposition of dismissal as penalty had respondent judge not retired. So, instead, we now impose a fine in the maximum, i.e., P40,000.00, as the infractions which correspond to the sheer number of the petitions decided by Judge Sotero all in disregard of basic rules of procedure, are treated as aggravating circumstances.

WHEREFORE, the Court finds respondent retired Judge Cesar M. Sotero of the Regional Trial Court of Paniqui, Tarlac, Branch 67, GUILTY of gross ignorance of the law and FINES him in the amount of Forty Thousand Pesos (P40,000.00) to be deducted from the One Hundred Thousand Pesos (P100,000.00) withheld from him pursuant to the Court's Resolution dated 27 March 2007. The remainder of the withheld amount is ordered released to him.

SO ORDERED.

Puno, C.J., Quisumbing, Ynares-Santiago, Sandoval-Gutierrez, Carpio, Austria-Martinez, Corona, Carpio-Morales, Azcuna, Chico-Nazario, Garcia, Velasco, Jr., Nachura, and Reyes, JJ., concur.

[1]Rollo, pp. 8-9.

[2]Id. at 1-54, with annexes.

[3] Id. at 16-17.

[4]Id. at 17.

[5]Id. at 71-73.

[6]An Act Authorizing the City or Municipal Civil Registrar or the Consul General to Correct a Clerical or Typographical Error in An Entry and/or Change of First Name or Nickname in the Civil Registrar Without Need of a Judicial Order, Amending for This Purpose Articles 376 and 412 of the Civil Code of the Philippines; Effective 22 April 2001.

[7] Rollo, pp. 77-87.

[8]Rollo, p. 86.

[9]Per Resolution dated 10 October 2006. The case at bar deals only with the liability of Judge Sotero; any liability of Clerk of Court Saguyod that may be determined by the OCA after evaluation of his Report dated 22 September 2006 shall be dealt with upon completion of such evaluation.

[10] ART. 376. No person can change his name or surname without judicial authority.

[11]ART. 412. No entry in a civil register shall be changed or corrected, without a judicial order.

[12]ART. 410. The books making up the civil register and all documents relating thereto shall be considered

public documents and shall be prima facie evidence of the facts therein contained.

[13] Republic v. Court of Appeals, G.R. No. 97906, 21 May 1992, 209 SCRA 189.

[14] Kok, et al. v. Republic of the Philippines, 152 Phil. 301, 308 (1973).

[15] No. L-35316, 26 October 1987, 155 SCRA 1, 5.

[16] 5 March 1986, 141 SCRA 462 (1986).

[17] Republic v. Bautista, supra note 15.

[18] Lee v. Court of Appeals, 419 Phil. 392 (2001).

[19] G.R. No. 146963, 15 March 2004, 425 SCRA 488, 492.

[20] Sponsorship Speech of Senator Renato L. Cayetano, Senate Bill No. 2159 entitled “An Act Authorizing the City or Municipal Civil Registrar to Correct or Change Clerical or Typographical Errors in the Civil Register Without Need of a Judicial Order, Amending the Civil Code of the Philippines, Article 412,” 30 January 2001.

[21] Id.

[22] CONST., Art. VII, Sec. 5(15).

[23] See RULES OF COURT, Rule 103, Secs. 1 to 5.

[24] See RULES OF COURT, Rule 108, Secs. 3 to 7.

[25] Barco v. Court of Appeals, G.R. No. 120587, 20 January 2004, 420 SCRA 162, 173-174.

[26] NEW CODE OF JUDICIAL CONDUCT FOR THE PHILIPPINE JUDICIARY, Canon 6.

[27] Atty. Cañas v. Judge Castigador, 401 Phil. 619, 634-635 (2000).

[28] 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.

[29] A judge should organize and supervise the court personnel to ensure the prompt and efficient dispatch of business, and require at all times the observance of high standards of public service and fidelity.

[30] Applicable in a suppletory character to the New Code of Judicial Conduct for the Philippine Judiciary.

[31] Engr. Ambolong v. Judge Lubguban, 444 Phil. 834, 839 (2003).

[32] Re: Release of Accused by Judge Manuel T. Muro in Non-Bailable Offense, 419 Phil 567, 587-588.

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