



Republic of the Philippines
Supreme Court
Baguio City

EN BANC

**OFFICE OF THE COURT
ADMINISTRATOR,**
Complainant,

A.M. No. RTJ-12-2325
(Formerly A.M. No. 12-7-132-RTC)

- versus -

**JUDGE ALAN L. FLORES,
PRESIDING JUDGE,
REGIONAL TRIAL COURT,
BRANCH 7, TUBOD, LANA
DEL NORTE AND FORMER
ACTING PRESIDING JUDGE,
REGIONAL TRIAL COURT,
BRANCH 21, KAPATAGAN,
LANAO DEL NORTE,**
Respondent.

X ----- X
**PROSECUTOR DIOSDADO D.
CABRERA,**
Complainant,

A.M. OCA IPI No. 11-3649-RTJ

Present:

SERENO, *C.J.*,
CARPIO,
VELASCO, JR.,
LEONARDO-DE CASTRO,*
BRION,
PERALTA,
BERSAMIN,
DEL CASTILLO,
ABAD,
VILLARAMA, JR.,*
PEREZ,
MENDOZA,
REYES,
PERLAS-BERNABE, and
LEONEN, *JJ.*

- versus -

**JUDGE ALAN L. FLORES,
PRESIDING JUDGE,
REGIONAL TRIAL COURT,
BRANCH 7, TUBOD, LANA
DEL NORTE AND FORMER**

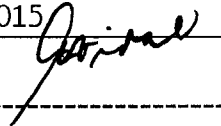
* On official leave.

**ACTING PRESIDING JUDGE,
REGIONAL TRIAL COURT,
BRANCH 21, KAPATAGAN,
LANAO DEL NORTE,**

Promulgated:

Respondent.

April 14, 2015



X-----X

DECISION

Per Curiam:

Before the Court are two consolidated administrative cases, A.M. No. RTJ-12-2325 (Formerly A.M. No. 12-7-132-RTC) and A.M. OCA IPI No. 11-3649-RTJ, filed against Judge Alan L. Flores (Judge Flores).

A.M. No. RTJ-12-2325 (Formerly A.M. No. 12-7-132-RTC)

This administrative case originated from an investigation conducted by the Office of the Court Administrator (OCA) pursuant to two anonymous letters alleging certain irregularities being committed by Judge Flores. The first letter dated April 28, 2011 was received on May 10, 2011 by the OCA and sent by a certain “John Hancock”¹ while the other was received on June 15, 2011 and sent by “Concerned Citizens.”²

Both letters accused Judge Flores of rendering favorable judgments in exchange for monetary consideration; of taking cognizance of, and deciding cases on annulment of marriage even if said cases were beyond the territorial jurisdiction of the courts he presided; and, that every time an audit team of the OCA visits Iligan, Lanao del Norte and Marawi City, Judge Flores would meet them at the airport, act as their driver, entertain them and even give presents for their return to Manila.³

In addition, “John Hancock” alleged that Judge Flores demands ₱5,000.00 for special proceedings and notarial commissions; that he maintains the services of four non-court personnel who regularly reported to him and acted as his errand boys, bag-men, personal security and drinking buddies; and if Judge Flores is not with his mistress in Cagayan de Oro City or Ozamis City, he is having drinking sprees from 3 p.m. until 7 or 8 p.m.

¹ Folder of Annexes, Annex “A”, pp. 1-3.

² Id., Annex “A-1”, pp. 4-8.

³ Id., Annex “A”, pp. 1-3, Annex “A-1”, pp. 4-8.

with his errand boys at “Randy’s Place” in Tubod, Lanao del Norte. Judge Flores also allegedly claims to be protected by one of the associate justices of the Supreme Court (SC) who is a former Free Legal Assistance Group lawyer, and by a “*Lawyer-Administrator*” who is assigned in Lanao del Norte.⁴

Acting on these anonymous letters, the Court, in a Resolution dated June 7, 2011, approved OCA’s request for an audit team (OCA team) to conduct an investigation and inspection of the pending and decided cases in the Regional Trial Court (RTC) of Tubod, Lanao del Norte, Branch 7, where Judge Flores is the presiding judge, and RTC of Kapatagan, Lanao del Norte, Branch 21, where Judge Flores presided in an acting capacity. The authority included an “on-the-spot” investigation/examination of any available document in other government offices which may have direct connection with the charges.⁵

OCA INVESTIGATION REPORT

After conducting its investigation from June 27, 2011 to July 8, 2011, the OCA team submitted its report dated September 12, 2011⁶ with the following findings and observations regarding the active/pending and decided cases before the trial courts presided by Judge Flores:

RTC of Tubod, Lanao del Norte, Branch 7

I. In the following active/pending cases for declaration of nullity of marriage,⁷ the OCA team noted an apparent disregard of A.M. No. 02-11-10-SC or the *Rule on Declaration of Absolute Nullity of Void Marriages and Annulment of Voidable Marriages*, as amended:

1) In *Salvador v. Salvador* (CC No. 07-659) filed on October 23, 2009, the petitioner alleged that he resides at “Titunod, Purok-1, Kolambugan, Lanao del Norte.” Per return of *subpoena*, however, the petitioner could not be found at the given address. During cross examination, petitioner claimed that he has been residing in a rented house in Kolambugan, Lanao del Norte for almost 20 years but he exercises his right of suffrage in Cagayan de Oro City. He also does not know the name of his landlord;⁸

⁴ Id., Annex “A”, pp. 1-3.

⁵ Id., Annex “A-3”, pp. 10-11.

⁶ *Rollo* (A.M. No. RTJ-12-2325), pp. 59-112.

⁷ Id. at 62-67.

⁸ Id. at 62-63.

2) In *Amba v. Amba* (CC No. 07-668) filed on March 7, 2011, the petitioner used a “care of” address (c/o BENITO “BOYET” MEGRINIO, Purok 4 Bag-ong Dawis, Baroy, Lanao del Norte, Philippines). In an Investigation Report dated July 26, 2010, Prosecutor Emelita Go (Prosecutor Go) reported that the petitioner admitted that she still works as a school teacher in Iligan City and “when she retires, she will live in Bag-ong Dawis, Baroy, Lanao del Norte;”⁹

3) In *Neri v. Neri* (CC No. 07-673) filed on April 17, 2010, the petitioner declared that she is a resident of “Purok 3, Bag-ong Dawis, Baroy, Lanao del Norte.” During direct and cross-examination, the petitioner testified that she is a resident of Bag-ong Dawis, Tubod, Lanao del Norte. Prosecutor Diosdado Cabrera (Prosecutor Cabrera), being a resident of Tubod since birth, claimed that no “Barangay Bag-ong Dawis” exists in the Municipality of Tubod;¹⁰

4) In *Dabuet v. Dabuet, Jr.* (CC No. 07-674) filed on April 7, 2010, the petitioner alleged that she resides at “Mukas, Kolambugan, Lanao del Norte,” while her husband lives at Corrales Dolores Corner, Fernandez Street, Cagayan de Oro City. During cross-examination, the petitioner testified that the signature appearing on the summons purportedly signed and received by her husband is not his signature; hence, Prosecutor Cabrera manifested that there appears to be no proper service of summons on the respondent but Judge Flores failed to act on the matter;¹¹

5) In *Maybituin v. Dayanan-Maybituin* (CC No. 07-684) filed on July 8, 2010, the petitioner declared that he is a resident of “Poblacion, Baroy, Lanao del Norte;” however, in his Employment Contract dated March 23, 2010, the petitioner’s residence was 1162 Purok Roadside, Suarez, Iligan City. Even on the assumption that he became a resident of Baroy, Lanao del Norte after March 23, 2010, the petitioner still lacked the requisite “six months residency” at the time the case was filed on July 8, 2010. Consequently, the case should have been dismissed for lack of jurisdiction.¹²

The OCA team made similar observations of violation of the rule on venue in *Benitez v. Benitez* (CC No. 07-686),¹³ *Narvasa v. Narvasa* (CC No. 07-688),¹⁴ *Emborong v. Ornopia* (CC No. 07-692),¹⁵ *Cangcolcol v. La Viña* (CC No. 07-694),¹⁶ and *Mancia v. Mancia* (CC No. 07-697).¹⁷

⁹ Id. at 63.

¹⁰ Id. at 63-64.

¹¹ Id. at 64-65.

¹² Id. at 65.

¹³ Id.

¹⁴ Id. at 65-66.

¹⁵ Id. at 66.

¹⁶ Id.

¹⁷ Id. at 66-67.

II. The following cases on declaration of nullity of marriage,¹⁸ meanwhile, were resolved by Judge Flores within six (6) months to one (1) year and seven (7) months from the date of filing. The OCA team also noted similar violations of the rule on venue:

1) In *Placibe v. Placibe* (CC No. 07-606) filed on March 23, 2007, the petitioner's address is "c/o Arsenia Ybañez, Mukas, Kolambugan, Lanao del Norte" and that the respondent's residence is at Tolosan, Balingasag, Misamis Oriental. Prosecutor Cabrera, however, reported that both parties are residents of Balingasag, Misamis Oriental and recommended the dismissal of the petition since the petitioner admitted the foregoing fact in the course of his investigation. Despite this, Judge Flores set aside Prosecutor Cabrera's report because according to him, the role of the prosecutor in the investigation is only to determine if collusion exists between the parties, or if the evidence is being suppressed. The petition was granted after one (1) year and seven (7) months from its filing.¹⁹

2) In *Eusebio v. Eusebio* (CC No. 07-626) filed on September 17, 2008, the petitioner declared her address as "Poblacion, Tubod, Lanao del Norte" but "she can be served with notices and other court processes at the residence of her parents in Ronquillo Obina's residence, Purok 2, Camague, Tomas Cabili, Iligan City." The respondent also stated that the petitioner is not a resident of Tubod, Lanao del Norte. Judge Flores granted the petition after only ten (10) months from filing;²⁰

3) In *Mante v. Mante* (CC No. 07-594) filed on August 16, 2006, the petitioner declared his address as "Brgy. Poblacion, Kolambugan, Lanao del Norte, c/o Sanny Sy" and that the respondent resides in Catagbacan Sur, Loon, Bohol. Their marriage certificate, however, stated that they were both residents of Catagbacan Sur, Loon, Bohol. Moreover, the officer's return of service of *subpoena* stated that "subject person cannot be found x x x." Prosecutor Cabrera filed a manifestation asking for the dismissal of the case on the ground that none of the parties are residing within the territorial jurisdiction of the court. Judge Flores, nevertheless, granted the petition after one (1) year and seven (7) months from its filing.²¹

Similar cases were also noted by the OCA team to have been decided by Judge Flores in disregard of the rule on venue, namely: (1) *Patuasic v. Patuasic* (CC No. 07-658),²² (2) *Obsioma v. Obsioma* (CC No. 07-653),²³ (3)

¹⁸ Id. at 67-90.

¹⁹ Id. at 67-69.

²⁰ Id. at 69-70.

²¹ Id. at 70-71.

²² Id. at 71-72.

²³ Id. at 72-73.

Tablason v. Tablason (CC No. 07-647),²⁴ (4) *Patana v. Patana* (CC No. 07-646),²⁵ (5) *Amper v. Amper* (CC No. 07-671),²⁶ (6) *Carreon v. Carreon* (CC No. 07-612),²⁷ (7) *Labunog-Catambacan v. Catambacan* (CC No. 07-634),²⁸ (8) *McFarlane v. McFarlane* (CC No. 07-678),²⁹ (9) *Del Rosario v. Del Rosario* (CC No. 07-675),³⁰ (10) *Emano v. Emano* (CC No. 07-611),³¹ (11) *Dela Cruz v. Saldivar* (CC No. 07-635),³² (12) *Alcopra v. Salazar* (CC No. 07-681),³³ (13) *Caidic v. Caidic* (CC No. 07-685),³⁴ and (14) *Musni v. Musni* (CC No. 07-644).³⁵

III. In *Gallibot v. Gallibot* (SPL. PROC. No. 194-07-2009), a petition for judicial declaration of presumptive death based on Article 41 of the Family Code filed on November 13, 2009, the residential address of the petitioner – Pantalan, Tubod, Lanao del Norte – was non-existent; yet, Judge Flores granted the petition after four (4) months from filing.³⁶

IV. Criminal cases with incidents that were resolved by Judge Flores beyond the reglementary period, and those with incidents that remain pending even after the reglementary period to resolve has already lapsed,³⁷ to wit:

1) In *People v. Pinuti, Jr.* (CR No. 270-07-2006 for Attempted Rape), a motion for early resolution of the motion to dismiss was filed by the accused on January 10, 2008 and was granted on January 11, 2008. The motion to dismiss was resolved only on February 23, 2009 or one (1) year and one (1) month from January 11, 2008,³⁸

2) In *People v. Rivera, et al.* (CR No. 322-07-2006 for Robbery by Use of Force Upon Things), the motion to dismiss was resolved after one (1) year and six (6) months from the date the Comment thereon was filed,³⁹

3) In *People v. Gomera and Alfafara* (CR No. 358-07-2006 for Violation of Presidential Decree No. 705, as amended), the demurrer to evidence (including the opposition and comment) remains pending from

²⁴ Id. at 73-74.

²⁵ Id. at 74-75.

²⁶ Id. at 75-77.

²⁷ Id. at 77-78.

²⁸ Id. at 78.

²⁹ Id. at 78-79.

³⁰ Id. at 79-80.

³¹ Id. at 80-83.

³² Id. at 83-85.

³³ Id. at 85-87.

³⁴ Id. at 87-89.

³⁵ Id. at 89-90.

³⁶ Id. at 90-92.

³⁷ Id. at 92-95.

³⁸ Id. at 92.

³⁹ Id.

January 25, 2010 up to the time the OCA team conducted the investigation, or a delay of more than one (1) year and five (5) months;⁴⁰

4) In *People v. Mautin, et al.* (CR No. 569-07-2008 for Qualified Theft), the resolution of the motion for reconsideration was delayed by about five (5) months, while the notice of appeal was resolved after one (1) year and four (4) months;⁴¹

5) In *People v. Pasanting* (CR No. 763-07-2010 for Homicide), the resolution of the motion for reconsideration was delayed by about eight (8) months while the notice of appeal was resolved after one (1) year and four (4) months;⁴²

6) In *People v. Guigue and Clerigo* (CR No. 773-07-2010 for Violation of Section 3(e) of the Republic Act [R.A.] No. 3019), the motion to dismiss was resolved after seven (7) months;⁴³

7) In *People v. Buale* (CR No. 363-07-2006 and CR No. 526-07-2008 for Violation of Sections 12 and 15 of Article II of the R.A. No. 9165), the motion for reconsideration remains unresolved since November 26, 2010 up to the time the OCA team arrived in the RTC of Tubod, Lanao del Norte, Branch 7, or a delay of more than seven (7) months.⁴⁴

RTC of Kapatagan, Lanao del Norte, Branch 21

I. Pending/active cases where the rule on venue may have also been violated:⁴⁵

1) In *Southey v. Palmes* (CC No. 21-350) filed on February 16, 2010, evidence showed that the petitioner's real address is Manolo Fortich, Bukidnon and not Taguitic, Kapatagan, Lanao del Norte. Judge Flores, however, disregarded this in favor of an unnotarized lease contract and denied the respondent's motion to dismiss. The OCA team also interviewed Sabina Alta, the purported landlady of the petitioner, and she categorically stated that the petitioner never resided nor brought any personal belongings inside her house;⁴⁶

⁴⁰ Id. at 93.

⁴¹ Id. at 93-94.

⁴² Id. at 94.

⁴³ Id.

⁴⁴ Id. at 94-95.

⁴⁵ Id. at 95-101.

⁴⁶ Id. at 96-100.

2) In *Rocamora v. Rocamora* (CC No. 21-365) filed on July 1, 2010, the case should have been dismissed outright based on the prosecutor's first report since the petitioner used a "care of" address; however, Judge Flores set aside the report because according to him, the role of the prosecutor in the investigation is only to determine if collusion exists between the parties, or if the evidence is being suppressed.⁴⁷

II. Cases where Atty. Bernardino Bering, Clerk of Court VI, RTC of Kapatagan, Lanao del Norte, Branch 21, allegedly usurped the function of a judge by issuing orders during preliminary conference.⁴⁸

1) *Lim v. Undag, et al.*, CC No. 21-322 for Sum of Money *etc.*, Order dated May 9, 2011;

2) *Cartin v. Cartin*, CC No. 21-372 for Annulment of Marriage, Order dated July 13, 2011;

3) *Rocamora v. Rocamora*, CC No. 21-365 for Nullity of Marriage, Order dated May 12, 2011;

4) *Heirs of Basiao, et al. v. Heirs of Abadies, Sr.*, CC No. 21-366 for Recovery of Possession, Order dated January 24, 2011;

5) *Albano v. Damalerio, et al.*, CC No. 21-363 for Sum of Money, Orders dated June 27, 2011 and April 25, 2011;

6) *Gonzaga v. Papalid*, CC No. 21-356 for Recovery of Possession and Ownership, Order dated June 27, 2011;

7) *Tormis, Jr., et al. v. Tormis*, CC No. 21-354 for Judicial Partition, Order dated June 13, 2011;

8) *Heirs of Opada, Sr. v. Sison, et al.*, CC No. 21-344 for Partition, Order dated March 21, 2011;

9) *Jasmin, et al. v. Jasmin and Tagalogon*, CC No. 21-269 for Recovery of Ownership, Order dated March 21, 2011;

10) *Heirs of Polbos v. Sps. Polbos*, CC No. 21-280 for Recovery of Possession and Ownership, Order dated June 6, 2011.

⁴⁷ Id. at 100-101.

⁴⁸ Id. at 101-102.

Consequently, the OCA submitted to the Court a Memorandum⁴⁹ dated May 31, 2012. The OCA agreed with the observations of the OCA team that the practices in Branches 7 and 21 presided by Judge Flores were “patently inconsistent and contrary to the Rules of Court, especially in A.M. No. 02-11-10-SC,”⁵⁰ and recommended that:

1. The OCA Investigation Report dated 12 September 2011 be **DOCKETED** as a formal administrative complaint against **Judge Alan L. Flores**, Regional Trial Court, Branch 7, Tubod, Lanao del Norte and **CONSOLIDATED** with A.M. OCA IPI No. 11-3649-RTJ entitled “*Prosecutor Diosdado D. Cabrera vs. Judge Alan L. Flores*;”
2. Judge Alan L. Flores be **IMMEDIATELY** placed under **PREVENTIVE SUSPENSION** from the service, pending final resolution of herein administrative cases or until further orders from the Supreme Court;
3. Judge Alan L. Flores be found **GUILTY** of Gross Ignorance of the Law and Gross Misconduct and be **DISMISSED** from the service, with forfeiture of all retirement benefits and privileges, with prejudice to reinstatement in any branch of government service, including government-owned and controlled agencies or corporations:
 - a. for acting and taking cognizance of the following nullity of marriage cases in violation of A.M. No. 02-11-10-SC, as amended, wherein the petitioners used the abbreviation “c/o” (care of) in their addresses in their respective petitions: Civil Cases (still active) Nos. 07-668; 07-688 and 21-365;
 - b. for acting and taking cognizance of Civil Case No. 07-684 and 07-686, for nullity of marriage, despite the fact that petitioner failed to comply with the requisite six (6) months residency under the rule;
 - c. for deciding the following nullity of marriage cases in favor of petitioners, even if they used the abbreviation “c/o” in their respective addresses: Civil Case Nos. 07-606; 07-594; 07-658; 07-653; 07-635; and 07-644;
 - d. for failing to make a judicious assessment of the allegations contained in the petitions for declaration of nullity of marriage and annulment of marriage (*which are still active/pending in the respective court dockets*), particularly with respect to the addresses of petitioners, even if there are documentary and/or testimonial evidence that attest to the fact that the petitioners are actually residents of places outside the territorial jurisdiction of his courts, to wit: Civil Case Nos. 07-659; 07-673; 07-692; 07-697 and 21-350;
 - e. for deciding the following nullity of marriage and annulment of marriage cases in favor of petitioners even if there are documentary and testimonial evidence that they are not actually residents of the place they alleged in their respective petitions, to wit: Civil Case [Nos.] 07-626; 07-647; 07-646; 07-671; 07-612; 07-634; 07-678; 07-675; 07-611; 07-681 and 07-685; and

⁴⁹ Id. at 1-58.

⁵⁰ Id. at 45.

- f. for deciding the case of “*Daisy L. Gallibot vs. Dedios T. Gallibot*” for Judicial Declaration of Presumptive Death, docketed as Spl. Proc. No. 194-07-2009, in favor of petitioner even if petitioner failed to establish her residency in Tubod, Lanao del Norte.
4. Judge Alan L. Flores be found **GUILTY** of Undue Delay in Rendering an Order in the following seven (7) criminal cases and be **FINED** in the maximum amount of Twenty Thousand Pesos (Php 20,000.00), to wit:
- x x x x
5. Atty. Bernardino M. Bering, Clerk of Court VI, RTC, Branch 21, Kapatagan, Lanao del Norte, be **DIRECTED** to **SHOW CAUSE**, within ten (10) days from notice, why no administrative sanction should be imposed upon him for usurping the function of a judge when he issued orders during the respective preliminary conferences in the following ten (10) civil cases: Civil Case Nos. 21-322; 21-372; 21-365; 21-366; 21-363; 21-356; 21-354; 21-344; 21-269; and 21-280; and
6. Atty. Bernardino M. Bering be **DIRECTED** to ensure that each case record/rollo in RTC, Br. 21, Kapatagan, Lanao del Norte is properly stitched.⁵¹ (Citations omitted)

A.M. OCA IPI No. 11-3649-RTJ

While the OCA team was conducting its investigation, they were informed by Prosecutor Cabrera, who was then assigned to handle the cases in Branch 7, that he filed an affidavit-complaint against Judge Flores, which was docketed as A.M. OCA IPI No. 11-3649-RTJ. Prosecutor Cabrera’s Affidavit-Complaint⁵² dated April 29, 2011 was endorsed⁵³ by the Sangguniang Panlalawigan of Lanao del Norte.

Particularly, Prosecutor Cabrera charged Judge Flores with violating the provisions of SC Administrative Circular No. 23-95⁵⁴ dated October 11, 1995 when he failed to timely resolve several incidents in Criminal Cases Nos. 270-07-2006 and 322-07-2006.⁵⁵ Prosecutor Cabrera also claimed that Judge Flores neglected to resolve incidents in eight criminal cases,⁵⁶ which were then pending in his *sala*, and that he rendered favorable decisions in numerous petitions for Declaration of Nullity of Marriage in exchange for monetary consideration even if the parties reside in areas outside the territorial jurisdiction of his courts.⁵⁷ It was also alleged that he maintained the services of Oscar Flores (Oscar), Gedeon Catedral (Gedeon),⁵⁸ Mario Capalac and Jeter Flores (Jeter) who served as his driver, unofficial security

⁵¹ Id. at 53-58.

⁵² *Rollo* (A.M. OCA IPI No. 11-3649-RTJ), pp. 1-9.

⁵³ Id. at 19-20.

⁵⁴ Otherwise known as “*Speedy Disposition of Cases Involving Children*”.

⁵⁵ *Rollo* (A.M. OCA IPI No. 11-3649-RTJ), p. 1.

⁵⁶ Criminal Cases Nos. 358-07-2006, 21-1504, 569-07-2008, 568-07-2008, 763-07-2010, 773-07-2010, 363-07-2006 and 526-07-2008, id. at 1-3.

⁵⁷ Id. at 3-8.

⁵⁸ Also referred to as Gideon Catedral.

guards and bribe collectors.⁵⁹

Judge Flores filed a Comment⁶⁰ dated June 17, 2011, alleging, among others, that Prosecutor Cabrera has an “attitude problem” and that he has an inclination to indiscriminately file cases against anyone who incurs his displeasure. He also admitted that there was delay in the resolution of pending incidents but this was due to the heavy caseload of Branches 7 and 21, and that he already issued several orders and resolutions in June 2011 to address these. Judge Flores clarified that he only inherited the petitions for declaration of nullity of marriage from the previous presiding judge of Branch 21. Nevertheless, he claimed that the rule on declaration of absolute nullity of marriage does not require a judge to verify the exact address of the parties, and that the prosecutor is in a better position to verify the veracity of the parties’ statements.

In a Memorandum⁶¹ dated June 8, 2012, the OCA found merit in Prosecutor Cabrera’s administrative complaint and recommended that:

1. [T]he instant administrative matter be **RE-DOCKETED** as a regular administrative matter; and
2. Judge Alan L. Flores, Regional Trial Court, Branch 7, Tubod, Lanao del Norte be found **GUILTY** of incompetence and inefficiency and be **FINED** the amount of ₱20,000.00.⁶²

On July 10, 2012, the Court issued a Resolution,⁶³ which reads:

(a) **RE-DOCKET** this matter as A.M. No. RTJ-12-2325 (Office of the Court Administrator vs. Judge Alan L. Flores, RTC, Branch 7, Tubod, Lanao del Norte) and **CONSOLIDATE** with A.M. OCA IPI No. 11-3649-RTJ (Prosecutor Diosdado D. Cabrera v. Judge Alan L. Flores);

(b) **PREVENTIVELY SUSPEND** Judge Flores pending final resolution of above-consolidated administrative complaints, effective immediately and until further orders from this Court;

⁵⁹ *Rollo* (A.M. OCA IPI No. 11-3649-RTJ), p. 8.

⁶⁰ *Id.* at 41-62.

⁶¹ *Id.* at 165-169.

⁶² *Id.* at 169.

⁶³ Court Resolution in A.M. No. 12-7-132-RTC (Re: Report on the Investigation Conducted in the RTC, Branch 7, Tubod and RTC, Branch 21, Kapatagan, both in Lanao del Norte and both Presided by Judge Alan L. Flores); *id.* at 170-171.

(c) **REQUIRE** Atty. Bernardino M. Bering, Clerk of Court VI, RTC, Branch 21, Kapatagan, Lanao del Norte, to **SHOW CAUSE**, within ten (10) days from notice hereof, why no administrative sanction should be imposed upon him for usurping the functions of a judge when he issued orders during the respective preliminary conferences in the following ten (10) civil cases: Civil Case Nos. 21-322, 21-372, 21-365, 21-366, 21-363, 21-356, 21-354, 21-344, 21-269 and 21-280; and

(d) **DIRECT** Atty. Bering to ensure that each case record/*rollo* in the RTC, Branch 21, Kapatagan, Lanao del Norte is properly stitched. x x x

The Court further Resolved to **REFER** the subject administrative complaints to Executive Justice Romulo V. Borja of the **COURT OF APPEALS-CAGAYAN DE ORO CITY** for assignment to one of the Justices therein, and then, for investigation, report and recommendation on the complaints, all within ninety (90) days from notice hereof. x x x⁶⁴

In his Comment⁶⁵ dated November 5, 2012, Judge Flores contended that the allegations in the letters are unfounded and are mere attempts to put him in a bad light, especially since the letters are not supported by “public records of indubitable integrity.”⁶⁶ The cases before his courts are decided based on the merits and the evidence presented and that only those required by law on notarial commissions and special proceedings are charged with a ₱5,000.00 fee and its collection is the responsibility of the Office of the Clerk of Court. Further, the people who come to his court are accorded with utmost respect and consideration. Finally, he denied the accusations that he keeps a mistress; that he engages in a habitual drinking spree; and that he entertains OCA teams in an excessive and lavish fashion whenever they visit his *sala*.

INVESTIGATION OF THE COURT OF APPEALS

The Court of Appeals-Mindanao Station (CA) received the evidence for the complainants, which consisted of documents⁶⁷ and the testimonies of Prosecutor Cabrera, Ricardo Dayak, Sr. (Dayak), Atty. Dorothea Saligan-Basalo (Atty. Saligan-Basalo) and Randy Nadusa Quijano

⁶⁴ Id.

⁶⁵ *Rollo* (A.M. No. RTJ-12-2325), pp. 123-130.

⁶⁶ Id. at 124.

⁶⁷ Consisting of two folders – for complainant Prosecutor Cabrera containing Exhibits “A” to “T”, and for the OCA containing Annexes “A” to “C”, with submarkings. Also presented are the original records of Civil Cases Nos. 07-606, 07-626, 07-594, 07-658, 07-653, 07-647, 07-646, 07-671, 07-612, 07-678, 07-611, 07-635, 07-681, 07-685, 07-644, SPL PROC Case No. 194-07-2009, Civil Case Nos. 21-350, 21-365, and 21-322, with markings Annexes “D” to “V”, and the 1st Indorsement letter dated July 13, 2011 of the office of the Chief Justice referring the letter of the Acting Secretary to the Sangguniang Panlalawigan of the Province of Lanao del Norte to the OCA, marked as Annex “W”.

(Quijano).⁶⁸

Prosecutor Cabrera, in addition to the allegations in his complaint, testified that in *Tablason v. Tablason* (CC No. 07-647), the Prosecutor's Office, through Prosecutor Go, declared that the venue was improperly laid; however, per Order dated September 17, 2009, Judge Flores pronounced that, "[t]he determination of compliance of residence is addressed to the Court and not the Investigating Prosecutor whose determination is that of collusion of the parties or the evidence is suppressed. Whether she is an actual [resident] of Tubod, Lanao del Norte could be threshed out in due time when [the] petitioner presents her evidence."⁶⁹ According to Prosecutor Cabrera, there were many instances when the actual residence of the parties were discovered during trial but Judge Flores ignored these and did not even issue a show cause order requiring the parties to explain why their respective petitions should not be dismissed. Worse, the latter even asked leading questions in order to remedy said procedural flaw. Prosecutor Cabrera added that since 2004, a total of 96 cases for annulment of marriage and declaration of nullity of marriage have been filed in Branch 7, while 17 similar cases were filed in Branch 21 since Judge Flores became its acting judge in December 2009.⁷⁰

On cross-examination, Prosecutor Cabrera admitted that the Prosecutor's Office neither moved for reconsideration nor appealed Judge Flores' decisions in these cases because it was not authorized by the Office of the Solicitor General (OSG) to do so. He also admitted that he did not call the attention of the OSG on the perceived irregularities in these cases. He asserted, however, that he rigorously cross-examined the petitioners, and in fact, some of them candidly admitted before the court that they are not residing within the territorial jurisdiction of Branch 7. Nevertheless, Prosecutor Cabrera also admitted that he did not file any motion to have the petitioners cited for contempt, or move for the dismissal of the petitions or any similar action, as he sensed that Judge Flores was actually helping some of the petitioners.⁷¹

Dayak, meanwhile, testified⁷² that Judge Flores extracted money from him in exchange for a favorable judgment in his son's cases, which were then pending trial before his court.

⁶⁸ *Rollo* (A.M. No. RTJ-12-2325), p. 150.

⁶⁹ *Id.* at 150-151.

⁷⁰ *Id.*

⁷¹ *Id.* at 151.

⁷² *Id.* at 151-152, *rollo* (A.M. OCA IPI No. 11-3649-RTJ), pp. 178-181.

According to Dayak, he purposely sought audience with Judge Flores sometime in 2004 at the residence of Mr. and Mrs. Romeo Bringuela (Spouses Bringuela) in Limot Village, Poblacion, Tubod, Lanao del Norte where Judge Flores was temporarily residing. He told Judge Flores about the predicament of his son who was facing two criminal cases for violation of Sections 5 and 11 of Article II of R.A. No. 9165. Judge Flores assured him not to worry as long as he gives him ₱15,000.00. Despite his financial difficulties, Dayak gave the amount asked for. Thereafter, in one of their weekly drinking sessions some time in 2005, Judge Flores told him that he was about to decide the cases and he would be needing an additional amount of ₱15,000.00, which he gave. His son was eventually acquitted of the charges. He thanked Judge Flores for the favorable decision but the latter asked for another ₱15,000.00 as bonus but he failed to raise the same. When Oscar, Judge Flores' first cousin and allegedly one of his four errand boys, went to his house on behalf of Judge Flores to get the "bonus," he explained to Oscar his poor economic condition but the latter allegedly told him to personally reason with Judge Flores. When he went to speak with Judge Flores, he was immediately asked if he already brought the money – telling him of the urgency to produce it as his birthday was already forthcoming. Judge Flores also instructed him to get a goat and a pig from Spouses Bringuela in Limot, and to bring them to his house in Iligan City. When Dayak brought them as instructed, he was initially relieved to find that Judge Flores was not around as he feared that the latter might insist on the bonus he was asking, but as he was about to leave, Judge Flores arrived. Judge Flores then asked him, "*Dala nimo [D]oy?*" (Did you bring it [D]oy?). Dayak answered in the affirmative and pointed at the beasts. Judge Flores went fuming mad and in an angry voice said: "*Animal ka [D]oy! Peste ka! Yaw aka! Gibuangan ka nako? Bantay lang nang imong anak. Magmahay ra jug ka!*" (You're a son of a bitch! You are a pest! You are a devil! Are you fooling me? Watch out for your son. You will really regret!)⁷³

For her part, Atty. Saligan-Basalo stated that since her admission to the Philippine Bar in 2007, she has been engaged in private practice. She usually charges ₱30,000.00 acceptance fee and ₱1,000.00 per court appearance. Her office is in Tubod, Lanao del Norte and as such, her practice is generally confined to cases falling within the jurisdiction of Branches 7 and 21. She handles cases of declaration of nullity of marriage, among others.⁷⁴

Atty. Saligan-Basalo testified that in *Estrada v. Estrada* (CC No. 07-693), her services were personally engaged by Judge Flores on behalf of the petitioner. She recalled that before the start of a hearing, Judge Flores

⁷³ *Rollo* (A.M. OCA IPI No. 11-3649-RTJ), id.

⁷⁴ *Rollo* (A.M. No. RTJ-12-2325), p. 152.

summoned her to the staff room where Haylane Estrada (Haylane) who had a pending case for annulment of marriage was introduced to her. He asked her to handle the petition for an acceptance fee of ₱20,000.00 without, however, mentioning anything about her appearance fee. After Haylane left, Judge Flores asked her to join him in his chamber where he told her, “*Mantiner lang ha, unhan ta ka ug ₱10,000.00*” (Please bear with me, I will just give you an advance of ₱10,000.00.). Judge Flores later handed her the amount as advance, but she never received anymore the ₱10,000.00 remaining balance.⁷⁵

During cross-examination, Atty. Saligan-Basalo stated that when she asked Haylane about the balance, the latter said, “*Attorney, toa naman tanan ni Judge*” (Attorney, the whole amount was already with Judge.), adding, “*I gave him ₱80,000.00 because it’s a package deal.*” Atty. Saligan-Basalo replied, “*You better talk it up [with him] because I don’t have anything to do with your transaction. What I get is only for my services.*” The respondent in *Estrada* did not participate in the proceeding, and the case was later decided by Judge Flores in favor of Haylane.⁷⁶

The same thing happened in *Aradas v. Aradas* (CC No. 07-687), another case for declaration of nullity of marriage. Judge Flores introduced Atty. Saligan-Basalo to petitioner Benjamin Aradas (Benjamin), and asked her to handle his petition. When Atty. Saligan-Basalo interviewed Benjamin, the latter told her that the partial payment of her acceptance fee will be belatedly given to her. After a couple of days, an envelope containing ₱10,000.00 was left in her office. According to her staff, it came from a certain Gideon Catedral, allegedly a personal aide of Judge Flores. Thinking of the *Estrada* case as a pattern, she presumed that it was the acceptance fee for the *Aradas* case.⁷⁷

Atty. Saligan-Basalo further testified that she did not directly receive her acceptance fee from either Haylane or Benjamin, and neither did she dare refuse to handle said cases nor ask Judge Flores about the actual amount of acceptance fees for fear of jeopardizing her other cases pending in Branches 7 and 21. In the course of her cross-examination, Atty. Saligan-Basalo categorically stated that the acceptance fee in the *Estrada* case was personally handed to her by Judge Flores. She was also of the belief that the money intended for her acceptance fees in the cases of *Estrada* and *Aradas* were coursed through Judge Flores.⁷⁸

⁷⁵ Id. at 152-153, 159-161.

⁷⁶ Id. at 153, 160-161.

⁷⁷ Id. at 153.

⁷⁸ Id.

Witness Quijano testified that Judge Flores and his errand boys Gedeon and Jeter made money out of the case of his brother-in-law, Monceslao Lizada (Lizada), who was charged with Murder before the RTC Branch 7, docketed as Criminal Case No. 07-1474. According to Quijano, Jeter approached him and inquired if he is related to Lizada. Upon knowing that Lizada is his brother-in-law, Jeter told him that the delay in the release of the accused can be avoided if he will personally talk to Judge Flores that afternoon at Little Randy's Store. Quijano agreed, but as Jeter was about to leave, the latter asked for ₱2,000.00, allegedly to be spent for lunch and a drinking session with Judge Flores. When he met with Judge Flores, the latter was with Gedeon, Jeter and Oscar. He immediately noticed the .380 calibre pistol on top of the table that Judge Flores occupied. Judge Flores immediately asked him if he can give ₱50,000.00 in exchange for the release order of his brother-in-law but he replied that his family cannot afford it. They negotiated until the amount of ₱20,000.00 was agreed upon. As he was about to leave, Gedeon and Jeter followed him and asked him to add ₱5,000.00 for the two of them.⁷⁹

Eager for Lizada's immediate release, Quijano's family pooled their resources, and in the morning of July 30, 2012, Quijano and his elder sister went to Poblacion, Tubod, Lanao del Norte to deliver the money to Judge Flores. On their way, Jeter kept calling his mobile phone in order to monitor their arrival. Jeter also instructed him to pass by Branch 7 and to proceed in front of the San Isidro Labrador Church, which is more or less 50 meters away from the court, where Jeter and Gedeon will follow. It was Gedeon who personally received the ₱20,000.00 intended for Judge Flores, and the ₱2,500.00 representing half of the ₱5,000.00 being asked by the two.⁸⁰

The evidence in behalf of Judge Flores, meanwhile, consisted of documents, his own testimony and the testimonies of Oscar, Conrado Hingco, Jr. (Hingco), and Gedeon.

Judge Flores stressed that as much as possible, he dutifully attended to all the cases before his *sala* and maintained his integrity in all proceedings. Judge Flores admitted that there was delay in the issuance of orders and court processes but this was due to the demands of the two courts he was handling. He denied the accusations of Dayak and Quijano, and although he admitted having heard of Dayak who was previously a public official, he, nevertheless, denied personally meeting him. On the other hand, he has never seen Quijano prior to the proceedings in the instant case and he was not aware that his brother-in-law, if ever he had one, had a pending case before his court. He also denied handling and resolving cases on declaration of nullity of marriages for monetary consideration, claiming that he would

⁷⁹ *Rollo* (A.M. OCA IPI No. 11-3649-RTJ), pp. 182-185.

⁸⁰ *Id.*

never tarnish his name and the integrity of the court with such abominable act. On the issue of whether the courts he handled are the proper venues for said cases, he reiterated that he merely relied on the declarations in the concerned petitions as these were verified and sworn under oath by the petitioners and the court cannot go beyond such declarations. He further pointed out that since the public prosecutors are mandated to investigate on the existence of collusion between the parties, they are the ones who are in the position to properly examine the actual residence of the parties. It was Prosecutor Cabrera or any concerned prosecutor, for that matter, therefore, who should have filed the proper motion upon their determination that neither the petitioner nor the respondent resides within the territorial jurisdiction of his courts. Judge Flores claimed that it was only upon his receipt of Prosecutor Cabrera's complaint-affidavit that he learned of the defects in some of the addresses of the parties.⁸¹

Hingco, Deputy Sheriff of Branch 7, testified in behalf of Judge Flores and sought to controvert Prosecutor Cabrera's allegation that the service of summons in *Dabuet v. Dabuet, Jr.* (CC No. 07-674 for Declaration of Absolute Nullity of Marriage and Custody of Children) was invalid. Hingco stated in his judicial affidavit that on August 15, 2010, he served the summons, together with a copy of the petition, on respondent Percival Dabuet, Jr. (Percival). According to Hingco, the person who received the summons confirmed that he was the respondent in the case, and that he was even accompanied by one Eden, who, allegedly, is Percival's best friend. Hingco, however, admitted during cross-examination that he did not ask Percival for any document that could properly confirm his identity. Judge Flores eventually upheld the validity of the service of summons on the ground of presumption of regularity in the performance of an official function and granted the petition. No appeal was interposed therefrom and the same has long become final and executory.⁸²

Gedeon sought to refute the allegations that Judge Flores demanded money from Quijano for the dismissal of the criminal case against the latter's brother-in-law, and that Judge Flores coursed the payment of Atty. Saligan-Basalo's acceptance fee in *Aradas* case through him. Essentially, Gedeon testified that: he has never met Quijano; he never accepted any money from him; and he has never contacted or gave any envelope containing money to a certain Atty. Saligan-Basalo.⁸³

Oscar denied receiving any amount from Dayak that was intended for Judge Flores, or for the acquittal of Dayak's son. Neither was he ordered by Judge Flores to negotiate with Dayak. He alleged that he is not familiar with

⁸¹ Id. at 282-288.

⁸² Id. at 290-291.

⁸³ Id. at 292-293.

Dayak, and that he has never been to the latter's house. He does not know of any case filed against Dayak's son, and he has never talked to Dayak about it. Oscar also denied any drinking spree that happened at the residence of Spouses Bringuela since Mrs. Bringuela, who happened to be his sister, is sickly and does not approve of such activity. He further averred that Dayak has never been to the residence of Spouses Bringuela.⁸⁴

CONSOLIDATED REPORT OF THE CA

In the Consolidated Report⁸⁵ dated June 11, 2013, Investigating Justice Renato C. Francisco (Justice Francisco) found sufficient evidence to hold Judge Flores administratively liable for ignorance of the law, gross misconduct and undue delay in rendering decisions and orders.

According to Justice Francisco, the "undisputed Investigation Report of the OCA" shows an alarming number of pending cases, as well as decided cases, where the actual residence of the parties are apparently not within the territorial jurisdiction of the courts presided by Judge Flores but these were disregarded, in violation of Section 4 of A.M. No. 02-11-10-SC, as amended. Moreover, Justice Francisco opined that in the petitions where "c/o" (care of) addresses were utilized, Judge Flores should have, at least, required the concerned parties to show cause why their respective petitions should not be dismissed, consistent with *Re: Report on the Judicial Audit Conducted in the RTC, Branch 60, Barili, Cebu*.⁸⁶ There were also several instances when the public prosecutor recommended the dismissal of the cases on ground of improper venue but Judge Flores simply stated that the prosecutor's role in these cases is merely to determine if collusion exists between the parties, or if evidence is being suppressed.⁸⁷

Judge Flores' acts also cast suspicion of personal interest in the cases before his court. Specifically, in the cases for declaration of nullity of marriage, Judge Flores rendered judgment in record time despite the heavy case load he was claiming. Such suspicion was validated by Atty. Saligan-Basalo, Dayak and Quijano who were all credible witnesses. Justice Francisco concluded that the special interest shown by Judge Flores in these cases constitutes gross misconduct, which was aggravated by the fact that it resulted in the pendency of incidents in other cases and prejudiced the affected parties. Moreover, these serious imputations were merely denied by Judge Flores *sans* evidence and he failed to show any ill motive on the part of the witnesses. Thus, Justice Francisco recommended that Judge Flores should be held liable for gross ignorance of the law and

⁸⁴ Id. at 294-295.

⁸⁵ *Rollo* (A.M. No. RTJ-12-2325), pp. 139-165.

⁸⁶ 488 Phil. 250 (2004).

⁸⁷ *Rollo* (A.M. No. RTJ-12-2325), pp. 157-159.

gross misconduct, and, citing *Re: Complaint of Dr. Virata against Judge Supnet*,⁸⁸ concurred with the recommendation of the OCA team that the penalty of dismissal should be imposed.⁸⁹

As regards the allegation that Judge Flores unduly delayed the resolution of pending incidents in other cases, he admitted that there was indeed delay due to the heavy caseload of the courts he was handling. Finding that Judge Flores did not even ask the Court for an extension of time to resolve the said incidents, Justice Francisco agreed with the OCA team that Judge Flores should be held liable for said infraction.⁹⁰

Accordingly, Justice Francisco recommended that:

1. Respondent Judge Alan Flores be held GUILTY of gross misconduct and gross ignorance of the law, and be DISMISSED from service with forfeiture of retirement benefits, except accrued leave credits, with prejudice to reemployment in any branch of the government nor any of its agencies or instrumentalities, including government-owned and controlled corporations;

2. For undue delay in rendering orders, respondent Judge Alan Flores be FINED in the amount of P20,000[.00]; and

3. The charge of usurpation of the judge's function against Atty. Bernardino Bering (raised by the OCA in its memorandum) be REFERRED to the Office of the Bar Confidant for appropriate action.⁹¹

Ruling of the Court

The Court concurs with the findings and recommendation of the CA and the OCA.

Gross Ignorance of the Law and Gross Misconduct

When a law or a rule is basic, a judge owes it to his office to simply apply the law. "Anything less is gross ignorance of the law."⁹²

⁸⁸ 441 Phil. 251 (2002).

⁸⁹ *Rollo* (A.M. No. RTJ-12-2325), pp. 159-163.

⁹⁰ *Id.* at 164.

⁹¹ *Id.* at 164-165.

⁹² *Re: Anonymous Letter dated August 12, 2010, complaining against Judge Ofelia T. Pinto, RTC, Branch 60, Angeles City, Pampanga*, A.M. No. RTJ-11-2289, October 2, 2012, 682 SCRA 146, 152.

In petitions for declaration of nullity of void marriages, the applicable rule is A.M. No. 02-11-10-SC, as amended. In particular, Section 4 categorically states the venue where a petition shall be filed, to wit:

SEC. 4. Venue. — The petition shall be filed in the Family Court of the province or city **where the petitioner or the respondent has been residing for at least six months prior to the date of the filing**, or in case of a non-resident respondent, where he may be found in the Philippines, at the election of the petitioner. x x x. (Emphasis ours)

In this case, the OCA report is replete with findings showing that Judge Flores deliberately disregarded the foregoing rule. He continued to try and resolve cases despite glaring circumstances, which should have created doubt as to the veracity of the residential addresses declared in the petitions. Prosecutor Cabrera even actually brought these to the attention of Judge Flores but he was merely brushed aside. Worse, there were even instances when Judge Flores, during clarificatory questioning, knowingly led a party into curing the defect. Thus, in the *Narvasa*,⁹³ the petitioner declared that she resides at c/o Lacson's Residence, Poblacion, Tubod, Lanao del Norte. During her cross-examination,⁹⁴ however, she admitted that she actually resides in Steel Town, Sta. Elena, Iligan City. When Judge Flores propounded clarificatory questions, the petitioner ended up declaring that she resides in Quibranza Building, Tubod, Lanao del Norte - "for purposes of her petition," viz:

Court

Q: Where did you reside from 2006 to the present?

A: Steel Town

Q: **Are you sure?**

A: But currently, sir, since I am managing the big company, and we are operating Kwarta Gram or Money gram, so, from time to time, I travel. But for now, since my case is going on, I am now renting here in Poblacion at Quibranza Building upstairs.

Q: The court is constrained to ask you that question of which you stated that you are residing, from 2006 to present at Steel Town, Iligan City despite of the fact that in your petition, you alleged that you are a resident at Lacson Residence, Tubod, Lanao del Norte. **Have you ever resided in Tubod, Lanao del Norte for purposes of your petition?**

A: Yes sir.

Q: When was that?

A: When the Pryce Company started its Kwarta Gram and Money Gram here in Tubod and that was last year.

⁹³ *Rollo* (A.M. No. RTJ-12-2325), pp. 65-66.

⁹⁴ Folder of Exhibits, Exhibit "C", pp. 9-16.

- Q: In 2010?
A: Yes your Honor.⁹⁵ (Emphasis ours)

Corollary to A.M. No. 02-11-10-SC, as amended, is *Re: Report on the Judicial Audit Conducted in the RTC, Branch 60, Barili, Cebu*,⁹⁶ where the Court sustained the findings of the Court's audit team and concurred that the use of "c/o" (care of) addresses in petitions for nullity of marriage raises doubt as to the veracity of their actual residence.

The undisputed OCA Investigation Report in the present consolidated cases showed an alarming number of pending and decided cases where the actual residence of the parties are obviously not within the territorial jurisdiction of the courts presided by Judge Flores but he nevertheless took cognizance of these cases without even making an inquiry as to their veracity. Judge Flores' incompetence became even more manifest when he curtailed the efforts of the public prosecutors in ensuring that the rule on proper venue will not be circumvented. As observed by the OCA team, Judge Flores almost always rejects the public prosecutors' recommendation of dismissal in their investigation report on the alleged reason that the role of the prosecutor is only to determine if collusion exists between the parties or if the evidence is being suppressed.⁹⁷

Competence and diligence are prerequisites to the due performance of judicial office⁹⁸ and every judge is required to observe the law.⁹⁹ There is gross ignorance of the law when an error committed by the judge was gross or patent, deliberate or malicious, or when a judge ignores, contradicts or fails to apply settled law and jurisprudence because of **bad faith, fraud, dishonesty or corruption**. In *OCA v. Castañeda*,¹⁰⁰ the Court found the respondent guilty of gross ignorance of the law and procedure for her blatant disregard of the provisions of A.M. Nos. 02-11-10-SC and 02-11-11-SC, among others, and imposed the penalty of dismissal. The Court stated:

No less than the Code of Judicial conduct mandates that a judge shall be faithful to the laws and maintain professional competence. Indeed, competence is a mark of a good judge. A judge must be acquainted with legal norms and precepts as well as with procedural rules. When a judge displays an utter lack of familiarity with the rules, he erodes the public's confidence in the competence of our courts. Such is gross ignorance of the law. One who accepts the exalted position of a judge owes the public and the court the duty to be proficient in the law.

⁹⁵ Id. at 16.

⁹⁶ Supra note 86.

⁹⁷ *Rollo* (A.M. No. RTJ-12-2325), p. 108.

⁹⁸ New Code of Judicial Conduct, Canon 6.

⁹⁹ *Almojuela, Jr. v. Judge Ringor*, 479 Phil. 131, 137 (2004).

¹⁰⁰ A.M. No. RTJ-12-2316, October 9, 2012, 682 SCRA 321.

Unfamiliarity with the Rules of Court is a sign of incompetence. Basic rules of procedure must be at the palm of a judge's hands.¹⁰¹

The utter disregard shown by Judge Flores displays not only a lack of familiarity with the law but a gross ignorance thereof. What's more, Judge Flores rendered judgments in several cases for nullity of marriage in record time, which ranged from six (6) months to one (1) year and seven (7) months from the date of filing, despite his claim of being burdened by heavy caseload. According to Justice Francisco, this breeds a suspicion that Judge Flores has personal interest in some of the cases before him. Eventually, the suspicion took a foothold in the testimonies of Atty. Saligan-Basalo, Dayak and Quijano, who all bared the reasons for Judge Flores' unusual interest in the cases before him, thus making him liable, in turn, for Gross Misconduct.

“Misconduct means intentional wrongdoing or deliberate violation of a rule of law or standard of behavior in connection with one's performance of official functions and duties. For grave or gross misconduct to exist, the judicial act complained of should be corrupt or inspired by the intention to violate the law, or a persistent disregard of well-known rules. The misconduct must imply wrongful intention and not a mere error of judgment.”¹⁰² No less than the New Code of Judicial Conduct mandates a judge to conduct his office and personal demeanor with integrity, competence and diligence.

CANON 2 - INTEGRITY IS ESSENTIAL NOT ONLY TO THE PROPER DISCHARGE OF THE JUDICIAL OFFICE, BUT ALSO TO THE PERSONAL DEMEANOR OF JUDGES.

Section 1. Judges shall ensure that not only is their conduct above reproach, but that it is perceived to be so in the view of a reasonable observer.

Section 2. The behavior and conduct of judges must reaffirm the people's faith in the integrity of the Judiciary. Justice must not merely be done but must also be seen to be done.

x x x x

CANON 6 - COMPETENCE AND DILIGENCE ARE PRE-REQUISITES TO THE DUE PERFORMANCE OF JUDICIAL OFFICE.

x x x x

Section 7. Judges shall not engage in conduct incompatible with the diligent discharge of judicial duties.

¹⁰¹ Id. at 346-347, citing *Pesayco v. Judge Layague*, 488 Phil. 455, 465 (2004).

¹⁰² *Gacad v. Clapis, Jr.*, A.M. No. RTJ-10-2257, July 17, 2012, 676 SCRA 534, 544.

The testimony of Atty. Saligan-Basalo disclosed that Judge Flores secured her legal services for several cases pending before his own *sala*. Atty. Saligan-Basalo, who is a private practitioner handling cases generally falling within the jurisdiction of the courts presided by Judge Flores, stated that Judge Flores obtained her services for the petitioners in the case of *Estrada* and *Aradas*. In *Estrada*, Judge Flores offered her an acceptance fee in the amount of ₱20,000.00 and she was compelled to accept the referral because she was wary of the other cases she handles that are pending in Judge Flores' courts. In *Aradas*, Atty. Saligan-Basalo received ₱10,000.00 as acceptance fee, but this time the money was delivered to her office by Gedeon.

Meanwhile, both Dayak and Quijano testified that Judge Flores demanded and was given money for the favorable resolution of certain criminal cases where their relatives are the accused. According to Quijano, at the instance of Jeter, he transacted with Judge Flores for the early release of his brother-in-law. On the other hand, Dayak stated that he personally approached Judge Flores for the acquittal of his son and in consideration thereof, the latter asked for money and was given a total amount of ₱30,000.00. Judge Flores, however, was not satisfied with the amount and asked for a "bonus" of ₱15,000.00. On top of that, Judge Flores also asked him to fetch a goat and pig for his birthday celebration, and when Dayak failed to deliver the "bonus", he was berated by Judge Flores, who uttered: "*Animal ka Doy! Peste ka! Yaw aka! Gibuangan ka nako? Bantay lang nang imong anak. Magmahay ra jug ka!*" Certainly, such conduct exhibited by Judge Flores not only was unbecoming of someone in his exalted position but degraded the judicial office and eroded public confidence in the Judiciary.¹⁰³

The Court is not unmindful that the testimonies of Atty. Saligan-Basalo, Dayak and Quijano are not corroborated; however, owing to the private nature of the acts imputed against Judge Flores, it is not at all surprising that the statements of Atty. Saligan-Basalo, Dayak and Quijano will have to be taken on the basis of their credibility and the credibility of their testimonies *vis-à-vis* Judge Flores' counter-statements. In weighing their respective testimonies, Justice Francisco concluded that:

Judge Flores x x x merely denied the said imputation without any evidence to support such denial. Settled is the rule that denial, if unsubstantiated by clear and convincing evidence, is a negative and self-serving evidence which deserves no weight in law and cannot be given greater evidentiary value over the testimony of a credible witness who testifies on affirmative matters. Besides, Judge Flores had not imputed any ill-motive to Atty. Saligan-Basalo, Ricardo Dayak, Sr. and

¹⁰³ *Lt. Gen. Dagudag (Ret.) v. Judge Paderanga*, 578 Phil. 207, 226 (2008), citing *Dela Cruz (Concerned Citizen of Legaspi City) v. Judge Carretas*, 559 Phil. 5, 16 (2007).

Randy Nadusa Quijano for testifying against him. It is also settled that where there is no evidence that the witnesses were actuated by improper motive, the presumption is that they were not so actuated and their testimonies are entitled to full faith and credit. x x x.¹⁰⁴

The Court finds no reason to deviate from the findings and analysis of Justice Francisco as they are well-supported by the records and the OCA investigation and report. Moreover, with regard to the credibility of Atty. Saligan-Basalo who primarily conducts her legal practice in the courts presided by Judge Flores, certainly, she would not have testified against him and risked earning his ire unless she was emboldened by some noble or deep personal conviction. Moreover, it did not escape the Court's attention that although Quijano pointed to Jeter as the one who initiated the transaction for the early release of his brother-in-law, Judge Flores did not present Jeter as a witness to controvert Quijano's claim. The rule is that findings of an investigating justice on the credibility of witnesses are generally given by this Court great weight by reason of their unmatched opportunity to see the deportment of the witnesses as they testified.¹⁰⁵

Undue delay in rendering a decision or order

Section 15(1) of Article VIII of the Constitution provides that judges must resolve all matters within three months from the date of submission. A matter is deemed submitted for resolution upon the filing of the last pleading.¹⁰⁶

The OCA team uncovered several criminal cases where Judge Flores failed to resolve pending incidents within the prescribed period, to wit: (1) *People v. Pinuti, Jr.* (CR No. 270-07-2006) where the motion to dismiss was resolved after a delay of one (1) year and one (1) month; (2) *People v. Rivera, et al.* (CR No. 322-07-2006) where the motion to dismiss was resolved after one (1) year and six (6) months from the date the Comment was filed; (3) *People v. Gomera and Alfafara* (CR No. 358-07-2006) where the demurrer to evidence has been pending for more than one (1) year and five (5) months; (4) *People v. Mautin, et al.* (CR No. 569-07-2008) where resolution of the motion for reconsideration was delayed for five (5) months and the notice of appeal, for one (1) year and four (4) months; (5) *People v. Pasanting* (CR No. 763-07-2010) where resolution of the motion for reconsideration was delayed by about eight (8) months while the notice of appeal was resolved after one (1) year and four (4) months; (6) *People v. Guigue and Clerigo* (CR No. 773-07-2010) where the motion to dismiss was

¹⁰⁴ *Rollo* (A.M. No. RTJ-12-2325), p. 162.

¹⁰⁵ *Gacad v. Clapis, Jr.*, supra note 102, at 543; *Santos v. Judge Arcaya-Chua*, 598 Phil. 496, 508 (2009).

¹⁰⁶ *China Banking Corporation v. Judge Janolo, Jr.*, 577 Phil. 176, 182 (2008).

resolved only after seven (7) months; and (7) *People v. Buale* (CR Nos. 363-07-2006 and 526-07-2008) where the motion for reconsideration remains unresolved since November 26, 2010 up to the time the OCA team arrived in RTC Branch 7, or a delay of more than seven (7) months.¹⁰⁷

While Judge Flores admitted that there were indeed instances of delay and attributed them to the heavy caseload of the courts he was handling, as stated by Justice Francisco, his excuse can only be given short shrift since he could have asked the Court for extension of time to resolve said incidents, which he never did. The Court is not oblivious to the heavy caseload of trial courts and usually allows reasonable extensions of time. Given Judge Flores' failure to ask for an extension to resolve the pending and due incidents before his courts, he is deemed to have incurred delay.¹⁰⁸ The Court held in *Tañoco v. Sagun, Jr.*:¹⁰⁹

Delay in case disposition is a major culprit in the erosion of public faith and confidence in the judiciary and the lowering of its standards. Failure to decide cases within the reglementary period, without strong and justifiable reasons, constitutes gross inefficiency warranting the imposition of administrative sanction on the defaulting judge.¹¹⁰

APPROPRIATE PENALTIES

Gross Ignorance of the Law and Gross Misconduct

Gross ignorance of the law or procedure and gross misconduct are both classified as serious charges under Section 8(9) of Rule 140 of the Rules of Court. Section 11 of the same Rule provides the impossible penalties for serious charges, as follows:

SEC. 11. *Sanctions.* - A. If the respondent is guilty of a serious charge, any of the following sanctions may be imposed:

1. Dismissal from the service, forfeiture of all or part of the benefits as the Court may determine, and disqualification from reinstatement or appointment to any public office, including government-owned or controlled corporation: Provided, however, that the forfeiture of benefits shall in no case include accrued leave credits;

2. Suspension from office without salary and other benefits for more than three (3) but not exceeding six (6) months; or

¹⁰⁷ *Rollo* (A.M. No. RTJ-12-2325), pp. 92-95.

¹⁰⁸ *Bangalan v. Turgano*, A.M. No. RTJ-12-2317, July 25, 2012, 677 SCRA 451, 455, citing *Reyes v. Judge Paderanga*, 572 Phil. 27, 43 (2008).

¹⁰⁹ A.M. No. MTJ-12-1812, June 20, 2012, 674 SCRA 32.

¹¹⁰ *Id.* at 35.

3. A fine of more than P20,000.00 but not exceeding P40,000.00.

x x x x

The Court notes that this is not the first time that Judge Flores has been disciplinarily dealt with for gross ignorance of the law. In *Efren T. Uy, Nelia B. Lee, Rodolfo L. Menes and Quinciano H. Lui v. Judge Alan L. Flores, Presiding Judge, RTC, Branch 7, Tubod, Lanao del Norte*,¹¹¹ Judge Flores was suspended by the Court for three (3) months and one (1) day without pay when he assumed jurisdiction over a Rule 65 petition questioning a reassignment order issued by the Commissioner of Internal Revenue, and failed to dismiss the same on the ground of failure to exhaust administrative remedies, among others. He was warned that similar acts in the future will be dealt with more severely. Given that Judge Flores' gross ignorance of the law is compounded by his commission of grave misconduct, the imposition of the penalty of dismissal from service is justified.¹¹²

Undue delay in rendering a decision or order

Undue delay in rendering a decision or order constitutes a less serious charge. Pursuant to Section 11(b) of Rule 140 of the Rules of Court, such offense is punishable by suspension from office without salary and other benefits for not less than one (1) or more than three (3) months; or a fine of more than ₱10,000.00 but not exceeding ₱20,000.00. Considering the number of pending incidents and the length of time it took Judge Flores to dispose of them, the Court finds the recommendation of Justice Francisco that the imposition of a ₱20,000.00 fine should be imposed.

WHEREFORE, the Court finds:

(1) respondent Judge Alan L. Flores, **GUILTY** of Gross Ignorance of the Law and Gross Misconduct, and is **DISMISSED** from the service with forfeiture of all benefits except as to accrued leave credits and disqualified from reinstatement or appointment to any public office, including government-owned or controlled corporations; and

(2) respondent Judge Alan L. Flores **GUILTY** of Undue Delay in Rendering Decisions/Orders and is imposed a **FINE** of ₱20,000.00 to be deducted from the balance of the monetary value of the accrued leave credits

¹¹¹ A.M. No. RTJ-12-2332, June 25, 2014.

¹¹² See *Gacad v. Clapis, Jr.*, supra note 102, at 549; see also *J. King & Sons Co., Inc. v. Judge Hontanosas, Jr.*, 482 Phil. 1, 33 (2004); *Oktubre v. Judge Velasco*, 478 Phil. 803, 821-822 (2004).

and/or other benefits that he may be entitled to.

Pursuant to A.M. No. 02-9-02-SC,¹¹³ these administrative cases against Judge Alan L. Flores are also considered as a disciplinary proceeding against him as a member of the bar. He is therefore **REQUIRED** to **SHOW CAUSE** within ten (10) days from notice why he should not be disbarred from the practice of law for conduct unbecoming of a member of the bar. Further, these consolidated administrative cases are referred to the Office of the Bar Confidant for investigation, report and recommendation.

The charge against Atty. Bernardino Bering, Clerk of Court VI of the Regional Trial Court of Kapatagan, Lanao del Norte, Branch 21 is referred to the Office of the Court Administrator for its investigation, report and recommendation.

This Decision is immediately executory and Judge Flores is **ORDERED** to **CEASE AND DESIST** from discharging the functions of his Office upon receipt of this Decision.


SO ORDERED.



MARIA LOURDES P. A. SERENO
Chief Justice



ANTONIO T. CARPIO
Associate Justice



PRESBITERO J. VELASCO, JR.
Associate Justice

(On Official Leave)

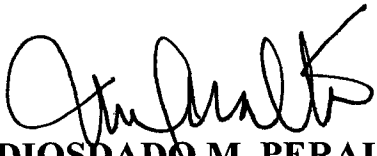
TERESITA J. LEONARDO-DE CASTRO
Associate Justice





ARTURO D. BRION
Associate Justice

¹¹³ Under this resolution dated September 17, 2002 which took effect on October 1, 2002, an administrative case against a judge of a regular court based on grounds which are also grounds for the disciplinary action against members of the Bar, shall be considered as disciplinary proceedings against such judge as a member of the Bar.




DIOSDADO M. PERALTA
Associate Justice


LUCAS P. BERSAMIN
Associate Justice

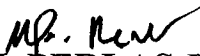

MARIANO C. DEL CASTILLO
Associate Justice

(On Official Leave)
MARTIN S. VILLARAMA, JR.
Associate Justice



JOSE PORTUGAL PEREZ
Associate Justice


JOSE CAIRAL MENDOZA
Associate Justice


BIENVENIDO L. REYES
Associate Justice


ESTELA M. PERLAS-BERNABE
Associate Justice


MARVIC M.V.F. LEONEN
Associate Justice


FRANCIS H. JARDELEZA
Associate Justice

