

EN BANC

[A.M. No. 97-2-53-RTC, July 06, 2001]

RE: COMPLAINT OF MRS. ROTILLA A. MARCOS AND HER CHILDREN AGAINST JUDGE FERDINAND J. MARCOS, RTC, BR. 20, CEBU CITY.

DECISION

PER CURIAM:

In a hand written letter dated December 9, 1996^[1] addressed to the Honorable Andres Narvasa, Chief Justice of the Supreme Court, Mrs. Rotilla A. Marcos, the wife of Judge Ferdinand J. Marcos, and their children Joshua A. Marcos and Hazel Faith Marcos Barliso complained against Judge Ferdinand J. Marcos of the Regional Trial Court, Branch 20 at Cebu City, alleging that ever since Ferdinand J. Marcos was appointed judge of the Regional Trial Court at Cebu City, Branch 20, his family had never seen nor took hold of his cheques; that they have only been receiving a minimal amount which was insufficient for their education and for their sustenance; that they were made to believe that he was only receiving a small remuneration as an RTC Judge; that it was only in August 1996 when they got hold of his RATA, JDF and basic salary cheques; that these were not even enough to pay his obligations with the CFI Community Cooperative and other private persons; that he was enjoying his extra-ordinary allowance, local and city allowances, bonuses, amelioration pays, and 14th month pays; that he even got his second quincena of November direct in Manila when he was enjoying his one-week leave of absence with his mistress.

Mrs. Rotilla A. Marcos and her children Joshua and Hazel prayed that all the remuneration due Judge Marcos from the Supreme Court be directly released to Mrs. Marcos at the school where she has been serving for 20 years (the Abellana National School) to prevent his mistress from getting them. They added that Judge Marcos was still receiving local and city allowances and a salary from the Southwestern University where he teaches in the College of Law. They likewise stated that it would be advisable for him to resign from the bench, as reassigning him to other judicial regions would eventually deprive them of support for he will definitely take along his ambitious mistress, or she would follow him and might pressure him to go into graft and corruption.

In the resolution, dated March 18, 1997, the Court required Judge Ferdinand J. Marcos to file his comment on the complaint.^[2]

In his comment, dated May 15, 1997,^[3] Judge Marcos denied his failure to support complainants and alleged that during the first few months of assuming his job on the bench, he faithfully and regularly gave to his wife the total amount of P15,000.00; that he alone spent for their daily transportation and for the daily miscellaneous expenses of their son, Joshua A. Marcos, a medical student at the

time, notwithstanding the fact that his wife also earns a salary as a public school teacher; that the amount he gave to his wife was sufficient for her and their family's needs; that the loan contracted with the CFI Community Cooperative did not pose a serious problem to the financial standing of his family because it was made during his first five (5) months in the judiciary when he had not yet received his salary; that most of the proceeds of the said loan were for the tuition fee of their son Joshua; that said loan was payable in affordable monthly installments and that he hoped it would be fully paid before the end of the year 1997; that he was not indebted to any private person, not even when he was still a private law practitioner; that he had no idea why his wife thought that he would be better off resigning from the judiciary; that even if he were transferred to another sala his regular support to his family will continue; that the issue of his having a mistress is not true as he has never been linked extra-maritally with another woman; that his wife and children had already signed a letter withdrawing their letter/complaint against him; and he had signed a letter of undertaking to give all the checks due him from the Supreme Court to his wife. He prayed among other things, for the dismissal of the complaint against him as they were living in one roof as a family and as this administrative case is becoming a wedge of hostility between them.

On July 29, 1997, this Court issued a resolution referring the matter to the Office of the Court Administrator for evaluation, report and recommendation.^[4]

In his report dated October 17, 1997,^[5] Deputy Court Administrator Bernardo P. Abesamis recommended that the complaint be considered closed and terminated, it appearing that the complaint against Judge Ferdinand Marcos was already threshed out and there being no more compelling reason to proceed against him. He based his report on the letter-withdrawal dated January 10, 1997 submitted by the complainants and the letter of undertaking signed by Judge Marcos.

In their letter/withdrawal dated January 10, 1997,^[6] the complainants stated that they wanted to withdraw their letter/complaint against Judge Marcos as he had made an undertaking that Mrs. Rotilla A. Marcos shall receive all the checks due him from the Supreme Court; and that the issue of the alleged mistress grew out of unconfirmed reports and had already been thoroughly discussed by the family council. They requested that the matter contained in their letter/complaint be treated as a closed matter.

On the other hand, Judge Ferdinand J. Marcos, in his letter of undertaking, offered no objection to his wife getting all the checks due him from the Supreme Court and gave her the authority to get them directly from the Supreme Court or from the Clerk of Court of RTC, Cebu City. He strongly denied having any relationship with any woman when he talked with his wife and children. His alleged relationship sprung from unconfirmed reports from the media.^[7]

As the report of DCA Abesamis was not approved by the Court Administrator and the latter did not report the matter to the Court *En Banc*, the case remained suspended until the Honorable Chief Justice Hilario G. Davide, Jr. reported to the Court *En Banc* on August 14, 2000, the scandalous incident he witnessed at the *Fun Run* sponsored by the Philippine Judges Association held on August 11, 2000. Among the RTC judges who attended and joined the *Fun Run* was Judge Ferdinand J. Marcos. A woman who was reported to be his *querida* accompanied him. Judge

Marcos and the *querida* joined the Judges at the temporary place reserved for the Judges and during the latter's breakfast thereat were seated near each other.

Chief Justice Davide pulled Judge Marcos aside to validate the facts about the latter's illicit relationship with the woman. Judge Marcos admitted, among other things, that he had been living with the woman, Mae Tacaldo, for three (3) years already, and that he was separated from his wife. Judge Marcos was the one who supplied the name of the woman.

In view of this admission, the Chief Justice recommended the referral of the case for investigation to OCA Consultant, Justice Pedro Ramirez, and the suspension from office of Judge Ferdinand J. Marcos.

Adopting the recommendation of the Chief Justice, the Court issued a resolution on August 15, 2000 ordering the suspension of Judge Marcos from office until further orders from this Court, in view of the confirmed continuing illicit and scandalous relations between him and a certain Mae Tacaldo and the referral of the case to Justice Pedro Ramirez, Consultant, Office of the Court Administrator, for investigation, report and recommendation. But because Justice Ramirez had to leave for the United States of America, the matter was referred to Justice Romulo S. Quimbo, Consultant, Office of the Court Administrator.

Justice Quimbo issued notices to the parties that the case will be heard at the Office of the Executive Judge in Cebu City from November 13 to 15, 2000.^[8]

On November 13, 2000, the case was called in the private chambers of the Executive Judge of Cebu City. Only the respondent and his counsel appeared because the notices did not arrive soon enough in Cebu City. For that reason, the Process Server of RTC, Cebu City, Branch 18, was requested to serve the notices on the complainants.

The next day, November 14, 2000, both parties appeared at the office of the Executive Judge. Complainant Rotilla Marcos came alone while respondent appeared with his counsel. Complainant manifested that her counsel was unavailable due to previous commitments. Counsel for the respondent begged to be excused as he also had personal commitments. Thus the case was reset for the next day.

On November 15, 2000, complainants presented Judge Meinrado Paredes of Branch 13, RTC, Cebu City. After he was discharged, complainant Rotilla Marcos took the stand herself. Since her testimony (direct examination) was not completed the hearing was continued the next day. Her direct testimony was completed on November 16, 2000 but her cross-examination was deferred to December 5, 6, and 7, 2000.

On December 5, 2000, respondent appeared without his counsel and personally cross-examined the complainant. After her testimony, complainants introduced four other witnesses, namely: Maximo Abing, Orencio Tarongoy, Leoncio M. Balangkig, and Lerma Eguia, all of whom appeared in obedience to subpoenas issued by the hearing officer-designate. These witnesses were presented principally to identify certain documents that were marked and later formally offered in writing.

Complainants' documentary evidence consisted of Exhibits "A" -picture of Maydelane

Tacaldo, the alleged mistress of the respondent; "B" -the letter/complaint received by the Court on December 12, 1996;^[9] "C" -RCPI telegram directing respondent to attend a PJA stay-in seminar on June 20-22, 1996 in Mandaluyong; "D" -Islacom Statement of Account dated June 3, 1996; "D-1" -address of respondent at 615 ZA P. del Rosario Extension, Cebu City; "E" -handwritten letter of one Mrs. E. Dandan, dated October 3, 1995 addressed to respondent demanding payment of the account of May in the sum of P11 ,400; "E-1" -a portion thereof; "F" -RCPI social telegram addressed to respondent purportedly from Mae Tacaldo; "F-1" -a portion thereof; "G" -Bankard Statement of Account dated September 10, 1997 addressed to respondent; "G-1 " -page 2 thereof; "H" -unsigned Certification of Tenant; "I" - Invoice issued by Paramount General Insurance Corporation (Paramount, for brevity) for a "Toyota Revo" Model 1999 allegedly owned in common by respondent and Maydelane Tacaldo; "I-1" -portion showing the names and addresses of the insured as "Marcos, Ferdinand J. and Tacaldo, Maydelene B. of Rodriguez St., Zosa Compound, Capitol Site, Cebu City"; "I-2" -particulars of the vehicle insured; "J" - Order issued by respondent on January 24, 2000, in Civil Case No. CEB- 19070; "J-1", "J-2", "J-3", and "J-4" -portions thereof; "K" -October 28, 2000 issue of "THE FREEMAN"; "K-1" and "K-2" -portions thereof; "L" -October 20, 2000 issue of the "SUN STAR CEBU"; "L-1", "L-2", and "L-3" -portions bracketed; "M" -SUN STAR SUPER BALITA issue of October 20, 1996; "M-1" and "M-2" -portions thereof; "N" - October 28, 1996 issue of SUN STAR SUPER BALITA; "N-1" and "N-2" -portions thereof; "O"-SUN STAR issue of December 18, 1996; "O-1" and "O-2" -portions thereof; "P" -Affidavit of Bienvenido O. Marcos; "P-1" -paragraph 7 thereof; "Q" - Affidavit of Anacleto Marcos; "Q-1 ", "Q-2", and "Q-3" -portions thereof; "R" - Resolution of the Supreme Court **En Banc** dated August 15, 2000 in the present administrative matter^[10]; "R-1" -portion thereof; "S" -Petition filed by respondent in Civil Case No. CEB- 25511 for the declaration of nullity of his marriage to complainant Rotilla C. Ares; "T" -Marriage Contract of complainant and respondent dated December 31, 1971; "U" -Subpoena Duces Tecum issued to PCI Leasing and Finance Inc.; "V" -Certificate of Registration No.15676143 issued on August 4,2000 in the name of respondent and Maydelane Tacaldo with address at Capitol Site, Cebu City; "V-1" -portion thereof; "W" -copy of Certificate of Registration of a "Toyota Revo" in the name of respondent and Maydelane Tacaldo with address at B. Rodriguez St., Capitol Site, Cebu City; "W-1 " -portion showing owners' names; "X" - Motor Vehicle Inspection Report re: "Toyota Revo"; "X-1" -portion regarding ownership; "Y" -Deed of Sale of one "Toyota Revo" executed by one Leticia Cabanes; "Y-1 " -portion showing vendees being respondent and Maydelane B. Tacaldo; "Y-2" -date of execution; "Z" -PNP Motor Vehicle Clearance Certificate; "Z-1 " -portion showing purpose of certificate; "AA" - Subpoena Duces Tecum issued to Paramount; "BB" -Invoice No.135580 covering a "Toyota Revo"; "BB-1 " -name and address of respondent as insured; "CC"-policy schedule; "CC-1" -name and address of respondent; "CC-2" - Private Car Policy No. CEB-PC-25687; "CC-3" -signature of Paramount's Cebu Service Office Manager; "DD" -Paramount's Memorandum showing change of mortgagee; "DD-1 ", "DD-2", and "DD-3" -portions of the same; "EE" -fax message received by Paramount re: inclusion of Maydelane Tacaldo as one of the insured; "FF" -Chattel Mortgage executed by respondent and Maydelane B. Tacaldo; "FF-1" -page 2 thereof; "FF-2", "FF-3", "FF-4", "FF-1-A", and "FF-1-B" - portions thereof; "GG" -Motion for inhibition of respondent in Civil Case No. CEB- 19070; "GG-1", "GG-1-A", and "GG-2", -portions bracketed; "HH" - Comment of Atty. Francis Zosa on the motion for inhibition; "HH-1" and "HH-2" - portions of the same; "II" -Deed of Sale jointly executed by respondent and Maydelane B. Tacaldo

conveying a "Toyota Revo"; "II-1" and "II-2" -portions thereof; "JJ" -correction made by Paramount as to who are the assured in CEB- PC-25687; "JJ-1" -the assured were the respondent and Maydelane B. Tacaldo; "KK" - Counter-Affidavit of complainant on the charge of adultery filed against her by the respondent; "KK-1" to "KK-10" -pages 2 to 11 thereof; "KK-11 " to "KK- 23" -annexes to Exhibit "KK"; "LL" -opposition to motion to disqualify Atty. Gloria Lastimosa-Dalawampu as counsel for Mrs. Marcos in Civil Case No. CEB-25511; "LL-1 " -page 2 thereof; "LL-1-A" and "LL-2" -portions of the same.

From the evidence presented it appears that complainant Rotilla A. Marcos is married to the respondent. Their marriage was celebrated on December 31, 1971 at the First Baptist Church, Cebu City and was officiated by Asclepiades Curro, a Minister of the Gospel.^[11] When they got married, Judge Marcos was waiting for the results of the Bar exams and did not have a job. Since she was already working as a teacher in Catmon she supported Judge Marcos. They stayed in the house of her grandparents. They have two children: Joshua who is now 28 years old and Hazel Faith who is 26 years old.

When he became a lawyer he did not go into private practice right away so she supported him and the children. In fact, he stayed home and looked after the children.

Judge Marcos became a member of the Judiciary in June 1993. He was appointed presiding judge of Branch 20 of the Regional Trial Court at Cebu City. After his appointment, she noticed a change in his conduct towards her. He became cold and no longer performed the usual acts of a husband, referring to sexual relations, because he was very busy. What's more they no longer slept in one room. In March 1996, they were living in San Jose Village, Lawaan 3, Talisay, Cebu.

In June 1996 she was informed through an anonymous letter written in the Cebuano dialect, about her husband's infidelity. While she could no longer produce the letter at the time of the trial, she could still remember its contents. In English it read: "You are a stupid wife. Until now, you have not learned that your husband has a mistress. If you don't believe me, go to the office of the RTC, Branch 20, right now. You go there-to Branch 20. Ask the people there if there is a convention in Manila to be participated in by RTC judges. He already bought two plane tickets."

Immediately she went to Branch 20 to inquire about the judges' convention in Manila. She found a telegram in Judge Marcos' attache case from a Mario Umali designating respondent as a participant in a "stay-in" seminar sponsored by PJA to be held at the Mandaluyong Justice Building on June 20 - 27, 1996.^[12]

She inquired from Atty. Monalila Tecson, the Clerk of Court of Branch 20, about the convention (seminar). Atty. Tecson asked her if she was not informed of the convention to which she replied in the negative. Atty. Tecson told her to ask her husband if he was going. She asked Judge Marcos that night. He told her that he was going and that it was exclusively for the judges. She told him not to go, as she was afraid he was going to take along another woman. He replied that he would not go. But, at dawn, he told her that he must leave as he had to get the supplies and equipment that would be distributed in the Supreme Court.