

## **SECOND DIVISION**

**[ A.M. No. RTJ-04-1880 (formerly A.M. OCA IPI.  
No. 04-1962-RTJ), October 19, 2004 ]**

**GUADALUPE DE LUNA DIOMAMPO COMPLAINANT, VS. JUDGE  
VIRGILIO C. ALPAJORA, REGIONAL TRIAL COURT, BRANCH 59,  
LUCENA CITY, RESPONDENT.**

### **D E C I S I O N**

**CALLEJO, SR., J.:**

This instant administrative case arose when Guadalupe de Luna Diomampo filed an "Affidavit of Complaint" dated February 23, 2004 charging Judge Virgilio C. Alpajora, Regional Trial Court (RTC) of Lucena City, Branch 59, for knowingly rendering an unjust order, gross ignorance of the law, and grave misconduct.

The complainant had also apparently filed a complaint against Sheriffs Roberto Ebuna and Ramon Faller of Branch 60 and Branch 53, Lucena City, respectively. The complainant narrated, as follows:

2. That last January 28, 2004, I received the Comment of Judge Norma Sia to my complaint and in her answer she mentioned that the complaints filed against Sheriffs Ramon Faller and Roberto Ebuna were dismissed by the court.

Attached is a copy of the comment of Judge Sia as ANNEX "B."

3. That I am not aware that my complaints against Roberto Ebuna was (sic) dismissed by order of the Court, because last May 5, 2003 and November 16, 2003, I requested the Office of the Court Administrator to please investigate the complaints filed the year (sic) 1998, 1999, 2000 and 2001 against Sheriff Roberto Ebuna for Trespassing, Malicious Mischief, Abuse of Authority, Grave Misconduct, Incompetence, Conduct Unbecoming as (sic) a Public Official, Violation of Human Rights, Harassment, Perjury and Damages.

Attached is the copy of the letter of request dated May 5, 2003 and November 16, 2003 as Annex "C."

4. That the complainant in this (sic) cases was not notified by the investigating court that there is an ongoing investigation of the complaints filed against Sheriff Roberto Ebuna.
5. Due to non-appearance of the herein complainant, I was deprived of my right to be heard, present my evidences, in support of my complaint, to hear the testimonies of Sheriff Roberto Ebuna in

defense to my complaints and give my comments to their false, fabricated answers.

6. That the investigating court, for unknown reason resolved the case hurriedly, thus, dismissing the case without due notice to the complainant, in effect, a denial of due process.
7. That the action done by [the] investigating court clearly constituted Knowingly Rendering an Unjust Order, Gross Ignorance of the Law, Grave Misconduct and Violating my Right to Due Process.

I am executing this complaint in (sic) attest to the truth of the foregoing facts and to pray that appropriate action be made against Judge Alfajora (sic) in the interest of substantial justice and public service, failing to exercise his judicial function in accordance with the Canon of Judicial Ethics. That he be dismissed from his judicial service.

That due to the unawareness of the investigation of the complaints filed against Sheriff Roberto Ebuna, the plaintiff suffered great damaged (sic) which affected me morally, emotionally, mentally, spiritually, physical and personally.

The complainant alleged that the instant complaint is in addition to another which she filed on January 22, 2004<sup>[1]</sup> against Judge Alpajora.

In his Comment dated April 13, 2004, Judge Alpajora averred that he has never investigated any administrative complaint filed by the complainant against Sheriff Ebuna. According to him, the instant administrative matter is clearly a harassment case, and pointed out that the complainant has the propensity of filing such cases against the RTC judges and court personnel of Lucena City.

In its Report dated August 6, 2004, the Court Administrator made the following evaluation:

We agree with Judge Alpajora that Ms. Guadalupe de Luna Diomampo has the propensity of filing administrative complaints against judges and court personnel.

Records from the Legal Office, Office of the Court Administrator reveal that Ms. Diomampo has filed ten (10) administrative complaints against judges and court personnel of RTC, Lucena City. In fact, most of these cases are but a repetition of cases already pending or resolved by the Court. Records further reveal that indeed, Judge Alpajora had no participation in the investigation of cases against Sheriff Roberto Ebuna. There were two administrative cases filed against Sheriff Ebuna, A.M. OCA IPI No. 99-593-P and A.M. OCA IPI No. 99-630-P. These cases involved one and the same matter. Thus, the Court in a Resolution dated 5 June 2002, cancelled from the Docket Book of the Court Administrator A.M. OCA IPI No. 99-593-P. In the same resolution, the Court dismissed A.M. OCA IPI No. 99-593-P.

It can be implied from the complaints that Ms. Diomampo is a disgruntled