

**HANJIN HEAVY INDUSTRIES AND CONSTRUCTION CO., LTD.,
REPRESENTED BY ATTY. MARIO AGUINALDO, COMPLAINANT, VS.
JUDGE ROGELIO M. PIZARRO AND SHERIFF IV NERI G. LOY, BOTH
OF THE REGIO...**

A.M. No. RTJ-08-2107 (A.M. OCA IPI No. 04-2019-RTJ). February 29, 2008

Ponente: CARPIO MORALES, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/ebc3641d9c49/>

CARPIO MORALES, J.:

For consideration is herein complainant Hanjin Heavy Industries and Construction Co., Ltd. (Hanjin)'s "Urgent Motion for Production and Inspection of Document."

A statement of the case is in order, there having been previous incidents that occurred in the interim.

Civil Case No. Q-02-47707, "First United Construction Corporation, et al., v. Hanjin Heavy Industries & Construction Co. Ltd., et al.," was dismissed by respondent Judge Rogelio Pizarro of Branch 222 of the Quezon City Regional Trial Court by Order of August 6, 2003.

The therein plaintiffs First United Construction Corp., et al. filed a Motion for Reconsideration of the order of dismissal which respondent judge granted by Order of October 22, 2003. The case was thus reinstated to the court docket. In the same Order, respondent judge ordered as follows:

Meantime, Notices of Garnishment and Writ of Attachment both dated September 20, 2002 are RESTORED. The Counterbond dated October 4, 2003 (posted by [the defendant] Hanjin Heavy Industries and Construction Co., Ltd.) is RECALLED.[1]

It appears that on the basis of an Order of March 17, 2004 purportedly issued by respondent judge, a Notice of Garnishment of the deposit of the therein defendant Hanjin with the Rizal Commercial Banking Corporation (RCBC) in the amount P1,344,408.83 was issued and implemented; and that the said amount was in fact withdrawn.

Hanjin, through counsel, by letter of April 19, 2004 addressed to respondent judge, complained that there was no basis for any Notice of Garnishment as the Writ of Preliminary Attachment dated September 20, 2002 had been lifted and set aside by his Order of October 17, 2002; the March 17, 2004 Order (of Garnishment) "was issued not . . . pursuant to any Motion as [Hanjin had] not received any"; the case had already been dismissed by Order of August 6, 2003; and the Order dated October 22, 2003 granting the therein plaintiffs' Motion for Reconsideration and reinstating the case to the court's docket is void as said motion was signed by one Atty. Ruben Almadro who, as of the date of the motion, had been suspended from the practice of law.

Hanjin likewise complained that the October 22, 2003 Order reinstating Civil Case No. Q-02-47707 to the court docket could not restore the Notices of Garnishment and Writ of Preliminary Attachment dated September 20, 2002 because their restoration had not been prayed for in the therein plaintiffs' Motion for Reconsideration which

said order granted.

A copy of Hanjin's letter to respondent judge was furnished then Chief Justice Hilario G. Davide, Jr., by transmittal letter of April 19, 2004 which was received on April 22, 2004. In the transmittal letter, Hanjin's counsel requested the immediate suspension of respondent judge "[t]o avoid tampering of the records of the case and due to the seriousness of the charges."

Hanjin later complained against respondent judge and respondent Sheriff IV Nery G. Loy in a letter of May 31, 2004[2] addressed to then Court Administrator Presbitero J. Velasco, Jr., now Associate Justice of this Court. Justice Velasco gathered that the complaint was for Knowingly Rendering Unjust Judgment and Grave Abuse of Authority, against respondent judge and respondent sheriff, respectively.

In his Comment of July 6, 2004[3] to the letter-complaint, respondent judge claimed that the March 17, 2004 Order is "fake and [his] alleged signature appearing therein is a forgery."

The case was thus, by Resolution of January 10, 2005,[4] referred by this Court to the National Bureau of Investigation (NBI) for investigation, report and recommendation.

By Resolution of March 22, 2006, this Court noted the Memorandum of February 22, 2006 of the Office of the Court Administrator (OCA) relative to the report submitted by the NBI and resolved, as recommended by the OCA, as follows:

(a)

to DISMISS the case against respondents Judge Rogelio Pizarro and Sheriff Neri Loy for insufficiency of evidence; and

(b)

to REFER the administrative investigation of [the plaintiff's counsel] Atty. Ruben Almadro to the Office of the Bar Confidant for report and recommendation within thirty (30) days from receipt of records of this case and let the Office of the Bar Confidant be FURNISHED with a copy of the record of this case.[5]

Hanjin filed a Motion for Reconsideration of this Court's March 22, 2006 Resolution which was referred back to the OCA for evaluation.

On May 5, 2006, Hanjin filed a Motion (to Direct the NBI to Inquire Further and Conduct a Thorough Investigation Re: Pizarro Case) in light of "RCBC's admission that the duplicate original of the questioned Order of 17 March 2004 is in its possession as stated in the pre-trial Order[6] dated 21 March 2006 [signed by Judge Reinato Quilala] in Civil Case No. 04-864 entitled 'Hanjin Heavy Industries & Construction Co., Ltd. vs. Rizal Commercial Banking Corp.'" Hanjin contended that the NBI could insist that the said duplicate original of the questioned March 17, 2004 Order be surrendered for purposes of examination and comparison with the specimen signatures of respondent judge.

By Resolution of November 13, 2006,[7] this Court, acting on Hanjin's Motion for Reconsideration, resolved as follows:

- to GRANT complainant's motion to direct the NBI to inquire further and conduct a thorough investigation of the case to properly assess and determine if the respondent's (judge) signature appearing on the questioned order is indeed forged or his true signature; and to require the NBI to CONDUCT the said investigation and to SUBMIT a report thereon within thirty (30) days from notice hereof; and
- to HOLD IN ABEYANCE the resolution of the complainant's motion for reconsideration of the resolution of

March 22, 2006 pending submission of the NBI report and recommendation on the matter.

The records show that the NBI received a copy of this Resolution. There is no showing, however, that the NBI has complied with it.

On January 26, 2007, Hanjin filed an Urgent Motion for Production and Inspection of Document,[8] the subject of the present Resolution. It prays for the issuance of an order for the NBI to conduct a thorough investigation of the case and determine the genuineness and authenticity of the purported signature of respondent judge appearing on the March 17, 2004 Order. It likewise prays for the issuance of an order directing RCBC to produce and to surrender to the NBI the above-mentioned Order dated March 17, 2004, and the NBI to conduct its investigation thereon.

Acting on Hanjin's present Urgent Motion, the NBI is ordered to determine the genuineness and authenticity of the purported signature of respondent judge appearing on his March 17, 2004 Order, for the purpose of which it is directed to, inter alia, secure from the RCBC the duplicate original of respondent judge's Order of March 17, 2004 alleged to have been admitted by RCBC to be in its possession.

SO ORDERED.

Carpio,[**] Tinga, and Velasco, Jr., JJ., concur.

Quisumbing,[*] (Chairperson), on official leave.

* On official leave per Special Order No. 485 dated February 14, 2008.

** Acting Chairperson.

[1] Rollo, p. 28.

[2] Id. at 1-2.

[3] Id. at 50-51.

[4] Id. at 65.

[5] Id. at 336.

[6]

PRE-TRIAL ORDER

x x x x

STIPULATION OF FACTS

- That the defendant have a duplicate original copy of the order dated March 17, 2004 issued by Judge Rogelio Pizarro of Quezon City, RTC, Branch 222.

x x x x

[7] Rollo, p. 391.

[8] Id. at 393-395.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.