

EN BANC

[A.M. No. RTJ-06-2014, March 04, 2009]

NILDA VERGINESA-SUAREZ, COMPLAINANT, VS. JUDGE RENATO J. DILAG AND COURT STENOGRAPHER III CONCEPCION A. PASCUA, RESPONDENTS.

[A.M. No. 06-07-415-RTC]

OFFICE OF THE COURT ADMINISTRATOR, COMPLAINANT, VS. JUDGE RENATO J. DILAG, RESPONDENT.

D E C I S I O N

PER CURIAM:

These consolidated cases involve (a) the administrative charges of graft and corruption against respondents Judge Renato J. Dilag (Judge Dilag) and Court Stenographer III Concepcion A. Pascua (Pascua) of Branch 73 of the Regional Trial Court (RTC) of Olongapo City, Zambales filed by Nilda Verginesa-Suarez (Suarez), Court Stenographer III of the same court; and (b) the administrative charges for gross misconduct and gross ignorance of the law against Judge Dilag filed by the Office of the Court Administrator (OCA). These cases also include the counter-charges of Judge Dilag and Pascua against Suarez for falsification, negligence in the transcription of stenographic notes, and absence without official leave.

Administrative Matter No. RTJ-06-2014 stemmed from the *Complaint-Affidavit*^[1] dated November 25, 2005 and *Letter*^[2] dated January 11, 2006 filed before the OCA by Suarez against Judge Dilag and Pascua allegedly for collecting P30,000.000 from litigants in consideration of favorable judgments in cases for annulment or declaration of nullity of marriage. Suarez supported her accusation with a sworn statement of a certain Belen Trapane who allegedly paid the amount of P30,000.00 to Pascua to obtain a favorable judgment in an action for declaration of nullity of marriage lodged before the court presided by Judge Dilag. She also attached an anonymous letter addressed to former Chief Justice Hilario G. Davide, Jr., which stated that Judge Dilag charged the amount of P30,000.00 for a favorable judgment in every annulment case. Suarez further pointed out the existence of conflicting decisions rendered by Judge Dilag in the following cases:

1. Civil Case No. 180-0-2001 entitled "Lanie Pancho v. Rolando Gopez" (*Pancho* case) for Declaration of Nullity of Marriage which was dismissed in a *Decision* dated March 14, 2005 but granted in a *Decision* dated June 16, 2005;
2. Civil Case No. 433-0-2003 entitled "Jeffrey Joseph T. Tomboc v. Ruth Tomboc" (*Tomboc* case) for Declaration of Nullity of Marriage which was dismissed in a *Decision* dated April 29, 2005 but granted in a *Decision* dated May 20, 2005;

and

3. Special Proceeding No. 436-0-2002 entitled "Petition for Voluntary Dissolution of the Conjugal Partnership of Gains and for the Separation of the Common Properties, Danilo del Rosario and Rachelle del Rosario, Petitioners" (*Del Rosario* case) which was dismissed in a *Decision* dated July 27, 2004 but granted in a *Decision* dated September 7, 2004.

Judge Dilag and Pascua filed their respective answers to the complaint in compliance with the directive of the OCA. In his *Answer*^[3] dated February 21, 2006, Judge Dilag denied the allegation of graft and corruption and he filed administrative countercharges against Suarez for falsification or fabrication of the purported dismissed decisions; negligence in the transcription of stenographic notes assigned to her, supported by several manifestations and motions of lawyers; and absence without official leave from November 22, 2005 to December 12, 2005.

In her *Kontra-Salaysay*^[4] dated February 23, 2006, Pascua denied that she collected money from litigants for Judge Dilag and also filed countercharges against Suarez.

Suarez filed a *Supplemental Affidavit*^[5] dated March 16, 2006 and alleged therein that Judge Carmelita Fruelda of Branch 43 of the RTC of San Fernando, Pampanga, attempted to persuade her to withdraw the administrative case she filed against Judge Dilag and Pascua. Suarez also filed separate replies to the comments of Judge Dilag and Pascua. In her *Reply to the Comment of Judge Renato Dilag*^[6] dated May 10, 2006, Suarez contended that she had transcribed her pending transcript of stenographic notes and denied that she went on absence without official leave during the period adverted to by Judge Dilag. Suarez further pointed out that Judge Dilag had been previously charged and sanctioned administratively in *Ma. Teresa De Jesus v. Judge Renato J. Dilag*,^[7] wherein Judge Dilag was fined P30,000.00 for gross ignorance of the law.

The OCA observed that the controversies between the parties were replete with substantial factual issues, and so it recommended a formal administrative inquiry to be conducted by a designated Associate Justice of the Court of Appeals. In a *Resolution*^[8] dated August 2, 2006, this Court resolved, upon the recommendation of the OCA, to: (1) treat the comment of Judge Dilag as a complaint against Suarez; (2) redocket the instant matter as an administrative matter and refer the same to an Associate Justice of the Court of Appeals for investigation within ninety (90) days from receipt of the record; and (3) require the Investigating Justice to submit a report within thirty (30) days from termination of the investigation.

Administrative Matter No. 06-07-415-RTC, on the other hand, arose from a series of anonymous letters which reported the alleged graft and corrupt practices of Judge Dilag. As early as December 25, 2003, an anonymous letter addressed to former Chief Justice Davide, Jr. was indorsed and referred to the OCA.^[9] According to this letter, Judge Dilag would initially dismiss a case, but, after payment, would subsequently re-open the case and grant the same. Another anonymous letter dated February 1, 2004 likewise reported that Judge Dilag collected P30,000.00 for a favorable judgment in cases of annulment of marriage.^[10] On February 9, 2005,

the OCA received the last of these anonymous letters which alleged that Judge Dilag issued two (2) conflicting decisions in the *Del Rosario* case.^[11]

On February 10, 2005, the OCA directed a discreet investigation of the allegations against Judge Dilag.^[12] Pascua, in the meantime, submitted her resignation *Letter* dated May 11, 2006 addressed to Judge Dilag.^[13] On May 22 to 26, 2006, a judicial audit team composed of Atty. Teresita A. Tuazon, Martha Florentina A. Bedana, Noe A. Pleños, Jacklyn Manabat, Zernan S. Perez, and Ma. Rosario Cristina I. Ferrer pursued the directive of the OCA and conducted a physical inventory of cases in the court presided by Judge Dilag. In its *Audit Report on the Judicial Audit Conducted at the Regional Trial Court, Branch 73, Olongapo City, Zambales*^[14] dated June 15, 2006, the judicial audit team observed, among others, that Judge Dilag committed irregularities in the handling and disposition of cases before his sala as follows:

(a) In *Lilibeth Agustin v. Angel B. Lopez*, CV. No. 242-0-2003, a petition dated May 4, 2003 was filed for declaration of nullity of marriage on the ground of lack of a valid marriage license and psychological incapacity of the respondent. In a Decision dated July 22, 2005, the petition was dismissed for lack of merit for failure of the petitioner to establish that the record or entry of the marriage license applied for and issued from 1983 to 1991 was unavailable due to destruction when Mt. Pinatubo erupted in 1991. On August 2, 2005, a motion for reconsideration was filed stressing the psychological incapacity of the defendant. In a Resolution dated September 30, 2005, the marriage was declared null and void *ab initio* pursuant to Art. 36 of the Family Code.

(b) There were two (2) conflicting decisions in SP No. 436-0-2002, "Danilo del Rosario and Rachelle del Rosario, an action for the Voluntary Dissolution of the Conjugal Partnership of Gains and for the Separation of the Common Properties." To the Monthly Report for the Month of July 2004, attached was a Decision dated July 27, 2004 **dismissing** the petition for an Agreement on a Voluntary Dissolution of Conjugal Partnership of Gains dated December 19, 2001 entered into by petitioner spouses for being contrary to law, moral, public policy and public order. However, in the case record, attached was a Decision dated September 7, 2004, **granting** the petition based on the same Agreement for not being contrary to law, moral, public policy and public order.

(c) In *Lourdes Sotto v. Cresencio Diwa*, CV No. 221-0-2005, which involved a Petition for Declaration of Nullity of Marriage, a decision (dated January 24, 2006) was rendered before the expiration of the period for the parties to submit memoranda (on January 26, 2006). Also, an entry of judgment dated February 20, 2006 was issued despite lack of a certificate from the Office of the Solicitor General (OSG) that it had received a copy of the decision.

(d) In *Joyce Moreno v. Alvin Moreno*, CV No. 188-0-01, also a Petition for Declaration of Nullity of Marriage, the petition was originally denied in a decision dated February 12, 2003. On February 24, 2003, a Motion for New Trial was filed alleging newly discovered evidence consisting, among other things, of the psychological report concerning defendant, which would show that indeed he was psychologically incapacitated to perform the marital obligations. On March 20, 2003, the Motion was granted and the marriage was declared null and void. Entry of Judgment was made on June 9, 2003 with no return or certificate showing that

the OSG had received a copy of the decision / order.

(e) Two (2) petitions entitled *Eliodoro Q. Perez v. Adelita Perez* for declaration of nullity of marriage were filed. The first petition was filed on July 17, 2001 and docketed as CV No. 328-0-2001. In an Order dated October 28, 2003, the Motion to Dismiss dated September 25, 2003 filed by the plaintiff was granted, considering that no counterclaim was pleaded by the defendant in her answer and there was no opposition interposed by the public prosecutor. The case was considered dismissed **with prejudice**. However, a second petition was filed on February 01, 2005 docketed as CV No. 44-0-05 involving the same parties and also for declaration of nullity of marriage. The petition was granted in a Decision dated June 15, 2005, wherein the marriage was declared null and void *ab initio*. Entry of Judgment was effected on July 11, 2005 without proof of receipt of the decision by the OSG. There was a rumor circulating within the courts that petitioner in these cases sponsored the family vacation of Judge Dilag in the US worth US\$6,000.00. The audit team also noted the speed in the disposition of this case, having been filed only on February 01, 2005 and decided on July 15, 2005.

(f) In *Aurea Rowena Cayabyab v. Carlo Cayabyab*, CV No. 125-0-05, an action for Declaration of Nullity of Marriage, the petition was granted in a Decision dated February 7, 2006, and a Certificate of Finality was issued on March 01, 2006 by Clerk of Court VI John V. Aquino of the Office of the Clerk of Court (OCC) based on the registry return card with a stamped receipt by the OSG of the subject decision. Subsequently, the OSG filed a Manifestation and Motion dated March 21, 2006 to Recall Certificate of Finality dated March 01, 2006, asserting that the OSG was never furnished with a copy of the decision. In an Order dated March 21, 2006, the Certificate of Finality issued on March 1, 2006 was recalled, and the OSG was furnished with a copy of the decision. During a conference with the audit team, Judge Dilag relayed to the Team Leader that he had his own investigation on the matter, and that he found out that the fake registry return card attached to the records was the wrongdoing of Pascua. Consequently, he asked Pascua to resign in order to preserve the integrity of the Court. Pascua resigned per a letter dated May 11, 2006 effective May 16, 2006 for personal reasons.

(g) In a petition for adoption filed by the spouses Angelito D. Roldan and Yolanda Roldan, a similarly fake registry return card purportedly showing receipt of the subject decision by the OSG was found in the case records.

(h) Entry of Judgment was made in the following cases despite absence of proof that the OSG received copies of the decisions:

- i) CV Case No. 321-0-03 (*Edwin Santos v. Berlyn Santos*)
For: Declaration of Nullity of Marriage
- ii) CV Case No. 222-0-00 (*Dinosa v. Corpuz*)
For: Annulment of Marriage
- iii) CV Case No. 167-0-02 (*Robles v. Robles*)
For: Annulment of Marriage
- iv) CV Case No. 43-0-02 (*Lazo v. Lazo*)
For: Annulment of Marriage
- v) CV Case No. 384-0-04 (*Lim v. Lim*)
For: Annulment of Marriage
- vi) CV Case No. 187-0-04 (*Manchura v. Paje*)
For: Annulment of Marriage

- vii) SP No. 99-0-02 (*Saldana v. Saldana*)
For: Annulment of Marriage
viii) CV Case No. 433-0-03 (*Tomboc v. Tomboc*)
For: Annulment of Marriage

The judicial audit team recommended to the OCA that the foregoing findings be consolidated with Administrative Matter No. RTJ-06-2014 and referred to an Investigating Justice of the Court of Appeals. It was also recommended that the resolution of the issue of the resignation of respondent Pascua be deferred and subjected to the outcome of the investigation by the Investigating Justice. The OCA adopted the recommendations of the judicial audit team. In a *Resolution*^[15] dated August 1, 2006, this Court approved the recommendation of the OCA.

These cases were then assigned to Associate Justice Ramon R. Garcia of the Court of Appeals for investigation, report and recommendation.

In the course of the preliminary conference, the parties submitted their respective proposed facts of the cases. The Investigating Justice summarized the factual disputes and issues raised by the parties in the *Pre-Trial Order*^[16] dated January 17, 2007 and *Supplemental Pre-Trial Order*^[17] dated January 31, 2007, as follows:

PRE-TRIAL ORDER

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A. THE ISSUES RELATIVE TO THE COMPLAINT OF PRIVATE COMPLAINANT SUAREZ

- 1) Whether or not respondent Judge rendered conflicting decisions in the three (3) civil cases. [Civil Case No. 180-0-2001, Civil Case No. 433-0-2003, and Civil Case No. 436-0-2002]
- 2) Whether or not a certain Belen Trapane, paid in behalf of plaintiff Lanie Pancho, in Civil Case No. 180-0-2001 for declaration of nullity of marriage, the amount of P30,000.00 to respondents through respondent Pascua.
- 3) Whether or not respondents, through respondent Pascua, are charging P30,000.00 to P40,000.00 for the grant of every petition for annulment or declaration of nullity of marriage.

B. THE ISSUES RELATIVE TO THE COUNTER-CHARGES OF RESPONDENTS JUDGE DILAG AND COURT STENOGRAPHER III PASCUA

- 1) Whether or not the three (3) Dismissed Decisions are falsified.
- 2) Whether or not private complainant failed to transcribe the transcript of stenographic notes of several cases . . . as enumerated in respondent Judge's answer.
- 3) Whether or not private complainant went on absence without official leave (AWOL) from November 22, 2005 to December