

EN BANC

[A.M. No. RTJ-06-2014, August 16, 2011]

NILDA VERGINESA-SUAREZ, COMPLAINANT, VS. JUDGE RENATO J. DILAG AND COURT STENOGRAPHER III CONCEPCION A. PASCUA, RESPONDENTS.

[A.M. No. RTJ-11-2293 (formerly A.M. No. 06-07-415-RTC)]

OFFICE OF THE COURT ADMINISTRATOR, COMPLAINANT, VS. JUDGE RENATO J. DILAG, ESTER A. ASILO, OFFICER-IN-CHARGE, COURT STENOGRAPHER III, REGIONAL TRIAL COURT, BRANCH 73, OLONGAPO CITY, ZAMBALES, AND ATTY. RONALD D. GAVINO, DEPUTY CLERK OF COURT, OFFICE OF THE CLERK OF COURT, REGIONAL TRIAL COURT, OLONGAPO CITY RESPONDENTS.

R E S O L U T I O N

For our consideration are: (1) the *Motion for Leave to Admit Attached Second Motion for Reconsideration*^[1] of our *Decision*^[2] dated March 4, 2009 and the *Resolution*^[3] dated April 28, 2009 in the consolidated cases A.M. Nos. RTJ-06-2014 and 06-07-415-RTC, filed by respondent Judge Renato J. Dilag (Judge Dilag), and (1) the *Memorandum*^[4] dated October 21, 2008 submitted by the Office of the Court Administrator (OCA) in A.M. No. 06-07-415-RTC.

These pending incidents arose from the following factual background:

Acting upon the complaint of Court Stenographer III Nilda Verginesa-Suarez (Suarez) of the Regional Trial Court (RTC), Branch 73, of Olongapo City, Zambales (docketed as A.M. No. RTJ-06-2014) and a series of anonymous letters (docketed as A.M. No. 06-07-415-RTC) against Judge Dilag and Court Stenographer III Concepcion A. Pascua (Pascua), the OCA constituted a judicial audit team to conduct a physical inventory of the cases in the court presided by Judge Dilag.

In its *Audit Report on the Judicial Audit Conducted at the Regional Trial Court, Branch 73, Olongapo City, Zambales*^[5] dated June 15, 2006, the OCA judicial audit team reported a total of 414 cases pending before Judge Dilag's court, either for decision, resolution, or in other stages of proceedings without further action for a considerable length of time. The same Audit Report also accounted the irregularities in Judge Dilag's handling of several cases pending before his court including having conflicting judgments - one dismissing and one granting the same petition - in (1) Civil Case No. 180-0-2001, *Lanie Pancho v. Rolando Gopez (Pancho case)*; (2) Civil Case No. 433-0-2003, *Jeffrey Joseph T. Tomboc v. Ruth Tomboc (Tomboc case)*; and (3) Special Proceeding No. 436-0-2002, *Petition for Voluntary Dissolution of the Conjugal Partnership of Gains and for the Separation of the Common Properties, Danilo del Rosario and Rachele del Rosario (Del Rosario case)*.

In a *Resolution*^[6] dated August 1, 2006, we ordered the consolidation of A.M. Nos. RTJ-06-2014 and 06-07-415-RTC, and assigned both cases to Associate Justice Ramon R. Garcia (Justice Garcia) of the Court of Appeals for his investigation, report, and recommendation. As regards particularly to A.M. No. 06-07-415-RTC, we directed Judge Dilag, in the same Resolution, to act on the 414 cases pending before his court and to explain the delay in his disposition of the same.

The investigating justice proceeded with his investigation and hearing on the irregularities in the handling of cases and/or having conflicting judgments and, subsequently, submitted his *Report and Recommendation*^[7] finding and recommending that Judge Dilag be held administratively accountable for gross misconduct constituting violations of the Code of Judicial Conduct, gross ignorance of the law and procedure, gross negligence, and gross inefficiency; and that the judge's co-respondent, Pascua, be held administratively liable for graft and corruption.

In our *Decision* dated March 4, 2009 in A.M. Nos. RTJ-06-2014 and 06-07-415-RTC, we adopted Justice Garcia's Report and Recommendation and disposed in part:

WHEREFORE, in view of all the foregoing, we hold as follows:

1. Respondent Judge Renato J. Dilag is hereby **DISMISSED FROM THE SERVICE**, with forfeiture of all retirement benefits, excluding accrued leave benefits, and disqualification from reinstatement or appointment to any public office including government-owned or controlled corporations, for gross misconduct, gross ignorance of the law or procedure, and gross negligence and inefficiency.

2. Respondent Court Stenographer III Concepcion A. Pascua is hereby **DISMISSED FROM THE SERVICE**, which carries the accessory penalties of cancellation of her eligibility, forfeiture of retirement benefits, and perpetual disqualification from reemployment in the government service, for graft and corruption under Paragraph A(9), Rule IV of Civil Service Commission Memorandum Circular No. 19-99, and this administrative case against respondent Pascua is hereby **REFERRED** to the Office of the Ombudsman for appropriate action.

Judge Dilag and Pascua each filed a Motion for Reconsideration of the foregoing Decision.

In his Motion for Reconsideration, Judge Dilag denied having authored the decisions dismissing the petitions in the *Pancho, Tomboc*, and *Del Rosario* cases. He also asserted that there were no conflicting decisions to speak of in the *Pancho, Tomboc*, and *Del Rosario* cases because the decisions dismissing the petitions in said cases were never served upon the counsels of the parties and, thus, lacked legal value. Judge Dilag claimed that Suarez, in connivance with her cohorts, were responsible for falsifying, fabricating, and manufacturing the decisions which dismissed the aforementioned three cases, so that they could continue with their illegal and nefarious activities in the court. Judge Dilag further disputed the findings against him of gross ignorance of the law and procedure in the handling of (1) CV No. 188-0-01, *Joyce Moreno v. Alvin Moreno (Moreno case)*, and (2) CV No. 328-0-2001,

Eliodor Q. Perez v. Adelita Perez (Perez case), and of gross negligence and gross inefficiency for failing to administer proper supervision over his court staff.

Pascua, in her Motion for Reconsideration, asked us to mitigate the penalty imposed on her.

In a *Resolution* dated April 28, 2009, we denied with finality the Motions for Reconsideration of Judge Dilag and Pascua, there being no substantial matters raised to warrant the reversal of the questioned decision.

Second Motion for Reconsideration

On July 8, 2009, Judge Dilag filed a Motion for Leave to Admit Attached Second Motion for Reconsideration, together with said Second Motion for Reconsideration, urging us to take a second hard look on the merits of his case and reiterating therein the grounds and arguments which he raised and discussed in his first Motion for Reconsideration.

We deny Judge Dilag's Motion for Leave to Admit Attached Second Motion for Reconsideration and note without action the appended Second Motion for Reconsideration. Rule 52, Section 2 of the Rules of Court, on motions for reconsideration filed before the Court of Appeals, reads:

Sec. 2. Second Motion for Reconsideration. -- No second motion for reconsideration of a judgment or final resolution by the same party shall be entertained.

Taken in conjunction with Rule 56, Section 2 of the Rules of Court, the aforequoted provision is also applicable to original cases filed before the Supreme Court, which includes disciplinary proceedings against judges, such as the one at bar. A second motion for reconsideration is, therefore, a prohibited pleading.

The rule against entertaining a second motion for reconsideration is rooted in the basic tenet of immutability of judgments. At some point a decision becomes final and executory and, consequently, all litigations must come to an end.

Indeed, there have been instances when we gave merit to second motions for reconsideration, but only when there are "extraordinary persuasive reasons and only after an express leave shall have been obtained."^[8] In administrative cases involving the discipline of judges and court personnel, we even allowed third motions for reconsideration but, still, only "whenever justified by the circumstances."^[9]

No such extraordinary persuasive reason or justifying circumstance exists in the present case. We stress that all the issues and arguments raised and evidence presented by Judge Dilag in his defense were already exhaustively discussed in our Decision dated March 4, 2009. Judge Dilag's Second Motion for Reconsideration is essentially a mere reiteration of his first Motion for Reconsideration, which we have already denied, after due consideration, in our Resolution dated April 28, 2009.

We note that other than our Decision dated March 4, 2009 in A.M. Nos. RTJ-06-2014 and 06-07-415-RTC, wherein we found Judge Dilag to be administratively liable for

gross misconduct constituting violations of the Code of Judicial Conduct, gross ignorance of the law or procedure, and gross negligence or inefficiency, he had been previously found guilty of gross ignorance of the law in *De Jesus v. Judge Dilag*, ^[10] for which he was fined P30,000.00. Moreover, the above-mentioned Memorandum dated October 21, 2008, submitted by the OCA in A.M. No. 06-07-415-RTC, reports additional acts by Judge Dilag constituting gross negligence and inefficiency such as failure to timely act on pending cases before his court and to supervise his staff's keeping of docket books and case records.

Hence, we find no justification for reversing the penalty of dismissal from the service with forfeiture of all retirement benefits, excluding accrued leave benefits, and disqualification from reinstatement or appointment to any public office, including government-owned or controlled corporations, which we imposed upon Judge Dilag in our Decision dated March 4, 2009.

OCA Memorandum dated October 21, 2008
in A.M. No. 06-07-415-RTC

With respect to the 414 cases pending before the RTC-Branch 73 of Olongapo City, we explicitly directed Judge Dilag, in our Resolution dated August 1, 2006, to decide within six months the 93 cases already beyond, as well as the 33 cases still within, the reglementary period to decide; to resolve within 30 days the motions/incidents in 10 cases already beyond, as well as in 4 cases still within, the reglementary period to resolve; and to immediately take appropriate action on 267 cases in different stages of the proceedings which were not acted upon for a considerable length of time. We further directed Judge Dilag, Officer-in-Charge Ester Asilo (OIC Asilo), Branch Clerk of Court Atty. Ronald B. Gavino (Atty. Gavino), and Clerks-in-Charge Luzviminda P. Lacaba (Lacaba) and Admer L. Lumanog (Lumanog) as follows:

A.M. No. 06-7-415-RTC. - Re: Audit Report on the Judicial Audit Conducted at the RTC, Branch 73, Olongapo City, Zambales.- The Court Resolved, upon the recommendation of the Office of the Court Administrator and without prejudice to consideration of sanctions, to

x x x x

(b) DIRECT Presiding Judge **Renato J. Dilag** and Officer-in-Charge **Ester A. Asilo**, same court, to

(i) TAKE APPROPRIATE ACTION on the following observations noted by the Audit Team:

(1) Entries in the docket books are not updated and deficient entries especially in civil and special proceedings which merely indicate the title of the case and the date the case was filed. Copies of the decision were stapled in the pages.

(2) No Certificate of Arraignment attached to criminal case records.

(3) Minutes of the Hearing have no summary of what transpired during the hearing of the case except hearings/trial with witnesses presented.

(4) Returns of warrants of arrest are not properly monitored.

(5) There are pending criminal cases which were already included in the bundled or archived cases.

(6) Registry Return Cards were not properly monitored and allegedly not yet attached to their respective case records.

(7) Court Order with directives for parties were not properly monitored especially for the DSWD worker and the Office of the City/Provincial Prosecutor to submit home and study report and to conduct reinvestigation of criminal cases, investigation to determine collusion between the parties in the annulment cases as well as the submission of the required pleadings, respectively.

(8) The Monthly Report of Cases submitted to the CMO-OCA does not accurately reflect the number of cases submitted for decision/resolution.

(9) Judgment on the bonds is not executed.

(ii) EXPLAIN within thirty (30) days from notice hereof why the number of cases submitted for decision/resolutions are not accurately reflected in their Monthly Report of Cases in gross violations of existing circulars; and

(iii) SUBMIT a REPORT on the action taken on, and the present status of, the foregoing cases in CHRONOLOGICAL ORDER as listed above, attaching thereto copies of the order/decision/resolution for reference, as well as the action taken on pars. (b.i) and (b.ii) together with the corresponding required explanation as directed;

(c) DIRECT **Atty. Ronald Gavino**, Office of the Clerk of Court, Regional Trial Court, Olongapo City, to EXPLAIN within thirty (30) days from notice hereof why the report on ex-parte proceedings in the following cases were not submitted to the Court, to wit:

CIVIL CASES

CASE NUMBER	REMARKS