

EN BANC

[A.M. No. 07-6-14-CA, January 18, 2011]

RE: ANONYMOUS LETTER RELATIVE TO THE ALLEGED CORRUPTION IN THE COURT OF APPEALS, CAGAYAN DE ORO CITY

D E C I S I O N

CARPIO MORALES, J.:

By Resolution^[1] of July 10, 2007, the Court *En Banc* resolved to require Court of Appeals Associate Justices Rodrigo F. Lim, Jr. (Justice Lim) and Mario V. Lopez (Justice Lopez), and 21st Division Clerk of Court Cherry Hope Valledor-Ignes (Atty. Ignes), who are all based in Cagayan de Oro, to COMMENT on the June 10, 2007 anonymous letter addressed to then Chief Justice Reynato S. Puno requesting him to take action on alleged corruption taking place at the said Court of Appeals station.

Pertinent portions of the letter are reproduced below, *quoted verbatim*:

x x x x

We are respectfully requesting you to take action of the corruption in the Court of Appeals, Cagayan de Oro City.

The Court of Appeals, Cagayan de Oro City, is highly politicize or shall we say "Politicize Judiciary". Wherein those with political connections and influence can always get favorable decisions or resolutions and worst, those cases whose merits are not favorable to the people in power would not be decided and left in the dust in one corner of the stockroom.

Let me cite you some examples.

In one case involving employees in the Province of Zamboanga where it has already been over two (2) years since the case was submitted for decision but until this time no decision has come out yet which is contrary to the rules of the Court of Appeals that required cases to be decided within one (1) year from the time it has been submitted for decision.

It has come to our attention that this case involves rank and file regular employees of the provincial government that were illegally dismissed by Governor Cerilles. It has already been **decided by the Civil Service Commission (CSC for brevity), En Banc, that their termination was illegal.** As a matter of fact they were dismissed from their employment because they were identified to be supporters of the

previous governor.

Their professional lives and the lives and future of their family and children are now uncertain because even if the CSC has already decided in their favor but **the Court of Appeals, through Justice Rodrigo Lim issued an injunction order that enjoined the implementation of the CSC decision. BUT for over two (2) years now "INUUPUAN LANG NI JUSTICE LIM ANG KASO".**

Speculation arose that in whatever angle he will look at the case it would be difficult to reverse the decision of the CSC. Information leaked that it was the father of Gov. Cerilles who talked to Justice Lim and made some arrangements. MAY USAPAN PALA SILA?

Another case in point is the case of Mayor Galario, City Mayor of Valencia City, Bukidnon where the Office of the Ombudsman ordered for his suspension for two (2) months.

The Mayor filed a case to the CA-Cagayan de Oro and sought for the issuance of a TRO but to his dismay he was denied of the TRO he was seeking.

In the case of Ombudsman vs. Laja, G.R. No. 169241, May 2, 2006, the Honorable Supreme Court in affirming the decision of the CA Cagayan de Oro, ruled that in case where the penalty of suspension is more than one (1) month the law gives the respondent the time to appeal. The order of suspension shall only become final after the lapse of the period to appeal if no appeal is perfected. It is only then that the execution becomes final.

In the case of Mayor Galario, CA-Cagayan de Oro City shows inconsistency. He made a timely appeal and the appeal supposedly prevented his suspension from being executory but the CA-CDO did not hear his case. WHY THEY GAVE A TRO OR INJUNCTION TO THE CASE OF LAJA AND WHY THEY CAN'T GIVE THE SAME TREATMENT IN THE CASE OF MAYOR GALARIO?

The answer is simple, CORRUPTION.

It is of public knowledge in Cagayan de Oro City that the Court of Appeals through **Justice Lim solicited cash donations from Gov. Zubirri who is a political enemy of Mayor Galario.**

In all the Christmas Parties (December 2005 and 2006) of the Court of Appeals-Cagayan de Oro, **Governor Zubirri has been donating not less that P50,000.00 in cash.**

How could Mayor Galario get justice and fair treatment to his case when his arch enemy is one of the biggest contributor of cash to the CA-Cagayan de Oro Christmas Parties?

In the case of Mayor Galarion, the ponente is no other than JUSTIS [sic] LIM.

There are also many cases where the CA-Cagayan de Oro that were treated unfairly. It is always; THE PERSON WHO IS IN POWER AND HAS THE INFLUENCE DUE TO HIS POLITICAL POSITION IS ALWAYS GIVEN THE FAVOR.

PAANO NA LANG KAMI AN ORDINARYONG MAMAMAYAN LAMANG?

Many cases in the Court of Appeals, Cagayan de Oro City that were decided base on WHOM YOU KNOW. If you do not know any justice in the CA-CDO then in most instances your case will not be given priority.

There are also cases that the parties already made an amicable settlement but it take years for CA-CDO Justices to grant the settlement and dismissed the case while there are also cases that were decided earlier but not in accordance with the hierarchy or rules on priority of cases.

On[e] case where there is already an amicable settlement is handled by **Justice Lopez**. There was already a joint manifestation of all parties that economic benefits will be released but up to this time it remains unresolved. There was already an agreement by all parties but it is hard to understand why it took him so long to resolve it. It is a very simple issue to be resolved but for a long period of time it still remains unresolved by Justice Lopez.

We are also watching this Justice Lopez because he has a reputation to succumb easily to pressures especially from those who are occupying elective position.

It is also of common knowledge here among practicing lawyers that if you want to get a TRO or Injunction we should talk to a certain Atty. Cherry Ignes, Clerk of Court of the 21st Division. As we found out she talked it out with the lawyer of the justice who is assigned to the case and request for the issuance of a TRO or Injunction.

In the case of FERROCHROME vs. CEPALCO, CEPALCO was issued a TRO with the help of **Atty. Ignes**. We received information that one of the lawyers working for CEPALCO is the one who made the follow up through her. This lawyer is her classmate at law school.

Atty. Ignes, also made ENTRY OF JUDGMENTS in many cases even if these case were appealed to the Supreme Court. Because of her action it caused confusion to the parties of these cases. One of the cases is involving Montessori de Oro School.

These acts of Atty. Ignes degrades the judicial system. She has no place in our judiciary and she ought to be dismissed from the service.

x x x x

We only hope that you will take action on this matter and through your

desire of cleansing the judiciary you will have a judiciary that will have the support and confidence of the people. As you have said, "It is only the capital of the judiciary. If you lose this capital, you will lose the ball game.

Please understand that we are not divulging our identities in order not to affect the cases we are handling and unfair reprisal against our clients. Rest assured that from time to time we will inform your Honorable Office on whatever transgression and travesty on the judiciary and the judicial system that will be happening in our place.

More power to you and your family! (emphasis and underscoring supplied)

In her August 31, 2007 Comment,^[2] **Atty. Ignes** decried her portrayal in the anonymous letter as "akin to a [T]emporary [R]estraining [O]rder fixer" in obvious reference to the TRO issued in CA-G.R. SP No. 00880, "*Cagayan de Oro Electric Power and Light Co., Inc. (CEPALCO) v. Hon. Leonardo Demecillo and Ferrochrome Phils, Inc.*"

Atty. Ignes claimed that she was unaware of CEPALCO's urgent motion for resolution of its application for a TRO^[3] which was filed on March 3, 2006 as she had designated her assistant, Cecilia Carbajosa, to man the office while she was away assisting Justice Teresita Dy-Liacco Flores as Clerk of Court^[4] in the investigation of an administrative case, which entailed a weeklong hearing from March 6 to 10, 2006 in Davao City; and that she learned of the TRO only upon her return on March 10, 2006 when it was forwarded to her office for promulgation.

As she vouched for the integrity and honesty of her assistant, Atty. Ignes maintained that while one of the in-house counsels for CEPALCO was her classmate in law school, she was never approached by any of them regarding the case.

Disputing the charge that she had made entries of judgment in many cases even if they were pending appeal before this Court, such as the one involving Montessori de Oro School, Atty. Ignes pointed out that the anonymous writer must have been referring to CA-G.R. CV No. 79772, "*Montessori de Oro, Inc. v. [First] Malayan Leasing and Finance Corp.,*" the only Montessori case which passed through her division. She explained that she acted on the motion for entry of judgment filed by First Malayan Leasing's counsel,^[5] and later issued an entry of judgment,^[6] on the basis of the October 24, 2005 letter^[7] of this Court's Deputy Clerk of Court and Chief Judicial Records Office, Teresita Dimaisip, certifying that Montessori de Oro's Motion for Extension of Time to File Petition for Review on Certiorari^[8] had been denied by Resolution of July 13, 2005 and that on such date no petition for review on certiorari had been filed with this Court.

Atty. Ignes surmised that the anonymous letter may have arisen from a personal vendetta carried out by disgruntled former court employees who resented her for exposing their misdeeds in office resulting either in disciplinary action, including dismissal, against those found guilty.^[9]