

FRANCISCO P. OCAMPO, COMPLAINANT, VS. JUDGE EVELYN S. ARCAYA-CHUA, REGIONAL TRIAL COURT, BRANCH 144, MAKATI CITY, RESPONDENT.*A.M. OCA IPI No. 07-2630-RTJ. April 23, 2010*Read online (full-text search, related cases, audio case brief): <https://batas.org/library/bd65661c330d/>**PER CURIAM:**

These consolidated cases[1] stemmed from the administrative complaints filed against respondent Judge Evelyn S. Arcaya-Chua. A decision has been rendered in A.M. No. RTJ-07-2093, entitled *Sylvia Santos v. Judge Evelyn S. Arcaya-Chua*, from which the respondent sought reconsideration. The immediately preceding case was consolidated with the subsequent administrative complaints filed against respondent Judge in a Resolution dated April 14, 2009 of the Court en banc.

A.M. OCA IPI No. 07-2630-RTJ

In A.M. OCA IPI No. 07-2630-RTJ (the Ocampo Case), Francisco P. Ocampo charged respondent Judge Arcaya-Chua with harassment, grave abuse of authority, gross ignorance of the law, gross misconduct, manifest partiality and/or conduct prejudicial to the best interest of the service.

In his letter-complaint dated April 24, 2007 to the Office of the Court Administrator (OCA), Francisco Ocampo stated that he was the respondent in Special Proceedings (SP) No. M-6375, entitled *Milan Arceo Ocampo v. Francisco P. Ocampo*, which was pending before the sala of respondent Judge Arcaya-Chua.

On November 27, 2006, Francisco Ocampo's wife, Milan Arceo Ocampo, filed a petition claiming the sole custody of their minor daughters, namely, Ma. Francesca P. Ocampo (Francesca), born on June 1, 1994, and Ma. Fatima Patricia A. Ocampo (Fatima), born on October 13, 1995. Summons was served upon Francisco Ocampo on December 12, 2006 and the case was set for hearing the following day, December 13, 2006.

During the hearing, upon agreement of the parties, respondent Judge issued an Order enjoining Francisco Ocampo from taking their minor daughters out of the country without the court's permission and directing him to allow his wife, Milan, visitation rights over their minor daughters in their residence in Meycauayan, Bulacan. Since then, Milan exercised visitation rights over the minors and communicated with them through their cellular phones. Francisco Ocampo filed a motion to dismiss on the ground of lack of jurisdiction, alleging that he and Milan were residents and registered voters of Meycauayan, Bulacan. He then served written interrogatories to his wife, and presented testimonial and documentary evidence to prove that his wife was not really a resident of Makati City.

In an Order dated March 22, 2007, respondent Judge denied the motion to dismiss. Francisco Ocampo questioned the dismissal of his motion since Milan never presented any evidence to controvert the evidence which he submitted in support of his motion to dismiss.

Francisco Ocampo, thereafter, filed a motion for reconsideration, which was likewise denied by respondent Judge Arcaya-Chua in an Order dated April 3, 2007. On even date, respondent Judge issued a Temporary Protection Order (TPO), requiring complainant Ocampo to turn over the custody of their minor daughters to his wife, to stay

away from his wife's residence at 1211 West Ayala Condominium, 252 Gil Puyat Ave., Makati City, to refrain from committing acts that would harass, intimidate or threaten and create an unreasonable risk to the health, safety or welfare of their minor daughters and his wife, and to provide monthly support of P50,000.00 to their minor daughters and his wife, exclusive of expenses for medication and education.

Francisco Ocampo faulted respondent Judge Arcaya-Chua for issuing the TPO as the period to file his answer had not yet expired when respondent Judge issued the said Order. Moreover, he was directed to give monthly support of P50,000.00 to his wife and minor daughters, even if his wife alleged that he is not the father of the said minors and in the absence of any factual finding as to the resources of the giver and the necessities of the recipient. In directing the payment of support to his wife, respondent Judge also ignored the factual circumstances relating to the adulterous relations of his wife and the pendency of the legal separation case based on his wife's sexual infidelity and abandonment.

Francisco Ocampo further alleged that respondent Judge caused the implementation of the TPO as if it was a matter of life and death. When her branch sheriff was not available, respondent Judge dispatched another sheriff to implement the Order. Around 6:00 a.m. on April 5, 2007, a Maundy Thursday, the sheriff dispatched by respondent Judge barged into the home of Francisco Ocampo's parents in Baguio City and woke up all the occupants therein. At that time, Francisco Ocampo, his minor daughters and family were having their Holy Week vacation. The sheriff went inside the house and opened the rooms against the will of the occupants and without regard to their privacy. When the sheriff learned that Francesca and Fatima were still sleeping, he demanded that they be roused from their sleep, even as Ocampo assured him that he will peacefully bring his minor daughters to his wife. The sheriff also insisted that Francisco Ocampo pay the support of P50,000.00 right there and then, although he was told by Francisco that he did not have such amount of money. Francesca and Fatima refused to go with the sheriff, but because of the court order, Francisco Ocampo told them to go with him.

Francisco Ocampo then filed a motion for inhibition, as well as an urgent ex parte motion to recall or rectify the Order dated April 3, 2007, but both motions were denied by respondent Judge in an Order dated April 13, 2007.

The irregular acts attributed to respondent Judge Arcaya-Chua are as follows: (1) she denied the motion to dismiss filed by Francisco Ocampo, respondent therein, despite overwhelming evidence submitted that therein petitioner was not a resident of Makati City; (2) she scheduled the hearing of the case immediately a day after the summons was served on therein respondent; (3) she issued a TPO despite the fact that therein respondent's period to file an Answer had not yet lapsed; (4) she ordered the payment of support without sufficient basis; and (5) she caused the implementation of the TPO over-zealously, even designating a special sheriff to serve it in Baguio City on a Maundy Thursday. These, coupled with complainant Ocampo's account that respondent Judge demanded money from his wife, constitute the first set of charges filed against her.

In her Comment,[2]respondent Judge explained that the order setting SP No. M-6375 for hearing on the petitioner's application for a TPO and Hold Departure Order was issued on December 8, 2006, a Friday, and was received for service by the Process Server on the same day. Based on the officer's return, the Order was attempted to be served twice by the Process Server on December 11, 2006, a Monday, at complainant Francisco Ocampo's house, but nobody was there. On December 12, 2006, substituted service was resorted to by the Process Server.

Respondent Judge stated that the hearing could not have been set earlier since the court calendar was full, nor later, because December 13, 2006 was the last hearing date, before the court went on Christmas recess, for cases requiring the presence of the public prosecutor. While Francisco Ocampo may have felt harassed by the suddenness of the court hearing, respondent Judge professed that she did not have such intention. The nature of therein petitioner's prayers required immediate action by the court and the December 8, 2006 Order could have

been served on him on December 11, 2006, but, as previously mentioned, was unsuccessful.

Respondent Judge pointed out that had complainant Ocampo really felt harassed by the suddenness of the hearing, he could have complained during the hearing of December 13, 2006. Nonetheless, he never brought such issue to the attention of the court, until the filing of the administrative complaint, or four (4) months after the fact. At any rate, the scheduled hearing on December 13, 2006 did not push through because Francisco Ocampo filed a motion to dismiss on the same day. Francisco Ocampo himself set the hearing of his motion for reconsideration of the Order dated March 22, 2007 Order (which denied the Motion to Dismiss) on April 3, 2007, a Holy Tuesday. For utter lack of merit, reconsideration was denied and the TPO was issued on the same day.

Respondent Judge stated that the issuance of the TPO was anchored on the provision of Section 5 of Republic Act (R.A.) No. 9262. The Court also took into account the provisions of Articles 176 and 220 of the Family Code, which deal with the right of the mother to exercise parental authority over illegitimate children and her right to keep them in her company. Moreover, Francisco Ocampo's contention in his Answer that he was not contesting his wife's claim that the subject minors were not his children bolstered the propriety of the award of custody over the subject minors to his wife, Milan.

Respondent Judge asserted that she was not over-zealous in causing the implementation of the TPO, as the law itself mandates that the court order the immediate personal service of the TPO on the respondent. The Order that directed the implementation of the TPO was dated April 4, 2007, and it was received by Milan's counsel on the same day. Sheriff Manuel Q. Tangangco was deputized to serve it since the Branch Sheriff was not available. Milan Ocampo herself and her counsel coordinated with the sheriff regarding its service, also on the same day. Respondent Judge Arcaya--Chua explained that had she opted to defer action on Milan's prayer for the issuance of a TPO as well as its implementation, it would have been Milan who would have charged her administratively, considering that the Petition was filed as early as November 23, 2006, but the proceedings on the merits were delayed due to the filing by Francisco Ocampo of a Motion to Dismiss. In fact, therein petitioner, Milan Ocampo, filed on February 1, 2007 an Omnibus Motion (To Resolve Petitioner's Application for a Permanent Protection Order, etc.), claiming that Francisco Ocampo's motion to dismiss was purely dilatory.

As regards the date, time and manner the TPO was served by the sheriff, respondent Judge maintained that she was not privy to it, since the said TPO would have been served on April 4, 2007, pursuant to the Order bearing the same date. The sheriff's arrogance, if any, was his personal accountability.

Respondent Judge noted that the Sheriff's Report and handwritten notation on the lower portion of the Order dated April 3, 2007, which was also signed by Kagawad Artemio S. Zaparita of Baguio City and SP04 Arthur A. Curno of the Baguio City Police, stated that respondent Francisco Ocampo voluntarily turned over the custody of subject minors to the petitioner. During the hearing on May 10, 2007, the subject minors themselves belied the claims of Francisco Ocampo regarding the alleged arbitrary manner the TPO was served by the sheriff. Respondent Judge also pointed out that the court did not receive any complaint from Francisco Ocampo or anyone concerned about the manner the TPO was served. It was only in the present administrative complaint that the same was raised, leading to the inference that Francisco Ocampo's claims were concocted.

Respondent Judge maintained that it was irrelevant that the subject minors may not have been in danger, but were safe in the custody of complainant Francisco Ocampo. The court arrived at a preliminary determination that Milan, being the biological mother and the subject minors being her illegitimate children, was entitled to custody over them. Moreover, Milan may have been granted and was exercising visitation rights over subject minors, yet the duration thereof, as stated in the Order dated December 13, 2006, was only until the court resolved complainant Ocampo's Motion to Dismiss, which was resolved with finality on April 3, 2007. Further, there is a

whale of a difference between exercise of visitation rights and custody. During the hearing on May 10, 2007, subject minors, who were over seven years old, declared that they preferred to stay with their mother, Milan Ocampo, and likewise confirmed the physical violence committed by complainant Francisco Ocampo against Milan Ocampo.

According to respondent Judge, Milan Ocampo's prayer for the issuance of a TPO and a Permanent Protection Order (PPO) was anchored mainly on R.A. No. 9262. Section 15 of R.A. No. 9262 is explicit that the TPO should be issued by the court on the date of the filing of the application after ex parte determination that such order should be issued. Milan's prayer for the issuance of a TPO and a PPO, based on R.A. No. 9262, was incorporated in the Petition that was filed as early as November 23, 2006. Thus, it was not necessary for the court to await the filing of complainant Ocampo's Answer or the expiry of the period within which to file it before issuing the TPO.

Respondent Judge explained that the award of support was in favor of Milan alone as the legal wife of complainant Ocampo. This was clarified in an Order dated April 16, 2007. Among Milan's prayers in her Petition was for an award of monthly support of not less than P150,000.00, but the court awarded only P50,000.00, as that was the amount found reasonable by it. At any rate, the support granted by the court was only temporary. Likewise, although complainant Francisco Ocampo had not yet complied with the directive to give support as alleged by Milan, the court did not impose a sanction against him precisely because the court was then completing the hearing for the issuance of a TPO. Moreover, Francisco Ocampo had really no reason to complain about the award of support, because the directive to provide monthly support was already held in abeyance in the Order dated May 2, 2007.

Respondent Judge stated that Francisco Ocampo's allegations regarding Milan's adulterous relationships and the legal separation case do not have any bearing on SP No. M-6375.

She further asserted that, as can be gleaned from the records, the courses of action taken by the counsel of complainant Francisco Ocampo did not conform to normal rules of procedure. One, on April 10, 2007, he filed a Motion for Voluntary Inhibition, but two days later, or on April 12, 2007, he still filed an Urgent Ex Parte Motion to Recall or Rectify Order dated April 3, 2007. Two, on April 24, 2007, he filed the instant administrative complaint, but two days later, or on April 26, 2007, he still filed an Opposition to Petitioner's Motion dated April 23, 2007 with Ex Parte Motion for Examination of the Minors, and a day later, on April 24, 2007, filed a Second Motion to Inhibit. Respondent Judge Arcaya-Chua asseverated that from all appearances, the administrative complaint was filed for the sole objective of compelling her to inhibit herself from handling SP No. M-6375. Three, on May 11, 2007, he filed a Motion to Terminate Proceedings, which was an indication that complainant Ocampo did not really have any genuine administrative cause of action against her. As things turned out, all that complainant Ocampo wanted to hear from the subject minors was their declaration that they preferred to stay with their mother.

A.M. No. RTJ-07-2049

In A.M. No. RTJ-07-2049 (the Chang Tan/RCBC Case), the OCA, through then Court Administrator Christopher O. Lock, informed the Office of the Chief Justice in a Memorandum dated May 11, 2007 of the reports about the rampant selling of TPOs and PPOs in the Regional Trial Court (RTC) of Makati City, Branch 144, which was the sala presided by respondent Judge Arcaya-Chua.

The said reports were thereafter confirmed by Judges Winlove M. Dumayas, Marissa Macaraig-Guillen, Tranquil P. Salvador and Jenny Lind Aldecoa-Delorino, particularly with respect to SP Case No. M--6373, entitled Albert K. S. Chang Tan II v. Stephanie Estrella Pulliam, a child custody case.

In a Resolution[3] dated June 5, 2007, the Court resolved to treat the Memorandum of Court Administrator Christopher O. Lock as a complaint for gross ignorance and gross misconduct against Judge Arcaya-Chua, directed respondent Judge to file a Comment on the complaint within 10 days from receipt of notice, and suspended respondent Judge pending resolution of the administrative case.

It appears that on May 7, 2007, respondent Judge issued a TPO in the said case, granting, among others, the custody of the subject minor, Rafi Pulliam, to therein petitioner, Albert Chang Tan, and directing therein respondent, Stephanie Pulliam, to stay away from the home and office of Chang Tan as well as from the school of the subject minor. Per the sheriff's return dated May 8, 2007, the Order was not fully implemented insofar as the custody of the subject minor was directed to be turned over to Chang Tan. This development irked Chang Tan, resulting in a heated argument between Chang Tan and the Officer-in-Charge (OIC) of Branch 144. Chang Tan insisted that a break open order be issued or that the sheriff be permitted to enter the premises of Pulliam's house to search for the child and then bring her to court. On the same day, May 8, 2007, respondent Judge Arcaya-Chua issued an order authorizing the sheriff "to enter the open premises where subject minor may be found for the purpose of turning over custody to petitioner, but is admonished to maintain peace and order in the conduct thereof."

According to OCA, although it was not shown that Judge Arcaya-Chua received money from Chang Tan in exchange for the issuance of the TPO, the facts clearly indicate that she was remiss in issuing the TPO. Her speedy issuance of the Orders dated May 7, 2007 and May 8, 2007 not only showed her unusual interest in the case, but it also appeared that the Order dated May 8, 2007 was tailor-fitted to suit the wishes of Chang Tan, as expressed in the latter's heated argument with the OIC of Branch 144.

OCA also pointed out that it was not the only case wherein respondent Judge displayed unusual interest. On April 17, 2007, Judge Zenaida Galapate-Laguilles of RTC, Branch 143, Makati City issued an order in Civil Case No. 07-352, entitled Rizal Commercial Banking Corporation (RCBC) v. Moreno, setting the application for a writ of preliminary attachment for hearing on May 9, 2007. In view of the leave of absence of Judge Galapate-Laguilles, respondent Judge was later designated as the pairing judge. On April 20, 2007, respondent, as pairing judge, cancelled the previously scheduled May 9, 2007 hearing and re-scheduled the hearing to April 23, 2007, where she ordered the issuance of a writ of preliminary attachment in favor of RCBC. According to OCA, what was highly suspicious in respondent's actuation was that there was really no urgency in the application for a writ of preliminary attachment.

In her Comment[4] dated June 9, 2007, respondent Judge explained that SP No. M-6373, entitled Albert K. S. Chang Tan II v. Stephanie Estrella Pulliam, was originally raffled to the RTC of Makati City, Branch 60 under Judge Marissa Macaraig-Guillen. After Judge Macaraig-Guillen recused from the case, it was re-raffled to her branch on April 30, 2007, and the records of the case were transmitted to her on the same day.

Respondent Judge explained that the May 7, 2007 Order is justified under Sections 8 and 15 of R.A. No. 9262, as well as under Circular No. 03-04-04-SC, which specifically applies to a petition for custody of minors. Contrary to OCA's finding that the application filed by petitioner Chang Tan in SP No. M-6373 did not contain the requisite allegation of violence committed by therein respondent Stephanie Pulliam on her minor child, Rafi, paragraph 17 of the Application was explicit that a complaint for child abuse was filed against Stephanie Pulliam, based on, among other evidence, a handwritten letter of Rafi wherein she enumerated the many abuses that her mother had committed upon her. The complaint for child abuse was attached as an annex to the Application as well as to the Petition. Other annexes attached to the Application, mentioning in detail the acts of violence committed by Stephanie Pulliam against Rafi, consisted of the statements of yaya Josie Leynes and Rafi herself, as well as the Psychiatric Evaluation Report of Dr. Sonia Rodriguez.

Respondent Judge stated that although Article 176 of the Family Code provides that an illegitimate child shall be under the parental authority of the mother, an exception is when the court orders otherwise. The mother may be divested of her parental authority over her illegitimate child when the court finds compelling reasons to do so. In all cases involving a child, his best interest is of paramount consideration. The court awarded provisional custody over the subject minor and a TPO in favor of therein petitioner Chang Tan, but effective for a period of 30 days only, after a careful consideration of the allegations in the pleadings and the supporting documentary evidence. Rafi was already more than seven years old at the time the Order dated May 7, 2007 was issued, as evidenced by her Certificate of Live Birth.

Respondent Judge countered that the Order dated May 7, 2007 was not speedily issued. As was her standard operating procedure with respect to newly raffled and re-raffled cases, she immediately studied the records of SP No. M-6373. Even before Chang Tan's Application was filed on May 4, 2007, she had already arrived at a preliminary determination that the issuance of a Provisional Order and a TPO was warranted. She also studied Chang Tan's Application on the same day it was filed, a Friday. Her study thereof continued the following day, a Saturday, also in her office. She was then planning to avail of her forfeitable leave of absence of 30 days in June 2007, inasmuch as she did not avail of the same the previous year. To expedite the resolution of motions and preparation of decisions, and to avoid being saddled with much work on her return from her leave, she had been reporting to her office on alternate Saturdays beginning April 2007. SP No. M-6373 was not the only case that she studied on that Saturday, but other cases as well. Her study of SP No. M-6373 resumed on Monday, May 7, 2007, which culminated in the issuance of an Order at almost lunchtime of the same day. Granting that the one week period in which she issued the May 7, 2007 Order may be considered speedy, such circumstance should not be taken against her as she was really a fast worker. She was accustomed to speedy preparation of orders and decisions as a result of her training in the Supreme Court as a Court Attorney for 13 years.

Respondent Judge maintained that it was necessary to implement the Order dated May 7, 2007 at once, because the courts are so mandated to cause the immediate implementation of the TPO under Section 15, R.A. No. 9262.

As regards the alleged heated argument between Chang Tan and the OIC of Branch 144, respondent Judge surmised that the same could be merely concocted, as it was neither reported to her nor brought to her attention. Moreover, the doors of her chambers were always wide open and she could have clearly heard it if it really transpired.

Respondent Judge averred that during the hearing dated May 11, 2007, she gave a directive holding in abeyance further implementation of the May 7, 2007 Order. Thus, she asserted that if she really received money or anything from Chang Tan or from anybody in his behalf, she would have ensured complete implementation of the Order dated May 7, 2007, instead of holding it in abeyance. Moreover, she should have declared Pulliam and her counsel guilty of the indirect contempt charge against them if it were really true that she received money from Chang Tan.

Respondent Judge stated that if it were true that she had been engaged in rampant selling of TPO/PPO or any order in her branch, she and her family would not have found themselves in such state of financial drain after she had been preventively suspended.

As regards her participation in Civil Case No. 07-352, entitled Rizal Commercial Banking Corporation v. Moreno, respondent Judge narrated that an Ex Parte Motion for Immediate Resolution of Prayer for the Issuance of Writs of Preliminary Attachment was forwarded to her sala being the Pairing Judge of Branch 143. Immediately after reading the motion, she inquired from the Clerk of Court of Branch 143 about the alleged leave of absence of therein Presiding Judge Zenaida Galapate Laguilles. She learned that Judge Galapate-Laguilles

indeed left for the United States on April 19, 2007 to attend a convention on Intellectual Property and would be back on May 7, 2007. She likewise gathered information from the same Branch Clerk of Court that Judge Galapate-Laguilles's trip abroad was the reason behind the Application's setting on May 9, 2007, not because the Presiding Judge did not see any urgency in the Application. The Presiding Judge also lacked ample time to act thereon since she had a previously scheduled leave of absence. Thus, she determined from the allegations in the ex parte Motion and the Complaint the urgency to act on the prayer for the issuance of a writ of preliminary attachment. She also took into account the following: (1) the circumstance of prolonged absence of the Presiding Judge of Branch 143; (2) the reason for the setting on May 9, 2007; and (3) the mandatory wordings of Supreme Court Circular No. 19-98, i.e., "the judge of the paired court shall take cognizance of all cases thereat as acting judge therein."

Respondent Judge explained that she granted the Application because the allegations in the complaint were adequately supported by documentary and testimonial evidence. She received the records of the RCBC Case on April 20, 2007, a Friday, and as was her standard practice, immediately studied them. She continued her study of the records, and the records of other cases, on April 21, 2007, a Saturday, and on April 23, 2007, a Monday, which culminated in the preparation of the Order on the same day.

In her Supplemental Comment[5] dated June 22, 2007, respondent Judge added that the manner by which the incidents in the Chang Tan and RCBC cases were resolved must not be taken in isolation, but in relation to the manner all incidents were resolved and all decisions and orders were rendered in her sala, such that she resolved all incidents and rendered all her rulings immediately.

A.M. No. RTJ-08-2141

In A.M. No. RTJ-08-2141 (the Judicial Audit Case), a judicial audit was conducted on May 15 to 17, 2007 at the RTC of Makati City, Branch 144, which was the sala presided by respondent Judge Arcaya-Chua, following reports of alleged irregularities committed by respondent.

In a Memorandum dated August 10, 2007 by the OCA to Chief Justice Reynato S. Puno, Court Administrator Christopher O. Lock submitted for the Court's consideration the initial report of the Judicial Audit Team, informing the Court of an incident that happened on May 17, 2007 in Branch 144 of the RTC of Makati City.

The initial audit report stated that as early as May 12, 2007, a Saturday, the Court ordered the padlocking of Branch 144 and assigned guards thereat on a 24-hour basis. Before the audit team began its audit on May 15, 2007, the members made it clear to OIC Victoria C. Jamora and the court personnel present that actions on the records, including stitching should be held in abeyance and that no records should be brought outside the court until after the audit.

At 8:05 a.m. of May 17, 2007, the guards on duty, Joel Gregorio and Alexander Dayap, noticed Salvador Indicio, Jr., Utility Worker I of Branch 144, disposing a plastic bag. The guards followed Indicio, and retrieved the plastic bag from a trash bin located right outside the court. The plastic bag was surrendered to the audit team and was found to contain copies of marriage certificates of marriages solemnized by Judge Chua numbering to hundreds. When confronted, Indicio stated that he was disposing the documents upon respondent Judge's instruction made several days ago. He could not offer any explanation why he chose to dispose of the documents that morning despite the ongoing audit. He, nonetheless, disclosed that there were other bags for disposal still kept inside the room where the stenographers, particularly OIC Victoria C. Jamora, held office. The bags, when retrieved, turned out to contain more copies of marriage certificates. Jamora explained to the audit team that she was aware of the copies of marriage certificates being kept inside their room. However, she alleged that she had no control over them, because matters pertaining to solemnization of marriages were personally handled by Judge Arcaya-Chua.

In A.M. No. RTJ-08-2141, respondent Judge Arcaya-Chua was charged in connection with the 1,975 copies of marriage certificates for marriages she solemnized for the period covering January 2004 to April 2007 for the following acts: (1) for allegedly ordering Salvador Indicio, Jr., Utility Worker I, to dispose of the said copies of marriage certificates; (2) for the unpaid marriage solemnization fees of one thousand eight hundred nine (1,809) marriages as verified from the Metropolitan Trial Court (MeTC), Office of the Clerk of Court (OCC), Makati City and the RTC, OCC, Makati City, thereby depriving the Court of the said fees in the total amount of Five Hundred Forty-Two Thousand Seven Hundred Pesos (P542,700.00) at the rate of Three Hundred Pesos (P300.00) per marriage; and (3) for failing to reflect said marriages in the Monthly Report of Cases.[6]

In a Resolution[7] dated September 16, 2008, the Court resolved to consider the Memorandum dated August 10, 2007 of the OCA as a formal complaint against respondent Judge; require respondents Judge Arcaya-Chua and Victoria Jamora to comment on the Memorandum within 10 days from notice thereof; and refer A.M. OCA IPI No. 07-2630-RTJ and A.M. No. RTJ-07-2049 to Associate Justice Remedios A. Salazar-Fernando of the Court of Appeals for investigation, report and recommendation.

On February 10, 2009, respondent Judge filed her Affidavit,[8] in lieu of Comment, on the OCA Memorandum dated August 10, 2007.

Re: Ordering Salvador Indicio, Jr. to dispose of the copies of marriage certificates

In regard to the disposal of the marriage certificates, respondent Judge Arcaya-Chua recounted that in the second week of April 2007, she, with the help of Noel Umipig (a City Hall employee detailed to her sala), started to pack her personal belongings in anticipation of the impending transfer of her sala from the Gusali ng Katarungan to the Makati City Hall. She asked Umipig to discard her piles of yellowish scratch papers. Umipig put her scratch papers inside big plastic bags and then tied the bags. They also emptied the steel cabinet in her chambers which contained, among other things, the files of marriage certificates, as well as official receipts of the marriage solemnization fees. She previously bundled the said marriage certificates according to month and year of solemnization of the weddings, improvising paper bundles for the purpose. Umipig then put all the marriage certificates inside four, more or less, big plastic bags and placed them in the small room that was between her chambers and the stenographers' room. They were kept untied so that it would be easy to add or get a file. Immediately thereafter, Umipig asked permission to go home as he was then getting allergic reactions due to the dust, then took with him the bags of scratch papers out of her chambers to be thrown away. The following morning, she noticed that there were red patches on the face and arms of Umipig so she did not ask him anymore for help. She removed the official receipts of the marriage solemnization fees from the worn-out boxes, wrapped them with approximately six paper bundles then placed them inside the plastic bags containing the marriage certificates.

In the first week of May 2007, she was told by the City Hall Engineer that the transfer to the Makati City Hall would not push through yet because the furnitures were not complete and portions of the holding room were still being painted. She was told to just standby and to wait for an update about the schedule of transfer. With that advice, she did not find it necessary to return the files of marriage certificates and official receipts of the marriage solemnization fees inside the steel cabinet.

About the second week of May 2007, upon learning that the bags of garbage had accumulated, she reminded Salvador Indicio, Jr. to throw them away. On May 15, 2007, she was placed under preventive suspension. On May 18, 2007, Indicio told her, through telephone, that he was caught the previous day throwing marriage certificates that were placed in plastic bags. He explained that he thought those bags contained the garbage that she asked him to throw away the previous week. She was then outraged by the news and scolded Indicio, telling him that under

the law, it is her duty to maintain copies of marriage certificates being the solemnizing officer. In fact, Indicio stated in his affidavit that her specific instruction was "to dispose all the garbage which were stocked" in her sala and "it just turned out that what the plastic bag contained were copies of marriage contracts." Thus, Indicio simply mistook the plastic bags containing the marriage certificates and official receipts of the marriage solemnization fees to be the garbage that she instructed him the previous week to throw away.

Respondent Judge stressed that she did not and would not have ordered Indicio to dispose of the copies of the marriage certificates, citing the haphazard manner in which Indicio disposed of the same, and the fact that she had nothing to hide and that she would gain nothing by the disposal thereof.

Re: Unpaid marriage solemnization fees

Respondent Judge averred that the best proofs of payment of the marriage solemnization fees were the official receipts. She categorically stated that all the official receipts of the marriage solemnization fees were inside the plastic bags, together with the marriage certificates.

She stressed that she could not have allowed non-payment of the marriage solemnization fees, because it is of public knowledge that she had been solemnizing a big number of weddings per day, aside from the fact that she had solemnized weddings of several celebrities, which also included celebrities as sponsors; thus, attracting the attention of many court employees. She was also aware of the consequences of solemnizing a marriage without the solemnization fee so she was very meticulous when it came to checking, among other things, whether there was an official receipt evidencing payment of said fee. She also knew that the Office of the Civil Registrar of Makati City would not allow the registration of a marriage certificate if there was no accompanying official receipt of payment of the marriage solemnization fee. Moreover, considering the pervading financial crisis everywhere, any person would not part with his money without demanding an official receipt. No couple or nobody had ever complained about the absence of the official receipt of the marriage solemnization fee. Further, the Audit Team found from the Office of the Civil Registrar of Makati City that all the marriage certificates of the weddings that she solemnized were duly registered therein.

Respondent Judge also pointed out that the respective Clerks of Court of the OCC of the MeTC and RTC adopted a wrong and unreliable procedure in verifying from their records whether there was payment of the marriage solemnization fees, simply because most of the dates of the wedding indicated in the marriage certificates were not the same as the dates indicated in the official receipts. She explained that a couple would often pay the solemnization fee at a certain date, but the solemnization of the wedding would take place on another date for one reason or another. Thus, when the Clerks of Court of the Office of the Clerk of Court checked the dates from the copies of their official receipts on file, the dates did not reflect payment of the fees, because payments were made on dates different from the wedding dates.

Re: Failure to reflect the marriages in the Monthly Report of Cases

Respondent Judge related that the Monthly Reports of cases were typed by her staff, namely: Civil-in-Charge Celedonio Hornachos and Criminal-in-Charge Mary Jane Rafael. As regards the number of marriages solemnized, they would inquire from her and she would then give them the figure as stated in her own logbook. When the Reports were turned over to her for signature, she would first verify the entries from her own logbook before affixing her signature. Thus, she was shocked when she learned that the Court's copy of the Reports contained incorrect figures and was different from that which she signed.

She asserted that she could not have failed to reflect the correct number of marriages in the Monthly Reports, because apart from the fact that she was very meticulous in the accuracy of the entries, she had nothing to gain by

not reflecting the correct figures of solemnized marriages.

She believed that the blank and incorrect figures appearing in the number of marriages solemnized in the Monthly Reports from January 2004 to March 2007 were the handiwork of Umipig, who most probably tampered the same, because of a serious grudge against her. She added that it was also Umipig who transferred the plastic bags of marriage certificates and official receipts from the small room to the stenographer's room in an attempt to expose the big number of weddings that she had solemnized, which, through his machinations, were not reflected in the Monthly Reports.

Re: Compliance with Article 8 of the Family Code, and violation of Circular No. 9-98[9]

Respondent Judge claimed that she solemnized the marriages inside her chambers or courtroom, and as proof thereof, she pointed to the entry in the marriage certificates reflecting the place of solemnization. On few occasions, she had also solemnized weddings in a house or place designated by both contracting parties, but not without the required affidavit of request. She explained that she was able to solemnize many weddings per day, because the rites took only about 10 minutes and involved a maximum of eight couples per batch.

She stressed that neither did she demand nor receive money for solemnization of marriages, and only the official receipts of the solemnization fees were given to her.

In regard to Victoria Jamora, she explained in her Amended Comment dated October 2, 2008 that she failed to reflect in the Monthly Report of Cases the correct number of marriages solemnized by Judge Arcaya-Chua for the following reasons:

- She was not instructed by Judge Arcaya-Chua to be present during the marriage ceremony;
- She had no personal knowledge of the actual number of marriages solemnized by respondent Judge;
- She merely relied on the entries in the Monthly Report as to the number of marriages solemnized. The Monthly Report was prepared by Jane Rafael, who was in charge of criminal cases. When she asked Rafael why there were only such number of marriages solemnized from June 2005 to April 2007, Rafael replied that was the advice of respondent Judge. Besides, Judge Arcaya-Chua signed the reports. As a subordinate designated by respondent Judge as OIC, she was not in a position to question her superior, Judge Arcaya-Chua, and signed in good faith the Monthly Reports in question.

The administrative case was again referred to Associate Justice Remedios A. Salazar-Fernando of the Court of Appeals for investigation, report and recommendation.

The Investigation of the Administrative Complaints

On October 9, 2008, Investigator Justice Salazar-Fernando scheduled the consolidated cases for hearing at 10:00 a.m. on October 23, 2008.

During the hearing on October 23, 2008 of A.M. OCA IPI No. 07-2630-RTJ (the Ocampo Case), complainant Francisco Ocampo appeared with his counsel, Atty. Jose Aliling IV, while Atty. James Navarrete and Atty. Fe C. Aguila appeared for OCA. Respondent Judge Arcaya-Chua appeared in her own behalf. During the said hearing, complainant Ocampo submitted a Supplemental Affidavit and additional documentary evidence.[10] Respondent Judge Arcaya-Chua also furnished complainant Ocampo's counsel with a copy of her Affidavit, which incorporated her Comments in the two cases, the Supplemental Comment, the Motion to Recall Preventive Suspension and the Motion to Resolve. Complainant Ocampo testified on direct examination, affirming the truth of the contents of his Complaint and the authenticity of the annexes attached thereto. Respondent Judge Arcaya-Chua cross-examined him, but reserved further cross-examination as to the Supplemental Affidavit.

Hearing resumed the following day, October 24, 2008, and respondent Judge Arcaya-Chua cross--examined complainant Ocampo specifically on his Supplemental Affidavit. Justice Salazar-Fernando also asked complainant Ocampo questions.

During the hearing on October 29, 2008, complainant Ocampo submitted his Offer of Documentary Evidence. Respondent Judge Arcaya-Chua testified on direct examination, whereby she affirmed the statements in her Affidavit and Supplemental Affidavit, and identified her exhibits, after which, she was cross-examined by complainant Ocampo's counsel. Justice Salazar-Fernando also asked respondent Judge Arcaya-Chua questions. Thereafter, respondent Judge Arcaya-Chua rested her case and formally offered her documentary evidence, insofar as OCA IPI No. 07-2630-RTJ was concerned. For the guidance and information of Justice Salazar-Fernando, the entire original records of SP No. M-6375, entitled Milan Arceo Ocampo v. Francisco P. Ocampo, was ordered brought to her office.

On November 3, 2008, OCA started presenting evidence in A.M. No. RTJ-07-2049 (the Chang Tan/RCBC Case). Judge Zenaida T. Galapate-Laguilles testified and submitted her Affidavit, and was cross-examined, and was asked questions on redirect-examination. The scheduled hearing for November 4, 2008 was cancelled due to the unavailability of two (2) witnesses, namely, Judges Marissa Macaraig--Guillen and Jenny Lind Aldecoa-Delorino.

Hearing on the case resumed on November 10, 2008. OCA presented Judges Marissa Macaraig-Guillen and Jenny Lind Aldecoa-Delorino, who both submitted their Affidavits, which were considered as their testimony on direct. They were questioned by Justice Salazar-Fernando and cross-examined by respondent Judge Arcaya-Chua. Court records pertaining to SP No. M-6373, entitled Albert K.S. Chang Tan v. Stephanie N. Estrella Pulliam, were likewise directed to be brought to the office of Justice Salazar-Fernando for reference and information.

During the hearing on November 11, 2008, the Executive Judge of the RTC of Makati City, Judge Winlove Dumayas, appeared, and questions were propounded to him by Justice Salazar-Fernando, respondent Judge Arcaya-Chua and Atty. James Navarrete from OCA.

In order to expedite the proceedings, respondent Judge was allowed to present her defense, and marked in evidence several documents,[11] which formed part of her direct testimony. Since the documents submitted by respondent Judge were voluminous, Atty. Navarrete was given until November 20, 2008 to conduct his cross-examination.

On November 25, 2008, Atty. James Navarrete continued with the marking of additional documents and submitted in evidence his exhibits.[12] Respondent Judge Arcaya-Chua was cross--examined by Atty. Navarrete. Respondent Judge was also allowed to ask Atty. Navarrete some questions. Thereafter, respondent Judge submitted her Formal Offer of Evidence. Atty. Navarrete was given until November 27, 2008 to file his Opposition, while respondent Judge was given five days to file her Counter-Manifestation.

On November 26, 2008, Atty. Navarrete filed his Comment, interposing no objection to respondent's Formal Offer of Exhibits.

On December 2, 2008, respondent Judge Arcaya-Chua filed a Counter-Manifestation and Motion to Correct Transcript of Stenographic Notes.

On January 16, 2009, Justice Salazar-Fernando received the rollo of A.M. No. RTJ-08-2141 (Office of the Court Administrator v. Judge Evelyn S. Arcaya-Chua and Court Stenographer Victoria Jamora, formerly A.M. No. 07-5-263-RTC, Re: Initial Report on the Judicial Audit Conducted at the Regional Trial Court, Branch 144, Makati City), which he noted to have been consolidated with A.M. No. RTJ-07-2049 (Office of the Court

Administrator v. Judge Evelyn S. Arcaya-Chua) per Resolution of the Court en banc dated January 15, 2008.

Since A.M. No. RTJ-08-2141 was not included in the earlier investigation, Justice Salazar-Fernando set A.M. No. RTJ--08-2141 for hearing on February 8, 2009.

Hearing on A.M. No. RTJ-08-2141 started on February 10, 2009, during which the counsels for OCA and respondent stenographer Victoria Jamora appeared. Respondent Judge Arcaya-Chua also attended the hearing.

OCA proposed several stipulations for admission to respondent Judge Arcaya-Chua. She admitted that she solemnized marriages while she was the Judge of the MeTC, Branch 63, Makati City and RTC, Branch 144, Makati City. After going over the certificates of marriage from January 2004 to August 2004, she admitted that she solemnized those marriages. She also admitted that she solemnized marriages in her chambers or inside her courtroom, except for two other marriages that she could not remember, but proper documents were presented to her. She further admitted that payments of solemnizing fees must be paid before conducting or solemnizing the marriage, and as part of her regular duties, she signed the Monthly Reports.

Hearing resumed on February 18, 2009. OCA presented Atty. Fe Corcelles-Aguila, who testified on the incident that occurred on May 17, 2007, which led to the inventory of the certificates of marriage, and the audit conducted on May 15-17, 2007. Atty. Corcelles-Aguila's affidavit^[13] formed part of the records of the case.

In the hearing of March 3, 2009, OCA presented Salvador Indicio, Jr., Arnel Magsombol, Lucia Ticman and Joel Gregorio as its witnesses. The witnesses were questioned by OCA, respondent Judge Arcaya-Chua and Justice Salazar-Fernando. Per request of OCA, notice of hearing was sent to German Averia, for him to appear on the next scheduled hearing as the last witness of OCA.

In the hearing of March 23, 2009, German Averia testified in his capacity as Chief Judicial Staff Officer of the Statistical Records Division, Court Management Office (CMO) of the Supreme Court. He confirmed having issued certifications and inventory on the monthly report of cases submitted by respondent Judge Arcaya-Chua to the CMO in compliance with Administrative Circular No. 4-2004. In the same hearing, the counsel for OCA categorically stated that their evidence in A.M. No. RTJ--08-2141 was limited only to the alleged irregularities in the solemnization of marriage as well as the falsification of the monthly reports.^[14]

With the continuance of the investigation on April 8, 2009, OCA presented in evidence the originals of the monthly reports, and the certified true copies of the monthly reports, whose originals were unavailable. OCA, thereafter, rested its case. In the same hearing, respondent Judge Arcaya-Chua started presenting her exhibits.^[15] She manifested that her Affidavit and Supplemental Affidavit would serve as her testimony on direct examination.

On April 21, 2009, respondent Judge Arcaya-Chua presented additional exhibits.^[16] Her Affidavit and Supplemental Affidavit, as well as the Affidavit of her son, Robert Maurice Chua, formed part of their direct testimonies. Respondent Judge was, thereafter, cross--examined by OCA.

During the hearing on May 5, 2009, respondent Judge Arcaya--Chua offered in evidence her Second Supplemental Affidavit. She also presented additional exhibits.^[17] Respondent Judge Arcaya-Chua's daughter, Beau Mairi Chua testified, with her Affidavit constituting her direct testimony. No cross-examination was conducted on her by the opposing counsel. Respondent Jamora also testified as witness for respondent Judge Arcaya-Chua.

At the resumption of the hearing on May 18, 2009, respondent Judge Arcaya-Chua recalled respondent Jamora to the stand and propounded additional questions. Respondent Judge Arcaya-Chua rested her case after respondent Jamora's testimony. Respondent Jamora, thereafter, testified in her own behalf, with her Amended Comment

constituting her direct testimony. No cross-examination was conducted on her by OCA. Respondent Jamora, thereafter, rested her case.

With the conformity of the parties, Justice Salazar-Fernando directed them to file their respective memorandum. Respondent Judge Arcaya-Chua filed her memorandum on July 21, 2009, while respondent Jamora filed her memorandum on August 3, 2009. OCA did not file a memorandum; hence, Justice Salazar-Fernando deemed that it waived the filing of its memorandum. Per this Court's Resolution dated August 24, 2009, the case was submitted for report and recommendation to the Supreme Court.

Findings of the Investigating Justice

Findings in A.M. OCA IPI No. 07-2630-RTJ (the Ocampo Case)

In regard to the denial of the Motion to Dismiss in the Ocampo Case, without necessarily ruling on the correctness of respondent Judge Arcaya-Chua's Order, Justice Salazar-Fernando believed that respondent Judge's disposition thereof fell within the ambit of discretion vested upon her as a judge. Not giving credence to the evidence presented by the movants with respect to the residence of Milan Ocampo was well within her judicial discretion. Assuming the same was erroneous, no administrative liability attached thereon in the absence of sufficient evidence that she ruled in such manner, because of a corrupt or dishonest motive, bad faith, fraud or malice. The evidence presented by complainant Ocampo as to Milan's residence might constitute proof of her "domicile," but such evidence was not necessarily irreconcilable with the fact that Milan might be maintaining residence elsewhere other than Meycauayan, Bulacan, considering her estranged relationship with complainant Ocampo.

As regards the alleged suddenness of the scheduled TPO hearing, Justice Salazar-Fernando found respondent Judge Arcaya-Chua's explanation acceptable. The order setting the case for hearing on December 13, 2006 was issued on December 8, 2006. Thus, there was an interim of at least five days from the issuance of the order and the date of the scheduled hearing. It did not appear that respondent Judge had any hand in the belated service of the notice to the complainant. Justice Salazar-Fernando held that respondent Judge cannot be faulted as to the alleged suddenness of the said hearing, because a prayer for TPO requires to be acted upon with dispatch. In that respect, no wrong-doing, fraud, bad faith, malice or even arbitrariness can be attributed to respondent Judge.

According to the Investigating Justice, the alleged precipitate issuance of the TPO had no leg to stand on. Respondent Judge Arcaya-Chua correctly stated that the issuance of the TPO can be made upon the filing of the application after ex parte determination by the judge that the same be issued. This is in accordance with Sec. 15 of R.A. No. 9262, thus:

SEC. 15. Temporary Protection Orders. - Temporary Protection Orders (TPOs) refer to the protection order issued by the court on the date of filing of the application after ex parte determination that such order should be issued. A court may grant in a TPO any, some or all of the reliefs mentioned in this Act and shall be effective for thirty (30) days. The court shall schedule a hearing on the issuance of a PPO prior to or on the date of the expiration of the TPO. The court shall order the immediate personal service of the TPO on the respondent by the court sheriff who may obtain the assistance of law enforcement agents for the service. The TPO shall include notice of the date of the hearing on the merits of the issuance of a PPO.[18]

Hence, the issuance of the TPO by respondent Judge Arcaya-Chua even before complainant Ocampo could file his answer was neither irregular nor improper.

Justice Salazar-Fernando was convinced by the reasons why respondent Judge issued the TPO. A preliminary determination of the facts of the case justified the issuance of the TPO as it appeared that the subject minors therein were the illegitimate children of the petitioner, Milan Ocampo, having been conceived through artificial insemination without the required written authorization or ratification of the husband, complainant Francisco

Ocampo. The pertinent provision of the Family Code states:

ART. 164. Children conceived or born during the marriage of the parents are legitimate.

Children conceived as a result of artificial insemination of the wife with the sperm of the husband or that of a donor or both are likewise legitimate children of the husband and his wife, provided that both of them authorized or ratified such insemination in a written instrument executed and signed by them before the birth of the child. The instrument shall be recorded in the civil registry together with the birth certificate of the child.

Moreover, Milan Ocampo appended evidence of complainant Ocampo's alleged perversity and violent behavior. A sworn affidavit^[19] of Emelita S. Valentino, narrating alleged perverse behavior of complainant Ocampo, as well as the certification^[20] from the Philippine National Police of Meycauayan, stating acts of violence committed by complainant Ocampo on Milan, were appended to the Petition. The totality of the evidence thus presented, while not exactly conclusive, justified a prima facie determination of the necessity of a TPO.

While Justice Salazar-Fernando found complainant Ocampo's objections to the matter of support apt and plausible, the same could be merely considered as an error of judgment or an abuse of discretion, but respondent Judge Arcaya-Chua cannot be held administratively liable thereon. Considering that the matter of support therein was merely provisional, respondent Judge could not be faulted for readily granting the prayer for support without further evaluating evidence with respect thereto. Justice Salazar-Fernando stated that respondent Judge Arcaya-Chua's error in that respect was not gross, the same having been brought about by an innocuous reliance on the Rule on Provisional Orders, A.M. No. 02-11-12-SC. Under the said rule, provisional orders for protection and support may be issued without hearing. However, the said rule specifically applies to petitions for declaration of nullity of marriage, annulment of marriage or legal separation. In this case, the matter of support was among the principal reliefs sought for in the petition for custody.

Justice Salazar-Fernando found that respondent Judge Arcaya-Chua's alleged over-zealousness in causing the immediate implementation of the TPO was without solid basis. A TPO, much like a TRO in civil cases, is required to be served immediately, precisely to serve its purpose as a protective relief. Respondent Judge issued the TPO on April 3, 2007, a Holy Tuesday, right after the hearing on complainant Ocampo's motion for reconsideration of the denial of his motion to dismiss. She clarified that the date of the hearing on the motion for reconsideration on April 3, 2007 was set by complainant Ocampo's counsel himself. The following day, April 4, 2007, a Holy Wednesday, she directed the implementation of the TPO. Hence, Justice Salazar-Fernando found nothing improper or wayward in the dispositions made by respondent Judge in the case. There was no evidence that respondent Judge purposely sought the issuance of the TPO during the Holy Week, as it was complainant Ocampo's counsel himself who, wittingly or unwittingly, chose the hearing date. Considering the urgency and immediacy of a TPO, it was not improper or illegal that respondent Judge caused its immediate implementation.

Justice Salazar-Fernando believed that respondent Judge could not have been privy to the brazen manner in which the TPO was served by the designated sheriff. In the first place, it was only the designated sheriff, Sheriff Tangangco, who was administratively charged by complainant Ocampo for the allegedly offensive manner the TPO was served. As correctly argued by respondent Judge, such was the personal accountability of Sheriff Tangangco.

Further, Justice Salazar-Fernando found complainant Ocampo's allegation of bribery against respondent Judge to be hearsay. During the hearing conducted by Justice Salazar-Fernando on October 24, 2007, complainant Ocampo confirmed that he had no personal knowledge of the alleged bribery of respondent Judge Arcaya-Chua.

Justice Salazar-Fernando recommended that A.M. OCA IPI No. 07-2630-RTJ (the Ocampo Case) should be dismissed. She stated that as a matter of policy, in the absence of fraud, dishonesty or corruption, the acts of a

judge in his judicial capacity are not subject to disciplinary action even though such acts are erroneous.[21] She cited *Español v. Mupas*,[22] which held thus:

x x x While the Court will never tolerate or condone any conduct, act or omission that would violate the norm of public accountability or diminish the people's faith in the judiciary, nonetheless, we have repeatedly stated that the quantum of proof necessary for a finding of guilt in administrative cases is substantial evidence or such relevant evidence as a reasonable mind might accept as adequate to support a conclusion. In the absence of contrary evidence, what will prevail is the presumption that the respondent has regularly performed his or her official duties. In administrative proceedings, complainants have the burden of proving by substantial evidence the allegations in their complaints. Thus, when the complainant relies mainly on second-hand information to prove the charges against the respondent, the complaint is reduced into a bare indictment or mere speculation. The Court cannot give credence to charges based on mere credence or speculation. As we held in a recent case:

Any administrative complaint leveled against a judge must always be examined with a discriminating eye, for its consequential effects are by their nature highly penal, such that the respondent judge stands to face the sanction of dismissal or disbarment. Mere imputation of judicial misconduct in the absence of sufficient proof to sustain the same will never be countenanced. If a judge should be disciplined for misconduct, the evidence against him should be competent.[23]

Findings in A.M. No. RTJ-07-2049 (the Chang Tan/RCBC Case)

Justice Salazar-Fernando stated that in the Chang Tan Case, the OCA primarily asserted that the TPO issued by respondent Judge Arcaya-Chua could not be legally justified under R.A. No. 9262, because the said law applies only if the applicant for TPO is a woman.

The Investigating Justice partly agreed with the OCA on that score. R.A. No. 9262 is known as the Anti--Violence Against Women and Their Children Act of 2004. It is specifically applicable to "women and their children," not to men. Thus, while the TPO may be justified with respect to the protection accorded the minor, the same is not legally tenable with respect to the petitioner, Albert Chang Tan. Under R.A. No. 9262, a TPO cannot be issued in favor of a man against his wife. Certainly, such a TPO would be absurd. Hence, Justice Salazar-Fernando found respondent Judge Arcaya-Chua's error in this regard to be gross ignorance of the law. She cited the Dissenting Opinion of Justice Romeo J. Callejo, Sr. in *Officers and Members of the Integrated Bar of the Philippines, Baguio-Benguet Chapter v. Pamintuan*,[24] which stated, thus:

When the inefficiency springs from a failure to consider so basic and elementary 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 the title he holds or is too vicious that the oversight or omission was deliberately done in bad faith and in grave abuse of judicial authority (*De Guzman, Jr. v. Sison*, A.M. No. RTJ-01-1629, March 26, 2001). When the law is sufficiently basic, a judge owes it to his office to simply apply it; anything less than that would be constitutive of gross ignorance of the law (*Rodriguez v. Bonifacio*, A.M. No. RTJ-99-1510, November 6, 2000).

Justice Salazar-Fernando averred that as a family court judge, respondent Judge Arcaya-Chua should be the last person to err in the application of R.A. No. 9262, and, in this case, issue a TPO applied for a man, purportedly to protect the latter against his wife. Such is unthinkable under R.A. No. 9262. A careful evaluation of the records in the Chang Tan Case showed that there was not even any allegation of violence committed by Stephanie Pulliam against her husband, Chang Tan. Thus, Justice Salazar-Fernando found that the TPO against Stephanie, insofar as it directed the latter to stay away from the home and office of petitioner, to cease and desist from harassing, intimidating or threatening petitioner and to refrain from acts of commission or omission that create an unreasonable risk to the health, safety or welfare of petitioner, was anomalous.

Be that as it may, with respect to the issue of custody, Justice Salazar-Fernando found respondent Judge

Arcaya--Chua's reasons for granting custody over subject minor to Albert Chang Tan to be legally tenable. While not exactly conclusive, the evidence relied upon by respondent Judge in granting custody in favor of Chang Tan was substantial enough to warrant a prima facie determination that a TPO in favor of the minor was necessary and would serve her paramount interest. Justice Salazar-Fernando found nothing improper in respondent Judge's reliance on the psychological evaluation report of Dr. Sonia Rodriguez and the statements of yaya Josie Leynes and the subject minor herself, Rafi Pulliam, which all confirmed that Stephanie has not been a good influence to her daughter, Rafi. As far as the latter's paramount interest was concerned, Stephanie was not the ideal person to whom custody should be awarded. On this premise, respondent Judge Arcaya--Chua's award of temporary custody to the father could be justified. However, Justice Salazar-Fernando stated that she does not necessarily affirm the correctness of the custody award to the father, Chang Tan, since respondent Judge Arcaya-Chua's Order dated May 7, 2007 was annulled and set aside by the Twelfth Division of the Court of Appeals in a Decision dated October 31, 2007.[25]

In regard to the alleged bribery and unusual interest which respondent Judge Arcaya-Chua allegedly displayed in the said case, Justice Salazar-Fernando found no substantial evidence to support such allegations. The OCA's Memorandum itself admitted that there was no proof that respondent Judge received money from Chang Tan.

Moreover, not one of the witnesses of OCA confirmed having personally witnessed the alleged heated argument between Chang Tan and the OIC of the RTC of Makati City, Branch 144, except for their second-hand accounts that they heard that such incident actually transpired. Justice Salazar-Fernando found it speculative to attribute the commission of bribery or wrongdoing to respondent Judge Arcaya-Chua solely on such account. The Investigating Justice stated that respondent Judge appeared to have no personal or actual participation in that incident, because the "heated argument" was allegedly between Chang Tan and the OIC, Victoria Jamora.

As regards respondent Judge Arcaya-Chua's issuance of a writ of preliminary attachment in the RCBC Case, Justice Salazar-Fernando found no evidence against respondent of any irregularity or undue interest in the case. Respondent convincingly elaborated the circumstances surrounding her issuance of the writ of preliminary attachment, particularly the manner in which she studied and evaluated the application for the writ. Justice Salazar-Fernando was convinced that while the order granting the writ was indeed speedily issued the ex parte hearing on the application having been held on a Friday, followed immediately by the issuance of the writ on the succeeding business day, a Monday there was really nothing impossible or irregular in such feat. Per respondent's account, she had been unofficially reporting for work on Saturdays during that time and she did not have to evaluate the totality of the evidence for the purpose of ruling on the propriety of issuing the writ. Further, considering respondent's habit of immediately disposing pending motions before her court, Justice Salazar-Fernando found no sufficient basis to attach a sinister significance to the speedy issuance of the writ of preliminary attachment. The Investigating Justice also found respondent Judge's reasons for issuing the writ of preliminary attachment to be apt.

Justice Salazar-Fernando held that in the absence of evidence that she was motivated by any dishonest or corrupt motive in issuing the writ, respondent Judge Arcaya-Chua is entitled to the presumption that she regularly performed her duties. She cited, thus:

In administrative proceedings, the complainant bears the onus of establishing, by substantial evidence, the averments of his complaint. Notatu dignum is the presumption of regularity in the performance of a judge's functions, hence bias, prejudice and even undue interest cannot be presumed, specially weighed against a judge's sacred allegation under oath of office to administer justice without respect to any person and do equal right to the poor and to the rich. In a long line of cases decided by this Court, it was held that bare allegations of bias are not enough in the absence of clear and convincing evidence to overcome the presumption that the judge will undertake his noble role to dispense justice according to law and evidence and without fear or favor.

In *Sinnott v. Barte*, it was further held, mere suspicion that a judge is partial is not enough. There should be clear and convincing evidence to prove the charge of bias and partiality. Extrinsic evidence is required to establish bias, bad faith, malice or corrupt purpose, in addition to the palpable error that may be inferred from the decision or order itself. Although the decision may seem so erroneous as to raise doubts concerning a judge's integrity, absent extrinsic evidence, the decision itself would be insufficient to establish a case against the judge.[26]

Findings in the Judicial Audit Case (Re: Marriage Certificates and Monthly Reports)

Justice Salazar-Fernando found that there is substantial evidence of an anomaly in respondent Judge Arcaya-Chua's solemnization of marriages in her court and failure to reflect the correct number of marriages in her Monthly Reports.

The Investigating Justice stated that at once, the timing of the disposal of the marriage certificates, which were said to have been contained in four (4) plastic bags, is highly suspect, because it occurred during the time the judicial audit was being conducted. Respondent Judge Arcaya-Chua admitted the fact that she ordered Salvador Indicio, Jr., her utility worker, to dispose of some garbage contained in blue plastic bags. However, as regards the timing of disposal, she explained that she ordered Indicio to dispose of her garbage on the second week of May, days before the judicial audit.[27] Such fact was confirmed by Indicio in his testimony.[28] He testified that he was ordered by respondent Judge Arcaya-Chua to dispose of the garbage on May 9, 2007. Indicio stated that the garbage was due for disposal on May 14, 2007, but since it was election day, the disposal of the garbage was postponed until May 17, 2007, at which time, the disposal of the plastic bags caught the attention of the security detail of the Supreme Court.

The Investigating Justice stated that based on the foregoing account, if the order to dispose of the garbage was indeed made on May 9, 2007, it is perplexing why such a simple task of throwing away a garbage of barely four plastic bags, which would take only a couple of minutes to accomplish, could tarry for several days. Why no attempt to dispose of the supposed garbage was made on May 9, 10, and 11 (May 12 & 13 were Saturday and Sunday, respectively, while May 14 was Election Day, and May 15 to 17 was the period of judicial audit) was not sufficiently explained. The logical implication is that the order to dispose could not have been made on May 9, 2007, but more likely later when the judicial audit was already being conducted. Such conclusion jibes with the account of Atty. Fe Corcelles-Aguila, one of the members of the judicial audit team, that upon being immediately confronted why he chose that particular day to dispose of the supposed garbage despite the ongoing audit, Indicio "could not offer any explanation." [29] Indicio could not remember the exact date when the order to dispose of the garbage was made by respondent Judge Arcaya-Chua. He testified, thus:

CROSS-EXAMINATION

JUDGE CHUA:

You mentioned in your Affidavit and in your testimony this morning that you executed an Affidavit on May 17 and the throwing away of the garbage was also done at 8:00 o'clock in the morning of May 17 upon my instruction. When did I give my instruction to you to throw away the garbage?

MR. INDICIO:

You told me before the audit to throw all your trash.

JUSTICE FERNANDO:

Did you know when that particular day was?

MR. INDICIO:

That was election day, Your Honor.

JUSTICE FERNANDO:

Election day of May, 2007?

MR. INDICIO:

Yes, Your Honor.

JUSTICE FERNANDO:

Was that the exact date when Judge Chua told you to throw the garbage?

MR. INDICIO:

Yes, Your Honor.

JUDGE CHUA:

May I draw your attention to paragraph 2 of your Affidavit. This was subscribed to on May 17. So the last week that you mentioned here was a week before May 17. You mentioned here that last week, I was instructed by the Presiding Judge to dispose of the garbage which were stocked in her branch. Do you confirm the statement in paragraph 2 of your Affidavit?

MR. INDICIO:

Judge Chua told me to throw the garbage because it was election day.

JUDGE CHUA:

I am sorry, Your Honor, but I do not get the fact straight.

May I draw your attention now to paragraph 5 of your Affidavit. You said here that the said garbage was scheduled to be disposed last May 14, 2007. However, since it was election day, same was not collected.

MR. INDICIO:

Yes, ma'am, it was scheduled on May 14, but the janitor was busy so it was only on May 17 that he had an opportunity to throw it.

JUDGE CHUA:

To clarify the matter, Mr. Indicio, when did I give the instruction to you to throw away the garbage?

MR. INDICIO:

I was told before the audit.

JUDGE CHUA:

The audit was conducted on May 15 up to May 17. Based on paragraph 2 of your Affidavit, I gave the instruction to you a week before May 17, so I gave the instruction to you probably on May 10, is that what you are saying?

MR. INDICIO:

I do not remember the exact date but I was instructed by Judge Chua.

xxxx

JUSTICE FERNANDO:

When you told us that before the audit was conducted, Judge Chua already instructed you to throw those garbage bags placed inside the stenographer's room, how many days after that instruction was given to you did you comply with her instruction?

MR. INDICIO:

Eight (8) days, Your Honor.

JUSTICE FERNANDO:

So if you instructed Beldad to throw those garbage bags on May 17 minus 8 that would be May 9, is that correct?

MR. INDICIO:

Yes, your Honor.[30]

According to Justice Salazar-Fernando, apart from the timing of the disposal, the manner of disposing the plastic bags of marriage certificates was also open to suspicion. Although there were four plastic bags ready for disposal, which according to Indicio himself were really not too heavy,[31] only one was taken out by the janitor to be disposed, leaving three other plastic bags inside the courtroom. Taking out the plastic bags one by one could have been purposely sought to surreptitiously remove the said bags from the courtroom, and avoid detection by the security personnel detailed by the judicial audit team.

Justice Salazar-Fernando noted that despite repeated references to the supposed garbage, which were allegedly contained in similar plastic bags containing the marriage certificates, the whereabouts of the said plastic bags of garbage were never accounted for. If what were mistakenly attempted to be disposed of by Indicio were the plastic bags containing the marriage certificates, the plastic bags containing the garbage could have been found elsewhere in the courtroom. However, as things turned out, there were really no plastic bags of garbage, but only more plastic bags of marriage certificates. Respondent Judge Arcaya-Chua's account of the plastic bags of garbage was unsubstantiated.

The Investigating Justice did not give credence to respondent Judge's theory as to why the plastic bags of marriage certificates were found in the stenographer's room, causing Indicio to mistake it for the garbage which she supposedly ordered him to dispose of. Respondent Judge Arcaya-Chua theorized that a certain Noel Umipig, a casual employee in her staff, who harbored a deep-seated grudge against her for not being able to borrow money from her, could have been responsible in transferring the plastic bags of marriage certificates from the small room in her chambers to the stenographer's room before her courtroom was padlocked. According to her, Umipig could have heard of the impending administrative investigation on her. Hence, to expose the big number of weddings she had been solemnizing, which, purportedly, through Umipig's machinations had not been reflected in her monthly reports, Umipig could have taken out the plastic bags of marriage certificates from the small room in her chambers and transferred them to the stenographer's room, so that once the plastic bags were taken out to the garbage can along the corridor, the documents would be discovered by the audit team.

Justice Salazar-Fernando found respondent Judge's theory difficult to swallow. According to her, it was fantastic that respondent Judge attached too much cunning to Umipig for the latter to have deviously perpetrated all the acts being attributed to him. If the intention was only to expose the big number of weddings, it is hard to understand why Umipig would have to go the difficult way of trespassing on her chambers when all he would

have to do was spread rumors about the weddings, as he had been wont to do, per respondent Judge Arcaya-Chua's own account.

In regard to the non-payment of the marriage solemnization fees, the certifications[32] issued by the Clerks of Court of the MeTC and RTC of Makati City attest to the fact that out of the 1,975 marriages solemnized by respondent Judge Arcaya-Chua, only 166 marriages were paid the corresponding solemnization fees. Justice Salazar-Fernando found no reason to doubt the reliability or integrity of the said certifications, the contents of which were confirmed by Arnel Magsombol and Lucila Ticman, the same persons who personally verified from their records whether or not the solemnization fees of the marriages solemnized by respondent Judge Arcaya-Chua were paid.

Respondent Judge assailed the reliability of the procedure undertaken by Magsombol and Ticman in verifying the payment of solemnization fees, positing that they could have merely relied on the dates of the wedding as stated in the marriage certificates, which were often not the same dates stated in the receipts. She contended that most parties paid their solemnization fee on a date different from their wedding; hence, the dates of the receipts would not be the same date as that of the wedding. Thus, respondent Judge postulated that when Magsombol and Ticman verified payment of the solemnization fees based on the dates of the wedding as stated in the marriage certificates, they would find no receipt to show payment of the solemnization fees, because payment was made on some other date.

Justice Salazar-Fernando did not believe the foregoing postulation of respondent Judge Arcaya-Chua in the light of the categorical declarations of Magsombol and Ticman that they did not merely based their verification on the dates of the wedding, but, specifically, they verified the payment of solemnization fees based on the names of the contracting parties to the wedding. Pertinent portions of the testimonies of Magsombol and Ticman state as follows:

DIRECT EXAMINATION

x x x x

ATTY. BUGTAS:

So how did you verify these marriages solemnized by respondent Judge Arcaya-Chua?

MR. MAGSOMBOL;

I checked the names that were handed to me one by one.

ATTY. BUGTAS:

Did you check all the records?

MR. MAGSOMBOL:

Yes, I based on the daily cash collection records beginning the first day of January 2004 up to the last day of office of December 2005.

JUSTICE FERNANDO:

Are your daily cash collection records complete from January 2004 to December 2005?

MR. MAGSOMBOL:

Yes, Your Honor.

JUSTICE FERNANDO:

How about the other basis which you said, receipts?

MR. MAGSOMBOL:

In our daily collection report, we indicate the OR number.

JUSTICE FERNANDO:

Did you also check those OR numbers and the receipts?

MR. MAGSOMBOL:

Yes, I matched the daily collection to the receipts which I brought with me, Your Honor.

xxxx

JUSTICE FERNANDO:

So in the years 2004 and 2005, marriages solemnized by the MeTC Judge were supposed to be recorded in your daily cash collection book?

MR. MAGSOMBOL:

Yes, Your Honor, the ones that are being paid.

JUSTICE FERNANDO:

So if they are not paid, they do not appear in your book?

MR. MAGSOMBOL:

Yes, we don't know if the marriage happened or not.

xxxx

(Direct Examination of Lucila D. Ticman)

JUSTICE FERNANDO:

Did you verify from your records if the solemnization fees of the marriages that were listed in the document were paid?

MS. TICMAN:

Yes, Your Honor.

JUSTICE FERNANDO:

What was the result of your verification?

MS. TICMAN:

Only 20 parties paid the solemnization fees.

JUSTICE FERNANDO:

Only 20? Twenty out of?

ATTY. BUGTAS:

More than a thousand, Your Honor. 1,300 plus.

x x x x

JUSTICE FERNANDO:

What was the basis of your findings?

MS. TICMAN:

My basis Your Honor is the one coming from the Supreme Court, and the names supplied us by the Supreme Court were verified by us if they were paid or not.

JUSTICE FERNANDO:

What documents did you check to determine whether the fees were paid or not?

MS. TICMAN:

The Certificates of Marriage.

x x x x

ATTY. BUGTAS:

What documents or records did you examine in order to determine the marriages that paid the corresponding fees?

MS. TICMAN:

The logbook of the Accounting Section and official receipts.

x x x x

ATTY. BUGTAS:

Based on your records or receipt that you have, you can inform the inquiring party whether that person or party paid the corresponding fees or not?

MS. TICMAN:

Yes, sir.

ATTY. BUGTAS:

In the 3[rd] paragraph of your Affidavit, based on your records, you enumerated just 20 marriages as appearing to have paid the corresponding fees.

MS. TICMAN:

Yes, sir.

ATTY. BUGTAS:

But based on the records available, the Supreme Court furnished you with a list numbering around 1,344 names of parties for verification but you came out with an Affidavit enumerating only those parties that paid the corresponding fees. Is there a possibility that the contracting parties paid the fees, but your records would not reflect their names?

MS. TICMAN:

No, sir.

ATTY. BUGTAS:

So only those that paid will appear in your records.

MS. TICMAN:

Yes, sir.

ATTY. BUGTAS:

If a party did not pay, his or her name will not appear in your records?

MS. TICMAN:

Yes, sir.

xxxx

ATTY. BUGTAS:

In the 3[rd] paragraph of your Affidavit, you stated that after a thorough examination of the records of this office (referring to your office) has been ascertained that only 20 marriages have been paid in the OCC RTC Makati city, and you enumerated the 20 marriages that paid the corresponding fees based on your records.

When you say you thoroughly examined, can you tell us whether the examination was thorough enough so that your Affidavit is accurate as to its contents?

MS. TICMAN:

We examined our logbook one by one, the names of the parties given by the Supreme Court.[33]

Justice Salazar-Fernando was fully convinced by the findings of Magsombol and Ticman that the solemnization fees of a substantial number of marriages solemnized by respondent Judge Arcaya-Chua were unpaid.

As regards respondent Judge Arcaya-Chua's failure to reflect the marriages in her monthly reports, Justice Salazar-Fernando found respondent Judge's defense of forgery, nay tampering, to be unsubstantiated. She carefully perused respondent Judge's signatures in the monthly reports and compared the same to her signatures in the pleadings, which she submitted during the investigation, as well as in the orders and decisions contained in the records, and found no substantial discrepancies therein or any indication that the same had been forged. According to Justice Salazar-Fernando, while all her signatures did not exactly appear to be 100 percent similar, there was no reason to suppose that her signatures in the monthly reports and other signatures extant in the records were not signed by one and the same person. Moreover, Justice Salazar-Fernando failed to see any tell-tale signs of tampering, and this could be the reason why respondent Judge herself withdrew such defense.

Justice Salazar-Fernando disbelieved the argument of respondent Judge Arcaya-Chua that the anomaly attributed to her was the work of Umipig. The Investigating Justice found it incredible that since January 2004 up to April 2007 or for a period of more than three years, Umipig had been silently working on his sinister scheme, patiently and clandestinely forging respondent Judge's signatures in her monthly reports as vengeance for not lending him money. Justice Salazar-Fernando found it difficult to imagine how Umipig could have harbored such a deep-seated grudge against respondent Judge just because the latter refused to loan him money for his enrolment in law school, which purportedly was the reason why Umipig failed to become a lawyer.

Respondent Judge Arcaya-Chua presented text messages allegedly coming from Umipig to show the latter's

extreme hatred of her. The Investigating Justice stated that apart from the fact that it could not be established that it was indeed Umipig who sent the text messages, the tenor of the text messages did not show that Umipig was the author of all the anomalies relating to the marriage certificates and monthly reports. Respondent Judge quoted Umipig saying, "Hindi bale, may ebidensya naman ako laban sa inyo," which, according to her, could only betray the fact that Umipig had indeed been up to something. According to Justice Salazar-Fernando, Umipig's statement could only confirm the existence of the anomalies in respondent Judge's court, rather than attribute authorship to Umipig for the anomalies pertaining to the marriage certificates and monthly reports.

Further, Justice Salazar-Fernando found respondent Judge Arcaya-Chua's procedure of signing the monthly reports ahead of her OIC to be irregular, since it is contrary to prevailing procedure and protocol. Respondent Judge Arcaya-Chua admitted that she signed the monthly reports first before her OIC, Ms. Mabalot, during her stint in the MeTC, or Ms. Jamora, in the RTC. Respondent Judge testified, thus:

x x x x

JUSTICE FERNANDO:

Could you repeat the statement?

JUDGE CHUA:

I signed the monthly reports at 4:00 o'clock in the afternoon, Your Honor, and then the following morning at around 8:00 o'clock, I would see the reports on top of the table of Ornachos or Rafael still unsigned by Mabalot or Jamora. My focus was on the typewritten name of Mabalot or Jamora without their signatures.

JUSTICE FERNANDO:

And you expect the reports to be signed on the same afternoon when you signed?

JUDGE CHUA:

Not necessarily, Your Honor, but my point is I showed to Ornachos or Rafael that I have signed the monthly reports.

JUSTICE FERNANDO:

Do you have to sign first before the clerk of court?

JUDGE CHUA:

With due respect to Mrs. Jamora, Your Honor, because the branch clerk of court of MeTC Branch 63 was not a lawyer because she was assigned on detail to the OCC a few months ago and Mrs. Jamora, likewise, is not a lawyer so I would rather do the checking myself, sign and then require them to affix their signatures.

JUSTICE FERNANDO:

Contrary to the usual procedure that the Judge would sign last?

JUDGE CHUA:

Yes, Your Honor.

JUSTICE FERNANDO:

In your case, you sign first before the OIC?

JUDGE CHUA:

Yes, Your Honor.[34]

Justice Salazar-Fernando disbelieved respondent Judge's justification for signing first before her OIC, reasoning that it does not take a lawyer to know what to indicate in the monthly reports, let alone the mechanical task of indicating how many cases were disposed or how many marriages were solemnized in a month.

As regards respondent Judge Arcaya-Chua's compliance with Article 8 of the Family Code concerning the place of solemnization of the marriage, the Investigating Justice found no evidence that would show that she disregarded the strictures of the said provision. There is also no concrete evidence showing that respondent Judge demanded and/or received money from the contracting parties for solemnizing the marriage. However, it can be inferred that respondent Judge financially benefited from solemnizing the numerous marriages by the fact that these were not correctly reflected in the monthly reports and insufficient solemnizing fees were paid to the court.

Anent respondent Judge Arcaya-Chua's liability in this case, Justice Salazar-Fernando stated:

x x x [T]aken as a whole, the undersigned Investigator respectfully submits that there is convincing and substantial evidence to support a finding that anomalies were committed in respondent Judge Arcaya-Chua's court with respect to the solemnization of marriages. The circumstances magnificently fit together: plastic bags containing about 1,975 marriage certificates were surreptitiously being spirited out of respondent Judge Arcaya-Chua's court during the occasion of the judicial audit; when confronted, the person seen disposing the plastic bags stated that he was acting upon the order of respondent Judge Arcaya-Chua; when verified, the solemnization fees of the marriages covered by the said marriage certificates were found to have not been paid; despite openly admitting having solemnized all the weddings covered by the said marriage certificates, the monthly reports of respondent Judge Arcaya-Chua reflected only a very minimal number of weddings solemnized. Taken together, the circumstances lead to no other conclusion that irregularities were obviously perpetrated by respondent Judge Arcaya-Chua in solemnizing marriages in her court.

In regard to respondent Court Stenographer Jamora's culpability, Justice Salazar-Fernando found sufficient reasons to hold her accountable for her signatures in the monthly reports. She cannot feign ignorance as to the correct number of weddings solemnized by respondent Judge. Jamora's justification that she could not have questioned respondent Judge Arcaya-Chua even if there were erroneous entries in the monthly reports is in itself pregnant with admission that something anomalous could have indeed been taking place. She testified, thus:

JUSTICE FERNANDO:

So you affixed your signature without knowing whether the report is accurate or not?

MS. JAMORA:

Your Honor, to answer honestly, I was not in the position to question my superior Judge Chua.

JUSTICE FERNANDO:

So, by force of circumstances, you just affixed your signature without any question asked, whether they are correct, inaccurate, incomplete, you just affixed your signature. Is that your job as OIC?

ATTY. VILLANUEVA:

Your Honor, I think she stated her position already in her Comment.

JUSTICE FERNANDO:

That is why I am asking her for confirmation.

MS. JAMORA:

Yes, Your Honor.

ATTY. VILLANUEVA:

More or less, that is the substance of her Comment, Your Honor.

JUSTICE FERNANDO:

So without knowing anything about the figures, you just affixed your signature because you saw already the signature of Rafael and the signature of Judge Chua?

MS. JAMORA:

Yes, Your Honor.[35]

Justice Salazar-Fernando found unacceptable respondent Jamora's pretended ignorance of the incorrectness of the monthly reports she had been signing, let alone the figures relating to the number of marriages solemnized by respondent Judge. He stressed that it does not take a lawyer to count or at least approximate the number of weddings that respondent Judge had been solemnizing in her court, considering the unusually big number of weddings she had solemnized. Knowing the figures stated in the monthly reports to be incorrect, Jamora condoned the wrongdoing, if she was actually not a willing participant, by affixing her signatures therein.

Justice Salazar-Fernando held that the reprehensible act or omission of respondent Jamora constitutes dishonesty amounting to grave misconduct. Moreover, she stated that during the investigation, it was revealed that although Jamora was an OIC Clerk of Court, she had no knowledge of her duties and responsibilities, and had neither control over the employees under her nor did what was expected of her.

Justice Salazar-Fernando stated that respondent Jamora's plea for compassion and understanding, citing the fact that she was not a lawyer and that the position of OIC Clerk of Court was merely thrust upon her by respondent Judge Arcaya-Chua, which she reluctantly accepted, was hollow, because her transgression did not have any connection with her status as a non-lawyer or being a reluctant OIC. Her insistence upon her ignorance or lack of knowledge of the incorrectness of the figures stated in the monthly reports, specifically on the number of marriages solemnized, aggravates her offense as it makes a mockery of her oath.

The Ruling of the Court

The Court agrees with the findings of Investigating Justice Salazar-Fernando.

It is settled that in administrative proceedings, the quantum of proof required to establish malfeasance is not proof beyond reasonable doubt, but substantial evidence, i.e., that amount of relevant evidence that a reasonable mind might accept as adequate to support a conclusion.[36]

In A.M. No. RTJ-08-2141, there is substantial evidence that respondent Judge Arcaya-Chua did not report in her Monthly Reports[37] the actual number of marriages she solemnized during her stint in the MeTC, Makati City, Branch 63 and in the RTC, Makati City, Branch 144, and that the solemnization fees that were paid did not correspond to the number of marriages that were solemnized by her.

The monthly reports of cases on record showed that Judge Arcaya-Chua reported zero or a lesser number of marriages solemnized by her compared with the marriage certificates that were seized from her office. Just to mention a portion of the evidence submitted against her: In April 2004, she reported[38] that she did not solemnize any marriage, but there were 29 marriage certificates issued on the said month contained in the plastic bags that were taken from her office.[39] In May 2004, she reported[40] that she did not solemnize any marriage, but 36 marriage certificates issued on the said month were found in the same plastic bags.[41] In June 2004, she

likewise reported[42] that she did not solemnize any marriage, but 45 marriage certificates issued on the said month were contained in the plastic bags.[43] From November 2005 to March 2007, her Monthly Reports[44] indicated that she did not solemnize any marriage, but 1,068 marriage certificates issued by her during the said period are in the custody of the Court.[45]

Atty. Neptali D. Abasta, Clerk of Court V, OCC, MeTC, Makati City, in his Certification[46] dated June 8, 2007, stated that only 146 of the marriages solemnized by Judge Arcaya-Chua from January 2004 to June 13, 2005 paid the corresponding marriage fee. Moreover, Atty. Engracio M. Escasinas, Jr., Clerk of Court VII, OCC, RTC, Makati City, declared in his Certification[47] dated June 8, 2007 that from the list furnished by this Court of marriages solemnized by Judge Arcaya-Chua, only 20 marriages were paid to the said office per RTC official receipts covering the period from June 14, 2005 to April 2007. Hence, out of the 1,975 marriage certificates discovered in Branch 144, only a total of 166 marriages were paid.

In the light of the substantial evidence against her, she cannot shift the blame to Noel Umipig absent any proof of weight that he forged her signature in the Monthly Reports.

In regard to respondent Victoria Jamora, her signature on the Monthly Reports represented that she attested to the correctness thereof; hence, it is presumed that she verified or should have verified the facts stated therein. The Monthly Reports specifically state that the signatories thereto, including Victoria Jamora, "declare under oath that the information in this Monthly Report is true and correct to the best of our knowledge, pursuant to the provisions of existing rules/administrative circulars."

Respondent Jamora admitted that she was designated as OIC of Branch 144 from July 2005 to April 2007.[48] It is incredible that Victoria Jamora, as OIC, was unaware of the big number of weddings solemnized by respondent Judge from November 5 to March 2007, which totaled 1,068 marriages per the confiscated marriage certificates, but she attested in the Monthly Reports for the said period that no marriage was ever solemnized. Thus, the Investigating Justice correctly stated that she knew that the figures stated in the Monthly Reports were incorrect, but she condoned the wrongdoing by affixing her signature therein, if she was not actually a willing participant.

The Court sustains the findings of Justice Salvador-Fernando in A.M. No. RTJ-08-2141 that respondents Judge Arcaya-Chua and Victoria Jamora are guilty of gross misconduct.

In A.M. No. RTJ-07-2049 (the Chang Tan/RCBC Case), the Court upholds the finding of Justice Salvador-Fernando that respondent Judge Arcaya-Chua is guilty of gross ignorance of the law for issuing a TPO in favor of petitioner Albert Chang Tan in SP Case No. M-6373, since a TPO cannot be issued in favor of a man against his wife under R.A. No. 9292, known as the Anti-Violence Against Women and Their Children Act of 2004. Indeed, as a family court judge, Judge Arcaya-Chua is expected to know the correct implementation of R.A. No. 9292.

In A.M. OCA IPI No. 07-2630-RTJ (the Ocampo Case), the Court sustains the recommendation of Justice Salvador-Fernando that the case be dismissed in the absence of substantial evidence that respondent Judge Arcaya-Chua is liable for the charge of "harassment, grave abuse of authority, gross ignorance of the law, gross misconduct, manifest partiality and/or conduct prejudicial to the best interest of the service."

We now resolve the motion for reconsideration of respondent Judge Arcaya-Chua in A.M. No. RTJ-07-2093.

A.M. No. RTJ-07-2093

In A.M. RTJ-07-2093, Sylvia Santos filed a Complaint dated July 14, 2005 against Judge Arcaya-Chua for serious misconduct and dishonesty.

Complainant, an aunt of respondent Judge's husband, alleged that in the first week of September 2002, she asked respondent's help regarding the cases of her friend, Emerita Muñoz, pending before the Supreme Court. At that time, respondent was the Presiding Judge of the MeTC of Makati City, Branch 63. Respondent, a former employee of the Supreme Court, said that she could help as she had connections with some Justices of the Court; she just needed P100,000.00 which she would give to an employee of the Court for the speedy resolution of the said cases. In the first week of October 2002, complainant gave respondent P100,000.00 in the privacy of the latter's chamber. When complainant followed up the cases in February 2003, respondent told her that there was a problem, as the other party was offering P10 million to the Justices. Complainant asked respondent to return the P100,000.00; however, respondent could no longer be contacted.[49]

In her Comment dated August 19, 2005, respondent denied the charges against her and averred that in the months adverted to by complainant, she (respondent) was facing protests, damaging newspaper reports and administrative cases which caused her hypertension; thus, she could not have agreed to the supposed transaction of complainant. When she became a judge, complainant asked a lot of favors from her, and knowing that she worked as a Court Attorney of the Supreme Court, complainant asked her to talk to a certain Mario Tolosa of the Third Division, to whom complainant gave P50,000.00 for a favorable resolution of Muñoz' cases. Respondent declined. Thereafter, complainant started spreading malicious imputations against her. On April 23, 2005, complainant begged respondent to talk to anyone in the Third Division to recover the money she gave Tolosa. Respondent again refused. Complainant then repeatedly tried to talk to her until April 25, 2005 when complainant threatened to file a case against respondent with the Supreme Court. Complainant sent two demand letters addressed to respondent's court asking for the return of the P100,000.00 complainant allegedly gave her, which letters were read by respondent's Clerk of Court. Complainant also told respondent's husband, outside respondent's house, that she (respondent) was corrupt, as she asked for money in order to settle cases in court. Respondent filed cases of Grave Oral Defamation, Intriguing Against Honor and Unjust Vexation against complainant, while complainant filed an estafa case against her.[50]

The Court, in its Resolution dated July 4, 2007, referred this case to Associate Justice Marina L. Buzon of the Court of Appeals for investigation, report and recommendation.

During the preliminary conference held on September 4, 2007, complainant manifested her desire to move for the dismissal of her complaint against respondent.[51] In a Verified Manifestation[52] dated September 6, 2007, complainant stated that in the latter part of August 2007, she and respondent had a long and serious discussion about the dispute and bad feelings between them; that after a sincere exchange of views, it dawned on complainant that her accusation against respondent was brought about by misunderstanding, confusion and misapprehension of facts concerning the incident subject of the present administrative case; that for the sake of unity and harmonious relations in their family, the complainant and respondent had reconciled and restored friendly relations with each other; and that in view of the foregoing, complainant was no longer interested in pursuing her administrative case against respondent.

In her Report dated October 5, 2007, Justice Buzon recommended the dismissal of the administrative case in view of paucity of evidence upon which a conclusion could be drawn, brought about by the withdrawal by Santos of her complaint and her failure and refusal to prove the allegations in her Complaint.

In a Resolution[53] dated December 5, 2007, the Court, adopting the recommendation of Justice Buzon, dismissed the complaint against respondent for lack of evidence. The Court, in the same Resolution, also ordered complainant to show cause why she should not be held in contempt of Court for filing an unfounded verified Complaint dated July 14, 2005 against respondent.

Complainant submitted her Compliance dated January 6, 2008 stating that:

x x x x

- Contrary to the impression of the Honorable Court, her administrative complaint against Judge Evelyn Ar[c]aya-Chua is not unfounded;
- All the allegations therein are true and based on respondent's personal knowledge;
- The main reason why respondent did not anymore pursue her complaint was because of the pressure of her family to forgive Judge Chua, for the sake of unity and harmony in the family, given the fact that Judge Chua's husband is her nephew;
- On several occasions in August 2007, Judge Chua, her husband and their children came to respondent's house and pleaded for forgiveness. Later, respondent's sister, husband and children, as well as her close friends persuaded her to forgive Judge Chua and let bygones be bygones, for the sake of peace and unity in the family;
- It is solely due to the foregoing events as well as for humane reasons that respondent gave up her complaint against Judge Chua.[54]

In its Resolution[55] dated March 3, 2008, the Court found that complainant's compliance was not satisfactory, and that she was trifling with court processes. The Court then resolved to reprimand complainant with a stern warning that a more severe penalty would be imposed on her in the event of a repetition of the same offense; recall the Resolution of the Court dated December 5, 2007; reopen the administrative case against respondent; direct Justice Rebecca D. Salvador[56] to conduct an investigation and submit her report and recommendation; and directed complainant to attend all hearings scheduled by Justice Salvador under pain of contempt of court.

In her Report dated September 23, 2008, Investigating Justice Salvador found sufficient grounds to hold respondent liable for the offenses charged and recommended that respondent be administratively penalized for grave misconduct and dishonesty.

Justice Salvador's findings, as stated in the Resolution dated February 13, 2009, are as follows:

Justice Salvador found that: complainant was able to present substantial evidence in support of her complaint against respondent; while respondent denied that she asked for and received from complainant P100,000.00 for the facilitation of a favorable decision on Muñoz' cases, respondent, however, admitted meeting complainant in her office in September 2002, claiming only a different reason for such meeting; that is, complainant was there to console her for the protests against respondent at the time; respondent claims to have incurred complainant's ire for declining complainant's request for favors in June 2004; however, it was respondent who asserted that the complainant asked her to talk to Mario Tolosa of the Supreme Court; complainant asserted that she had not heard of Tolosa before; however, it was respondent's comment and her husband's affidavit which stated that complainant informed them on April 23, 2005 that Tolosa had gone on absence without leave; it was respondent, as a former employee of the Supreme Court who stood to know who Tolosa was; there was also a strong reason to believe that respondent knew and associated with Muñoz prior to the parties' falling out, since the affidavit of Robert Chua (Robert), respondent's husband, stated that Muñoz was introduced to them by complainant in September 2003, and that they went to Tagaytay with her in 2004; Robert claimed, however, that the topic of case-fixing never cropped up; although respondent filed a complaint for grave oral defamation, intriguing against honor and unjust vexation on June 20, 2005 before complainant filed the instant administrative complaint, it cannot be denied, however, that respondent at the time had already been served complainant's demand letters dated April 28, 2005 and May 27, 2005; respondent's failure, both as a judge and as a lawyer, to reply to complainant's first demand letter, was unusual; considering complainant's advanced age and illnesses, respondent's claim--that complainant's motive for filing the administrative case was respondent's refusal to give in to complainant's request to intercede in the cases of the latter's friend--was too paltry an

explanation for complainant's willingness to expend the time, money, effort and aggravation entailed by the administrative case as well as the criminal case filed by and against her; complainant's compliance with the Court's Resolution, which directed her to show cause why she should not be held in contempt for filing an unfounded complaint against respondent, stated that the allegations in her complaint were true and based on personal knowledge, and it was only because of respondent and their family's pleas, as well as for humane reasons, that she gave up her complaint against respondent.[57]

During the hearing conducted on September 3, 2008, Investigating Justice Salvador observed that although complainant appeared weary of the demands entailed by the administrative case, she staunchly stood pat over the veracity of her complaint and the reasons why she decided to withdraw the same. According to Justice Salvador, respondent had no reason to ask forgiveness from complainant, if indeed complainant falsely instituted the administrative case against her.

Justice Salvador also gave weight to complainant's testimony that the return of the money by respondent, in addition to familial interests, induced her to withdraw the complaint.

The Court sustained the findings and recommendation of Justice Salvador, and rendered decision against respondent Judge Arcaya-Chua, the dispositive portion of which reads:

WHEREFORE, Judge Evelyn S. Arcaya-Chua of the Regional Trial Court, Branch 144, Makati City is found GUILTY of gross misconduct and is hereby SUSPENDED from office for six (6) months without salary and other benefits. She is WARNED that the commission of the same or a similar act in the future shall merit a more severe penalty.[58]

Respondent filed a motion for reconsideration alleging that:

(1)

The Honorable Supreme Court failed to appreciate the failure of Sylvia Santos to present Emerita Muñoz, from whom Santos procured the P100,000.00, in the proceedings before Justice Rebecca De Guia-Salvador;

(2)

The Honorable Supreme Court failed to appreciate that one of the bases for the dismissal of the present case of 5 December 2007 was the Affidavit of Retraction filed by Muñoz on 12 January 2006;

(3)

The Honorable Supreme Court erred in sustaining the finding of Justice Salvador that [respondent] did not refute Santos' declaration during the clarificatory hearing that [respondent] returned the money to her;

(4)

The Honorable Supreme Court erred in sustaining the other findings of Justice Salvador; and

(5)

The Honorable Supreme Court erred in not considering [respondent's] testimonial and documentary evidence.[59]

Respondent prayed that Stenographer Diana Tenerife be directed to submit to this Court the fully transcribed stenographic notes of the proceedings held on September 17, 2008 and to submit her tape of the proceedings on the said date, and that her motion for reconsideration be granted and that the instant case be dismissed.

Respondent's prayer for submission to this Court of the fully transcribed stenographic notes of the proceedings

held on September 17, 2008 is an attempt to clarify alleged inaccuracies in the said transcript of stenographic notes. The Court notes that respondent Judge had earlier filed a Motion dated October 10, 2008 on this matter, which was already resolved in the Resolution of the Court promulgated on February 13, 2009, thus:

Respondent filed a Motion dated October 10, 2008, claiming that there were significant omissions of testimonies in the Transcript of Stenographic Notes (TSN) particularly in the statement "Ibinalik naman ho nila ang pera;" and that such question was also beyond the scope of clarificatory questions that may be propounded, as nowhere in the previous testimonies of complainant, either in the direct or the cross-examination, did she mention the return of the money, and it was only during the clarifiactory hearing that it surfaces; thus, she (respondent) was deprived of her right to cross-examine complainant. Respondent prayed that corrections on the TSN be made, or that the testimonies of complainant - that "the money was returned to me" and "ibinalik naman ho nila and pera" - be stricken off; and in case the correction of the TSN was no longer proper, her manifestation that the said testimony of complainant was given only during the clarificatory hearing and, in effect, without an opportunity for her to cross-examine the complainant.

In the Resolution dated November 26, 2008, the Court denied respondent's prayer that the corrections on the TSN be made, and that the subject testimonies of complainant be stricken off. The Court, however, granted her prayer and noted her Manifestation that the subject testimony was given only during the clarificatory hearing and in effect without granting her an opportunity to cross-examine complainant about the same.[60]

Respondent contends that the failure of Santos to present Emerita Muñoz, from whom Santos procured the P100,000.00, during the proceedings before Justice Salvador was fatal to Santos' claims against her, and, on that basis alone, provided a reason to dismiss the present case.

The Court is not persuaded.

Santos was an eyewitness to the procurement of the P100,000.00, and her testimony alone, found credible in this case, is sufficient to prove the administrative liability of respondent.

Contrary to the allegations of respondent, the Court, in sustaining the findings of Investigating Justice Salvador, took into consideration the testimonial and documentary evidence presented by her.

The Court reiterates its statement in the Resolution dated February 13, 2009, thus:

x x x [M]ost telling of all the circumstances pointing to respondent's guilt is the unwavering stance of complainant that respondent did solicit and receive P100,000.00 from her in order to facilitate a favorable ruling in Muñoz' cases.

As aptly observed by Justice Salvador, complainant, when repeatedly asked during the hearing, was consistent in her testimony:

J. DE GUIA-SALVADOR:

At the start of this afternoon's proceedings, you affirmed the truth of the matters stated in your verified complaint?

MS. SANTOS:

Opo.

J. DE GUIA-SALVADOR:

And according to you they are based on your personal knowledge?

MS. SANTOS:

My complaint is true. That is all true.

x x x x

J. DE GUIA-SALVADOR:

Ano ba ang totoo?

MS. SANTOS:

Ang sabi ko sa kanya, "Evelyn, tulungan mo lang si Emerita kasi napakatagal na ng kaso niya. Hindi niya malaman kung siya ay nanalo o hindi." Ang sabi niya, "Sige, Tita, tutulungan ko."

Evelyn, sasabihin ko and totoo ha. Huwag kang magagalit sa akin.

J. DE GUIA-SALVADOR:

Just tell us what happened.

MS. SANTOS:

Sabi niya, "Tita, sige, bigyan mo ako ng P100,000.00 at tutulungan ko. Pagka sa loob ng tatlong buwan walang nangyari ibalik ko sa iyo ang P50,000.00." Which is true ha. Sinabi ko doon sa humihingi ng pabor sa akin. Okay siya. Dumating ang panahon. It took already years walang nangyari. Siyempre ako ngayon ang ginigipit nung tao. Ngayon, kinausap ko siya. Sabi ko, "Evelyn, kahit konti magbigay ka sa akin para maibigay ko kay Emelita." Unang-una iyang Emelita may utang sa akin ng P20,000.00 sa alahas dahil ako, Justice, nagtitinda ng alahas. Bumili sya.

JUDGE ARCAYA-CHUA:

Your honor, at this point, may I request that the complainant be told not to continue with her testimony because she is already through with her direct examination.

J. DE GUIA-SALVADOR:

Noted. But allow her testimony to remain in the record.

Complainant's testimony during the clarificatory hearing also revealed her true reasons for withdrawing her complaint. As borne out by the records and correctly pointed out by Justice Salvador in her Report:

J. DE GUIA-SALVADOR:

I have another question regarding the verified manifestation counsel.

Alright, we go to the verified manifestation which you filed on September 7, 2007, and which had been marked as Exhibits "1," "1-A," "1-B" and submarkings for respondent. You stated in the verified complaint that the accusation against respondent was brought about due to misunderstanding, misapprehension of facts and confusion. Please clarify what do you mean by "the accusation against respondent was brought about due to misunderstanding, misapprehension of facts and confusion"?

MS. SANTOS:

Para matapos na po ang problemang iyan kaya nagka-intindihan na kami't nagkabatian. Sa totoo lang po Justice, matagal kaming hindi nagkibuan. Ngayon, dahil nakiusap nga po sila sa akin, kaya ako naman ho, sige, pinatawad ko na sila dahil pamilya ko ho sila, ang asawa niya. Kung hindi lang ho anak ng kapatid ko yan, baka ewan ko, baka hindi ko tuluyan iyan.

J. DE GUIA-SALVADOR:

So it is not true that there were facts regarding the incident which you misunderstood or misapprehended?

MS. SANTOS:

Naintindihan ko po iyan, Justice. Kaya nga ho, iyun na nga ho, sa pakiusap po nila na magkasundo na po kami, ibinalik naman ho nila ang pera, kaya ang sabi ko ho, tama na. Iyan po ang buong katotohanan, Justice.[61]

These testimonies on record are evidence against respondent Judge Arcaya-Chua. The Investigating Justice observed the demeanor of complainant and found her a credible witness. It is settled rule that the findings of investigating magistrates are generally given great weight by the Court by reason of their unmatched opportunity to see the deportment of the witnesses as they testified.[62] The Court found no reason to depart from such rule since Justice Salvador's observations and findings are supported by the records.

The conduct of Judge Arcaya-Chua in this case and in A.M. No. RTJ-08-2141 is violative of the provisions of the New Code of Judicial Conduct, thus:

Canon 1, Sec. 4. A judge shall not allow family, social, or other relationships to influence judicial conduct or judgment. The prestige of judicial office shall not be used or lent to advance the private interests of others, nor convey or permit others to convey the impression that they are in a special position to influence the judge.

Canon 2, Sec. 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.

Canon 2, Sec. 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 4, Sec. 1. Judges shall avoid impropriety and the appearance of impropriety in all of their activities.

Administrative Sanctions

Any disciplinary action against respondent Judge Arcaya-Chua will be based on the provisions of Rule 140 of the Rules of Court,[63] while disciplinary action against respondent Victoria Jamora will be based on the Omnibus Civil Service Rules and Regulations.

Under Section 8, Rule 140 of the Rules of Court, serious charges include gross misconduct constituting violations of the Code of Judicial Conduct and gross ignorance of the law or procedure.

Section 11, Rule 140 of the Rules of Court provides that if the respondent Judge 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.

Under the Omnibus Civil Service Rules and Regulations, grave misconduct is classified as a grave offense and punished with dismissal for the first offense.

The Court sustains Justice Salvador-Fernando's finding that respondent Victoria Jamora is guilty of grave misconduct in A.M. No. RTJ-08-2141.

The Court also sustains Justice Salvador-Fernando's finding that respondent Judge Arcaya-Chua is guilty of gross ignorance of the law and gross misconduct in A.M. No. RTJ-07-2049 and A.M. No. RTJ-08-2141, respectively. Respondent Judge's motion for reconsideration is denied in A.M. No. RTJ-07-2093.

The Court has held:

All those who don the judicial robe must always instill in their minds the exhortation that the administration of justice is a mission. Judges, from the lowest to the highest levels, are the gems in the vast government bureaucracy, beacon lights looked upon as the embodiments of all what is right, just and proper, the ultimate weapons against injustice and oppression.

Those who cannot meet the exacting standards of judicial conduct and integrity have no place in the judiciary.
xxx This Court will not withhold penalty when called for to uphold the people's faith in the judiciary.[64]

WHEREFORE, in view of the foregoing, the Court holds that:

- in A.M. OCA IPI No. 07-2630-RTJ, the charges against Judge Evelyn S. Arcaya-Chua of the Regional Trial Court of Makati City, Branch 144 is DISMISSED.
- in A.M. No. RTJ-07-2049, Judge Arcaya-Chua is found GUILTY of gross ignorance of the law and punished with SUSPENSION from office for six (6) months without salary and other benefits.
- in A.M. No. RTJ-07-2093, the motion for reconsideration of Judge Arcaya-Chua is DENIED for lack of merit. The penalty of SUSPENSION from office for a period of six (6) months without salary and other benefits imposed upon her is RETAINED.
- in A.M. No. RTJ-08-2141, Judge Arcaya-Chua is found GUILTY of gross misconduct and punished with DISMISSAL from the service, with forfeiture of all benefits, excluding accrued leave credits, with prejudice to re-employment in any government agency or instrumentality.
- in A.M. No. RTJ-08-2141, Victoria C. Jamora, Court Stenographer of the Regional Trial Court of Makati City, Branch 144 is found GUILTY of grave misconduct and punished with DISMISSAL from the service, with forfeiture of retirement benefits, excluding accrued leave credits, with prejudice to re-employment in any government agency or instrumentality.

Immediately upon service on Judge Evelyn S. Arcaya-Chua and Victoria C. Jamora of this decision, they are deemed to have vacated their respective office, and their authority to act as Judge and Court Stenographer, respectively, are considered automatically terminated.

These consolidated administrative cases are referred to the Office of the Bar Confidant for investigation, report and recommendation regarding the possible disbarment of Judge Evelyn S. Arcaya-Chua from the practice of the legal profession.

SO ORDERED.

Puno, C.J., Carpio, Corona, Carpio Morales, Nachura, Leonardo-De Castro, Brion, Peralta, Bersamin, Del Castillo, Abad, Villarama, Jr., Perez, and Mendoza, JJ., concur.
Velasco, Jr., J., no part due to relation to a party.

[1] Resolution dated January 15, 2008 and Resolution dated April 14, 2009.

[2] Rollo (OCA IPI No. 07-2630-RTJ), p. 253.

[3] Rollo (RTJ-07-2049), p. 17.

[4] Rollo (OCA IPI No. 07-2630-RTJ), p. 84.

[5] Rollo (RTJ-07-2049), p. 24.

[6] Other charges contained in the Memorandum dated August 10, 2007 of the Court Administrator to the Chief Justice, such as the alleged irregularities in *People v. Hiro Nakagawa* (Crim. Case Nos. 06-148 to 154) and *Paul Melvin Robles v. Ida Perez Villanueva* (Sp. Proc. M-6370), as well as respondent Judge Arcaya-Chua's questionable recommendation of one of her staff, Maritess Dorado, were not part of the Investigation per manifestation of the OCA that their evidence was limited to the confiscated marriage certificates and Judge Arcaya-Chua's failure to reflect the marriages she solemnized in her monthly reports.

[7] Rollo (A.M. No. RTJ-07-2049), p. 119.

[8] Rollo (A.M. No. RTJ-08-2141), p. 319.

[9] Subject: Observance of the Statutory Requirements for Marriages and the Prescribed Amounts of Fees for the Solemnization of Marriages.

[10] Annexes "L" to "P."

[11] Exhibits "1" to "39."

[12] Exhibit "A" to "BB."

[13] Rollo (A.M. No. RTJ-08-2141), p. 465.

[14] TSN, March 23, 2009, pp. 10-17, 60.

[15] Exhibits "1" to "23."

[16] Exhibits "24" to "28."

[17] Exhibits "31" to "85."

[18] Emphasis supplied.

[19] Records of SP No. M-6375, pp. 70-72.

[20] *Id.* at 38.

[21] *Daracan v. Natividad*, A.M. No. RTJ-99-1447, September 27, 2000, 341 SCRA 161, 175.

[22] A.M. No. MTJ-01-1348, November, 11, 2004, 442 SCRA 13, 37-38. (Emphasis supplied.)

[23] Emphasis supplied.

[24] A.M. No. RTJ-02-1691, November 19, 2004, 443 SCRA 87.

[25] Records (SP No. M-6372), Vol. IV, pp. 1447-1468.

[26] *Mamerto Maniquiz Foundation, Inc. v. Pizarro*, A.M. No. RTJ-03-1750, January 14, 2005, 448 SCRA 140, 155-156. (Emphasis supplied.)

[27] Supplemental Affidavit dated April 14, 2009; rollo (RTJ-08-2141), p. 497.

[28] TSN, March 3, 2009, pp. 13, 27-30, 47.

- [29] Affidavit dated February 16, 2009, rollo (A.M. No. RTJ-08-2141), p. 465.
- [30] TSN, March 3, 2009, pp. 27-30, 45.
- [31] Id. at 47.
- [32] Exhibits "H" and "I"; rollo (A.M. No. RTJ-08-2141), pp. 216-219.
- [33] TSN, March 3, 2009, pp. 103-104, 106-107, 137-138, 141-146.
- [34] TSN, April 21, 2009, pp. 73-74.
- [35] TSN, February 18, 2009, pp. 32-33.
- [36] Vidallon-Magtolis v. Salud, A.M. No. CA-05-20-P, September 9, 2005, 469 SCRA 439.
- [37] Exhibits "BB," "CC-1" to "CC-5," "DD" to "NN," "XX" to ZZ," "AAA" to "GGG," "X" to "Z," folder of exhibits.
- [38] Exhibit "XX," folder of exhibits.
- [39] TSN, April 8, 2009, p. 19.
- [40] Exhibit "YY," folder of exhibits.
- [41] TSN, April 8, 2009, p. 20.
- [42] Exhibit "ZZ," folder of exhibits.
- [43] TSN, April 8, 2009, p. 20.
- [44] Exhibits "CC-4" to "CC-5," "DD" to "JJ," "JJ-1" to "JJ-5," "KK" to "MM," folder of exhibits.
- [45] TSN, April 8, 2009, p. 39.
- [46] Exhibit "H," folder of exhibits.
- [47] Exhibit "I-1," folder of exhibits.
- [48] TSN, February 18, 2009, p. 24.
- [49] Rollo (A.M. No. RTJ-07-2093) , pp. 1-3.
- [50] Id. at 6-15. (The estafa case filed by complainant against respondent was dismissed by the City Prosecution Office and the petition for review thereon denied by the Department of Justice.)
- [51] Id. at 61-62.
- [52] Id. at 270-271.
- [53] Id. at. 292.
- [54] Id. at 305. (Emphasis supplied.)
- [55] Id. at 307.
- [56] In lieu of Justice Buzon, who was to retire on March 18, 2008.
- [57] Rollo (A.M. No. RTJ-07-2093), pp. 400-401.

[58] Id. at 407.

[59] Id. at 422.

[60] Id. at 402. (Emphasis supplied.)

[61] Id. at 403-405.

[62] Vidallon-Magtolis v. Salud, *supra* note 36.

[63] Rule 140 is entitled Discipline of Judges of Regular and Special Courts and Justices of the Court of Appeals and the Sandiganbayan.

[64] Concerned Lawyers of Bulacan v. Victoria Villalon-Pornillos, A.M. No. RTJ-09-2183, July 7, 2009, 592 SCRA 36, 62-63.

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