

## THIRD DIVISION

**[ A.M. No. RTJ-10-2244 [Formerly A.M. No. 10-7-222-RTC], November 28, 2012 ]**

**OFFICE OF THE COURT ADMINISTRATOR, COMPLAINANT, VS.  
JUDGE LYLIHA A. AQUINO, REGIONAL TRIAL COURT, BRANCH 4,  
TUGUEGARAO CITY, CAGAYAN, RESPONDENT.**

### R E S O L U T I O N

**MENDOZA, J.:**

In a letter,<sup>[1]</sup> dated February 6, 2008, a group which calls itself as the Trial Lawyers of Cagayan charged respondent Judge Lyliha A. Aquino (*Judge Aquino*), Presiding Judge, Branch 4, Regional Trial Court,

Tuguegarao City, Cagayan, with "nefarious activities and impeachable activities and malpractices." The letter partly reads:

As a family court Judge, she is so corrupt, asking P150,000.00 per case of adoption cases, annulment of marriages, declaration of nullity and P50,000.00 for the issuance of a Temporary Protective Order. Judge Jet Aquino and Judge Marivic Beltran know and have personal knowledge of this, but are silent on the issue.

Also, if a client is represented by Atty. McPaul Soriano, Atty. Edmund Quilang, Atty. Luis Donato, Atty. Rowena Guzman and Atty. Raul Morales in her Court, then everything is "*lutong macao*" so to speak. Nobody can ever win against the abovementioned lawyers in the Court of Judge Lyliha. What is worst is that when the cases of these same lawyers are unmeritorious, Judge Lyliha bamboozles/goes out of her way to convince the adverse counsels to settle with the former. And if the adverse counsels do not settle with her favored lawyers, she gets irritated and mad at the former.

Aside from the foregoing, the complainants also charged her with non-payment of her indebtedness to a staff member, enrichment, selling mangoes and jewelry to litigants, and habitual absenteeism.

The letter, addressed to then Chief Justice Reynato S. Puno, prompted a judicial audit conducted by the Office of the Court Administrator (OCA) in July 2009.

In the OCA Memorandum,<sup>[2]</sup> dated June 21, 2010, it was reported that Judge Aquino heard and decided forty-one (41) cases for annulment or declaration of nullity of marriage from June 2003 to January 2009, without the mandatory

requirements of no-collusion report and pre-trial as provided under the Rule on Declaration of Nullity of Void Marriages and Annulment of Voidable Marriages. She likewise failed to require the public prosecutor to conduct an investigation to determine if there was collusion between the parties despite the failure of a respondent to file an answer.

In cases where a respondent failed to file an answer, no investigation report was submitted by the public prosecutor. Instead of directing the public prosecutor to conduct an investigation to determine if there was collusion between the parties, Judge Aquino would immediately cause the issuance of a notification, setting the case for hearing. The no-collusion reports were submitted by the public prosecutor only after the hearings and the formal offers of exhibits by a petitioner. Where the investigation report of the public prosecutor stated the non-appearance of a respondent, Judge Aquino, nonetheless, proceeded to hear and decide the case in favor of the respondent.

Anent the adoption cases, the audit team found that Judge Aquino proceeded with the hearings and decided twenty-six (26) cases without strict compliance with Sections 11,<sup>[3]</sup> 14<sup>[4]</sup> and 15<sup>[5]</sup> of the Rule on Adoption.<sup>[6]</sup> In one case, it was discovered that Judge Aquino declared that the petitioners had already complied with the jurisdictional requirements, even if the required affidavit of consent of the adoptee, the latter being at least eleven (11) years old already at the time of the filing of the petition for adoption and the child study report had yet to be filed by the petitioners. The records of adoption cases also lacked the requirements under the rules like the Child Study Reports, Affidavit of Consent of the biological mother, Certification by the United States Consular Office in the Philippines, Home Study Report, and Supervised Trial Custody of the adoptee.

In its Resolution, dated August 2, 2012, the Court directed the Division Clerk of Court to furnish Judge Aquino a copy of the Audit Report and required her to file a comment thereon.

In a letter,<sup>[7]</sup> dated October 11, 2010, Judge Aquino submitted her Comment by way of a: a) matrix for civil cases consisting of thirty (30) pages with annexes; b) matrix for special proceedings cases consisting of ten (10) pages with annexes; and c) "Final Essay" consisting of five (5) pages with annexes.

In summary, Judge Aquino denied the allegation that she did not order the determination of the existence of collusion between the parties. She submitted to the OCA a copy of an order directing the prosecutor to conduct an investigation to determine whether there was collusion between the parties and to submit a report thereon.

With respect to the documents required in adoption cases, Judge Aquino said that the necessity for the documents depended upon the circumstances of the case. She admitted that she proceeded with the hearing of the cases despite the absence of the investigation report of the prosecutor, explaining that it was in the exercise of her judicial discretion.

In its Memorandum,<sup>[8]</sup> dated August 29, 2012, the OCA found that Judge Aquino had indeed violated the rules on annulment of marriages and adoption. The