

EN BANC

[A.M. No. RTJ-92-897, November 24, 1998]

QUITERIO HERMO, PETITIONER, VS. HON. ROSALIO G. DELA ROSA, JUDGE, RTC-BRANCH 28, MANILA, RESPONDENT.

R E S O L U T I O N

QUISUMBING, J.:

The administrative case now before us stemmed from the petition for naturalization filed by Sorsogon governor Juan G. Frivaldo on September 20, 1991 and heard before the sala of herein respondent, Hon. Rosalio G. dela Rosa, then presiding judge of Branch 28, Regional Trial Court of Manila. That case was docketed as SP Proc. No. 91-58645.

Respondent judge set Frivaldo's petition for hearing on March 16, 1992 in an order dated October 7, 1991.^[1] He directed publication of the order and of Frivaldo's petition in the Official Gazette and in a newspaper of general circulation once a week for three consecutive weeks, the last publication of which should be at least six months before the date of hearing. Judge de la Rosa likewise required the posting of the order and of the petition in a public and conspicuous place in the office of the Clerk of Court of the Manila RTC. Frivaldo caused the publication of respondent's order in the Philippine Star.

On January 20, 1992, Frivaldo filed a motion^[2] to set the hearing of his petition ahead of schedule since he was planning to run in the elections of May 11, 1992 and he had to file his certificate of candidacy before March 15, 1992, just a day before the scheduled hearing. Respondent judge granted the motion and reset the hearing of February 21, 1992. It does not appear that the order granting the motion was published or posted. On February 27, 1992, respondent judge rendered his decision^[3] granting Frivaldo's petition and on the same day, Frivaldo took his oath of allegiance.^[4]

Quiterio Hermo, of Sorsogon, Sorsogon, learned of the above proceedings when a friend of his, through his secretary Alma Catu, sought information about the progress of the case from the Clerk of Court of Branch 28. Catu went to the office of the branch clerk on March 9, 1992 and was informed that the hearing of the petition was reset to an earlier date and that it was still awaiting resolution. Later, Catu discovered that the petition had already been favorably decided in favor of Frivaldo as early as February 27, 1992, or 11 days before she went to the office of the branch clerk.^[5]

In a letter dated March 16, 1992, Hermo complained to Justice Ernani Cruz Paño, then the Court Administrator, and charged respondent judge with gross ignorance of the law and malfeasance in the performance of his official duties. Attached to his

letter was a complaint-affidavit outlining the alleged irregularities committed by respondent judge in the proceedings held before his sala in connection with Frivaldo's petition.^[6]

Specifically, Hermo is questioning the following steps taken by respondent in connection with Frivaldo's petition:

1. Non-publication of respondent's order of publication in the Official Gazette;
2. Resetting of the hearing to an earlier date, which date is within six months from the date of the petition's last publication which was November 21, 1991;
3. Allowance of the petition and of Frivaldo's taking his oath of allegiance on the same date the petition was heard;
4. Allowing Frivaldo to take his oath of allegiance before two years had elapsed from the date of the decision;
5. Non-submission by Frivaldo of the affidavit of two disinterested persons to "testify on (his) wherewithals";
6. Allowance of Frivaldo's petition despite the fact that he was convicted of libel in a case filed in Sorsogon; and
7. An apparent attempt to cover up the proceedings as shown by Alma Catu's experience when she tried to inquire into the progress of the case.

Aside from this administrative case, three other petitions were filed before this Court in connection with Frivaldo's petition and his reacquisition of his Filipino citizenship: G.R. No. 104654, G.R. No. 105715, and G.R. No. 105735. Essentially, these petitions dealt with the following issues: (1) whether or not Frivaldo, then a naturalized American citizen, validly reacquired his Filipino citizenship in SP Proc. 91-58645, and (2) whether or not Frivaldo was qualified to run in the 1992 elections and serve as governor of Sorsogon. These petitions were consolidated and were decided by this Court on June 6, 1994 in the case of *Republic v. De la Rosa*.^[7]

On June 15, 1993, this Court resolved to hold in abeyance action on the complaint filed by Hermo pending the determination of the main case. On July 26, 1994, Hermo filed an urgent motion to resolve his complaint, in view of our decision in *Republic v. De la Rosa*.

On February 18, 1997, we referred this case to the Office of the Court Administrator, already under Justice Alfredo Benipayo, for evaluation, report, and recommendation. The OCA submitted its report on April 16, 1997.^[8]

In *Republic v. De la Rosa*, this Court remarked on the proceedings before respondent judge:

...The naturalization proceedings in SP Proc. No. 91-58645 was full of procedural flaws, rendering the decision an anomaly.