

EN BANC

[AM P-04-1779 (FORMERLY A.M. NO. 03-12-703-RTC), November 25, 2005]

(RE: ALLEGED ANOMALY THAT TRANSPIRED IN LRC CASE NO. 181 TRIED BEFORE RTC, BRANCH 31, CABARROGUIS, QUIRINO)

EXECUTIVE JUDGE MENRADO V. CORPUZ, REGIONAL TRIAL COURT, BRANCH 38, MADDELA, QUIRINO, COMPLAINANT, VS. MAX RAMITERRE, CIVIL DOCKET CLERK, AND VIRGILIO T. BUNAO, JR., OIC-BRANCH CLERK OF COURT, REGIONAL TRIAL COURT, BRANCH 31, CABARROGUIS, QUIRINO, RESPONDENTS.

R E S O L U T I O N

PER CURIAM:

Dishonesty has no place in the judiciary and this Court will not hesitate to remove from among its ranks those found guilty thereof.

The antecedents of this case are as follows:

Alfredo A. Balajo, Jr. (Balajo), 2nd Assistant Prosecutor of the Province of Quirino, sent a letter to this Court dated December 4, 2002 alleging that an anomaly happened in Land Registration Commission (LRC) Case No. 181, entitled, "*In Re: Petition for the Reconstitution of the Owner's Duplicate Copy of O.C.T. No. P-3834 of the Registry of Deeds of Quirino, Rolando Dapon, Petitioner,*" assigned to Branch 31, Regional Trial Court (RTC), Cabarroguis, Quirino. He explains that when he borrowed the records of LRC Case No. 181 due to a perjury case against Rolando Dapon (Dapon), the petitioner in said case, he discovered that an Order, dated January 17, 1997, granting the petition was issued even though no hearing was conducted in said case and that the signature of then Judge Wilfredo P. Ambrosio was forged as confirmed by the latter.^[1]

This Court indorsed the matter to Judge Moises M. Pardo, Executive Judge of RTC, Cabarroguis, Quirino for his investigation and report.^[2] Upon request of Prosecutor Balajo, however, Judge Pardo inhibited himself and the case was assigned to Judge Menrado Corpuz, Executive Judge, RTC, Branch 38 of Maddela, Quirino.^[3]

Judge Corpuz submitted his Report dated August 14, 2003, pertinent portions of which are reproduced below:

During the series of hearings that were conducted, present and past personnel of RTC-31 were subpoenaed and the highlights of their testimonies are as follows:

1. MAX RAMITERRE – ...narrated that he was appointed as clerk incharge of civil cases, in RTC-31 on January 20, 1997, but he reported for work only on the last week of January, 1997. Upon assumption, he conducted a physical inventory of civil cases where he had gone over each folder page by page. At that time, LRC Case No. 181 was still pending although there was a previous setting for December 17, 1996 by the former civil docket clerk, Divine Grace J. Naval. From 1997 up to 1999, the said case did not move on and when he informed Jeremy Sulio, the OIC Branch Clerk of Court, about it, the latter told him that it was the responsibility of the petitioner to follow up his case. When Judge Moises Pardo assumed his post as the new presiding judge of RTC-31, he also conducted a physical inventory of all cases and noted on the folder of LRC Case No. 181 that it was pending as of August 25, 1999. He then directed the then OIC Branch Clerk of Court Virgilio Bunao, Jr., to set for hearing all pending cases. Thus, the setting of LRC Case No. 181 on October 11, 1999. Before the hearing, the witness [Ramitterre] informed Mr. Bunao that such case had no order of publication yet, but the latter advised him to wait for the hearing so that if petitioner appears that is the time that they will inform him of such deficiency. However, a week before October 11, Mr. Dapon came in court and informed him (witness) that his case was already finished and he even obtained a loan from the PNB using the reconstituted title as collateral. The witness asked Mr. Dapon for a copy of the court order but the latter could not produce any, and promised to present it upon securing it from the office of the Registry of Deeds. On the date of hearing, Mr. Dapon appeared and furnished Mr. Ramitterre with a duplicate copy of the order of Judge Ambrosio dated January 17, 1997 which the latter attached to the record (Folder I, p. 14). Mr. Ramitterre did not furnish the Office of the Solicitor General and other interested parties of a copy thereof, but he informed Mr. Bunao about the termination of Mr. Dapon's case. Thereafter, LRC Case No. 181 was reported in the monthly report of case for October, 1999 (Folder I, p. 45) and the semestral inventory for July, 1999 to December, 1999 (Id. , pp. 68-73) as a terminated case. He further testified that he is familiar with the signature of Judge Ambrosio, his former boss, who signs in a long stroke as distinguished from the one appearing in the order of January 17, 1997 which was short. He believes that said order is spurious because the signature of Judge Ambrosio is fake. He did not inform anybody of his observation because he relied on the representation of Mr. Dapon that his case was already finished plus the fact that the court order appears authentic because it bears the seal of the court. Now, he realized that it was his fault in doing so.
2. JUDGE WILFREDO P. AMBROSIO - ...stated that he is now a practicing lawyer, but was a previous judge of RTC-31, Cabarroguis, Quirino. While still a judge, it was his practice to sign his full signature, not initials, in every decision or order which he needs to sign. He also prohibited the use of the rubber stamp with inscription "original signed." He is not aware of the January 17, 1997 order and it is a spurious one because the signature there is not his. To

prove his point, he readily gave his specimen signature for comparison with the one appearing in the order (*Id.* , p. 90).

3. VIRGILIO T. BUNAO, JR. – ...averred that he was appointed as court interpreter of RTC-31 on August 21, 1997, but assumed office only on September 1, 1997. From July, 1998 to December, 1999, he was the OIC-Branch Clerk of Court thereat replacing Mr. Sulio. He came to know of LRC Case No. 181 only in (sic) August 25, 1999 when physical inventory of all cases was conducted by Judge Pardo, the newly appointed presiding judge in said court. He was instructed by the latter to set for hearing all pending cases and in turn, the witness directed the criminal and civil docket clerks to comply therewith: hence, LRC Case No. 181 was set for hearing by Mr. Ramiterre on October 11, 1999 (*Id.* , pp. 12 & 13). He was not familiar with the requirement of publication in cases of reconstitution of title because in the MTC where he came from, there were no cases of such nature and when he joined the RTC, his appointment was that of an interpreter which also did not expose him to such kind of cases. When he was designated as OIC-Branch Clerk of Court, he was not well versed with his duties and responsibilities as such, and whenever confronted with difficult problems, he sought assistance from lawyers or previous court personnel who had occupied such position. He is familiar with the signature of Judge Wilfredo Ambrosio because the latter was his boss from September 1, 1997 to March 27, 1998 and had seen his signature in several court documents. The signature on the January 17, 1997 order did not belong to the said judge whose signature is long, occupying 1/3 of his name unlike the questionable signature which was small. He did not notice that when LRC Case No. 181 was set for hearing on October 11, 1999, there was no compliance with the jurisdictional requirement because what he had in mind was to calendar for hearing all pending cases not being followed-up by parties or counsel so that the judge can dismiss them, thereby unclogging the docket of the court. He denied having signed any certification on the existence of the original copy of the questionable court order because this could have not been possible since he was not yet the OIC-Branch Clerk of Court of RTC-31 in January, 1997 (*Id.* , p. 37).
4. DIVINE GRACE J. NAVAL – ...recounted that she was appointed as civil docket clerk of RTC-31 on August 1, 1996. She was familiar with LRC Case No. 181 because she was still with the court when it was filed on December 2, 1996. Upon receipt thereof, she gave it to the OIC-Branch Clerk of Court Jerry Sulio, who instructed her to set it for hearing. Consequently, she included it in the calendar for the December 17, 1996 hearing and sent notices and subpoena to all concerned affixing her signature therein for Mr. Sulio (*Id.* , p. 11). It was the practice in their court that docket clerks can sign for the Branch Clerk of Court (*Id.* , pp. 78 to 82). However, such hearing did not pursue (sic) because it was already the court's Christmas program. She did not make a subsequent setting of the case because of her intended transfer to RTC-38, Maddela, Quirino

where, indeed, she transferred on January 22, 1997 as court stenographer (Id. , p. 77). She formally turned over to her successor, Mr. Ramiterre, all the pending civil and other cases plus the exhibits (Id. , pp. 83 to 87). The documents in the folders of cases were provided with pagings and at that time, LRC Case No. 181 consisted only of eight (8) pages without the questionable order.

5. ...

6. EDDIE VERA – a records officer of the office of the Registry of Deeds submitted two (2) certified xerox copies of the January 17, 1997 court order. One is a carbon copy (Id. , p. 36) and the other, bearing the certification of Virgilio T. Bunao, Jr. (Id. , p. 37). He explained that the stamp marks on the left bottom portion of the certified carbon copy bearing the date January 21, 1997 corresponds to its date of entry in the primary book. The other stamp marks on the right bottom portion bearing the same date, indicates when the Register of Deeds signed the document which is also the date of its annotation in the title. He does not know who brought subject documents to the office because the registrant may bring the documents directly to the Register of Deeds or the examiner. Their office did not require from the court a certificate of finality of the court order because this requirement was implemented only in 1998. He was the one who filed in the archive the subject documents but the date appearing therein (January 21, 1997) was not the date of filing because from time to time, he has to compile first all documents received, then archived them for records keeping.

7. ...

8. ROLANDO DAPON, a resident of Burgos, Cabarroguis, Quirino, a businessman and a 2nd year Mechanical Engineering student, alleged that he filed a petition for reconstitution of title (LRC Case No. 181) (Id. , p. 8) because when he and his wife were about to fully pay Nenita Tan, who got their title (Id. , p. 10) as collateral for their loan, the latter told them that it was lost. With this predicament, he suggested to Ms. Tan that he will have the lost title reconstituted and once this is done, he will then mortgage the title so that he can pay her of the remaining balance of their loan. Ms. Tan acceded so the witness looked for someone who can help him in his problem. He met a certain Cesar, whose family name he does not know, in the hallway of RTC-31 and the latter assured him that he can solve his problem. Although he doesn't know Cesar personally and his profession, the witness believed his representation because he showed him several documents. Subsequently, Cesar came to their house bringing the prepared petition and even promising that he will be the one to follow it up in court. He did not appear during the December 17, 1997 hearing for lack of notice. Neither did he present any evidence in court because of Cesar's assurance that he could take care of everything. On the

October 11, 1999 hearing, he received the corresponding subpoena therefor and one week before said date, he went to the court and informed a lady personnel thereat that he had already a court order granting his petition. He was asked to produce a copy thereof, but he could not locate his copy so he proceeded to the office of the Registry of Deeds to secure one. Armed with a copy of the January 17, 1997 order of Judge Ambrosio, he appeared in court on October 11, 1999 and presented to the lady personnel his copy of the order. He paid Cesar P10,000.00 for his services. He did not doubt the authenticity of the court order despite the fact that he did not testify in court and was not represented by a counsel because he trusted Cesar.

9. 2nd Assistant Provincial Prosecutor Alfredo Balajo, Jr. – While he was the "whistle blower" in this anomalous transaction, he has no specific person in mind as to who should be blamed therefor. However, he believes that this could have not been committed without the connivance of court personnel taking into account that there was a similarity in the typewriter used in the questionable order and the one's used in court. Rolando Dapon is now facing a criminal case for perjury regarding this transaction (Id. , pp. 15 to 21).

The court did not subpoena anymore Jeremy Sulio, the former OIC Branch Clerk of Court of RTC-31 and Estrella Magat, former court interpreter, because they were already abroad long before this investigation.^[4]

Judge Corpuz then concluded that:

While the two (2) [Max Ramiterre and Virgilio T. Bunao, Jr.] may not be criminally charged, however, their administrative indictments are proper. Mr. Ramiterre knew that there was no compliance with the jurisdictional requirement in LRC Case No. 181; that there was no hearing conducted; that there was no presentation of evidence; that he was familiar with the signature of Judge Ambrosio; and that the order of January 17, 1997 was spurious because the signature of the signer was faked. Yet, he attached it to the record when presented to him by Mr. Dapon during the October 11, 1999 hearing giving it the impression that it was authentic and done by the judge in the regular performance of his duty which was not so. Worse, he even made such order as basis for considering the petition as terminated and in fact, he reported it to be so in the monthly report of cases for October, 1999. This is dishonesty, plain and simple.

As for Mr. Bunao, he should be equally charged for dishonesty for issuing a certification asserting that the original copy of the order dated January 17, 1997 is on file with the court giving the false impression that there was, indeed, such a copy which was prepared by the judge in the regular performance of his duty. Mr. Bunao is well aware of the spurious nature of the document he was certifying because like Mr. Ramiterre, he is familiar with the signature of Judge Ambrosio and he even asserted that the signature therein was not that of his former boss. Obviously, there