

FIRST DIVISION

[A.M. NO. MTJ-03-1475. (ADM. MATTER OCA IPI NO. 00-853-MTJ), February 04, 2003]

EARLA SY, COMPLAINANT, VS. JUDGE VERONICA DONDIEGO, MTC, TAMBULIG, ZAMBOANGA DEL SUR, RESPONDENT.

[A.M. NO. RTJ-03-1752. (ADM. MATTER OCA IPI NO. 00-908-RTJ) FEBRUARY 4, 2003]

JUDGE VERONICA DONDIEGO, ATTY. RUFINO ALOOT, ARSENIO CORRO, JR., TIMOTEO C. YUNTING, AMIR TARAMBISA AND MARGARITA BAYAWA, COMPLAINANTS, VS. JUDGE CAMILO TAMIN, RESPONDENT.

[A.M. NO. RTJ-03-1754. (ADM. MATTER OCA IPI NO. 00-960-RTJ) FEBRUARY 4, 2003]

ARSENIO CORRO, JR. AND TIMOTEO C. YUNTING, COMPLAINANTS, VS. JUDGE CAMILO TAMIN, RESPONDENT.

DECISION

AZCUNA, J.:

These are three (3) related cases arising from what appears to be a feud between two judges in Zamboanga del Sur. The first case is for falsification of public documents, A.M. OCA IPI No. 00-853-MTJ, filed by Earla Sy against Hon. Veronica Dondiego. The second and third cases allege lack of jurisdiction, gross ignorance of the law, misconduct of office, grave abuse of authority/discretion and malpractice of office: A.M. OCA IPI No. 00-908-RTJ, filed by Hon. Veronica Dondiego and four other parties against Hon. Camilo Tamin and A.M. OCA IPI No. 00-960-RTJ, filed by Arsenio Corro, Jr. and Timoteo C. Yunting against the same Hon. Camilo Tamin.

The cases were consolidated and assigned for investigation to Hon. Roberto A. Barrios, Associate Justice of the Court of Appeals.

After conducting an investigation, Justice Barrios submitted his Report and Recommendation.

As stated in the Report, the facts are, as follows:

Hon. Tamin as the Presiding Judge of the lone RTC stationed in Molave, Zamboanga del Sur, held sway over the Municipal Trial Courts of Molave and of Tambulig, and the Municipal Circuit Trial Court of Ramon Magsaysay-Midsalip-Sominot of the said province.

Hon. Dondiego was the Presiding Judge of the MTC of Tambulig, and

because of vacancies she was designated as Presiding Judge too for the MTC of Molave and the MCTC of Ramon Magsaysay-Sominot-Midsalip. Hon. Dondiego is unmarried, and early on in her additional assignment covering Ramon Magsaysay, appears to have upset an ongoing amorous relationship between the Chief of Police of that town and MCTC employee Earla Sy. There was animosity between Hon. Dondiego and Earla Sy, such that when Adm. Case No. P-93-808 for immorality entitled *Court Employees of the 10th MTC of Ramon Magsaysay vs. Earla Sy* was filed against her, Earla Sy believed that this was initiated and orchestrated by Hon. Dondiego. One day Earla Sy went to see Hon. Tamin and aired her grief over the shabby and humiliating treatment she was constantly getting from her immediate boss, Hon. Dondiego. Asked to help and sympathizing with her, Hon. Tamin ordered Earla Sy transferred to his office (Exh. "Q") on May 19, 1993. This was not taken kindly to by Hon. Dondiego who raised this to the Office of the Court Administrator (Exh. "QQ"), but was told that though she was not consulted as required, the transfer was nonetheless valid.

Hon. Tamin by then was already keeping a close watch on Hon. Dondiego because of the pervasive talks about her sexual indiscretions and her involvement in a ring extorting money from litigants. Supposedly Hon. Dondiego has had as lovers Joel Curayag, a son of her landlady and her driver then, and the Chief of Police. She has since dropped them and have as her new beau her current driver cum bodyguard Tarambisa, who is a married man. Hon. Tamin himself saw Hon. Dondiego and the Chief of Police just by themselves having lunch in Pagadian City. Admittedly Hon. Dondiego was regularly a backrider of Tarambisa on his motorcycle and on which they have traveled to far flung places, and in fact in one of their trips they met (sic) an accident. Also, Hon. Tamin was told by the carpenters for their office annex that they saw Hon. Dondiego in her chambers smooching with Tarambisa. Then there were the substantiated stories of a cabal among Hon. Dondiego, Tarambisa, Atty. Aloom, an Oyao, a Branzuela and others who went around asking for money in exchange for favorable rulings in cases.

The relationship between Hon. Tamin and Hon. Dondiego thus became progressively strained and antagonistic.

Hon. Tamin rendered a Decision dated March 2, 1998 in Civil Case No. 90-20,050 (2385) (Exh. "UU"), a suit for *Infringement of Patent and/or Unfair Competition* entitled "Gideon Flores, et [al.] vs. Arsenio Corro, et al." where the losing parties were Corro and Yunting, and their lawyer was Atty. Aloom. Corro and Yunting then filed a complaint against Hon. Tamin for *Dishonesty and Falsification of Public Document* docketed as OCA IPI No. 00-960 which they subscribed to before Hon. Dondiego. In it they alleged that Hon. Tamin knowingly and falsely named therein one "Eduardo Cañete" and a "Rodrigo" as witnesses in the case but who did not at all testify. Hon. Tamin heard that Hon. Dondiego commented emphatically that his decision was wrong, and believed that this complaint against him was prepared by Atty. Aloom.

It turned out that in his decision, Hon. Tamin was merely citing verbatim

from the applicable ruling of *Godines vs. Court of Appeals* (226 SCRA 338) and the supposedly ghost witnesses "Eduardo Cañete" and "Rodrigo" were in fact witnesses in the cited case whose names are mentioned in the portion quoted. Reacting to this, Hon. Tamin brought Criminal Case No. 99-10-1014 indicting Hon. Veronica Dondiego, Atty. Rufino Aloom, Arsenio Corro, Jr. and Timoteo Yunting for *Indirect Contempt* for their roles in the baseless and haphazard complaint against him.

From her side, Hon. Dondiego on April 14, 1999 ordered the dismissal of Crim. Case No. 1944 for *Frustrated Murder* entitled "People of the Philippines vs. German Onod," and the release of the accused from detention. This was after the preliminary investigation was terminated and Hon. Dondiego had already forwarded the case to the Office of the Provincial Prosecutor on March 15, 1999 yet. OCA IPI No. 00-853 for *Falsification of Public Documents* was then filed against her on complaint of Earla Sy, but Hon. Dondiego asserts that it is Hon. Tamin who was behind this. She admitted though the factual allegations in the charge but gave as excuse that she was busy at the time and she could not verify that the case was already beyond her because her frequently absent Clerk of Court who kept the records was then absent again.

In the course of answering the charge and counter-attacking, Hon. Dondiego submitted her explanation attaching as one of her supporting documents the affidavit of Bayawa dated January 24, 2000 (Exh. "F"). In it Bayawa quoted a narration of RTC Branch 23 employee Alpiniana Calope about the October 21, 1999 hearing of Crim. Case No. 99-10-1014 for *Indirect Contempt* against Hon. Veronica Dondiego, Atty. Rufino Aloom, Arsenio Corro, Jr. and Timoteo Yunting. Supposedly Alpiniana Calope said "BUANG MAN POD NI SI JUDGE (referring to Judge Tamin) MAPRISO NA UNTA TO SI JUDGE DONDIEGO, MAO NA UNTA TO ISUNOD" in English, "What a fool this Judge Tamin, Judge Dondiego could have been jailed, she was supposed to be the next." Because of her said affidavit, Hon. Tamin charged Bayawa and Alpiniana Calope for *Indirect Contempt* docketed as Crim. Case No. 2000-10-1040 (Exh. "E"). After Alpiniana Calope denied that she made the remarks imputed in the affidavit, in the Order dated March 1, 2000 (Exh. "H") Calope was exonerated but Bayawa was found guilty and meted the penalty of Two (2) months imprisonment and P20,000.00 fine. It was disposed additionally that "*The immediate arrest and confinement at the Municipal Jail of Molave of respondent Bayawa is hereby ordered.*" Bayawa forthwith filed a Notice of Appeal (p. 87 OCA IPI 00-960-RTJ) and an *Urgent Petition For Bail* (p. 89, supra), but Hon. Tamin reacted with an Order dated March 2, 2000 (p. 90, supra) observing that Bayawa *proceeded in great haste to deprive this court of its jurisdiction* and gave Bayawa seven (7) days from receipt of the order to file a memorandum to enlighten him whether he still had jurisdiction to grant bail. Accordingly, Bayawa was detained, and released only on March 3, 2000 (Exh. "CC") after posting the by-then prescribed bond of P15,000.00.

As for Tarambisa, he stands charged by Hon. Tamin of *Indirect Contempt* in Crim. Case No. 2000-10-1049 for allegedly soliciting from litigants

money saying that this would be given to Hon. Tamin.

In Crim. Case No. 99-10-1014 for *Indirect Contempt*, Hon. Tamin dismissed the charges against Hon. Dondiego and Atty. Aloom, in the Order dated November 25, 1999 (Exh. "M") with nary a hint of the whys and wherefores. But earlier in separate *Partial Decisions* dated October 21, 1999 (Exh. "7" & Exh. "7-A") Hon. Tamin found Corro and Yunting guilty of the charge and meted them penalties of imprisonment for six (6) months and fines of P30,000.00. They appealed this to the Court of Appeals, but their conviction was sustained and this became final. Instead of executing the sentence, Hon. Tamin archived the case on the reasoning that Yunting was since elected councilor and has been helpful in the needs of the court, while Corro had become very sickly. Subsequently, Corro and Yunting executed a *Joint Affidavit of Desistance* (Exh. "6") contritely admitting their error and asking for the dismissal of OCA IPI No. 00-960-RTJ.

A Petition for Immediate Transfer of Assignment/Detail of Judge Camilo Tamin (Exh. "2") dated March 2000 was supposedly made by about 2,000 signatories. Hon. Tamin investigated this and had some of the supposed signatories summoned. He determined that this was the handiwork of Hon. Dondiego, Atty. Aloom and their extortion group and that many of the signatories were from the town of Josefina, which is outside of the bounds of his territorial jurisdiction but strangely is the hometown of Bayawa. Also, many of the supposed signatories denied having signed it or were misled into signing what was misrepresented or which they misunderstood.^[1]

The Report further states the following findings:

These cases resulted from the confluence of events, and substantially because of the personal traits and attitudes of the characters involved therein. For their own reasons and purposes, Hon. Tamin and Hon. Dondiego relentlessly waged an attritional conflict, using surrogates, allies and sympathizers.

Earla Sy had no personal concern with the dismissal by Hon. Dondiego of Crim. Case No. 1944 whether as a complainant, witness or otherwise. She was a nominal complainant who did not appear at the investigation. But Hon. Dondiego admitted that she did dismiss the case on April 14, 1999 after she had lost jurisdiction over it subsequent to the termination of its preliminary investigation and had forwarded the records to the Provincial Prosecutor on March 15, 1999. She excused herself by the claim that she was preoccupied at the time and she could not verify the status of the case because her habitually remiss Clerk of Court was again absent.

This is a feeble and poor excuse for an admitted breach. Her Clerk of Court is not the only employee who could locate the records if it were in the office. The fact that the records of the other and extant cases were there should have clued (sic) Hon. Dondiego that the subject case could not be found because it was already terminated and transmitted. Or she

could have waited for an opportune time or day when the Clerk of Court or the records would be available to her before acting without dependable basis as she claims she did. But if not a trace of the case could be found, (from) where could Hon. Dondiego have drawn the details with which to fill up the caption for the order of dismissal? She said she copied it from the motion to dismiss, but she could not produce this notwithstanding the emphasis on its importance and the ample time and opportunity given her. Her excuse given is not credible and must fail.

Circumstances indicate that Hon. Dondiego shoehorned the dismissal of the case notwithstanding that she knew she had lost jurisdiction over it. Ironically, a leading case on this point is *Alcantara vs. Judge Camilo Tamin and Atty. Rufino Alood* (AM No. RTJ-95-1305, April 21, 1995) involving our Hon. Tamin and Atty. Alood. In that case where it was complained that Hon. Tamin after having inhibited from the case still issued an order allowing an opposition, it was disposed that:

ACCORDINGLY, this Court resolves to ADOPT the above-mentioned recommendation of Deputy Court Administrator Juanito A. Bernad, and hereby imposes a FINE of FIVE THOUSAND PESOS (P5,000.00) upon respondent Judge Camilo E. Tamin with a stern warning that a repetition of the same or similar act or offense in the future shall be dealt with more severely.

The administrative case against Attorney Rufino Alood is hereby REFERRED to the Integrated Bar of the Philippines for whatever action it may deem proper.

This is of apt application for Hon. Dondiego who dismissed a criminal case subject of her preliminary investigation after she had terminated this and forwarded it to the prosecutor.

Going now to the complaints against Hon. Tamin, these are essentially because of the complaints for *Indirect Contempt* he initiated motu proprio against Hon. Dondiego, Atty. Alood, Corro and Yunting in Crim. Case No. 99-10-1014; against Bayawa in Crim. Case No. 2000-10-1040; and against Tarambisa in Crim. Case No. 2000-10-1049.

Crim. Case No. 99-10-1014 concerns the administrative complaint now docketed as Adm. Matter OCA IPI No. 00-960-RTJ filed by Corro and Yunting against Hon. Tamin allegedly for stating a deliberate falsehood in his Decision in Civil Case No. 90-20,050 (2385) where he said that an "Eduardo Cañete" and a "Rodrigo" testified but who were in truth ghost witnesses who never came to court. Corro and Yunting were the defeated parties in that case, Atty. Alood was their counsel, and Hon. Dondiego administered the oath on their complaint. This complaint against Hon. Tamin is baseless because he did not at all falsely pass off "Eduardo Cañete" and "Rodrigo" as witnesses in Civil Case No. 90-20,050 (2385). Rather they were witnesses in the case of *Godines vs. Court of Appeals* cited by Hon. Tamin in the said Decision and their names were merely part of what was quoted.