ASUNCION REYES, Complainant, vs. JUDGE RUSTICO D. PADERANGA, Regional Trial Court, Branch 28, Mambajao, Camiguin, Respondent.

A.M. No. RTJ-06-1973 (Formerly OCA IPI No. 05-2329-RTJ). March 14, 2008

Ponente: AUSTRIA-MARTINEZ, J.

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AUSTRIA-MARTINEZ, J.:

Before the Court is an Administrative Complaint filed by Asuncion Reyes (complainant) dated July 14, 2005 charging Judge Rustico D. Paderanga (respondent), Presiding Judge of the Regional Trial Court (RTC), Branch 28, Mambajao, Camiguin, with bias, ignorance of the law and procedure, antedating orders, failure to resolve cases within the reglementary period and refusal to inhibit in several cases pending before his court.[1]

The charges emanate from five civil cases, as follows:

(1) In Civil Case No. 676, entitled “Spouses Jose and Dorothy Reyes v. Asuncion Reyes and Adrianne Ebcas,” appeal for Ejectment and Damages.

Complainant avers that respondent was guilty of gross ignorance of the law particularly of Section 9, Rule 39 of the Rules of Court[2] when he ordered the garnishment of complainant's Dollar Deposit Account with the Philippine National Bank (PNB) in the amount of US$10,000.00 when the judgment debt was only P100,000.00; and undue delay in resolving a motion, as it took him 105 days to resolve complainant's motion to withdraw deposit in excess of P100,000.00. Complainant asserts that such delay was aggravated by the fact that she told respondent that the reason she filed the motion was to be able to buy medicines for her 98-year old ailing mother. She claims that initially, respondent refused to act on the motion to withdraw, saying that he would not allow the withdrawal of any amount as long as the other party would object. When complainant filed a Motion to Inhibit on December 13, 2004, citing Section 9, Rule 39 of the Rules of Court, however, respondent was prompted to grant complainant's motion to withdraw, which he dated as December 6, 2004 but mailed on December 17, 2004, to make it appear that said order was not a reaction to the Motion to Inhibit. Complainant further asserts that respondent rendered his decision in this case only on May 18, 2005 or 1 year and 14 days after the case was submitted for decision. Finally, complainant states that respondent was biased and prejudiced, and that he acted with vengeance on account of complainant's Motion to Inhibit.[3]

(2) In Civil Case No. 517, entitled “Julio Vivares, as Executor of the Estate of Torcuato Reyes and Mila Reyes-Ignalig, as heir v. Engr. Jose J. Reyes,” for Partition.

Complainant claims: It was only when respondent judge handled the case, i.e., seven years from the filing of the complaint, that defendant's counsel, who is respondent's relative within the fifth civil degree, filed a motion for preliminary hearing of defendant's affirmative defenses. Respondent refused to inhibit himself despite obvious bias and prejudice, and dismissed the case, through a Resolution dated December 9, 2004, in spite of vehement opposition from complainant and the pendency of a petition before the Supreme Court regarding the matter of receivership, manifesting respondent's gross ignorance of the law. Respondent antedated the December 9, 2004 Resolution as shown by the fact that it was mailed only on December 21, 2004. And he delayed resolving the

motion to dismiss, as he rendered the same only 2 years and 49 days after it was submitted for resolution.[4]

(3) In Civil Case No. 683, entitled “Asuncion Reyes v. Spouses Jose and Dorothy Reyes,” for Reconveyance, Declaration of Nullity of OCT No. P-10146 and Damages.

Complainant alleges that respondent took 105 days to resolve a motion to dismiss, and that he was guilty of bias, hostility and ignorance of the law,[5] without elaborating, however, on the reasons therefor. In a letter to then Chief Justice Hilario Davide, Jr., dated January 14, 2005, complainant also claimed that respondent antedated the Orders dated December 6, 7, and 9, 2004, as shown by the fact that they were mailed days after their issuance.[6]

(4) In Civil Case No. 681, entitled “Arturo Jacot v. Delia Nacasabog and Pacita Mabilanga,” for Appeal for Forcible Entry with Damages.

Complainant narrates that respondent initially disqualified himself from trying the case because the opposing counsel, Atty. Avelino P. Orseno, Jr., is respondent's nephew;[7] respondent, however, recalled his inhibition when Atty. Orseno withdrew his appearance, with his appointment as Attorney III in the Department of Agrarian Reform (DAR); complainant moved for reconsideration seeking respondent's inhibition from the case, as well as the disqualification of appellee's new counsel, Atty. Charlito Sabuga-a, on the ground that Atty. Sabuga-a was also a DAR lawyer and he could not be disassociated from Atty. Orseno; respondent, however, denied the said motions.[8]

(5) In Civil Case No. 687, entitled “Delia Jacot-Mabilanga and Pacita Jacot v. Arturo, Ronnie and Ricky, all surnamed Jacot,” for Quieting of Title of Real Property with Damages.

Complainant claims that respondent displayed manifest bias when, without any request for extension, respondent motu proprio issued an Order on January 17, 2005 giving defendants' counsel additional 15 days within which to submit their memorandum. The original lawyer of the defendants was Atty. Orseno, respondent's nephew. Complainant asserts that respondent's refusal to inhibit himself constituted a violation of Section 1, Rule 137 of the Rules of Court, notwithstanding the withdrawal of Atty. Orseno in the appeal.[9]

Respondent submitted his Comment refuting the charges against him.[10] Complainant thereafter filed a Reply reiterating her claims.[11]

The Court assigned Associate Justice Teresita Dy-Liacco Flores of the Court of Appeals (CA) Cagayan de Oro City to investigate and submit her report and recommendation.[12]

On September 12, 2007, the Court received Justice Dy-Liacco Flores's report finding that, of the many charges hurled against respondent, only two were duly proven: gross ignorance of the law and procedure for dismissing Civil Case No. 517; and delay in resolving a motion in Civil Case No. 676, for which the imposition of fines in the amounts of P20,000.00 and P15,000.00, respectively, is recommended.[13]

The Court's Ruling
The Court agrees with the findings and recommendation of the Investigating Justice with certain modifications.

Preliminarily, let it be stressed that in administrative proceedings, the complainant bears the onus of establishing, by substantial evidence, the averments of her complaint. Substantial evidence is such evidence which a reasonable mind will accept as sufficient to support a conclusion.[14] If complainant fails to discharge said burden, respondent cannot be held liable for the charge.[15]

On the charge of bias
Complainant charges respondent with bias in all the civil cases subject of the present administrative complaint. Apart from the averments in her complaint, however, she was not able to present any clear and convincing proof

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that would show that respondent was intentionally acting against her. Mere suspicion of partiality is not enough. There must be sufficient evidence to prove the same, as well as a manifest showing of bias and partiality stemming from an extrajudicial source or some other basis. A judge's conduct must be clearly indicative of arbitrariness and prejudice before it can be stigmatized as biased and partial.[16] As there is no substantial evidence to hold respondent liable on this point, the Investigating Justice correctly recommended the dismissal of this charge against him.

On the charge of refusal to inhibit

Closely related to the charge of bias is the charge of refusal to inhibit. Again, the Investigating Justice correctly recommended the dismissal of this charge against respondent, because when a case does not fall under the instances covered by the rule on mandatory disqualification of judges as expressly enumerated in Section 1, Rule 137 of the Rules of Court, which provides:

> Section 1. Disqualification of judges. No judge or judicial officer shall sit in any case in which he, or his wife or child, is pecuniarily interested as heir, legatee, creditor or otherwise, or in which he is related to either party within the sixth degree of consanguinity or affinity, or to counsel within the fourth degree, computed according to the rules of the civil law, or in which he has been executor, administrator, guardian, trustee or counsel, or in which he has presided in any inferior court when his ruling or decision is the subject of review, without the written consent of all parties in interest, signed by them and entered upon the record.
>
> A judge may, in the exercise of his sound discretion, disqualify himself from sitting in a case, for just or valid reasons other than those mentioned above. (Emphasis supplied)

inhibition is discretionary and primarily a matter of conscience and sound discretion on the part of the judge.[17] This discretion is an acknowledgment of the fact that judges are in a better position to determine the issue of inhibition, as they are the ones who directly deal with the litigants in their courtrooms.[18]

As aptly explained by respondent in his Comment, the grounds mentioned by complainant in her motions to inhibit are not mandatory grounds for disqualification. He is related to Atty. Hermosisima, counsel in Civil Case No. 517 only by the fifth degree of affinity, which relationship is not included in Rule 137. Complainant failed to cite any specific act that would indicate bias, prejudice or vengeance warranting his inhibition from the cases.[19]

On the charge of antedating orders

On this point, the Investigating Justice correctly observed that a gap of few days from the date of the order and the date of mailing is a weak circumstance from which a conclusion of antedating may be drawn.[20] Respondent's explanation in his Comment that the mailing of orders was not promptly done during the period of December 6 to 21, 2004 because his court at the time was undermanned and overburdened with work[21] is very plausible. In the face of a weak accusation, such explanation must be considered sufficient to dismiss the charge.

On the charges of gross ignorance of the law

Of the several charges of gross ignorance of the law, Investigating Justice Dy-Liacco Flores found basis to hold respondent administratively liable therefor anent his issuance of the December 9, 2004 Resolution in Civil Case No. 517.

Civil Case No. 517 for Partition and Recovery of Share of Real Estate was filed by Julio Vivares (Julio) as Executor of the Estate of Torcuato Reyes and Mila Reyes-Ignalig (Mila), heir of Torcuato, against Jose Reyes (Jose) on August 17, 1995 seeking the partition of the Estate of Spouses Severino Reyes, parents of Torcuato and Jose.[22] Jose filed an Answer with Affirmative Defenses and Counterclaim on September 22, 1995 invoking prematurity, among others.[23] Julio and Mila filed a Reply,[24] and several incidents took place thereafter -- pre-trial,[25] partial judgment based on the partial settlement between Jose and Mila,[26] constitution of a

commission of three to identify the properties already adjudicated to Torcuato and Jose,[27] appointment of a receiver,[28] and filing of a petition with the CA and thereafter with the Supreme Court on the issue of receivership.[29]

Seven years after the filing of the case, respondent assumed office as Presiding Judge of RTC Branch 28 where the case was pending.[30] On July 30, 2002, Jose, for the first time, filed a Motion to Hear Affirmative Defenses.[31] On November 6, 2002, respondent issued an order suspending the proceedings in the case "as a gesture of respect to the Supreme Court," where a petition on the issue of receivership was pending.[32] A year and a half later, or on July 16, 2004, Julio and Mila filed a Motion to Set the Case for Hearing and to Resolve all Pending Issues, claiming that Jose continued to appropriate and enjoy the fruits of the common properties, to their prejudice.[33] Jose filed a Comment asserting that his Motion to Hear Affirmative Defenses should first be passed upon, as it raised the question of the prematurity of filing the case.[34] On October 5, 2004, respondent issued a Joint Order in Civil Case Nos. 517, 676 and 683, as it involved the same parties and practically the same subject matter, calling them to a conference for the purpose of seeking an amicable settlement.[35] Failing to reach an agreement in the joint hearing on November 19, 2004, respondent set another hearing for January 10, 2005.[36]

Before January 10, 2005, however, that is, on December 9, 2004, respondent issued a "Resolution (On the Motion to Hear Affirmative Defenses)" dismissing Civil Case No. 517. In the said resolution respondent sustained Jose that the case should be dismissed, since a condition precedent had not been complied with , i.e. no determination of the debts, if any, of the estate of the Spouses Severino Reyes, whose properties were sought to be partitioned, had yet been made, which under Rule 90 of the Rules of Court, should first be complied with; and the failure of the complaint to allege that the estate of Spouses Severino Reyes left no debts made it vulnerable to dismissal for failure to state a cause of action.[37]

The Court agrees with the Investigating Justice in finding respondent guilty of ignorance of the law. Jose actively participated in pre-trial which thereafter led to a partial settlement of the properties; and since he benefited in the partial judgment rendered by the court, Jose can no longer move for the dismissal of the action. Respondent is aware of the pendency of the action before the Supreme Court regarding the issue of receivership, as he in fact earlier issued an order suspending the proceedings of the case only to reverse himself thereafter by dismissing the main case, effectively mooting the case before the Supreme Court. The resolution caught the parties by surprise, as there was still a scheduled hearing for January 10, 2005.[38]

It is basic that the active participation of a party in a case pending against him before a court is tantamount to recognition of that court's jurisdiction and a willingness to abide by the resolution of the case which will bar said party from later on impugning the court's jurisdiction. While it is true that failure to comply with a condition precedent can be a basis for dismissing an action, the defendant must raise such matter in a motion to dismiss and not file an answer and actively participate in the trial of the case; otherwise, he shall be deemed to have waived said defense.[39]

In Civil Case No. 517, defendant Jose's active participation in the case was manifested by the following incidents: the order of then Presiding Judge Sinforoso V. Tabamo, Jr. on October 17, 1996 stated that "by agreement, defendant Jose is directed to release to plaintiff Julio A. Vivares the sum of P3,000.00 with which to finance the procurement of the documents needed."[40] Records also show that Jose entered into a partial settlement with Mila, his mother and siblings on January 17, 1997 concerning certain parcels of land,[41] which settlement they filed with the court and which became the basis of a Partial Judgment rendered by Judge Tabamo on January 29, 1997.[42] On November 25, 1997, Judge Tabamo also issued an order stating that Jose submitted the name of Luis Nery to be part of the "Commission of Three," which was tasked to identify the properties already adjudicated to Jose and Torcuato, in order to be able to liquidate the properties of the estate of Spouses Severino

Reyes.[43]

Respondent should have realized that with these incidents showing Jose's active participation in the case, defendant Jose could no longer move for the dismissal of the same.

The Investigating Justice also correctly pointed out that respondent's December 9, 2004 Resolution placed doubt on the validity of the trial court's Partial Judgment dated January 29, 1997. It effectively mooted the petition for review pending before the Supreme Court, and it caught the parties by surprise, as there was still a scheduled hearing for January 10, 2005.

While a judge may not be held liable for gross ignorance of the law for every erroneous order that he renders, it is also axiomatic that when the legal principle involved is sufficiently basic, lack of conversance with it constitutes gross ignorance of the law.[44] Indeed, even though a judge may not always be subjected to disciplinary action for every erroneous order or decision he renders, that relative immunity is not a license to be negligent or abusive and arbitrary in performing his adjudicatory prerogatives.[45] It does not mean that a judge need not observe propriety, discreetness and due care in the performance of his official functions.[46] This is because if judges wantonly misuse the powers vested in them by the law, there will be not only confusion in the administration of justice but also oppressive disregard of the basic requirements of due process.[47]

Respondent, in the performance of his duties, failed to observe due care, diligence, prudence and circumspection, which the law requires in the rendition of any public service.[48] When an error is so gross and patent, such error produces an inference of bad faith, making the judge liable for gross ignorance of the law.[49]

The Investigating Justice also correctly opined that while it is a basic principle that an administrative case should not be resorted to when a judicial remedy is available, in this case judicial remedies have already been exhausted, i.e., a motion for reconsideration, an appeal and a petition for certiorari were already filed which all ended in dismissal; thus, an inquiry into a judge's administrative liability arising from his judicial acts is already proper.[50]

Gross ignorance of the law or procedure is classified as a serious charge under Section 8, Rule 140, as amended by A.M. No. 01-8-10-SC, which took effect on October 1, 2001. For this infraction, any of the following sanctions may be imposed: (1) 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 that the forfeiture of benefits shall in no case include accrued leave credits; (2) suspension from office without salary and other benefits for more than three but not exceeding six months; or (3) a fine of more than P20,000.00 but not exceeding P40,000.00.

Considering that this is respondent's first administrative infraction, the Court finds the recommended penalty of P20,000.00 to be proper.[51]

As to the other charges of gross ignorance of the law, the Investigating Justice correctly dismissed the same for lack of basis.

Complainant's claim that respondent ordered the garnishment of her entire US$10,000.00 deposit account is belied by the records. There is nothing in respondent's Order dated April 23, 2004, which ordered the issuance of a writ of execution, stating that the entire dollar account was to be garnished; neither was there anything in the Writ of Execution dated May 21, 2004, stating anything to that effect.[52] The Notice of Garnishment issued by the sheriff even states that the garnishment shall be made only upon the personal properties of complainant, sufficient to cover the amount mentioned in the writ.[53]

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As to the charge of gross ignorance of the law in Civil Case No. 683, complainant merely mentioned said charge under the said civil case without even offering any explanation why respondent should be held liable therefor.[54] As there is no basis for the other charges of gross ignorance of the law, the same should be dismissed.

On the charges of undue delay
Of the several charges of undue delay, the Investigating Justice found respondent guilty thereof only in the Resolution dated December 6, 2004 in Civil Case No. 676, granting complainant's motion to withdraw deposits.

Respondent's only defense on this point is that, from the time complainant filed her motion on August 23, 2004 until he issued his Resolution on December 6, 2004, the interval is only a little over three months; and that, in between, the parties filed several pleadings setting forth their respective arguments, which respondent had to consider before resolving the motion.[55]

Indeed, records show that after complainant filed a Motion to Withdraw Deposits, the opposing party, upon order of respondent, filed a Comment on September 1, 2004; thereafter, complainant filed a Reply on October 4, 2004, to which another Comment was filed on October 25, 2004.[56]

The Investigating Justice found, however, that the motion to withdraw was simple and non-litigable, since Jose, the opposing party, had no right to object to the release of complainant's deposit in excess of the award in his favor. And granting that respondent just wanted to be cautious before granting complainant's motion, the last pleading that respondent should have considered was Jose's comment on the motion which was filed on September 1, 2004. Respondent's delay was aggravated by the fact that complainant manifested to respondent the need to withdraw the excess amount from her bank account, because she needed to buy medicines and food supplements for her ailing mother. Reckoned from the time Jose filed his Comment, respondent took 97 days to resolving the motion to withdraw.[57]

The Court agrees that the Motion to Withdraw Deposits is non-litigable; thus, it should have been resolved right away. While all written motions should be heard, excepted from this rule are non-litigious motions or those motions which may be acted upon by the court without prejudice to the rights of the adverse party.[58] The garnishment covers only the amount mentioned in the writ of execution. There should be no dispute, therefore, as to the right of complainant over the deposit in excess of the said amount.

The Investigating Justice also found that respondent incurred a delay of 19 days in deciding the appeal in Civil Case No. 676. Considering, however, that respondent issued other resolutions regarding the case; that he had so many cases for trial and decision at the time he assumed office; and that an arithmetical computation of the period may not always be a good measure to determine whether there is delay, the Investigating Justice recommended that respondent should not be held liable for said offense.[59]

On this matter, the Court disagrees.

The Constitution provides that all lower courts must decide or resolve cases or matters brought before them three months from the time a case or matter is submitted for decision.[60] Canon 6, Sec. 5 of the New Code of Judicial Conduct for the Philippine Judiciary, which became effective on June 1, 2004, also provides that judges shall perform all duties, including the delivery of reserved decisions, efficiently, fairly and with reasonable promptness.

If a judge is unable to comply with the 90-day reglementary period for deciding cases or matters, he can, for good reasons, ask for an extension, which request is generally granted.[61] Indeed, the Court usually allows reasonable extensions of time to decide cases in recognition of the heavy caseload of the trial courts.[62] As respondent failed to ask for an extension in this case, he is deemed to have incurred delay.

The need to impress upon judges the importance of deciding cases promptly and expeditiously cannot be stressed enough, for delay in the disposition of cases and matters undermines the people's faith and confidence in the judiciary. As oft stated, justice delayed is justice denied.[63]

Undue delay in rendering a decision or order, under Rule 140 as amended by A.M. No. 01-8-10-SC, is a less serious charge punishable with either suspension from office without salary and benefits for not less than one or more than three months, or a fine of more than P10,000.00 but not exceeding P20,000.00. In many cases, the Court has imposed a fine upon judges who failed to decide cases within the prescribed period.[64]

For the delay incurred by respondent in the above-mentioned cases, the Court finds the recommended fine of P15,000.00 to be proper.[65]

Again, as to the other charges of undue delay, particularly the motion to hear the affirmative defenses in Civil Case No. 517 and the decision in Civil Case No. 683, the 90-day period within which to resolve the same was interrupted by the Order dated October 25, 2004 calling the parties to a conference for an amicable settlement.[66] For this reason, the Court finds that respondent cannot be disciplined therefor.

WHEREFORE, respondent Judge Rustico D. Paderanga is hereby found GUILTY of gross ignorance of the law for, which he is fined P20,000.00; and undue delay in resolving a motion and in deciding an appeal, for which he is fined P15,000.00 with a STERN WARNING that a more severe penalty will be meted out for the commission of similar offense in the future.

SO ORDERED.

Ynares-Santiago, (Chairperson), Chico-Nazario, Nachura, and Reyes, JJ., concur.

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[1] Rollo, p. 1.

[2] Section 9. Execution of judgments for money, how enforced. –

x x x x

(c) Garnishment of debts and credits.--- x x x The garnishment shall cover only such amount as will satisfy the judgment and all lawful fees.

[3] Rollo, pp. 2-7, 18-21.

[4] Rollo, pp. 7, 10-12, 18-21.

[5] Id. at 12-13.

[6] Id. at 96-97.

[7] Son of respondent's sister.

[8] Rollo, pp. 13-16.

[9] Id. at 16-18.

[10] Id. at 116-125.

[11] Id. at 361-364.

[12] Id. at 213.

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[13] Id. at 475, 485, 566.

[14] Español v. Mupas, A.M. No. MTJ-01-1348, November 11, 2004, 442 SCRA 13, 37.

[15] Tan v. Estoconing, A.M. No. MTJ-04-1554, June 29, 2005, 462 SCRA 10, 24; Español v. Mupas, supra note 14.

[16] Id. at 25.

[17] Santos v. Lacurom, A.M. No. RTJ-04-1823, August 28, 2006, 499 SCRA 639, 650.

[18] Abrajano v. Heirs of Augusto Salas, Jr., G.R. No. 158895, February 16, 2006, 482 SCRA 476, 487.

[19] Rollo, pp. 10, 121.

[20] Rollo, p. 516.

[21] Id. at 117-119.

[22] Records, folder 1, pp. 1-4.

[23] Id. at 9-12.

[24] Id. at 14-17.

[25] See records, folder 1, pp. 18-24.

[26] Id. at 50-52.

[27] Id. at 187-189.

[28] Id. at 324-325.

[29] See rollo, p. 283.

[30] See records, folder 1, p. 384.

[31] Id. at 385-390.

[32] Id. at 431.

[33] Id. at 443-444.

[34] Id. at 447-450.

[35] Id. at 454-455.

[36] Records, folder 4, pp. 63-64.

[37] Records, folder 1, pp. 458-467.

[38] Rollo, pp. 522-526.

[39] Santos v. Lumbao, G.R. No. 169129, March 28, 2007, 519 SCRA 408, 423; Tribiana v. Tribiana, G.R. No. 137359, September 13, 2004, 438 SCRA 216, 220.

[40] Records, folder 1, pp. 39-40.

[41] Id. at 46-49.

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[42] Records, Folder 1, pp. 50-52.

[43] Id. at 72.

[44] Enriquez v. Caminade, A.M. No. RTJ-05-1966, March 21, 2006, 485 SCRA 98, 102; Planas v. Reyes, A.M. No. RTJ-05-1905, February 23, 2005, 452 SCRA 146, 160.

[45] Rico v. Rufon, A.M. No. RTJ-04-1822, June 25, 2007, 525 SCRA 477, 486; Sanchez v. Vestil, 358 Phil. 477, 496 (1998).

[46] Dayawon v. Garfin, 437 Phil. 139, 149 (2002).

[47] Sanchez v. Vestil, supra note 45.

[48] Id.

[49] Ora v. Almajar, A.M. No. MTJ-05-1599, October 14, 2005, 473 SCRA 17, 23.

[50] Rollo, pp. 527-528.

[51] Balayon, Jr. v. Dinopol, A.M. No. RTJ-06-1969, June 15, 2006, 490 SCRA 547, 558; Varcas v. Orola, Jr., A.M. No. MTJ-05-1615, February 22, 2006, 483 SCRA 1, 9.

[52] Records, folder 3, pp. 221-222, 248-249.

[53] Id. at 285.

[54] Rollo, p. 13.

[55] Id. at 116.

[56] Records, folder 3, pp. 295, 322-326, 351-356.

[57] Rollo, pp. 538-540.

[58] Bagano v. Hontanosas, A.M. No. RTJ-05-1915, May 6, 2005, 458 SCRA 59, 64.

[59] Rollo, pp. 543-544.

[60] Tan v. Estoconing, supra note 15, at 18; Office of the Court Administrator v. Madronio, Sr., A.M. No. MTJ-04-1571, February 14, 2005, 451 SCRA 206, 210-211.

[61] Tan v. Estoconing, supra note 15, at 18; Office of the Court Administrator v. Madronio, Sr., supra note 60, at 211.

[62] Tan v. Estoconing, supra note 15, at 18; Aslarona v. Echavez, 459 Phil. 167, 171 (2003).

[63] Office of the Court Administrator v. Madronio,Sr., supra note 60, at 211.

[64] See Aslarona v. Echavez, supra note 62; Office of the Court Administrator v. Madronio, supra note 60.

[65] Balsamo v. Suan, 458 Phil. 11, 25 (2003).

[66] Rollo, pp. 507-508, 555-556, records folder 1, p. 455.

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