

EN BANC

[A.M. No. RTJ-10-2219, March 07, 2017]

OFFICE OF THE COURT ADMINISTRATOR, COMPLAINANT, VS. RETIRED JUDGE PABLO R. CHAVEZ, FORMER PRESIDING JUDGE, REGIONAL TRIAL COURT, BRANCH 87, ROSARIO, BATANGAS, ATTY. TEOFILO A. DIMACULANGAN, JR., CLERK OF COURT VI, MR. ARMANDO ERMELITO M. MARQUEZ, COURT INTERPRETER III, MS. EDITHA E. BAGSIC, COURT INTERPRETER III, AND MR. DAVID CAGUIMBAL, PROCESS SERVER, ALL OF REGIONAL TRIAL COURT, BRANCH 87, ROSARIO, BATANGAS, RESPONDENTS.

[A.M. No. 12-7-130-RTC]

RE: UNDATED ANONYMOUS LETTER-COMPLAINT AGAINST THE PRESIDING JUDGE, CLERK OF COURT AND COURT STENOGRAPHER OF THE REGIONAL TRIAL COURT, BRANCH 87, ROSARIO, BATANGAS.

D E C I S I O N**PER CURIAM:**

This administrative matter arose from the judicial audit conducted in the Regional Trial Court (RTC), Branch 87, Rosario, Batangas on March 2 to 4, 2009 in view of the then pending compulsory retirement of Judge Pablo R. Chavez (Judge Chavez) on August 17, 2009 and pursuant to Travel Order No. 09-A-2009.

I

Respondent Judge Chavez previously presided over Branch 87 of the RTC of Rosario, Batangas. In a Memorandum^[1] dated October 30, 2009, the judicial audit team reported that as of audit date, Branch 87 had a total caseload of 602 active cases consisting of 409 criminal cases and 193 civil cases. The report was based on the records actually presented to and examined by the team which are classified according to the status/stages of the proceedings:

STATUS/STAGES OF PROCEEDINGS	CRIMINAL	CIVIL	TOTAL
Warrants/Summons	18	1	19
Arraignment	23	0	23
Preliminary Conference, Pre-Trial, Mediation	22	24	46
Trial	278	87	365
For Compliance	4	13	17
No action Taken	0	2	2
No Further Action/Setting	21	21	42

Submitted for Resolution	11	10	21
Submitted for Decision	27	24	51
Suspended proceedings	4	7	11
Newly Filed	1	4	5
TOTAL	409	193	602^[2]

The audit team highlighted the items in the court's caseload and identified the case number, parties, nature of the case and latest court action. There were 17 criminal cases without further action or setting for a considerable length of time, four criminal cases where the accused had not been arraigned despite the lapse of a considerable length of time from the date the cases were filed, 11 criminal cases with pending incidents submitted for resolution and 27 criminal cases submitted for decision.^[3] Meanwhile, there were two civil cases where the court failed to take action from the time of their filing, 21 civil cases without further action or setting for a considerable length of time, 10 civil cases with unresolved motion or incident submitted for resolution and 24 civil cases submitted for decision.^[4]

The following are the audit team's general adverse findings: (1) case records are not well kept as they are not chronologically arranged and not paginated; there were typographical errors in several issued orders; (2) legal fees form are not attached to the records and the amounts of legal fees allegedly paid are merely enumerated on the pleadings while there were cases without even the breakdown of the fees paid; (3) there was no information as to whether the amount of sheriffs fees for the service of summons were cash advanced or subject to reimbursement as there were no documents available to support them; (4) the civil and criminal docket books were not updated and the civil docket book contained erasures as to the status of cases for nullity of marriage; (5) the court's semestral docket inventory for June to December 2008 was not accurate; (6) records in some criminal cases had no certificates of arraignment; (7) a cash count disclosed that the court had in its possession the amount of P29,240 as of March 4, 2009; (8) during the audit, a certain Ms. Rene Frane Arillano from Biga, Labo, Batangas, approached the team inquiring about correction of entry in the birth certificate as her name was misspelled and that her gender was typed "male" instead of "female." Asked why she was waiting outside, she said that she was waiting for Mr. Armando Ermelito M. Marquez (Marquez)^[5] who prepared for her the necessary documents needed for their filing. Asked to comment, Mr. Marquez stated that he merely referred Ms. Arillano to Atty. Jose Calingasan; (9) archiving of cases was resorted to even if the inaction was attributable to the non-compliance of government officers, bureaus and agencies to the directives of the court and the court's failure to set the cases for hearing; and (10) the court staff does not observe the mandatory flag ceremonies under Republic Act No. 8491^[6] and reiterated in Supreme Court (SC) Circular No. 37-98^[7] dated June 22, 1998 and SC Circular No. 62-2001^[8] dated September 27, 2001.^[9]

On the court's active cases, Judge Chavez was found to have failed to: (1) take any action on Civil Cases Nos. LRC 09-006, CC 09-013 from the time of their filing; (2) take further action on identified criminal and civil cases; (3) resolve the pending incidents and motions submitted for resolution on identified criminal and civil cases; (4) decide identified criminal and civil cases which were submitted for decision as early as 2007 and 2008; (5) resolve on time identified criminal cases; and (6)

present to the audit team the records of a criminal case. He was also reported to have irregularly issued an order of inhibition dated August 28, 2008 after the case had been submitted for decision on September 12, 2007. The audit team noted that except for three cases, in all the cases it identified, Judge Chavez failed to seek an extension to resolve or decide them. Even in the three cases where Judge Chavez sought an extension, he still incurred delay in deciding them.^[10]

The audit team further observed the following in the sampling of 85 decided and 27 archived annulment of marriage cases for the period 2004 to 2008: (1) the mandatory requirements to effect a valid substituted service of summons pursuant to *Manotoc v. Court of Appeals*^[11] were not strictly observed. Most of the summons issued and served by Process Server David Caguimbal were not personally served on the respondent. There was improper resort to substituted service of summons as the Return of Service does not indicate if there were several attempts made to personally serve summons within a reasonable period to respondent; (2) there were no liquidation reports on the amount withdrawn from the sheriffs' fees by the branch's process server for the service of summons; (3) in all cases, no order was issued by the court for the petitioner to furnish the Office of the Solicitor General (OSG) a copy of the petition and its annexes; (4) several cases proceeded even without the investigation report of the public prosecutor; (5) no notice of appearance was filed by the OSG in several cases and in some cases, the notices of appearance of the OSG appear to be mere photocopies; (6) in a considerable number of cases, the parties, counsel/s, the public prosecutor and the OSG were not duly furnished with copies of the notice of pre-trial conference and court orders. The records also show that no pre-trial briefs were filed in court; (7) petitions, affidavits, and the special power of attorney attached to the records of some cases were not duly notarized; (8) a motion in the records of a particular case was signed only by the petitioner; (9) there were dubious blank documents attached to the records of particular cases which contain the signatures of the psychologist and the petitioner; (10) the exhibits allegedly marked as mentioned in some decisions show that the documents were not actually marked and at times bear different or erroneous markings; (11) there were case records containing only three court orders; (12) most of the records have no minutes and/or transcript of stenographic notes (TSN) of the proceedings conducted; (13) most of the records show that the OSG and the respondent were not duly furnished copies of the decisions rendered; (14) a case was decided on January 24, 2009, a Saturday; (15) several pre-trial briefs in the records were undated and unsigned; (16) several psychological reports attached to the records were undated, unsigned and mere photocopies—the original copies were never presented in court; (17) on March 4, 2009, a Friday, Atty. Teofilo A. Dimaculangan (Atty. Dimaculangan), Branch Clerk of Court, conducted the marking of exhibits in Civil Case No. 08-020 entitled *Singson v. Singson* for annulment of marriage with Atty. Pamela P. Mercado, counsel for petitioner, without the presence of the prosecutor and without asking the assistance of any other staff of the court; (18) the *ex parte* motion for leave of court to allow service of summons by publication in SP No. 04-078 was notarized by Atty. Dimaculangan; (19) cases were archived even if the inaction was due to the failure of the process server to make a return of service of summons, failure of the prosecutor to submit the report on collusion and the court's failure to set the cases for hearing; (20) in several cases, the counsel who prepared the petition was not the one who handled the pre-trial and trial of the case; and (21) decisions were rendered despite the absence of a formal offer of exhibits for the petitioner or in some cases, no action was taken by

the court relative to the formal offer of exhibits submitted.^[12]

The Court in a Resolution^[13] dated February 1, 2010 resolved to:

1. **RE-DOCKET** the Judicial Audit report as an administrative complaint against:

a. Retired Judge Pablo R. Chavez, Presiding Judge, Regional Trial Court, Br. 87, Rosario, Batangas, for gross dereliction of duty, gross inefficiency, gross incompetence, serious misconduct, corruption and deliberate violation of the law on marriage;

b. Atty. Teofilo A. Dimaculangan, Jr., Clerk of Court VI, same court, for gross dereliction of duty, gross inefficiency, gross incompetence, serious misconduct, corruption, deliberate violation of the law on marriage and violation of Administrative Circular No. 3-2000 dated June 15, 2000 as amended by Administrative Circular No. 35-2004 dated August 20, 2004 which requires that daily collections shall be deposited every day with the nearest branch of the Land Bank of the Philippines and for violation of Supreme Court Circular No. 1-90;

c. Mr. Armando Ermelito M. Marquez, Court Interpreter III, same court, for gross inefficiency in his failure to make the minutes of the proceedings and for violation of Section 5, Canon IV of the Code of Conduct for Court Personnel for acting as a broker or agent for Atty. Jose Calingasan as declared by Ms. Rene Frane Arillano from Biga, Lobo, Batangas;

d. Ms. Editha E. Bagsic, Court Stenographer III, same court, for gross inefficiency and incompetence in the performance of official duties for violation of Administrative Circular No. 24-90 and corruption in connection with annulment of marriages cases; and

e. Mr. David Caguimbal, Process Server, this court, for gross irregularity in the service of summons on annulment of marriages cases.

2. **WITHHOLD the RELEASE** of the retirement benefits, except the Terminal Leave, of Judge Pablo R. Chavez pending the resolution of this administrative matter;

3. **DIRECT** the Fiscal Monitoring Division of the Office of the Court Management Office, Office of the Court Administrator, to conduct a detailed financial audit and to submit report thereon to determine whether the exact amount of legal fees was collected in all civil cases filed from 2002 to the present and if properly remitted to their appropriate accounts;

4. **DIRECT** all the judicial employees of the Hall of Justice, Rosario, Batangas to regularly observe the mandatory Flag ceremonies under RA 8491 and reiterated in Circular No. 37-98 dated June 22, 1998 and

Circular No. 62-2001 dated September 27, 2001; and

5. **DIRECT** Acting Presiding Judge Noel M. Lindog, Regional Trial Court, Br. 87, Rosario, Batangas to:

a. **Take appropriate action** in Crim. Case Nos. x x x which remained without action from the time of their filing or without further action for a considerable length of time and in Crim. Case Nos. x x x wherein accused had not been arraigned despite the lapse of a considerable length of time from the date the cases were filed;

b. **RESOLVE with dispatch** the pending incidents in the following cases and submit copy of each resolution to this Court, through this Office, within ten (10) days from their resolution:

x x x

c. **DECIDE with dispatch** the following criminal and civil cases submitted for decision and submit a copy of each decision to this Court, through this Office, within ten (10) days from its rendition:

[14]

x x x (Emphasis in the original.)

In a Resolution^[15] dated April 12, 2010, the Court required respondents to file their respective comments. After the respondents filed their comments, the Court, in a Resolution^[16] dated December 15, 2010, referred the case to the Office of the Court Administrator (OCA) for evaluation, report and recommendation.

II

In its June 3, 2011 Report,^[17] the OCA submitted the following recommendations:

1. The retirement benefits of Judge Pablo R. Chavez, Presiding Judge, Regional Trial Court, Branch 87, Rosario, Batangas, be FORFEITED, except his accrued leave credits, for corruption, gross dereliction of duty, gross inefficiency, gross incompetence, serious misconduct and deliberate violation of the law on marriage;

[2.] Atty. Teofilo A. Dimaculangan, Jr., Clerk of Court VI, of the same court, be DISMISSED from office with forfeiture of all retirement benefits, except his accrued leave credits, and with perpetual and absolute disqualification from re-employment in any branch or instrumentality of government, including government-owned or controlled corporations for gross dereliction of duty, gross inefficiency, gross incompetence, serious misconduct, corruption, deliberate violation of the law on marriage, Section 17, paragraph 1, Rule 136 of the Rules of Court, and violations of Administrative Circular No. 3-2000 dated June 15, 2000 as amended and Supreme Court Circular No. 1-90;

[3.] Ms. Editha E. Bagsic, Court Stenographer III, of the same court, be