

## **EN BANC**

**[ A.M. No. RTJ-10-2250 (Formerly A.M. No. 08-08-460-RTC), October 15, 2019 ]**

**OFFICE OF THE COURT ADMINISTRATOR, COMPLAINANT, VS.  
JUDGE OFELIA TUAZON-PINTO, AND OFFICER-IN-  
CHARGE/LEGAL RESEARCHER RAQUEL L.D. CLARIN, BOTH OF  
THE REGIONAL TRIAL COURT, BRANCH 60, ANGELES CITY,  
RESPONDENTS.**

### **D E C I S I O N**

#### **PER CURIAM:**

No trial judge is ever justified to disobey for the sake of convenience or expediency the rules of procedure instituted by the Supreme Court to safeguard the right to be heard on the part of any of the parties, including the Government, especially in proceedings held for the annulment of marriage, or declaration of the nullity of a marriage.

#### **The Case**

This administrative case arises from the results and findings by the judicial audit conducted in 2008 on the pending cases of the Regional Trial Court (RTC), Branch 60, in Angeles City, presided by former Judge Ofelia Tuazon Pinto. Branch 60 has been designated to take cognizance of family-court cases.

#### **Antecedents**

On June 23, 2008, the Judicial Audit Team of the Office of the Court Administrator (OCA) submitted its first partial report<sup>[1]</sup> indicating many irregularities and procedural lapses committed in relation to proceedings brought for annulment of marriage and in several criminal cases pending before Branch 60.

Among the irregularities and procedural lapses uncovered by the Judicial Audit Team were that several respondents in the proceedings brought for annulment of marriage had invoked the defense of improper venue based on the petitions having been filed in a "friendly court/forum;" that respondent Judge Pinto had inconsistently ruled on the admissibility of the barangay certifications submitted as proof of the places of residence of the petitioners concerned; that she had not been consistent in ordering the petitioners to furnish the Office of the Solicitor General (OSG) with copies of the petitions; that she had allowed substituted service of the summons without strictly complying with the requirement to the effect that the sheriffs should resort to several attempts to cause personal service upon the respondents at least thrice on two different dates; that summons by publication had also been ordered without proof showing that the respondents had been served with the copies of the petitions; that she had been overly lenient in allowing the petitioners to avail

themselves of the taking of depositions under Rule 23 of the *Rules of Court*, and the depositions had been normally treated as the petitioners' testimonial evidence; that she had also directed the public prosecutor to conduct investigations despite the respondents not having yet filed their answers, or despite the periods for filing the answers not having yet expired; that she had proceeded without pre-trial and without issuing the orders requiring the public prosecutor to investigate and file reports; that there were several cases in which the respondents had not been duly served with copies of the orders or notices of pre-trial conference copies of the pre-trial brief, or notices of hearing; that in some other cases, she had proceeded with the pretrial in the absence of the parties themselves despite their counsels not being armed with special powers of attorney; that some decisions had appeared to have been hastily rendered; and that in all the decided cases, the RTC had simultaneously issued certificates of finality and decrees of absolute nullity of marriage.

Acting on the partial report, the OCA recommended on July 29, 2008 as follows:<sup>[2]</sup>

1. The designation of the RTC, Branch 60, Angeles City, Pampanga presided over by Judge Ofelia Tuazon[-]Pinto as special court for family court cases, be **REVOKED** effective immediately from receipt of notice;
2. The designation of Ms. Racquel D.L. Clarin as Officer-In-Charge of the Regional Trial Court, Branch 60, Angeles City, be **REVOKED** immediately from receipt of notice;
3. Judge Ofelia Tuazon[-]Pinto, Regional Trial Court, Branch 60, Angeles City, and Officer-In-Charge Racquel D.L. Clarin, same court, be **PREVENTIVELY SUSPENDED** from office effective immediately from receipt of notice;

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7. Judge Ofelia Tuazon Pinto, Regional Trial Court, Branch 60, Angeles City be **DIRECTED** to: **EXPLAIN** within fifteen (15) days from notice why she should not be administratively dealt with for : **(1) FAILURE** to issue the Commitment Order when the accused was already arrested and detained in the following criminal cases; Nos. 04-619 (*Pp. vs. D. Flores*), 07-30355 (*Pp. vs. R. Salisi*), 05-1301 (*Pp. vs. W. Pineda*), 01-522 to 53 (*Pp. vs. E. Edillor*), 03-237 to 38 (*Pp. vs. F. Tolentino, et al.*), 07-2750 (*Pp. vs. R. Marimla*), 00-212 (*Pp. vs. T. Miranda*), 06-2535 (*Pp. vs. J. De La Cruz*), 02-795 (*H. Sanchez*), 06-2086 (*Pp. vs. N Cayabyab*); **(2) ALLOWING** the issuance of Commitment Order by the Officer-In-Charge or Acting Branch Clerk of Court in the following Criminal Cases Nos. 01-326 (*Pp. vs. J. Avaristo*), 02-725 to 76 (*Pp. vs. C. Marcos*), 01-805 (*Pp. vs. R. Siron*), 03-767 (*Pp. vs. Magabilin*), 01-750 (*Pp. vs. N. Malonzo*), 02-033 (*Pp. vs. L. Dizon*), 03-417 (*Pp. vs. J. David*), and 01-653 (*Pp. vs. A. Panlilio*); **(3) ALLOWING** the issuance of Release Order by the Officer-In-Charge or Acting Branch Clerk of Court in the following Criminal Cases Nos. 03-860 (*Pp. vs. H Williams*), 02-182 (*L. Pineda*), 01-516 (*Pp. vs. R. Manalang*), 03-691 (*Pp. vs. B. Edwards*), 03-698 (*Pp. vs. B. Edwards*), 04-242 (*Pp.*

vs. *R. Edwards*) 96-540 to [5]42 (*Pp. vs. H Gill*), and 98-489 (*Pp. vs. Sical Jr.*); and **(4) FAILURE** to comply with the pertinent rules under A.M. No. 02-11-10-SC (*Re: Rule on Declaration of Absolute Nullity of Void Marriages and Annulment of Voidable Marriages*), and A.M. No. 02-6-02-SC (*Re: Rule on Adoption*) and other pertinent rules under the Rules of Court, to wit:

- (a) For regularly and consistently issuing an Order directing the petitioner/plaintiff in annulment of marriage cases or cases declaration of nullity of marriage cases to furnish the Office of the Solicitor General (OSG) with the copy of the petition 5 days **after** the filing of the petition in the following cases: Civil Case Nos. 13556 (*Reyes v Reyes*), 12431 (*Padilla vs. Padilla*), 13324 (*Masangkay vs. Masangkay*), 13531 (*Oriel vs. Oriel*), 13067 (*Honnald vs. Honnald*), 13074 (*Daclizon vs. Daclizon*), 13383 (*Regan vs. Regan*), 13367 (*Simeon vs. Simeon*), 13137 (*Mallari vs. Mallari*), 13509 (*Cruz vs. Cruz*), 11257 (*Calma vs. Calma*), 13178 (*David vs. David*), 13246 (*Bonifacio vs. Bonifacio*), 11405 (*De La Pena vs. De La Pena*), 13554 (*Azur vs. Azur*), 13310 (*Ocampo vs. Ocampo*), 13021 (*De Leon vs. De Leon*), 13342 (*Aguilar vs. Aguilar*), 13250 (*Paras vs. Paras*), 12897 (*Merlin vs. Merlin*), 12641 (*Magalang vs. Magalang*), 13150 (*Canlas vs. Canlas*), 10978 (*Llenary vs. Llenary*), 13230 (*De Le Blanc vs. De le Blanc*), 12443 (*Nunga vs. Nunga*), 13262 (*Del Rosario vs. Del Rosario*), 12504 (*Quirante vs. Quirante*), 13053 (*Samson vs. Samson*), 12776 (*Fausto vs. Fausto*), 13304 (*Capati v Capati*), 12400 (*Tindle vs. Tindle*), 11840 (*Mateo vs. Mateo*), 13437 (*Azuro vs. Azuro*), 13428 (*Libut vs. Libut*), 12969 (*De Leon vs. De Leon*), 12779 (*Manalastas vs. Manalastas*), 12766 (*Palean vs. Palean*), 12948 (*Usi vs. Usi*), 13069 (*Cabrera vs. Cabrera*), 12749 (*So vs. So*), 12819 (*Balonza vs. Balonza*), 13136 (*Sangil vs. Sangil*), 12708 (*Humphries vs. Humphries*), 13278 (*Ignacio vs. Ignacio*), 12998 (*Malig vs. Malig*), 13321 (*Morales vs. Morales*), 13544 (*Mallen vs. Mallen*), 12766 (*Espinosa vs. Espinosa*), 13500 (*Turia vs. Turia*), 13507 (*Catacutan vs. Catacutan*), 13477 (*Patio vs. Patio*), 12864 (*Cruz vs. Cruz*), 13107 (*Rodriguez vs. Rodriguez*), 12534 (*Felix vs. Felix*), 12867 (*Dizon vs. Dizon*), 11073 (*Pabustan vs. Pabustan*), 13116 (*Caasi vs. Caasi*), 12853 (*Medina vs. Medina*), 12758 (*Fernandez vs. Fernandez*), 13086 (*Bonifacio vs. Bonifacio*), 13568 (*Barco vs. Barco*), 12784 (*Garcia vs. Garcia*), 12820 (*De La Cruz vs. De La Cruz*), 12746 (*Relucio vs. Relucio*), 13164 (*Cunanan vs. Cunanan*).
- (b) For failure to issue an order within five (5) days from the filing of the petition directing the petitioner/plaintiff to furnish the OSG with the copy of the petition and proceeded with the trial of the following cases despite

the absence of such order: Civil Cases Nos. 13363 (*Bustillos vs. Bustillos*), 13580 (*Ocampo vs. Ocampo*), 12954 (*Reyes vs. Reyes*), 12460 (*Canlas vs. Canlas*), 13393 (*Siongco vs. Siongco*), 12682 (*Garcia vs. Garcia*), 12372 (*Primero vs. Primero*), 12324 (*Escobar vs. Escobar*), 13063 (*Pinzon vs. Pinzon*), 13440 (*Yandell vs. Yandell*), 13466 (*Yusi vs. Yusi*), 13141 (*Lagman vs. Lagman*), 13179 (*Cao vs. Cao*), 1232 (*Mayan vs. Mayan*), 12579 (*Merza vs. Merza*), 13244 (*Maglanes vs. Maglanes*), 12386 (*Lopez vs. Lopez*), 12901 (*Carbungco vs. Carbungco*), 12944 (*Cordero vs. Cordero*), 13050 (*Pineda vs. Pineda*), 13555 (*Bundalian vs. Bundalian*), 13457 (*Dalatre vs. Dalatre*), 12056 (*Mungcal vs. Mungcal*), 11348 (*Mangalino vs. Mangalino*), 13112 (*Dillon vs. Dillon*), 12536 (*Strammer vs. Strammer*), 13206 (*Macaspac vs. Macaspac*), 13329 (*Buenaseda vs. Buenaseda*), 13468 (*Aquino vs. Aquino*), 13193 (*Fernandez vs. Fernandez*), 13523 (*Manuntag vs. Manuntag*), 12921 (*Magat vs. Magat*), 13522 (*Lumanlan vs. Lumanlan*).

- (c) For proceeding with the trial in the following cases despite the failure of the petitioner/plaintiff to comply with the order directing the said petitioner/plaintiff to furnish the OSG with the copy of the petition, to wit: Civil Cases Nos. 13563 (*Bondoc vs. Bondoc*), 13342 (*Aguilar vs. Aguilar*), 13250 (*Paras vs. Paras*), 12897 (*Merlin vs. Merlin*), 12641 (*Maglalang vs. Maglalang*), 13150 (*Canlas vs. Canlas*), 13262 (*Del Rosario vs. Del Rosario*), 13072 (*Thong vs. Thong*), 11958 (*Deche vs. Deche*), 12766 (*Palean vs. Palean*), 12805 (*Sapnu vs. Sapnu*), 12948 (*Usi vs. Usi*), 12945 (*Dayrit vs. Dayrit*), 13069 (*Cabrera vs. Cabrera*), 12749 (*So vs. So*), 12819 (*Balonza vs. Balonza*), 13136 (*Sangil vs. Sangil*), 13321 (*Morales vs. Morales*), 13544 (*Mallen vs. Mallen*), 12766 (*Espinosa vs. Espinosa*), 13500 (*Turia vs. Turia*), 13507 (*Catacutan vs. Catacutan*), 13477 (*Patio vs. Patio*), 12864 (*Cruz vs. Cruz*), 13107 (*Rodriguez vs. Rodriguez*), 12534 (*Felix vs. Felix*), 12867 (*Dizon vs. Dizon*), 11073 (*Pabustan vs. Pabustan*), 13116 (*Caasi vs. Caasi*), 12853 (*Medina vs. Medina*), 12758 (*Fernandez vs. Fernandez*), 13086 (*Bonifacio vs. Bonifacio*), 13568 (*Barco vs. Barco*), 12784 (*Garcia vs. Garcia*), 12820 (*De La Cruz vs. De La Cruz*), 13377 (*Dogmoc vs. Dogmoc*), 13463 (*Salonga vs. Salonga*), 12625 (*Lacap vs. Lacap*), 12173 (*Apostol vs. Apostol*), 12918 (*Rabe vs. Rabe*), 12997 (*Mercado vs. Mercado*), 13164 (*Cunanan vs. Cunanan*), 13519 (*Ordonez vs. Ordonez*), 12775 (*Mendoza vs. Mendoza*).
- (d) For allowing the service of summons by substituted service upon the respondent without complying with the mandatory requirements to effect a valid substituted service pursuant to the decision of the

Court in the case entitled: "Ma. Imelda M. Manotoc vs. Court of Appeals and AgapitaTrajano, et al.", G.R. No. 130974, 16 August 2006 in the following cases: Civil Cases Nos. 13556 (*Reyes vs. Reyes*), 13531 (*Oriel vs. Oriel*), 13448 (*Suba vs. Suba*), 13067 (*Honnald vs. Honnald.*), 13383 (*Regan vs. Regan*), 13367 (*Simeon vs. Simeon*), 13137 (*Mallari vs. Mallari*), 13509 (*Cruz vs. Cruz*), 12288 (*Canlas vs. Canlas*), 13246 (*Bonifacio vs. Bonifacio*), 13342 (*Aguilar vs. Aguilar*), 13363 (*Bustillos vs. Bustillos*), 12954 (*Reyes vs. Reyes*), 13230 (*De Le Blanc vs. De Le Blanc*), 13072 (*Thong vs. Thong*), 12504 (*Quirante vs. Quirante*), 13304 (*Capati vs. Capati*), 12842 (*Antonio vs. Antonio*), 12400 (*Tindle vs. Tindle*), 13132 (*Pineda vs. Pineda*), 13381 (*Bautista vs. Bautista*), 13341 (*Galang vs. Galang*), 13512 (*Caling vs. Caling*), 13496 (*Sali vs. Sali*), 13308 (*Tolentino vs. Tolentino*), 13535 (*Calooy vs. Calooy*), 13252 (*Angeles vs. Ronquillo*), 13401 (*Pecson vs. Pecson*), 13470 (*Isidro vs. Isidro*), 13266 (*Lugtu vs. Lugtu*), 13062 (*Manalili vs. Manalili*), 13162 (*Joson vs. Joson*), 12324 (*Escobar vs. Escobar*), 12642 (*De La Cruz vs. De La Cruz*), 13360 (*Torno vs. Torno*), 13496 (*Sali vs. Sali*), 13263 (*Tuazon vs. Tuazon*), 13293 (*Libut vs. Libut*), 13097 (*Pondavilla vs. Pondavilla*), 13359 (*Dalisay vs. Dalisay*), 13141 (*Lagman vs. Lagman*), 13457 (*Dalatre vs. Dalatre*), 13206 (*Macaspac vs. Macaspac*), 13321 (*Morales vs. Morales*), 13086 (*Bonifacio vs. Bonifacio*), 12173 (*Apostol vs. Apostol*).

- (e) For failure to act on the defendant's "Very Urgent Motion Ex-Parte Omnibus Motion" in Civil Case No. 12431 (*Padilla vs Padilla*) specifically questioning the Report dated 02/01/06 of the then Assistant City Prosecutor Lucina A. Dayaon that no collusion exists between the parties when the defendant claimed that *"there was no instance that the defendant was ever invited to air its side and/or participate in any such investigation before the Assistant Public Prosecutor"* despite the issuance of the Order dated 03/27/06 resolving the other issues raised in the said urgent motion.
- (f) For failure to act on the Report dated 07/09/07 of the Public Prosecutor in Civil Case Nos. 13563 (*Bondoc vs Bondoc*) stating among others that no collusion exists between the parties when the record of the case revealed that both parties are abroad or out of the country. Hence, there was no instance that parties were summoned to appear during the investigation.
- (g) For failure to act on the respondent's allegation in the Answer filed on 08/14/07 in Civil Case No. 13250 (*Paras vs Paras*) that petitioner is not a resident of Sta. Ines, Mabalacat, Pampanga but of No. 23 Sto. Domingo