

EN BANC

[A.M. No. RTJ-12-2325 (Formerly A.M. No. 12-7-132-RTC), April 14, 2015]

OFFICE OF THE COURT ADMINISTRATOR, COMPLAINANT, VS. JUDGE ALAN L. FLORES, PRESIDING JUDGE, REGIONAL TRIAL COURT, BRANCH 7, TUBOD, LANA DEL NORTE AND FORMER ACTING PRESIDING JUDGE, REGIONAL TRIAL COURT, BRANCH 21, KAPATAGAN, LANA DEL NORTE, RESPONDENT.

[A.M. No. RTJ-15-2419 (FORMERLY A.M. OCA IPI No. 11-3649-RTJ)]

PROSECUTOR DIOSDADO D. CABRERA, COMPLAINANT, VS. JUDGE ALAN L. FLORES, PRESIDING JUDGE, REGIONAL TRIAL COURT, BRANCH 7, TUBOD, LANA DEL NORTE AND FORMER ACTING PRESIDING JUDGE, REGIONAL TRIAL COURT, BRANCH 21, KAPATAGAN, LANA DEL NORTE, RESPONDENT.

DECISION

PER CURIAM:

Before the Court are two consolidated administrative cases, A.M. No. RTJ-12-2325 (Formerly A.M. No. 12-7-132-RTC) and A.M. OCA IPI No. 11-3649-RTJ, filed against Judge Alan L. Flores (Judge Flores).

A.M. No. RTJ-12-2325 (Formerly A.M. No. 12-7-132-RTC)

This administrative case originated from an investigation conducted by the Office of the Court Administrator (OCA) pursuant to two anonymous letters alleging certain irregularities being committed by Judge Flores. The first letter dated April 28, 2011 was received on May 10, 2011 by the OCA and sent by a certain "John Hancock"^[1] while the other was received on June 15, 2011 and sent by "Concerned Citizens."^[2]

Both letters accused Judge Flores of rendering favorable judgments in exchange for monetary consideration; of taking cognizance of, and deciding cases on annulment of marriage even if said cases were beyond the territorial jurisdiction of the courts he presided; and, that every time an audit team of the OCA visits Iligan, Lanao del Norte and Marawi City, Judge Flores would meet them at the airport, act as their driver, entertain them and even give presents for their return to Manila.^[3]

In addition, "John Hancock" alleged that Judge Flores demands P5,000.00 for special proceedings and notarial commissions; that he maintains the services of four non-court personnel who regularly reported to him and acted as his errand boys, bagmen, personal security and drinking buddies; and if Judge Flores is not with his

mistress in Cagayan de Oro City or Ozamis City, he is having drinking sprees from 3 p.m. until 7 or 8 p.m. with his errand boys at "Randy's Place" in Tubod, Lanao del Norte. Judge Flores also allegedly claims to be protected by one of the associate justices of the Supreme Court (SC) who is a former Free Legal Assistance Group lawyer, and by a "Lawyer-Administrator" who is assigned in Lanao del Norte.^[4]

Acting on these anonymous letters, the Court, in a Resolution dated June 7, 2011, approved OCA's request for an audit team (OCA team) to conduct an investigation and inspection of the pending and decided cases in the Regional Trial Court (RTC) of Tubod, Lanao del Norte, Branch 7, where Judge Flores is the presiding judge, and RTC of Kapatagan, Lanao del Norte, Branch 21, where Judge Flores presided in an acting capacity. The authority included an "on-the-spot" investigation/examination of any available document in other government offices which may have direct connection with the charges.^[5]

OCA INVESTIGATION REPORT

After conducting its investigation from June 27, 2011 to July 8, 2011, the OCA team submitted its report dated September 12, 2011^[6] with the following findings and observations regarding the active/pending and decided cases before the trial courts presided by Judge Flores:

RTC of Tubod, Lanao del Norte, Branch 7

I. In the following active/pending cases for declaration of nullity of marriage,^[7] the OCA team noted an apparent disregard of A.M. No. 02-11-10-SC or the *Rule on Declaration of Absolute Nullity of Void Marriages and Annulment of Voidable Marriages*, as amended:

1) In *Salvador v. Salvador* (CC No. 07-659) filed on October 23, 2009, the petitioner alleged that he resides at "Titunod, Purok-1, Kolambugan, Lanao del Norte." Per return of *subpoena*, however, the petitioner could not be found at the given address. During cross examination, petitioner claimed that he has been residing in a rented house in Kolambugan, Lanao del Norte for almost 20 years but he exercises his right of suffrage in Cagayan de Oro City. He also does not know the name of his landlord;^[8]

2) In *Amba v. Amba* (CC No.; 07-668) filed on March 7, 2011, the petitioner used a care of address (c/b BENITO "BOYET" MEGRINIO, Purok 4 Bag-ong Dawis, Baroy, Lanao del Norte, Philippines). In an Investigation Report dated July 26, 2010, Prosecutor Emelita Go (Prosecutor Go) reported that the petitioner admitted that she still works as a school teacher in Iligan City and "when she retires, she will live in Bag-ong Dawis, Baroy, Lanao del Norte;"^[9]

3) In *Neri v. Neri* (CC No. 07-673) filed on April 17, 2010, the petitioner declared that she is a resident of "Purok 3, Bag-ong Dawis, Baroy, Lanao del Norte." During direct and cross-examination, the petitioner testified that she is a resident of Bag-ong Dawis, Tubod, Lanao del Norte. Prosecutor Diosdado Cabrera (Prosecutor Cabrera), being a resident of Tubod since birth, claimed that no "Barangay Bag-ong Dawis" exists in the Municipality of Tubod;^[10]

4) In *Dabuet v. Dabuet, Jr.* (CC No. 07-674) filed on April 7, 2010, the petitioner alleged that she resides at "Mukas, Kolambugan, Lanao del Norte," while her husband lives at Corrales Dolores Corner, Fernandez Street, Cagayan de Oro City. During cross-examination, the petitioner testified that the signature appearing on the summons purportedly signed and received by her husband is not his signature; hence, Prosecutor Cabrera manifested that there appears to be no proper service of summons on the respondent but Judge Flores failed to act on the matter; [11]

5) In *Maybituin v. Dayanan-Maybituin* (CC No. 07-684) filed on July 8, 2010, the petitioner declared that he is a resident of "Poblacion, Baroy, Lanao del Norte;" however, in his Employment Contract dated March 23, 2010, the petitioner's residence was 1162 Purok Roadside, Suarez, Iligan City. Even on the assumption that he became a resident of Baroy, Lanao del Norte after March 23, 2010, the petitioner still lacked the requisite "six months residency" at the time the case was filed on July 8, 2010. Consequently, the case should have been dismissed for lack of jurisdiction. [12]

The OCA team made similar observations of violation of the rule on venue in *Benitez v. Benitez* (CC No. 07-686), [13] *Narvasa v. Narvasa* (CC No. 07-688), [14] *Emborong v. Ornopia* (CC No. 07-692), [15] *Cangcolcol v. La Vina* (CC No. 07-694), [16] and *Mancia v. Mancia* (CC No. 07-697). [17]

II. The following cases on declaration of nullity of marriage, [18] meanwhile, were resolved by Judge Flores within six (6) months to one (1) year and seven (7) months from the date of filing. The OCA team also noted similar violations of the rule on venue:

1) In *Placibe v. Placibe* (CC No. 07-606) filed on March 23, 2007, the petitioner's address is "c/o Arsenia Ybanez, Mukas, Kolambugan, Lanao del Norte" and that the respondent's residence is at Tolosan, Balingasag, Misamis Oriental. Prosecutor Cabrera, however, reported that both parties are residents of Balingasag, Misamis Oriental and recommended the dismissal of the petition since the petitioner admitted the foregoing fact in the course of his investigation. Despite this, Judge Flores set aside Prosecutor Cabrera's report because according to him, the role of the prosecutor in the investigation is only to determine if collusion exists between the parties, or if the evidence is being suppressed. The petition was granted after one (1) year and seven (7) months from its filing; [19]

2) In *Eusebio v. Eusebio* (CC No. 07-626) filed on September 17, 2008, the petitioner declared her address as "Poblacion, Tubod, Lanao del Norte" but "she can be served with notices and other court processes at the residence of her parents in Ronquillo Obina's residence, Purok 2, Camague, Tomas Cabili, Iligan City." The respondent also stated that the petitioner is not a resident of Tubod, Lanao del Norte. Judge Flores granted the petition after only ten (10) months from filing; [20]

3) In *Mante v. Mante* (CC No. 07-594) filed on August 16, 2006, the petitioner declared his address as "Brgy. Poblacion, Kolambugan, Lanao del Norte, c/o Sanny Sy" and that the respondent resides in Catagbacan Sur, Loon, Bohol. Their marriage certificate, however, stated that they were both residents of Catagbacan Sur, Loon,

Bohol. Moreover, the officer's return of service of *subpoena* stated that "subject person cannot be found x x x." Prosecutor Cabrera filed a manifestation asking for the dismissal of the case on the ground that none of the parties are residing within the territorial jurisdiction of the court. Judge Flores, nevertheless, granted the petition after one (1) year and seven (7) months from its filing.^[21]

Similar cases were also noted by the OCA team to have been decided by Judge Flores in disregard of the rule on venue, namely: (1) *Patuasic v. Patuasic* (CC No. 07-658),^[22] (2) *Obsioma v. Obsioma* (CC No. 07-653),^[23] (3) *Tablason v. Tablason* (CC No. 07-647),^[24] (4) *Patana v. Patana* (CC No. 07-646),^[25] (5) *Amper v. Amper* (CC No. 07-671),^[26] (6) *Carreon v. Carreon* (CC No. 07-612),^[27] (7) *Labunog-Catambacan v. Catambacan* (CC No. 07-634),^[28] (8) *McFarlane v. McFarlane* (CC No. 07-678),^[29] (9) *Del Rosario v. Del Rosario* (CC No. 07-675),^[30] (10) *Emano v. Emano* (CC No. 07-611),^[31] (11) *Dela Cruz v. Saldivar* (CC No. 07-635),^[32] (12) *Alcopra v. Salazar* (CC No. 07-681),^[33] (13) *Caidic v. Caidic* (CC No. 07-685),^[34] and (14) *Musni v. Musni* (CC No. 07-644).^[35]

III. In *Gallibot v. Gallibot* (SPL. PROC. No. 194-07-2009), a petition for judicial declaration of presumptive death based on Article 41 of the Family Code filed on November 13, 2009, the residential address of the petitioner - Pantalan, Tubod, Lanao del Norte - was non-existent; yet, Judge Flores granted the petition after four (4) months from filing.^[36]

IV. Criminal cases with incidents that were resolved by Judge Flores beyond the reglementary period, and those with incidents that remain pending even after the reglementary period to resolve has already lapsed,^[37] to wit:

1) In *People v. Pinuti, Jr.* (CR No. 270-07-2006 for Attempted Rape), a motion for early resolution of the motion to dismiss was filed by the accused on January 10, 2008 and was granted on January 11, 2008. The motion to dismiss was resolved only on February 23, 2009 or one (1) year and one (1) month from January 11, 2008;^[38]

2) In *People v. Rivera, et al.* (CR No. 322-07-2006 for Robbery by Use of Force Upon Things), the motion to dismiss was resolved after one (1) year and six (6) months from the date the Comment thereon was filed;^[39]

3) In *People v. Gomera and Alfafara* (CR No. 358-07-2006 for Violation of Presidential Decree No. 705, as amended), the demurrer to evidence (including the opposition and comment) remains pending from January 25, 2010 up to the time the OCA team conducted the investigation, or a delay of more than one (1) year and five (5) months;^[40]

4) In *People v. Mautin, et al.* (CR No. 569-07-2008 for Qualified Theft), the resolution of the motion for reconsideration was delayed by about five (5) months, while the notice of appeal was resolved after one (1) year and four (4) months;^[41]

5) In *People v. Pasanting* (CR No. 763-07-2010 for Homicide), the resolution of the motion for reconsideration was delayed by about eight (8) months while the notice

of appeal was resolved after one (1) year and four (4) months;^[42]

6) In *People v. Guigue and Clerigo* (CR No. 773-07-2010 for Violation of Section 3(e) of the Republic Act [R.A.] No. 3019), the motion to dismiss was resolved after seven (7) months;^[43]

7) In *People v. Buale* (CR No. 363-07-2006 and CR No. 526-07-2008 for Violation of Sections 12 and 15 of Article II of the R.A. No. 9165), the motion for reconsideration remains unresolved since November 26, 2010 up to the time the OCA team arrived in the RTC of Tubod, Lanao del Norte, Branch 7, or a delay of more than seven (7) months.^[44]

RTC of Kapatagan, Lanao del Norte, Branch 21

I. Pending/active cases where the rule on venue may have also been violated:^[45]

1) In *Southey v. Palmes* (CC No. 21-350) filed on February 16, 2010, evidence showed that the petitioner's real address is Manolo Fortich, Bukidnon and not Taguitic, Kapatagan, Lanao del Norte. Judge Flores, however, disregarded this in favor of an unnotarized lease contract and denied the respondent's motion to dismiss. The OCA team also interviewed Sabina Alta, the purported landlady of the petitioner, and she categorically stated that the petitioner never resided nor brought any personal belongings inside her house;^[46]

2) In *Rocamora v. Rocamora* (CC No. 21-365) filed on July 1, 2010, the case should have been dismissed outright based on the prosecutor's first report since the petitioner used a care of address; however, Judge Flores set aside the report because according to him, the role of the prosecutor in the investigation is only to determine if collusion exists between the parties, or if the evidence is being suppressed.^[47]

II. Cases where Atty. Bernardino Bering, Clerk of Court VI, RTC of Kapatagan, Lanao del Norte, Branch 21, allegedly usurped the function of a judge by issuing orders during preliminary conference:^[48]

1) *Lim v. Undag, et al.*, CC No. 21-322 for Sum of Money etc., Order dated May 9, 2011;

2) *Cartin v. Cartin*, CC No. 21-372 for Annulment of Marriage, Order dated July 13, 2011;

3) *Rocamora v. Rocamora*, CC No. 21-365 for Nullity of Marriage, Order dated May 12, 2011;

4) *Heirs of Basiao, et al. v. Heirs of Abadies, Sr.*, CC No. 21-366 for Recovery of Possession, Order dated January 24, 2011;

5) *Albano v. Damalerio, et al.*, CC No. 21-363 for Sum of Money, Orders dated June 27, 2011 and April 25, 2011;