

EN BANC

[A.M. No.16-12-03-CA, June 06, 2017]

**RE: LETTER OF LUCENA OFENDOREYES ALLEGING ILLICIT
ACTIVITIES OF A CERTAIN ATTY. CAJAYON INVOLVING CASES
IN THE COURT OF APPEALS, CAGAYAN DE ORO CITY,**

[IPI No. 17-248-CA-J, June 6, 2017]

**RE: LETTER-COMPLAINT OF SYLVIA ADANTE CHARGING HON.
JANE AURORA C. LANTION, ASSOCIATE JUSTICE, COURT OF
APPEALS, CAGAYAN DE ORO CITY, AND ATTY. DOROTHY
CAJAYON WITH "SYSTEMATIC PRACTICES OF CORRUPTION."**

RESOLUTION

PERLAS-BERNABE, J.:

These consolidated administrative matters arose from the letter-complaints respectively filed by Sylvia Adante (Adante) and Lucena Ofendoreyes (Ofendoreyes) [1] both charging a certain Atty. Dorothy Cajayon (Atty. Cajayon) from Zamboanga City and Associate Justice Jane Aurora C. Lantion (Justice Lantion) of the Court of Appeals in Cagayan De Oro City (CA-CDO) of illicitly selling favorable decisions involving cases filed in the CA-CDO to the highest bidding clients.

The Facts

On October 17, 2016, Adante filed before the Office of the Ombudsman (Ombudsman) a letter, [2] alleging that it was "intimated to [her]" that Atty. Cajayon, whom she met only once, was in cahoots with Justice Lantion in engaging in the shameful business of "selling" decisions involving cases from the CA-CDO to the highest bidder.

Subsequently, or on October 25, 2017, Ofendoreyes filed before the same agency a letter, [3] requesting the latter to investigate and stop the purported partnership of Atty. Cajayon and Justice Lantion from the business of selling decisions in exchange for money.

Both letter-complaints were respectively referred by the Ombudsman to this Court on November 22, 2016 [4] and November 23, 2016, [5] which were, consequently, docketed as IPI No. 17-248-CA-J and A.M. No. 16-12-03-CA. In a Resolution [6] dated January 10, 2017, the Court referred the administrative matters to the Office of the Court Administrator (OCA) to study the possible consolidation of the same.

The OCA's Report and Recommendation

In a Memorandum [7] dated February 14, 2017, the OCA recommended that the matters be consolidated, [8] considering that both letter-complaints involve the same

respondents, *i.e.*, Atty. Cajayon and Justice Lantion, and issue, *i.e.*, the sale of favorable decisions involving cases in the CA-CDO to the highest bidder.

The OCA, however, observed that the letter-complaints were insufficient in form and substance in that they: (1) were not verified; and (2) lacked affidavits of persons who may have personal knowledge of the facts to prove or substantiate the letter-complaints' allegations against respondents, as well as supporting documents. Moreover, it echoed the rule that in administrative proceedings, the burden of proof that the respondent committed the acts complained of rests on the complainant, and that in the absence of evidence against a court employee or magistrate to discipline for a grave offense, the presumption that the respondent has regularly performed his duties will prevail.^[9]

The Issue Before the Court

The sole issue is whether or not Atty. Cajayon and Justice Lantion should be held administratively liable.

The Court's Ruling

Under the Rules of Court, administrative complaints both against lawyers and judges of regular and special courts as well as Justices of the Court of Appeals and the Sandiganbayan must be verified and supported by affidavits of persons who have personal knowledge of the facts alleged therein or by documents which may substantiate said allegations.

For lawyers, these requirements are stated in Section 1, Rule 139-B of the Rules of Court:

SECTION 1. *How Instituted.* — Proceedings for the disbarment, suspension, or discipline of attorneys may be taken by the Supreme Court *motu proprio*, or by the Integrated Bar of the Philippines (IBP) upon the verified complaint of any person. **The complaint shall state clearly and concisely the facts complained of and shall be supported by affidavits of persons having personal knowledge of the facts therein alleged and/or by such documents as may substantiate said facts.** (Emphasis and underscoring supplied)

Meanwhile, for judges and Justices of the Court of Appeals and the Sandiganbayan, the requirements are found in Section 1, Rule 140 of the Rules of Court:^[10]

SECTION 1. *How instituted.* — Proceedings for the discipline of Judges of regular and special courts and Justices of the Court of Appeals and the Sandiganbayan may be instituted *motu proprio* by the Supreme Court or upon **a verified complaint, supported by affidavits of persons who have personal knowledge of the facts alleged therein or by documents which may substantiate said allegations,** or upon an anonymous complaint, supported by public records of indubitable integrity. The complaint shall be in writing and shall state clearly and concisely the acts and omissions constituting violations of standards of conduct prescribed for Judges by law, the Rules of Courts or the Code of Judicial Conduct. (Emphasis and underscoring supplied)

In this relation, Section 2 of Rule 140 states that: