

## EN BANC

**[ A.M. No. RTJ-10-2232, April 10, 2012 ]**

**OFFICE OF THE COURT ADMINISTRATOR, COMPLAINANT, VS.  
JUDGE CADER P. INDAR, PRESIDING JUDGE AND ACTING  
PRESIDING JUDGE OF THE REGIONAL TRIAL COURT, BRANCH  
14, COTABATO CITY AND BRANCH 15, SHARIFF AGUAK,  
MAGUINDANAO, RESPECTIVELY, RESPONDENT.**

### DECISION

#### PER CURIAM:

This is an administrative complaint for gross misconduct and dishonesty against respondent Judge Cader P. Indar, Al Haj (Judge Indar), Presiding Judge of the Regional Trial Court (RTC), Branch 14, Cotabato City and Acting Presiding Judge of the RTC, Branch 15, Shariff Aguak, Maguindanao.

This case originated from reports by the Local Civil Registrars of Manila and Quezon City to the Office of the Court Administrator (OCA) that they have received an alarming number of decisions, resolutions, and orders on annulment of marriage cases allegedly issued by Judge Indar.

To verify the allegations against Judge Indar, the OCA conducted a judicial audit in RTC-Shariff Aguak, Branch 15, where the Audit Team found that the list of cases submitted by the Local Civil Registrars of Manila and Quezon City do not appear in the records of cases received, pending or disposed by RTC-Shariff Aguak, Branch 15. Likewise, the annulment decisions did not exist in the records of RTC-Cotabato, Branch 14. The Audit Team further observed that the case numbers in the list submitted by the Local Civil Registrars are not within the series of case numbers recorded in the docket books of either RTC-Shariff Aguak or RTC-Cotabato.

At the same time, the Audit Team followed-up Judge Indar's compliance with Deputy Court Administrator (DCA) Jesus Edwin A. Villazor's 1st Indorsement, dated 15 February 2010, relative to the letter<sup>[1]</sup> of Ms. Miren Galloway, Manager-Permanent Entry Unit, Australian Embassy, Manila (Australian Embassy letter), asking confirmation on the authenticity of Judge Indar's decision, dated 23 May 2007, in Spec. Proc. No. 06-581, entitled "*Chona Chanco Aguiling v. Alan V. Aguiling*," for Declaration of Nullity of Marriage. As regards this case, the Audit Team found that Spec. Proc. No. 06-584 does not exist in the records of cases filed, pending or disposed by RTC-Shariff Aguak.

Subsequently, the Audit Team made the following conclusions:

1. The list in Annexes A; A-1; A-2 and A-3 are not found in the list of cases filed, pending or decided in the Regional Trial Court, Branch 15,

Shariff Aguak [Maguindanao] which is based in Cotabato City, nor in the records of the Office of the Clerk of Court of Regional Trial Court, Cotabato City;

2. There are apparently decisions of cases which are spurious, as these did not pass through the regular process such as filing, payment of docket fees, trial, etc. which are now circulating and being registered in Local Civil Registrars throughout the country, the extent of which is anybody's guess;

3. The authenticity of the signatures appearing thereon could only be validated by handwriting experts of the National Bureau of Investigation (NBI);

4. The participation of any lower court officials and/or employees could not be ascertained except probably through a more thorough discreet investigation and or entrapment; [and]

5. There is a possibility that more of this (sic) spurious documents may appear and cause damage to the Court's Integrity.<sup>[2]</sup>

Meanwhile, in compliance with DCA Villazor's Indorsement and in response to the Australian Embassy letter, Judge Indar explained, in a Letter dated 10 March 2010, that "this court is a Court of General Jurisdiction and can therefore act even on cases involving Family Relations. Hence, the subject decision rendered by this Court annulling the marriage of your client is VALID and she is free to marry."<sup>[3]</sup>

In a Memorandum dated 26 April 2010, the OCA recommended that (1) the matter be docketed as a regular administrative matter; (2) the matter be assigned to a Court of Appeals Justice for Investigation, Report, and Recommendation; and (3) Judge Indar be preventively suspended, pending investigation.

In a Resolution dated 4 May 2010, the Court *En Banc* (1) docketed this administrative matter as A.M. No. RTJ-10-2232,<sup>[4]</sup> and (2) preventively suspended Judge Indar pending investigation of this case.

The case was initially raffled to Justice Rodil V. Zalameda of the Court of Appeals, Manila for investigation. The case was re-raffled to Justice Angelita A. Gacutan (Justice Gacutan) of the Court of Appeals, Cagayan de Oro due to its proximity to the Regional Trial Courts involved.

Justice Gacutan set the case for hearing on several dates and sent the corresponding notices of hearing to Judge Indar at his known addresses, namely, his official stations in RTC-Cotabato and RTC-Shariff Aguak and residence address.

The first notice of hearing dated 21 June 2010, which was sent *via* registered mail and private courier LBC, scheduled the hearings on 14, 15, and 16 July 2010 and directed Judge Indar to submit in affidavit form his explanation. The LBC records show that this notice, which was delivered to Judge Indar's official stations, was received by one Mustapha Randang on 28 June 2010.

The scheduled hearing was postponed and reset to 20, 21 and 22 July 2010. The notice of postponement was sent to Judge Indar via registered mail on 6 July 2010 to his official stations and was received again by Mustapha Randang on 8 July 2010.

Judge Indar failed to attend the hearing as rescheduled and to submit the affidavit as required. Thus, in an Order of 23 July 2010, Justice Gacutan directed Judge Indar to explain his non-appearance, and reset the hearing to 10 and 11 August 2010. The Order was sent to his residence address in M. Tan Subdivision, Gonzalo Javier St., Rosary Heights, Cotabato City. The LBC report indicated that the Order was received by a certain Mrs. Asok.

Justice Gacutan also sent a letter dated 23 July 2010 addressed to Atty. Umaima L. Silongan (Atty. Silongan), Acting Clerk of Court of RTC-Cotabato, directing her to serve the notice of hearing scheduled on 10 and 11 August 2010 to Judge Indar and to report the steps taken to effect service of the same. Atty. Silongan submitted a Return of Service, informing that the notices sent to Judge Indar had remained unserved, as the latter left Cotabato City in April 2010 and his location since then was unknown.

In a Resolution of 28 September 2010, this Court directed Justice Gacutan to conduct further investigation to determine the authenticity of the questioned decisions allegedly rendered by Judge Indar annulling certain marriages. The Court required Justice Gacutan to ascertain whether the cases were properly filed in court, and who are the parties responsible for the issuance of the questioned decisions, and to submit a report thereon within 60 days from receipt of the Resolution.

In compliance with the Court's Resolution, Justice Gacutan directed the Local Civil Registrars of Manila and Quezon City and Atty. Silongan to submit certified true copies of the questioned decisions and to testify thereon.

Only the Civil Registrars were present during the hearings on 4 and 5 November 2010. Their testimonies are summarized as follows:

"Testimonies of Ma. Josefina Encarnacion A. Ocampo, City Civil Registrar of Manila

TSN, November 4, 2010

As City Civil Registrar, she is mandated to receive all registered documents that will affect the status of the person like the birth, death and marriage contract, court decrees regarding annulment, adoption, legitimization, the affidavit using the surname of the father, naturalization, the selection of citizenship, etc. The documents are forwarded to their office after they are being registered by the concerned parties.

In the case of annulment of marriage, a copy of the decision is submitted to the Civil Registrar by the one who had his marriage annulled. Per administrative order, it is the duty of the Clerk of Court to furnish them a copy of the Decision. After the copies of decisions are submitted to them,

they are mandated to verify the authenticity of the decision by writing a verification letter to the Clerk of Court before making the annotation or changing the parties' status.

She identified the list of cases of annulment of marriages and petitions changing status of persons (annexes "A-1" and "A-2") which all came from a court in Cotabato. All the cases listed in A-2 have already been confirmed or annotated in the records of the Manila Civil Registry. She affirmed that the said cases in the list were certified true by the clerk of court. As their duty to annotate the said decrees to their records are merely ministerial, they do not question the decrees however peculiar they may seem.

The cases listed in the document marked as Annex A-2 were also cases that came from Cotabato City for their annotation. Although these cases have been certified true by the Clerk of Court, their annotation and confirmation were held in abeyance due to the on-going investigation of Judge Indar."

"Testimony of Salvador Cariño,  
Chief of Records Division, City Civil Registrar of Quezon City  
TSN, November 4, 2010

He generally supervises the retrieval of all the records or documents in their office. He also signs certified true copies of birth, marriage contract, death certificate and certified true copies of Court's decisions furnished to them by different courts.

With regards the decisions issued by the Court in provinces, once the Judge issued the decision regarding the annulment, the parties concern should first register the decision to the Local Civil Registrar where the court is situated. After they receive the decision from the Administrative Division, they would call or write the concerned Local Civil Registrar to authenticate or verify the records. He identified the cases coming from a Cotabato court that were submitted to them for annotation.

The subject decisions listed in the annexes which were decided by a court in Cotabato City were already annotated and verified. However he could not ascertain who from the court verified the authenticity or existence of such decisions as he was not the one who personally called to verify and authenticate them from the court where the listed Decisions/Orders originate."<sup>[5]</sup>

The Civil Registrar of Manila submitted copies of Decisions, Orders and Resolutions, all signed by Judge Indar, in forty three (43) cases for annulment of marriage, correction of entry and other similar cases from RTC-Cotabato City, Branch 15. All the decisions were accompanied by the corresponding Letter of Atty. Silongan, affirming each of the decisions as true and authentic based on the records, while thirty six (36) of such decisions are accompanied by Atty. Silongan's certification affirming the genuineness of Judge Indar's signature affixed on the Decisions.<sup>[6]</sup>

On the other hand, the Civil Registrar of Quezon City submitted twenty five (25) Decisions, Orders, and Resolutions issued by RTC-Cotabato City, Branch 15, which were transmitted to the Registrar's office for annotation and recording. All the Decisions were signed by Judge Indar, and accompanied by Certificates of Finality affirming the genuineness of Judge Indar's signature appearing above the name of Judge Cader P. Indar. The Certificates of Finality were issued by Atty. Silongan and in one case, by Abie Amilil, the OIC-Branch Clerk of Court.<sup>[7]</sup>

Meanwhile, Atty. Silongan, despite notice, failed to attend the hearing. She explained in a Manifestation of 8 November 2010 that she received the Notice only on 8 November 2010 because she was on leave from 1 October 1 to 30 November 2010. Thus, the hearing was reset to 11 and 12 January 2011. However, on the scheduled hearing, Atty. Silongan still failed to appear.

Justice Gacutan sought the assistance of the National Bureau of Investigation (NBI) to locate the whereabouts of Judge Indar, as well as of Atty. Silongan. After several exchanges of correspondence, the NBI, in a Letter dated 22 March 2011, provided the residence addresses of both Judge Indar and Atty. Silongan.

Meanwhile, Judge George C. Jabido (Judge Jabido), Acting Presiding Judge of RTC-Shariff Aguak, Branch 15, was directed to verify the authenticity of the records of the subject Decisions and to appear at the hearing on 29 March 2011. The hearing was canceled due to the judicial reorganization in the Court of Appeals.

This administrative matter was re-raffled to Justice Abraham B. Borreta (Justice Borreta) since Justice Gacutan was reassigned to Manila effective 11 April 2011. Justice Borreta set the hearing on 27 to 29 June 2011. Notices of hearing were sent to Judge Indar and Atty. Silongan at the addresses provided by the NBI and at their previous mailing addresses. The registered mails addressed to Judge Indar were returned for the following reasons: (1) "addressee out of town, move to another place" and (2) addressee "unknown." The Notice sent to Atty. Silongan was also returned and per LBC report, the consignee has moved to an unknown address.

Judge Jabido, who was notified of the hearing, testified that:

In compliance with the directive of the Investigating Justice to verify the authenticity of the records of the listed decisions, judgments and orders, he issued memos to the officers of the Court, the Branch Clerk of Court, the docket clerk, directing them to produce and secure copies of the minutes and other documents related therein. He personally checked the records of the RTC. The Records of the RTC are bereft of evidence to show that regular and true proceedings were had on these cases. There is no showing that a docket fee has been paid for each corresponding cases. There is also no showing that the parties were notified of a scheduled hearing as calendared. There is also no record that a hearing was conducted. No stenographic notes of the actual proceedings were also made. He could not also determine when the said cases were submitted for decision as it was not calendared for that purpose.<sup>[8]</sup>

Judge Jabido also submitted a report, portions of which read: