

## EN BANC

[ **A.M. No. RTJ-12-2316 (Formerly A.M. No. 09-7-280-RTC), October 09, 2012** ]

**OFFICE OF THE COURT ADMINISTRATOR, COMPLAINANT, VS. HON. LIBERTY O. CASTAÑEDA, PRESIDING JUDGE, ATTY. PAULINO I. SAGUYOD, CLERK OF COURT, LOURDES E. COLLADO, SHERIFF, MARYLINDA C. DOCTOR, EVELYN B. ANTONIO, ROSALIE P. SARSAGAT AND CHERYL B. ESTEBAN, COURT STENOGRAPHERS, GEORGE P. CLEMENTE, CLERK, MARITONI FLORIAN C. CERVANTES, COURT INTERPRETER, AND RUBEN A. GIGANTE, UTILITY WORKER, ALL OF THE REGIONAL TRIAL COURT, BRANCH 67, PANIQUI, TARLAC, RESPONDENTS.**

### DECISION

#### PER CURIAM:

This administrative matter is a consequence of the judicial audit and physical inventory of cases conducted from September 29, 2008 to October 8, 2008 in the Regional Trial Court (RTC) of Paniqui, Tarlac, Branch 67, presided over by Judge Liberty O. Castañeda (Judge Castañeda). A follow-up audit was subsequently conducted on February 1 to 4, 2011.

#### The Facts

The team from the Office of the Court Administrator (OCA) reported<sup>[1]</sup> that as of audit date, Branch 67 had a caseload of **1,123**, consisting of **406** criminal cases and **717** civil cases. Of the **70** cases submitted for decision, **18** have not been decided notwithstanding the lapse of the 90-day period within which to resolve them. Likewise, of the seven (7) criminal and three (3) civil cases with pending incidents submitted for resolution, seven (7) have been awaiting resolution beyond the reglementary period.

However, notwithstanding her failure to decide the 18 cases and resolve the incidents in the seven (7) cases mentioned above, Judge Castañeda certified in her Certificates of Service from January to December 2008 that she has decided and resolved all cases and incidents within three (3) months from the date of submission.

The audit team also reported that **164** cases have not been acted upon for a considerable length of time; there are **14** cases with pending incidents; and no initial action has been taken in 27 cases. Apart from these figures, the audit team likewise noted that Branch 67 had a poor case and records management, particularly citing the absence of minutes of the court proceedings, lack of stamp receipts on the pleadings filed before it, official receipts reflecting that filing fees were paid days after the cases had been filed, registry receipts containing no

registry numbers, and lack of proofs of receipts of court processes or issuances. Case records were not even properly stitched together.

The audit also revealed that there were criminal cases that were ordered archived even before the expiration of the 6-month period reckoned from the delivery of the warrant of arrest to the police authorities, in violation of OCA Circular No. 89-2004<sup>[2]</sup> dated August 12, 2004. In one case, Judge Castañeda arbitrarily reduced the bail bond of an accused from P120,000.00 to P10,000.00, and released another on recognizance on charges of violation of Section 11, Article II of Republic Act No. (R.A.) 9165.<sup>[3]</sup> Similarly, another accused, who was charged with violation of R.A. 7610,<sup>[4]</sup> was released on recognizance despite the fact that the penalty therefor is *reclusion temporal* in its medium period to *reclusion perpetua*.

It was also found that Atty. Paulino I. Saguyod (Atty. Saguyod), the Branch Clerk of Court, issued commitment orders in two (2) criminal cases without written authority from Judge Castañeda, and that no certificates of arraignment were issued in some cases.

Prompted by reports that Branch 67 is fast becoming a haven for couples who want their marriages to be judicially declared null and void or annulled, or those who merely want to be legally separated, the audit team gave special attention to cases for declaration of nullity of marriage, annulment of marriage and legal separation, and found that of the 717 civil cases, **522** or **72.80%** involved nullity of marriage, annulment and legal separation.

Further investigation of these cases revealed various irregularities in the proceedings, consisting of blatant violations of A.M. No. 02-11-10-SC,<sup>[5]</sup> or the Rule on Declaration of Absolute Nullity of Void Marriages and Annulment of Voidable Marriages, as well as A.M. No. 02-11-11-SC,<sup>[6]</sup> or the Rule on Legal Separation.

*First.* Judge Castañeda allowed the petitions for nullity of marriage or annulment to prosper despite the impropriety of venue. The audit showed that most of the parties in these petitions are not actual residents of the places under the territorial jurisdiction of Branch 67, *i.e.*, Paniqui, Anao, Moncada and San Miguel, all in Tarlac. A number of the addresses reflected on the pleadings are incomplete or vague, some are handwritten, typewritten or super-imposed on blanks, or even left completely blank. Many of the respondents raised the issue of improper venue, which Judge Castañeda ignored. One of the respondents, Lea Benaid, the respondent in Civil Case No. 254-P'07 (*Dodgie Benaid v. Lea Borreo-Benaid*) claimed, in a letter<sup>[7]</sup> dated October 8, 2008 addressed to the Chief Justice, that she and her petitioner-husband are not residents of Tarlac but of Infanta, Quezon, and that she never received any summons nor has she been notified of a collusion investigation by the public prosecutor. She also averred that she never met the clinical psychologist, whose report reflected that she was purportedly suffering from psychological incapacity. Neither was she subjected to any psychological test.

*Second.* In some cases, there are no proofs of payment of docket fees, while in others, summons and other initial court processes were issued even before the docket fees were fully paid.

*Third.* There are cases where the Office of the Solicitor General (OSG) and the Office

of the Public Prosecutor (OPP) were not furnished copies of the petition, which under the rules must be done within five (5) days from the date of its filing, and proof of such service must be submitted to the court within the same period, otherwise, the petition may be outrightly dismissed. However, in those cases where it has been established that the OSG and OPP were not served copies of the petition, Judge Castañeda did not order the petitioners to comply.

*Fourth.* In several cases, the process server or sheriff merely resorted to substituted service of summons, without strict compliance with the rule<sup>[8]</sup> thereon as well as the Court's ruling in *Manotoc v. Court of Appeals*<sup>[9]</sup> elucidating on the requirements for effecting a valid substituted service. Nonetheless, Judge Castañeda acted on these petitions.

*Fifth.* Judge Castañeda likewise granted motions for depositions and allowed the advance taking of testimonies even without the respondent or public prosecutor being furnished copies of the motion. In several cases, she granted the motion on the very same day, or merely a day after it was filed.

*Sixth.* After having been served with summons, respondents were usually no longer notified of subsequent court orders or processes.

*Seventh.* In other cases, Judge Castañeda permitted the public prosecutor to conduct a collusion investigation even before the respondent has filed an answer, or the lapse of the prescribed period of 15 days. She would proceed with the pre-trial even without proof that respondent had been duly notified, or terminate the pre-trial for failure of respondent to file an answer and even without the prosecutor's collusion report. Worse, **eight (8)** petitions were granted despite the absence of an investigation report from the public prosecutor.

*Eighth.* Judge Castañeda allowed the pre-trial to proceed in several cases, notwithstanding the absence of the petitioner, or the fact that the latter failed to authorize his/her counsel, through a duly-executed special power of attorney (SPA), to represent him/her thereat. She also condoned the late filing of pre-trial briefs, as in fact, there were instances when the petitioner's pre-trial brief was filed on the day of the pre-trial conference itself.

*Ninth.* There are cases where the documentary evidence had been allegedly marked and formally offered, and which Judge Castañeda admitted, but which cannot be found in the records. In several cases, the petitioner would be allegedly cross-examined by the public prosecutor, but records are bereft of showing to establish such proceeding.

*Tenth.* Most of the psychologists' reports are *pro forma* and mere photocopies, and the psychologists did not even testify in court. On the other hand, the respondent's failure to appear in court for purposes of presenting his/her evidence is considered a waiver thereof, despite lack of due notice.

*Eleventh.* At the time of the audit, Judge Castañeda had granted **175** cases involving nullity or annulment of marriage and legal separation. More particularly, the audit team observed the extraordinary speed and overzealousness with which Judge Castañeda acted in granting some **11** cases, which were decided between a

period of a mere **16 days to four (4) months** from the date of their filing.

*Finally*, Judge Castañeda issued certificates of finality of decisions notwithstanding the lack of proof that the parties, counsels, the OSG and the OPP had been duly furnished with copies of the decisions.

Acting upon the report of the audit team, the Court, in its Resolution<sup>[10]</sup> dated November 23, 2009, resolved, *inter alia*, to:

(a) preventively suspend Judge Castañeda from office immediately upon receipt of notice, and direct her to explain, within 60 days from notice, why she should not be administratively dealt with for her numerous infractions above-enumerated, and to comment on the letter of Lea Benaid dated October 8, 2008, the respondent in Civil Case No. 254-P'07 (*Dodgie Benaid v. Lea Benaid*);

(b) direct Atty. Saguyod, the Clerk of Court of Branch 67, to:

(1) explain why he should not be administratively dealt with for issuing commitment orders without Judge Castañeda's written authority in two (2) criminal cases; failing to issue certificates of arraignment in several cases; failing to furnish respondents copies of notice of pre-trial in some cases; allowing the issuance of notice of pre-trial in two (2) civil cases only two (2) days prior to the pre-trial conference; allowing the delay in the issuance of notice of pre-trial in Civil Case No. 228-07, which respondent received 16 days after the scheduled pre-trial; failing to furnish the respondent the court's order setting the presentation of respondent's evidence in several cases; and issuing the certificates of finality in many cases without the OSG having been furnished with copies of the court's decisions;

(2) explain why no initial action has been taken on several cases, to take appropriate action and to submit a report to the Court, through the OCA, on the status of these cases;

(c) direct Process Server Angel C. Vingua (Process Server Vingua) and Sheriff Lourdes E. Collado (Sheriff Collado), both of Branch 67, to explain within 15 days from notice why they failed to comply with the rules on personal service of summons and the requirements to effect a valid substituted service, in several cases;

(d) order Court Stenographers Marylinda C. Doctor (Doctor), Evelyn B. Antonio (Antonio), Rosalie P. Sarsagat (Sarsagat) and Cheryl B. Esteban (Esteban) to attach their stenographic notes and transcripts thereof to the case records;

(e) advise Clerk George P. Clemente (Clerk Clemente) and Court Interpreter Maritoni Florian C. Cervantes (Court Interpreter Cervantes), personnel in charge of the criminal and civil dockets, to attach the registry receipts and registry returns to the case records, arrange the pleadings and court orders chronologically according to the dates of receipt or issue, cause the pagination of records and update their respective dockets; and

(f) order Utility Worker Ruben A. Gigante (Utility Worker Gigante) to stitch all court records.

In her defense, Judge Castañeda claimed<sup>[11]</sup> that when she assumed her judicial functions on March 16, 2007, the court was actually housed in a dilapidated old school building, with leaky ceilings and faulty wiring, and that the records were in bundles and complete disarray. When her predecessor retired, she inherited quite a number of cases, and she was taken to task with rickety typewriters, limited office supplies, and lack of personnel. In July 2008, when the construction of a new judiciary building commenced, the court was transferred to a 6x10 square-meter session hall in the barangay. Judge Castañeda declared that this was the situation in which the OCA team found Branch 67 when they conducted the audit.

More specifically, Judge Castañeda asseverated that her preventive suspension was a violation of her human rights, as well as her constitutional rights to due process and equal protection. She maintained that the undecided and unresolved cases which Judge Alipio C. Yumul, who took over her duties during her preventive suspension, was directed to decide included 2008 cases, which were either newly-filed, pending trial, or submitted for decision. Defending Atty. Saguyod's issuance of commitment orders, she insisted that it was sanctioned by the 2002 Manual for Clerks of Court, especially when the judge's signature could not be secured.

Judge Castañeda cited inadvertence with respect to the archiving of cases without the warrants of arrest having been returned, and claimed that the two (2) accused who allegedly have not yet been arraigned had, in fact, already been arraigned when she was appointed as judge. She averred that she reduced the bail bond of an accused charged with violation of RA No. 9165 from P120,000.00 to P10,000.00 because it was recommended by Provincial Prosecutor Aladin Bermudez, and that she released on recognizance two (2) other accused charged with violation of RA No. 7610 because they were minors, both of whom she referred to the Department of Social Welfare and Development.

With regard to her alleged failure to decide cases within the reglementary period, Judge Castañeda insisted that she had already resolved them, thereby prompting her to declare such fact, in good faith, in her Certificates of Service.

Finally, Judge Castañeda denied that she failed to observe the provisions of A.M. Nos. 02-11-10-SC and 02-11-11-SC. Instead, she asseverated that, since the petitions filed before her were all verified, it was no longer incumbent upon her to confirm the veracity of the contents thereof, including the parties' addresses. She contended that she merely allowed the issuance of summons even before the filing fees had been paid when no receipts were readily available to be issued. She likewise explained that it was not the duty of the court to order the petitioner to furnish the OSG or the OPP with copies of the petition, and that it was only upon the petitioner's failure to do so that the court arrogates unto itself the duty to furnish the OSG a copy of the petition.

With respect to the granting of motions to take depositions without the respondent and the OPP being furnished copies thereof, she asserted that only the OSG is required to be given a copy, not the respondent, who only learns of the case when summons is served upon him/her. On the other hand, she adopted the explanation