

EN BANC

[A.M. No. RTJ-15-2438 [Formerly OCA I.P.I. No. 11-3681-RTJ], September 02, 2020]

**SHARON FLORES-CONCEPCION, COMPLAINANT, V. JUDGE
LIBERTY O. CASTANEDA, REGIONAL TRIAL COURT, BRANCH 67,
PANIQUI, TARLAC, RESPONDENT.**

DECISION

LEONEN, J.:

*Death, be not proud, though some have called thee
Mighty and dreadful, for thou art not so;
For those whom thou think 'st thou dost overthrow
Die not, poor Death, nor yet canst thou kill me.
From rest and sleep, which but thy pictures be,
Much pleasure; then from thee much more must flow,
And soonest our best men with thee do go,
Rest of their bones, and soul's delivery.
Thou art slave to fate, chance, kings, and desperate men,
And dost with poison, war, and sickness dwell,
And poppy or charms can make us sleep as well
And better than thy stroke; why swell 'st thou then?
One short sleep past, we wake eternally
And death shall be no more; Death, thou shalt die.*

*Holy Sonnets: Death, Be Not Proud
By John Donne*

Death is a far graver and more powerful judgment than anything that this Court has jurisdiction to render.

Hence, when the respondent in a pending administrative case dies, the case must be rendered moot. Proceeding any further would be to violate the respondent's fundamental right to due process. Should it be a guilty verdict, any monetary penalty imposed on the dead respondent's estate only works to the detriment of their heirs. To continue with such cases would not punish the perpetrator, but only subject the grieving family to further suffering by passing on the punishment to them.

This Court resolves the Administrative Complaint^[1] against Judge Liberty O. Castaneda (Judge Castaneda), then the judge of the Regional Trial Court of Paniqui, Tarlac, Branch 67. She was sued by Sharon Flores-Concepcion (Concepcion), whose marriage the judge had nullified without her even knowing about it.

In particular, Concepcion claimed that in November 2010, she received a July 30,

2010 Decision^[2] in Civil Case No. 459-09, declaring her marriage to Vergel Concepcion as void *ab initio*. The Decision surprised her as she did not know that her husband had filed any petition.^[3] She added that neither she nor her husband was a resident of Paniqui.^[4] Seeking answers, Concepcion went to Branch 67 on December 8, 2010, and there discovered that, based on the records, no hearing was conducted on the case at all.^[5]

Thus, Concepcion filed a Petition for Relief from Judgment^[6] on January 19, 2011 before the same court.^[7] Due to this incident, she also filed an Complaint-Affidavit^[8] against Judge Castaneda.

On June 29, 2011, the Office of the Court Administrator directed the judge to comment, but she failed to comply despite notice.^[9]

In 2012, as this case was pending, Judge Castaneda was dismissed from the service in another case, Office of the Court Administrator v. Judge Liberty O. Castañeda.^[10] There, she was found guilty of dishonesty, gross ignorance of the law, gross misconduct, and incompetency for, among others, disposing of nullity and annulment marriages with "reprehensible"^[11] haste. This Court forfeited her retirement benefits, except accrued leave credits, and barred her from reemployment in any government branch or instrumentality, including government-owned and controlled corporations.^[12]

Given her dismissal, the Office of the Court Administrator recommended that Concepcion's Complaint be dismissed.^[13] However, this Court later resolved to return this administrative matter to the Office of the Court Administrator to reevaluate the case on its merits.^[14]

In its July 7, 2015 Memorandum,^[15] the Office of the Court Administrator found that Judge Castaneda willfully and contumaciously disregarded the "laws and rules intended to preserve marriage as an inviolable social institution and safeguard the rights of the parties."^[16] It found that the judge hastily resolved the nullity case despite several glaring procedural defects. Moreover, it noted her "act of defiance"^[17] in refusing to submit a comment despite a directive. It stated that while the judge had since been dismissed from service, penalties could still be imposed since this Complaint had been filed before the 2012 ruling.^[18] It noted that a judge's lack of moral fitness may likewise be basis for disbarment.^[19]

The Office of the Court Administrator recommended the following:

1. the instant administrative complaint be **RE-DOCKETED** as a regular administrative matter against respondent Judge Liberty O. Castaneda, former Presiding Judge, Branch 67, RTC, Paniqui, Tarlac;
2. respondent Judge Castaneda be found **GUILTY** of gross ignorance of the law for which she would have been **DISMISSED FROM THE SERVICE** with forfeiture of her retirement benefits, except leave credits, if any, and disqualified from reinstatement or appointment

to any public office, branch or instrumentality of the government, including government-owned or controlled corporations had she not been previously dismissed from the service in a Decision dated 9 October 2012 in A.M. No. RTJ-12-2316; and

3. respondent Judge Casta[n]eda be likewise **DISBARRED** for violation of Canons 1 and 11 and Rules 1.01 and 10.01 of the Code of Professional Responsibility and her name be **ORDERED STRICKEN** from the Roll of Attorneys.^[20] (Emphasis in the original)

While the Memorandum was pending with this Court, Judge Castaneda died on April 10, 2018 from acute respiratory failure.^[21]

The sole issue here is whether or not the death of respondent Judge Liberty O. Castaneda warrants the dismissal of the Administrative Complaint lodged against her.

In the 2019 case of *Re: Investigation Report on the Alleged Extortion Activities of Presiding Judge Godofredo B. Abul, Jr.*,^[22] this Court initially held that the respondent's death will not extinguish a pending administrative case, since this Court is not ousted from its jurisdiction by the mere fact that the respondent had ceased to hold public office. Thus, the respondent in *Re: Judge Abul* was found guilty of gross misconduct, and all his benefits, excluding accrued leaves, were forfeited.

On reconsideration, however, this Court reversed its earlier ruling and held that the respondent's death while the case was pending effectively renders the case moot. Thus, the complaint was dismissed.^[23] We now apply the same ruling to this case.

The imposition of a penalty on a public officer after death does not punish the public officer. Public trust is not magically restored by punishing the public officer's heirs—persons who most likely have nothing to do with that public officer's infractions.

Prudence dictates that this case should be rendered moot as respondent Judge Castaneda died. She could no longer be in a position to defend herself from these charges in a motion for reconsideration. She could no longer admit to the charges, express remorse, or beg for clemency. Proceeding any further would be a gross violation of her constitutionally guaranteed right to due process.

I

Every person is guaranteed the right to due process before any judgment against them is issued. Article III, Section 1 of the Constitution declares:

ARTICLE III Bill of Rights

SECTION 1. No person shall be deprived of life, liberty, or property without due process of law, nor shall any person be denied the equal protection of the laws.

In this jurisdiction, due process has "no controlling and precise definition"²⁴ but is "a standard to which governmental action should conform in order that deprivation of life, liberty or property, in each appropriate case, be valid."^[25] It is, in its broadest sense, "a law which hears before it condemns."^[26] In *Ermita-Malate Hotel and Motel Operators Association, Inc. v. City Mayor of Manila*^[27]

There is no controlling and precise definition of due process. It furnishes though a standard to which governmental action should conform in order that deprivation of life, liberty or property, in each appropriate case, be valid. What then is the standard of due process which must exist both as a procedural and as substantive requisite to free the challenged ordinance, or any government action for that matter, from the imputation of legal infirmity; sufficient to spell its doom? It is responsiveness to the supremacy of reason, obedience to the dictates of justice. Negatively put, arbitrariness is ruled out and unfairness avoided. To satisfy the due process requirement, official action, to paraphrase Cardozo, must not outrun the bounds of reasons and result in sheer oppression. Due process is thus hostile to any official action marred by lack of reasonableness. Correctly has it been identified as freedom from arbitrariness. It is the embodiment of the sporting idea of fair play. It exacts fealty "to those strivings for justice" and judges the act of officialdom of whatever branch "in the light of reason drawn from considerations of fairness that reflect [democratic] traditions of legal and political thought." It is not a narrow or "technical conception with fixed content unrelated to time, place and circumstances," decisions based on such a clause requiring a "close and perceptive inquiry into fundamental principles of our society." Questions of due process are not to be treated narrowly or pedantically in slavery to form or phrases.^[28]

Due process encompasses two concepts: substantial due process and procedural due process. Substantive due process is generally premised on the "freedom from arbitrariness"^[29] or "the embodiment of the sporting idea of fair play."^[30] It "inquires whether the government has sufficient justification for depriving a person of life, liberty, or property."^[31]

Procedural due process, on the other hand, "concerns itself with government action adhering to the established process when it makes an intrusion into the private sphere."^[32] It is "[a]t its most basic ... about fairness in the mode of procedure to be followed."^[33] *Medenilla v. Civil Service Commission*^[34] summarizes procedural due process as:

. . . the right of the person affected thereby to be present before the tribunal which pronounces judgment upon the question of life, liberty, and property in its most comprehensive sense; to be heard, by testimony or otherwise, and to have the right of controverting, by proof, every material fact which bears on the question of the right in the matter involved.^[35]

The requirements of procedural due process depend on the nature of the action involved. For judicial proceedings:

[First,] [t]here must be a court or tribunal clothed with judicial power to hear and determine the matter before it; [second,] jurisdiction must be lawfully acquired over the person of the defendant or over the property which is the subject of the proceeding; [third,] the defendant must be given an opportunity to be heard; and [fourth,] judgment must be rendered upon lawful hearing.^[36] (Citation omitted)

In administrative cases, however, the essence of procedural due process is merely one's right to be given the opportunity to be heard.^[37] In *Casimiro v. Tandog*:^[38]

The essence of procedural due process is embodied in the basic requirement of notice and a real opportunity to be heard. In administrative proceedings, such as in the case at bar, procedural due process simply means the opportunity to explain one's side or the opportunity to seek a reconsideration of the action or ruling complained of. "To be heard" does not mean only verbal arguments in court; one may be heard also thru pleadings. Where opportunity to be heard, either through oral arguments or pleadings, is accorded, there is no denial of procedural due process.^[39]

The sufficiency of pleadings in lieu of actual hearings does not imply that administrative proceedings require a "lesser" standard of procedural due process. On the contrary, *Ang Tibay v. Court of Industrial Relations*^[40] requires that in administrative trials and investigations,^[41] seven cardinal primary rights be present for the requirements of due process to be satisfied:

(1) The first of these rights is the right to a hearing, which includes the right of the party interested or affected to present his own case and submit evidence in support thereof. In the language of Chief Hughes, in *Morgan v. U.S.*, "the liberty and property of the citizen shall be protected by the rudimentary requirements of fair play."

(2) Not only must the party be given an opportunity to present his case and to adduce evidence tending to establish the rights which he asserts but the tribunal must consider the evidence presented. In the language of this court in *Edwards vs. McCoy*, "the right to adduce evidence, without the corresponding duty on the part of the board to consider it, is vain. Such right is conspicuously futile if the person or persons to whom the evidence is presented can thrust it aside without notice or consideration."

(3) "While the duty to deliberate does not impose the obligation to decide right, it does imply a necessity which cannot be disregarded, namely, that of having something to support its decision. A decision with absolutely nothing to support it is a nullity, a place when directly attached." This principle emanates from the more fundamental principle that the genius of constitutional government is contrary to the vesting of unlimited power anywhere. Law is both a grant and a limitation upon power.

(4) Not only must there be some evidence to support a finding or conclusion, but the evidence must be "substantial." "Substantial evidence