

## **SECOND DIVISION**

**[ OCA IPI No. 20-3093-MTJ, October 14, 2020 ]**

**PRESIDING JUDGE MARIGEL S. DAGANI-HUGO, REGIONAL TRIAL COURT, BRANCH 3, BUTUAN CITY, AGUSAN DEL NORTE, COMPLAINANT, VS. JUDGE DENNIS B. CASTILLA, MUNICIPAL TRIAL COURT IN CITIES, BRANCH 1, BUTUAN CITY, AGUSAN DEL NORTE, RESPONDENT.**

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

**DELOS SANTOS, J.:**

#### **The Case**

This instant case against Judge Dennis B. Castilla (Judge Castilla), Municipal Trial Court in Cities (MTCC) of Butuan City, Agusan del Norte, Branch 1, stemmed from the counter-charges filed by Presiding Judge Marigel S. Dagani-Hugo (Judge Hugo), Regional Trial Court (RTC) of Butuan City, Agusan Del Norte, Branch 3, in an administrative case docketed as OCA IPI No. 17-4750-RTJ.

#### **Antecedents**

In a Complaint<sup>[1]</sup> dated September 7, 2017, Judge Castilla charged Judge Hugo with Ignorance of the Law and Conduct Prejudicial to the Best Interest of Service before the Office of the Court Administrator (OCA). The allegations of Judge Castilla are synthesized as follows:

- (1) Judge Hugo, when she was still a provincial prosecutor, caused the dismissal of four (4) counts of theft and two (2) counts of Estafa that Judge Castilla filed against Engineer Hospicio C. Ebarle, Jr., Arcadio L. Racasa, Jr.,<sup>[2]</sup> and six (6) other accused. Judge Castilla claimed that Judge Hugo was biased in approving the recommendation of dismissal because of the latter's membership in a fraternity called Alphans;
- (2) Judge Hugo dismissed a rape case, in which some person raised a concern on how the said rape case was dismissed;
- (3) The then Provincial Prosecutor Hugo conspired with her process server, Noel Indonto, in filing a baseless and fabricated charge of perjury against one Mary Grace E. Wang (Wang);
- (4) On September 5, 2017, Judge Hugo, who was then the Chairperson of the Committee on Parking and Beautification, inexplicably occupied his parking space. According to Judge Castilla, he was told by the security personnel that his parking space was reassigned upon the directive of Judge Hugo. He claims that he had been using said parking space for the last 10 years, and was thus humiliated when the

guard prohibited him from parking in said space and directed him to park in his newly assigned space where he had difficulty to park due to its location;

- (5) Judge Hugo, while she was still a prosecutor, together with Judge Castilla's former wife, Climarie Castilla (Climarie) connived in filing a case against him for violation of Republic Act No. 9262 or the Violence Against Women and Their Children Act of 2004 (VAWC).

In her Comment<sup>[3]</sup> dated November 23, 2017, Judge Hugo denied the allegations of Judge Castilla and countered that the complaint was ill-motivated because Judge Castilla bears a grudge against her. First, Judge Hugo explained that the Estafa and Theft cases filed by Judge Castilla were dismissed upon the recommendation of Prosecutor Cyril G. Viva for lack of probable cause. She maintained that said finding was affirmed by another prosecutor, who eventually resolved the motion for reconsideration. According to Judge Hugo, the Department of Justice (DOJ) sustained the dismissal, when Judge Castilla elevated the dismissal of the said cases for review. Second, Judge Hugo countered that her supposed "dismissal of a certain rape case raised by some person" was a complete hearsay. Third, on the filing of the perjury case against Wang, Judge Hugo strongly denied being personally involved in the filing of the said case. Fourth, as regards the parking re-assignment Judge Hugo explained that the re-assignment of priority parking slots was made due to security concerns following the murder of Judge Godofredo B. Abul, Jr. She added that a recommendation<sup>[4]</sup> for the parking re-assignment was submitted by the Committee on Parking and Beautification and was approved by Executive Judge Emmanuel E. Escatron per Office Memorandum No. 34-2017<sup>[5]</sup> dated August 17, 2017. Lastly, Judge Hugo claimed that she never had a hand on the VAWC complaint filed by Climarie against him.

On February 1, 2018, Judge Hugo filed a Supplemental Comment<sup>[6]</sup> and prayed that the same be considered as her initiatory complaint against Judge Castilla. Judge Hugo alleged that it was Judge Castilla who possessed reprehensible behavior and committed acts prejudicial to the best interest of service. The counter-charges of Judge Hugo are the following: (1) Judge Castilla does not respect hierarchy of courts; (2) Judge Castilla is fond of insulting his colleagues; (3) Judge Castilla does not follow office memorandum; and (4) Judge Castilla's involvement with a lawyer of the Public Attorney's Office (PAO) showed lack of integrity.

Judge Hugo submitted several documents in support of her counter charges, to wit: (1) copy of Omnibus Order<sup>[7]</sup> dated August 8, 2016 issued by Judge Castilla, showing that he ignored a directive of RTC-Branch 5, Butuan City, for him to conduct further proceedings on revived criminal cases; (2) copy of an Order of Dismissal<sup>[8]</sup> dated December 16, 2013 issued by Judge Castilla, that showed unwarranted words against a prosecutor; (3) Affidavit<sup>[9]</sup> dated January 14, 2019 executed by Judge Augustus L. Calo, attesting to the allegation that Judge Castilla does not follow the office memorandum on flag raising and flag lowering ceremonies; and (4) Transcript<sup>[10]</sup> of messages, culled from Judge Castilla's cellular phone, that showed exchange of text messages between Judge Castilla and the said PAO lawyer, his alleged paramour.

In his Reply<sup>[11]</sup> dated April 16, 2018, Judge Castilla submitted documents in support of his allegations in his original complaint. Judge Castilla reiterated past misdemeanors allegedly committed by Judge Hugo during her stint as provincial prosecutor. Judge Castilla denies the counter charges hurled against him and reiterated the allegations in his complaint against Judge Hugo.

### **The OCA's Report and Recommendation**

The OCA found that the issues presented by the conflicting claims of Judge Castilla and Judge Hugo should be ventilated in a formal investigation, where parties can present their respective evidence. It was recommended that the complaint be referred to the Executive Justice of the Court of Appeals, Cagayan de Oro City.<sup>[12]</sup>

Thus, the Court issued a Resolution<sup>[13]</sup> dated October 10, 2018 referring the case to the Presiding Justice of the Court of Appeals, Cagayan de Oro City, for raffle, investigation, report, and recommendation within 90 days from receipt of records.

### **Report and Recommendation of the Investigating Justice**

In his Report and Recommendation,<sup>[14]</sup> Investigating Justice Oscar V. Badelles (Justice Badelles) found that the charges against Judge Hugo warrant a dismissal.

As regards the counter-charges against Judge Castilla, it was held that he was guilty of gross misconduct by failing to obey the lawful order of a superior court, and by failing to be impartial and granting undue advantage to a certain PAO lawyer whom he allegedly had an illicit affair. Justice Badelles found probable cause against Judge Castilla for violation of Canons 2 and 4 of the Code of Judicial Conduct, after giving credence to the transcript of the short message exchanges between Judge Castilla and the said PAO lawyer. The dispositive portion reads as follows:

WHEREFORE, it is respectfully recommended that the complaint against Judge Marigel Dagani-Hugo be DISMISSED.

We further recommend, after finding probable cause, that the case against Judge Dennis B. Castilla be elevated to an Administrative Charge. We further recommend, after trial, that Judge Castilla be meted the penalty of FINE in the amount of [P]40,000.00, with a STERN WARNING that a repetition of the same or similar offense shall be dealt with more severely, for violation of Canons 2 and 4 of the Code of Judicial Conduct of the Philippine Judiciary.

IT IS SO RECOMMENDED.<sup>[15]</sup>

On January 8, 2020, the Court issued a Resolution dismissing the administrative matter against Judge Hugo for lack of merit, and ordered that the counter-charges against Judge Castilla be docketed as a separate administrative matter.

On June 1, 2020, Judge Castilla filed a Most Urgent Manifestation/Appeal for Dismissal, praying for the outright dismissal of the counter-charges against him.

### **Issue**

The issue for the Court's resolution is whether or not Judge Castilla is administratively liable.