



Republic of the Philippines
Supreme Court
 Manila

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

A.M. No. RTJ-10-2250
 (Formerly A.M. No.
 08-08-460-RTC)

Present:

BERSAMIN, *C.J.*,
 CARPIO,
 PERALTA,
 PERLAS-BERNABE,
 LEONEN,
 CAGUIOA,
 REYES, A., JR.,
 GISMUNDO,
 *REYES, J., JR.,
 HERNANDO,
 CARANDANG,
 LAZARO-JAVIER,
 INTING, and,
 ZALAMEDA, *JJ.*

- versus -

JUDGE OFELIA TUAZON-PINTO,
 and Officer-in-Charge/Legal
 Researcher **RAQUEL L.D. CLARIN,**
 both of the Regional Trial Court,
 Branch 60, Angeles City,
 Respondents.

Promulgated:

October 15, 2019

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D E C I S I O N

PER CURIAM:

No trial judge is ever justified to disobey for the sake of convenience or expediency the rules of procedure instituted by the Supreme Court to safeguard the right to be heard on the part of any of the parties, including the Government, especially in proceedings held for the annulment of marriage, or declaration of the nullity of a marriage.

* On leave.

The Case

This administrative case arises from the results and findings by the judicial audit conducted in 2008 on the pending cases of the Regional Trial Court (RTC), Branch 60, in Angeles City, presided by former Judge Ofelia Tuazon Pinto. Branch 60 has been designated to take cognizance of family-court cases.

Antecedents

On June 23, 2008, the Judicial Audit Team of the Office of the Court Administrator (OCA) submitted its first partial report¹ indicating many irregularities and procedural lapses committed in relation to proceedings brought for annulment of marriage and in several criminal cases pending before Branch 60.

Among the irregularities and procedural lapses uncovered by the Judicial Audit Team were that several respondents in the proceedings brought for annulment of marriage had invoked the defense of improper venue based on the petitions having been filed in a "friendly court/forum;" that respondent Judge Pinto had inconsistently ruled on the admissibility of the barangay certifications submitted as proof of the places of residence of the petitioners concerned; that she had not been consistent in ordering the petitioners to furnish the Office of the Solicitor General (OSG) with copies of the petitions; that she had allowed substituted service of the summons without strictly complying with the requirement to the effect that the sheriffs should resort to several attempts to cause personal service upon the respondents at least thrice on two different dates; that summons by publication had also been ordered without proof showing that the respondents had been served with the copies of the petitions; that she had been overly lenient in allowing the petitioners to avail themselves of the taking of depositions under Rule 23 of the *Rules of Court*, and the depositions had been normally treated as the petitioners' testimonial evidence; that she had also directed the public prosecutor to conduct investigations despite the respondents not having yet filed their answers, or despite the periods for filing the answers not having yet expired; that she had proceeded without pre-trial and without issuing the orders requiring the public prosecutor to investigate and file reports; that there were several cases in which the respondents had not been duly served with copies of the orders or notices of pre-trial conference, copies of the pre-trial brief, or notices of hearing; that in some other cases, she had proceeded with the pretrial in the absence of the parties themselves despite their counsels not being armed with special powers of attorney; that some decisions had appeared to have been hastily rendered; and that in all the decided cases, the

¹ Rollo, pp. 92-207.

RTC had simultaneously issued certificates of finality and decrees of absolute nullity of marriage.

Acting on the partial report, the OCA recommended on July 29, 2008 as follows:²

1. The designation of the RTC, Branch 60, Angeles City, Pampanga presided over by Judge Ofelia Tuazon[-]Pinto as special court for family court cases, be **REVOKED** effective immediately from receipt of notice;
2. The designation of Ms. Racquel D.L. Clarin as Officer-In-Charge of the Regional Trial Court, Branch 60, Angeles City, be **REVOKED** immediately from receipt of notice;
3. Judge Ofelia Tuazon[-]Pinto, Regional Trial Court, Branch 60, Angeles City, and Officer-In-Charge Racquel D.L. Clarin, same court, be **PREVENTIVELY SUSPENDED** from office effective immediately from receipt of notice;

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7. Judge Ofelia Tuazon Pinto, Regional Trial Court, Branch 60, Angeles City be **DIRECTED** to: **EXPLAIN** within fifteen (15) days from notice why she should not be administratively dealt with for : **(1) FAILURE** to issue the Commitment Order when the accused was already arrested and detained in the following criminal cases; Nos. 04-619 (*Pp. vs. D. Flores*), 07-30355 (*Pp. vs. R. Salisi*), 05-1301 (*Pp. vs. W. Pineda*), 01-522 to 53 (*Pp. vs. E. Edillor*), 03-237 to 38 (*Pp. vs. F. Tolentino, et al.*), 07-2750 (*Pp. vs. R. Marimla*), 00-212 (*Pp. vs. T. Miranda*), 06-2535 (*Pp. vs. J. De La Cruz*), 02-795 (*H. Sanchez*), 06-2086 (*Pp. vs. N. Cayabyab*); **(2) ALLOWING** the issuance of Commitment Order by the Officer-In-Charge or Acting Branch Clerk of Court in the following Criminal Cases Nos. 01-326 (*Pp. vs. J. Avaristo*), 02-725 to 76 (*Pp. vs. C. Marcos*), 01-805 (*Pp. vs. R. Siron*), 03-767 (*Pp. vs. Magabilin*), 01-750 (*Pp. vs. N. Malonzo*), 02-033 (*Pp. vs. L. Dizon*), 03-417 (*Pp. vs. J. David*), and 01-653 (*Pp. vs. A. Panlilio*); **(3) ALLOWING** the issuance of Release Order by the Officer-In-Charge or Acting Branch Clerk of Court in the following Criminal Cases Nos. 03-860 (*Pp. vs. H. Williams*), 02-182 (*L. Pineda*), 01-516 (*Pp. vs. R. Manalang*), 03-691 (*Pp. vs. B. Edwards*), 03-698 (*Pp. vs. B. Edwards*), 04-242 (*Pp. vs. R. Edwards*) 96-540 to [5]42 (*Pp. vs. H. Gill*), and 98-489 (*Pp. vs. Sical Jr.*); and **(4) FAILURE** to comply with the pertinent rules under A.M. No. 02-11-10-SC (*Re: Rule on Declaration of Absolute Nullity of Void Marriages and Annulment of Voidable Marriages*), and A.M. No. 02-6-02-SC (*Re: Rule on Adoption*) and other pertinent rules under the Rules of Court, to wit:

- (a) For regularly and consistently issuing an Order directing the petitioner/plaintiff in annulment of marriage cases or

² Id. at 1-20.

declaration of nullity of marriage cases to furnish the Office of the Solicitor General (OSG) with the copy of the petition 5 days **after** the filing of the petition in the following cases: Civil Case Nos. 13556 (*Reyes v Reyes*), 12431 (*Padilla vs. Padilla*), 13324 (*Masangkay vs. Masangkay*), 13531 (*Oriel vs. Oriel*), 13067 (*Honnald vs. Honnald*), 13074 (*Daclizon vs. Daclizon*), 13383 (*Regan vs. Regan*), 13367 (*Simeon vs. Simeon*), 13137 (*Mallari vs. Mallari*), 13509 (*Cruz vs. Cruz*), 11257 (*Calma vs. Calma*), 13178 (*David vs. David*), 13246 (*Bonifacio vs. Bonifacio*), 11405 (*De La Pena vs. De La Pena*), 13554 (*Azur vs. Azur*), 13310 (*Ocampo vs. Ocampo*), 13021 (*De Leon vs. De Leon*), 13342 (*Aguilar vs. Aguilar*), 13250 (*Paras vs. Paras*), 12897 (*Merlin vs. Merlin*), 12641 (*Magalang vs. Magalang*), 13150 (*Canlas vs. Canlas*), 10978 (*Llenary vs. Llenary*), 13230 (*De Le Blanc vs. De le Blanc*), 12443 (*Nunga vs. Nunga*), 13262 (*Del Rosario vs. Del Rosario*), 12504 (*Quirante vs. Quirante*), 13053 (*Samson vs. Samson*), 12776 (*Fausto vs. Fausto*), 13304 (*Capati v Capati*), 12400 (*Tindle vs. Tindle*), 11840 (*Mateo vs. Mateo*), 13437 (*Azuro vs. Azuro*), 13428 (*Libut vs. Libut*), 12969 (*De Leon vs. De Leon*), 12779 (*Manalastas vs. Manalastas*), 12766 (*Palean vs. Palean*), 12948 (*Usi vs. Usi*), 13069 (*Cabrera vs. Cabrera*), 12749 (*So vs. So*), 12819 (*Balonza vs. Balonza*), 13136 (*Sangil vs. Sangil*), 12708 (*Humphries vs. Humphries*), 13278 (*Ignacio vs. Ignacio*), 12998 (*Malig vs. Malig*), 13321 (*Morales vs. Morales*), 13544 (*Mallen vs. Mallen*), 12766 (*Espinosa vs. Espinosa*), 13500 (*Turia vs. Turia*), 13507 (*Catacutan vs. Catacutan*), 13477 (*Patio vs. Patio*), 12864 (*Cruz vs. Cruz*), 13107 (*Rodriguez vs. Rodriguez*), 12534 (*Felix vs. Felix*), 12867 (*Dizon vs. Dizon*), 11073 (*Pabustan vs. Pabustan*), 13116 (*Caasi vs. Caasi*), 12853 (*Medina vs. Medina*), 12758 (*Fernandez vs. Fernandez*), 13086 (*Bonifacio vs. Bonifacio*), 13568 (*Barco vs. Barco*), 12784 (*Garcia vs. Garcia*), 12820 (*De La Cruz vs. De La Cruz*), 12746 (*Relucio vs. Relucio*), 13164 (*Cunanan vs. Cunanan*).

- (b) For failure to issue an order within five (5) days from the filing of the petition directing the petitioner/plaintiff to furnish the OSG with the copy of the petition and proceeded with the trial of the following cases despite the absence of such order: Civil Cases Nos. 13363 (*Bustillos vs. Bustillos*), 13580 (*Ocampo vs. Ocampo*), 12954 (*Reyes vs. Reyes*), 12460 (*Canlas vs. Canlas*), 13393 (*Siongco vs. Siongco*), 12682 (*Garcia vs. Garcia*), 12372 (*Primero vs. Primero*), 12324 (*Escobar vs. Escobar*), 13063 (*Pinzon vs. Pinzon*), 13440 (*Yandell vs. Yandell*), 13466 (*Yusi vs. Yusi*), 13141 (*Lagman vs. Lagman*), 13179 (*Cao vs. Cao*), 1232 (*Mayon vs. Mayon*), 12579 (*Merza vs. Merza*), 13244 (*Maglanes vs. Maglanes*), 12386 (*Lopez vs. Lopez*), 12901 (*Carbungco vs. Carbungco*), 12944 (*Cordero vs. Cordero*), 13050 (*Pineda vs. Pineda*), 13555 (*Bundalian vs. Bundalian*), 13457 (*Dalatre vs. Dalatre*), 12056 (*Mungcal vs. Mungcal*), 11348 (*Mangalino vs. Mangalino*), 13112 (*Dillon vs. Dillon*), 12536 (*Strammer vs. Strammer*), 13206 (*Macaspac vs. Macaspac*), 13329 (*Buenaseda vs. Buenaseda*), 13468 (*Aquino vs. Aquino*), 13193 (*Fernandez vs. Fernandez*), 13523 (*Manuntag vs. Manuntag*), 12921 (*Magat vs. Magat*), 13522 (*Lumanlan vs. Lumanlan*).

- (c) For proceeding with the trial in the following cases despite the failure of the petitioner/plaintiff to comply with the order directing the said petitioner/plaintiff to furnish the OSG with the copy of the petition, to wit: Civil Cases Nos. 13563 (*Bondoc vs. Bondoc*), 13342 (*Aguilar vs. Aguilar*), 13250 (*Paras vs. Paras*), 12897 (*Merlin vs. Merlin*), 12641 (*Maglalang vs. Maglalang*), 13150 (*Canlas vs. Canlas*), 13262 (*Del Rosario vs. Del Rosario*), 13072 (*Thong vs. Thong*), 11958 (*Deche vs. Deche*), 12766 (*Palean vs. Palean*), 12805 (*Sapnu vs. Sapnu*), 12948 (*Usi vs. Usi*), 12945 (*Dayrit vs. Dayrit*), 13069 (*Cabrera vs. Cabrera*), 12749 (*So vs. So*), 12819 (*Balonza vs. Balonza*), 13136 (*Sangil vs. Sangil*), 13321 (*Morales vs. Morales*), 13544 (*Mallen vs. Mallen*), 12766 (*Espinosa vs. Espinosa*), 13500 (*Turia vs. Turia*), 13507 (*Catacutan vs. Catacutan*), 13477 (*Patio vs. Patio*), 12864 (*Cruz vs. Cruz*), 13107 (*Rodriguez vs. Rodriguez*), 12534 (*Felix vs. Felix*), 12867 (*Dizon vs. Dizon*), 11073 (*Pabustan vs. Pabustan*), 13116 (*Caasi vs. Caasi*), 12853 (*Medina vs. Medina*), 12758 (*Fernandez vs. Fernandez*), 13086 (*Bonifacio vs. Bonifacio*), 13568 (*Barco vs. Barco*), 12784 (*Garcia vs. Garcia*), 12820 (*De La Cruz vs. De La Cruz*), 13377 (*Dogmoc vs. Dogmoc*), 13463 (*Salonga vs. Salonga*), 12625 (*Lacap vs. Lacap*), 12173 (*Apostol vs. Apostol*), 12918 (*Rabe vs. Rabe*), 12997 (*Mercado vs. Mercado*), 13164 (*Cunanan vs. Cunanan*), 13519 (*Ordonez vs. Ordonez*), 12775 (*Mendoza vs. Mendoza*).
- (d) For allowing the service of summons by substituted service upon the respondent without complying with the mandatory requirements to effect a valid substituted service pursuant to the decision of the Court in the case entitled: "Ma. Imelda M. Manotoc vs. Court of Appeals and Agapita Trajano, et al.", G.R. No. 130974, 16 August 2006 in the following cases: Civil Cases Nos. 13556 (*Reyes vs. Reyes*), 13531 (*Oriel vs. Oriel*), 13448 (*Suba vs. Suba*), 13067 (*Honnald vs. Honnald*), 13383 (*Regan vs. Regan*), 13367 (*Simeon vs. Simeon*), 13137 (*Mallari vs. Mallari*), 13509 (*Cruz vs. Cruz*), 12288 (*Canlas vs. Canlas*), 13246 (*Bonifacio vs. Bonifacio*), 13342 (*Aguilar vs. Aguilar*), 13363 (*Bustillos vs. Bustillos*), 12954 (*Reyes vs. Reyes*), 13230 (*De Le Blanc vs. De Le Blanc*), 13072 (*Thong vs. Thong*), 12504 (*Quirante vs. Quirante*), 13304 (*Capati vs. Capati*), 12842 (*Antonio vs. Antonio*), 12400 (*Tindle vs. Tindle*), 13132 (*Pineda vs. Pineda*), 13381 (*Bautista vs. Bautista*), 13341 (*Galang vs. Galang*), 13512 (*Caling vs. Caling*), 13496 (*Sali vs. Sali*), 13308 (*Tolentino vs. Tolentino*), 13535 (*Calooy vs. Calooy*), 13252 (*Angeles vs. Ronquillo*), 13401 (*Pecson vs. Pecson*), 13470 (*Isidro vs. Isidro*), 13266 (*Lugtu vs. Lugtu*), 13062 (*Manalili vs. Manalili*), 13162 (*Joson vs. Joson*), 12324 (*Escobar vs. Escobar*), 12642 (*De La Cruz vs. De La Cruz*), 13360 (*Torno vs. Torno*), 13496 (*Sali vs. Sali*), 13263 (*Tuazon vs. Tuazon*), 13293 (*Libut vs. Libut*), 13097 (*Pondavilla vs. Pondavilla*), 13359 (*Dalisay vs. Dalisay*), 13141 (*Lagman vs. Lagman*), 13457 (*Dalatre vs. Dalatre*), 13206 (*Macaspac vs. Macaspac*), 13321 (*Morales vs. Morales*), 13086 (*Bonifacio vs. Bonifacio*), 12173 (*Apostol vs. Apostol*).

- (e) For failure to act on the defendant's "Very Urgent Motion Ex-Parte Omnibus Motion" in Civil Case No. 12431 (*Padilla vs Padilla*) specifically questioning the Report dated 02/01/06 of the then Assistant City Prosecutor Lucina A. Dayaon that no collusion exists between the parties when the defendant claimed that "there was no instance that the defendant was ever invited to air its side and/or participate in any such investigation before the Assistant Public Prosecutor" despite the issuance of the Order dated 03/27/06 resolving the other issues raised in the said urgent motion.
- (f) For failure to act on the Report dated 07/09/07 of the Public Prosecutor in Civil Case Nos. 13563 (*Bondoc vs Bondoc*) stating among others that no collusion exists between the parties when the record of the case revealed that both parties are abroad or out of the country. Hence, there was no instance that parties were summoned to appear during the investigation.
- (g) For failure to act on the respondent's allegation in the Answer filed on 08/14/07 in Civil Case No. 13250 (*Paras vs Paras*) that petitioner is not a resident of Sta. Ines, Mabalacat, Pampanga but of No. 23 Sto. Domingo St., Capas, Tarlac and that the OSG was not furnished with the copy of the petition despite the court's order directing the petitioner to furnish said office with the copy of the petition.
- (h) For failure to act on the respondent's allegation in the Answer filed on 03/22/06 in Civil Case No. 12443 (*Nunga vs Nunga*) denying both the petitioner's address as well as the respondent's address in the petition states at: *No. 9 Kesington St. Queensborough Subd., City of San Fernando, Pampanga* which is actually the address of petitioner's parents and is known to be place where petitioner presently resides and that the respondent had long been barred from entering said subdivision upon the instruction of petitioner's parents.
- (i) For failure to act on the respondent's allegation in the Answer filed on 10/27/06 in Civil Case No. 13072 (*Thong vs Thong*) that petitioner is not a resident of Angeles City but in Bulacan.
- (j) For issuing an order directing the public prosecutor to investigate when the summons was not yet duly served upon the respondent/defendant or when the answer has not yet been filed or submitted in court or the period to file/submit the same has not yet expired in the following cases: Civil Cases Nos. 13556 (*Reyes vs. Reyes*), 13501 (*Figueroa vs. Figueroa*), 13563 (*Bondoc vs. Bondoc*), 13246 (*Bonifacio vs. Bonifacio*), 13110 (*Ocampo vs. Ocampo*), 13021 (*De Leon vs. De Leon*), 12844 (*Peralta vs. Peralta*), 13580 (*Ocampo vs. Ocampo*), 13063 (*Pinzon vs. Pinzon*), 13544 (*Mallen vs. Mallen*).
- (k) For issuing an Order or Notice setting in the court calendar the pre-trial conference when the summons was not yet duly served upon the respondent/defendant in the following cases: Civil Cases Nos.: 13563 (*Bondoc vs. Bondoc*), 13066 (*Plaza vs. Plaza*), 12808 (*De Leon vs. De Leon*).

- (l) For issuing an Order or Notice setting in the court calendar the pre-trial conference when the Investigation Report of the Public Prosecutor was not yet filed or submitted in court or no order has yet been issued by the court directing the public prosecutor to investigate in the following cases: Civil Case Nos. 12844 (*Peralta vs. Peralta*), 12954 (*Reyes vs. Reyes*), 13072 (*Thong vs. Thong*), 13066 (*Plaza vs. Plaza*), 12808 (*De Leon vs. De Leon*), 13278 (*Ignacio vs. Ignacio*), 12853 (*Medina vs. Medina*), 12758 (*Fernandez vs. Fernandez*), 13463 (*Salonga vs. Salonga*), 12625 (*Lacap vs. Lacap*), 12173 (*Apostol vs. Apostol*), 12918 (*Rabe vs. Rabe*), 12997 (*Mercado vs. Mercado*), 12746 (*Relucio vs. Relucio*), 13164 (*Cunanan vs. Cunanan*), 13519 (*Ordoñez vs. Ordoñez*), 12775 (*Mendoza vs. Mendoza*), 12921 (*Magat vs. Magat*), 13510 (*Marcelino vs. Marcelino*), 13418 (*Rivera vs. Rivera*), 12373 (*Reyes vs. Reyes*), 13262 (*Del Rosario vs. Del Rosario*), 12364 (*Foroozan vs. Gonzales*), 13482 (*Tiopenco vs. Tiopenco*).
- (m) For issuing an order in Civil Case No. 13556 (*Reyes vs. Reyes*) directing the public prosecutor to investigate to determine whether collusion exists between the parties and that the evidence is not fabricated after the said case was considered submitted for decision.
- (n) For favorably acting or granting the petitioner's motion for deposition or advance taking of the petitioner's testimony: e.1) when the respondent or defendant was not duly served with summons or still in the process of serving summons; and/or e.2) when respondent/defendant was not duly served with the copy of the motion; and/or e.3) when respondent was not duly notified of the advance taking of the testimony or deposition in the following cases: Civil Case[s] Nos. 13242 (*Barrozo vs. Capunfuerza*), 13501 (*Figuroa vs. Figuroa*), 13563 (*Bondoc vs. Bondoc*), 13108 (*Panlaqui vs. Panlaqui*), 12844 (*Peralta vs. Peralta*), 13580 (*Ocampo vs. Ocampo*), 12954 (*Reyes vs. Reyes*), 13150 (*Canlas vs. Canlas*), 13393 (*Siongco vs. Siongco*), 12364 (*Foroozan vs. Gonzales*), 13418 (*Manansala vs. Manansala*), 13381 (*Bautista vs. Bautista*), 13226 (*Santos vs. Santos*), 13038 (*Libut vs. Edanol*), 11976 (*Razon vs. Razon*), 13496 (*Sali vs. Sali*), 13470 (*Isidro vs. Isidro*), 12865 (*Martin vs. Martin*), 13361 (*Uriza vs. Uriza*), 13162 (*Joson vs. Joson*), 13111 (*Murphy vs. Murphy*), 13428 (*Libut vs. Libut*), 11965 (*Pangilinan vs. Pangilinan*), 12259 (*Hernandez vs. Hernandez*), 13066 (*Plaza vs. Plaza*), 12808 (*De Leon vs. De Leon*), 13360 (*Torno vs. Torno*), 13480 (*Paulino vs. Paulino*), 13496 (*Sali vs. Sali*), 13293 (*Libut vs. Libut*), 12805 (*Sapnu vs. Sapnu*), 13321 (*Morales vs. Morales*), 13193 (*Fernandez vs. Fernandez*), 13523 (*Manuntag vs. Manuntag*), 13116 (*Caasi vs. Caasi*), 12853 (*Medina vs. Medina*), 13550 (*Ramos vs. Ramos*), 13158 (*Aguilar vs. Aguilar*), 13377 (*Dogmoc vs. Dogmoc*), 13522 (*Lumanlan vs. Lumanlan*), 13510 (*Marcelino vs. Marcelino*), 13386 (*Masamayor vs. Kin Din Tsoi*).
- (o) For acting on the petitioner's motion for advance testimony on 04/18/07 in Civil Cases No. 13522 (*Lumanlan vs. Lumanlan*)

when the record of the said case was officially transmitted by the Office of the Clerk of Court to Branch 60 on 04/19/07.

- (p) For acting on the petitioner's motion to take advance testimony on 02/19/07 in Civil Cases No. 13386 (*Masamayor vs. Kin Din Tsoi*) when the record of the said case was officially transmitted by the office of the Clerk of Court to Branch 60 on 02/20/07.
- (q) For proceeding with the hearing on the establishment of jurisdictional requirements on 03/08/07 in Special Proceedings No. 7672 (*In Re: Petition for Adoption of illegitimate children Sarah Jessica Mamaril, et al.*) when the records revealed that the social worker has not yet filed the Social Case and Study Report.
- (r) For proceeding with the hearing on the establishment of jurisdictional requirements on 02/27/06 in Special Proceedings No. 7364 (*In Re: Petition for Adoption of minor Matthew Narsing Arcilla, et al.*) when the records revealed that the social worker has not yet filed the Social Case and Study Report.
- (s) For favorably acting or granting the petitioner's motion for deposition or advance taking of the petitioner's testimony: h.1) when the Order of Hearing in adoption cases was not yet published; and/or h.2) when the petitioner has not yet established the jurisdictional requirements under the rules in the following adoption cases: Special Proceedings Nos. SP-7820 (*In Re: Adoption of minors Catherine and Clarissa Menesis*), SP-7717 (*In Re: Petition for Adoption Spouses Valencia, petitioner*), SP-7042 (*In Re: Petition for Adoption Spouses Andrew & Teresa Roberts, petitioners*), SP 7776 (*In Re: Petition for Adoption of minor Camille Keith Sebastian*), SP-7746 (*In Re: Petition for Adoption of Camille Angelica et al.*), SP-7700 (*In Re: Petition for Adoption of John Sairich-Cruz*), SP-7776 (*In Re: Petition for Adoption of Rita Mae Paz*), SP-7786 (*In Re: Petition for Adoption of minors Bart Joseph D. Cayaan, et al.*), SP-7794 (*In Re: Petition for Adoption of minor Feone Chloe Ochoa*)
- (t) For issuing an order favorably acting or granting the petitioner's motion for deposition or advance taking of the petitioner's testimony when there is no proof or record showing that the corresponding written motion was filed in court by the petitioner in the following cases: Civil Cases Nos. 13554 (*Azur vs. Azur*), 13171 (*Dumangan vs. Dumangan*), Special Proceedings Nos. SP-7700 (*In Re: Petition for Adoption of minor John Sairich-Cruz*), 12808 (*De Leon vs. De Leon*).
- (u) For issuing an order favourably acting or granting the petitioner's motion for deposition or advance taking of the petitioner's testimony when there is no proof or record showing that the petitioner attached/filed/submitted the copy of the plane ticket or itinerary of travel in court to support the claim regarding the early departure in the country in the following cases: Civil Cases Nos. 13554 (*Azur vs. Azur*), 13108 (*Panlaqui vs. Panlaqui*), 12844 (*Peralta vs. Peralta*), 13342 (*Aguilar vs.*

Aguilar), 13150 (*Canlas vs. Canlas*), 13393 (*Siongco vs. Siongco*), 13111 (*Murphy vs. Murphy*).

- (v) For proceeding with the advance taking of the testimony or deposition of the petitioner when there is no proof or record showing that the court issued a written order favorably acting or granting the petitioner's motion for deposition or advance taking of the testimony in the following cases: Civil Case Nos. 13342 (*Aguilar vs Aguilar*), 12364 (*Foroozan vs. Gonzales*), Special Proceedings Nos. SP-7717 (*In Re: Petition for Adoption Spouses Valencia, petitioner*), SP-7776 (*In Re: Petition for Adoption of minor Rita Mae Perez*).
- (w) For proceeding with the pre-trial conference when no proof or record showing that the respondent was duly served/furnished with the copy of the order or notice of pre-trial conference in the following cases: Civil Cases Nos. 13324 (*Masangkay vs. Masangkay*), 13067 (*Honnald vs. Honnald*), 13137 (*Mallari vs. Mallari*), 11257 (*Calma vs. Calma*), 13178 (*David vs. David*), 13246 (*Bonifacio vs. Bonifacio*), 13110 (*Ocampo vs. Ocampo*), 12844 (*Peralta vs. Peralta*), 13342 (*Aguilar vs. Aguilar*), 13363 (*Bustillos vs. Bustillos*), 12954 (*Reyes vs Reyes*), 12897 (*Merlin vs. Merlin*), 12460 (*Canlas vs. Canlas*), 13150 (*Canlas vs. Canlas*), 13230 (*De Le Blanc vs. De Le Blanc*), 12443 (*Nunga vs. Nunga*), 13262 (*Rosario vs. Rosario*), 13072 (*Thong vs. Thong*), 12504 (*Quirante vs. Quirante*), 13053 (*Samson vs. Samson*), 12779 (*Manalastas vs. Manalastas*), 12766 (*Palean vs. Palean*), 13457 (*Dalatre vs. Dalatre*), 12056 (*Mungcal vs. Mungcal*), 13112 (*Dillon vs. Dillon*), 13069 (*Cabrera vs. Cabrera*), 12749 (*So vs. So*), 12819 (*Balonza vs. Balonza*), 13136 (*Sangil vs. Sangil*), 13091 (*Lacson vs. Lacson*), 12708 (*Humphries vs. Humphries*), 13278 (*Ignacio vs. Ignacio*), 12998 (*Malig vs. Malig*), 12766 (*Espinosa vs. Espinosa*), 13500 (*Turia vs. Turia*), 13507 (*Catacutan vs. Catacutan*), 13477 (*Patio vs. Patio*), 12864 (*Cruz vs. Cruz*), 13107 (*Rodriguez vs. Rodriguez*), 12534 (*Felix vs. Felix*), 13523 (*Manuntag vs. Manuntag*), 12853 (*Medina vs. Medina*), 12758 (*Fernandez vs. Fernandez*), 13086 (*Bonifacio vs. Bonifacio*), 13568 (*Barco vs. Barco*), 12784 (*Garcia vs. Garcia*), 12820 (*De La Cruz vs. De La Cruz*), 13550 (*Ramos vs. Ramos*), 13158 (*Aguilar vs. Aguilar*), 13377 (*Dogmoc vs. Dogmoc*), 13171 (*Dumangan vs Dumangan*), 13463 (*Salonga vs. Salonga*), 12625 (*Lacap vs. Lacap*), 12918 (*Rabe vs. Rabe*), 12746 (*Relucio vs. Relucio*), 13164 (*Cunanan vs. Cunanan*), 13519 (*Ordonez vs. Ordonez*), 12775 (*Mendoza vs. Mendoza*), 12921 (*Magat vs. Magat*), 13515 (*Chan vs. Chan*), 13522 (*Lumanlan vs. Lumanlan*), 13510 (*Marcelino vs. Marcelino*), 13386 (*LovelleMasamayor vs. Kin Din Tsoi*), 12373 (*Reyes vs. Reyes*), 11405 (*De La Pena vs. De La Pena*).
- (x) For proceeding with the pre-trial conference when no proof or record showing that the petitioner personally appeared or that the petitioner's counsel was duly authorized to appear in behalf of the petitioner by special power of attorney (SPA) during the pre-trial conference in the following cases: Civil Case Nos. 13509 (*Cruz vs. Cruz*), 13363 (*Bustillos vs. Bustillos*), 13250

(*Paras vs. Paras*), 12443 (*Nunga vs. Nunga*), 13386 (*Masamayor vs. Kin Din Tsoi*).

- (y) For failure to issue an order directing the public prosecutor to investigate to determine whether collusion exists between the parties and the evidence is not fabricated in the following cases: Civil Case Nos. 13108 (*Panlaqui vs. Panlaqui*), 12460 (*Canlas vs. Canlas*).
- (z) For failure to issue an order anew directing the public prosecutor to investigate after the summons was published in Civil Case No. 11405 (*De La Pena vs. De La Peña*).
- (aa) For failure to act on the public prosecutors' non-compliance with the court's order to investigate after lapse of considerable period of time in the following cases: Civil Case Nos. 12945 (*Dayrit vs. Dayrit*), 13244 (*Maglanes vs. Maglanes*), 13466 (*Yusi vs. Yusi*), 13141 (*Lagman vs. Lagman*), 12321 (*Mayon vs. Mayon*), 12579 (*Merza vs. Merza*), 12386 (*Lopez vs. Lopez*), 12901 (*Carbungco vs. Carbungco*), 12944 (*Cordero vs. Cordero*), 13050 (*Pineda vs. Pineda*), 13555 (*Bundalian vs. Bundalian*), 13457 (*Dalatre vs. Dalatre*), 12056 (*Mungcal vs. Mungcal*), 11348 (*Mangalino vs. Mangalino*), 13112 (*Dillon vs. Dillon*), 12536 (*Strammer vs. Strammer*), 13468 (*Aquino vs. Aquino*), 13136 (*Sangil vs. Sangil*), 13278 (*Ignacio vs. Ignacio*).
- (bb) For proceeding with the pre-trial conference when no order or notice setting the pre-trial conference was issued in the following cases: Civil Case Nos. 11257 (*Calma vs. Calma*), 12460 (*Canlas vs. Canlas*), 13393 (*Siongco vs. Siongco*), 13401 (*Pecson vs. Pecson*), and 12373 (*Reyes vs. Reyes*).
- (cc) For proceeding with the pre-trial conference when no proof or record showing that petitioner filed or submitted his/her pre-trial brief in the following cases: Civil Case Nos. 13363 (*Bustillos vs. Bustillos*), 12443 (*Nunga vs. Nunga*), 13262 (*Del Rosario vs. Del Rosario*), and 13053 (*Samson vs. Samson*).
- (dd) For proceeding with the trial proper when no proof or record showing that the pre-trial order was issued in the following cases: Civil Case Nos. 13342 (*Aguilar vs. Aguilar*) and 12534 (*Felix vs. Felix*).
- (ee) For failure to resolve the "Motion for Execution" based on the agreement on the custody and support in Civil Case No. 10764 (*Gonzales vs. Gonzales*).
- (ff) For failure to further set in the court calendar Civil Case No. 10764 (*Gonzales vs. Gonzales*) since its last hearing on 04/26/07 or despite the lapse of considerable period of time.
- (gg) For proceeding with the trial proper in Civil Case No. 13108 (*Panlaqui vs. Panlaqui*) when there is no proof or record showing that the return of the service of summons dated 10/25/06 was filed or submitted in court.

- (hh) For proceeding with the hearing on the presentation of the testimonial evidence of witness-psychologist on 10/30/06 in Civil Case No. 12808 (*De Leon vs. De Leon*) when the record shows that summons was not yet duly served upon the respondent.
- (ii) For issuing an Order dated 01/24/08 submitting Civil Case No. 12844 (*Peralta vs. Peralta*) for decision when there is no proof or record showing the: (1) cross-examination of the petitioner; and the (2) presentation of the respondent's evidence.
- (jj) For failure to act on the petitioner's non-compliance with the Order dated 05/11/07 in Civil Case No. 13580 (*Ocampo vs. Ocampo*) despite the lapse of considerable period of time.
- (kk) For failure to act on the non-compliance: (1) of the petitioner with the Order dated 01/20/07 directing the publication of the Order of Hearing; (2) of the Social Worker to submit the Home Study Report and Recommendation.
- (ll) For allowing the marking of exhibits in Civil Case No. 13401 (*Pecson vs. Pecson*) by presenting the duplicate copies only and no comparison was made with its original copy particularly the passport of the petitioner which was presented and marked Exhibit "C" and the rest of the other exhibits presented.
- (mm) For issuing the Order dated 06/07/06 in Civil Case No. 12808 (*De Leon vs. De Leon*) granting the petitioner's motion for advance taking of the testimony on the same date at 2:00 pm when the petitioner's copy of the motion was not yet filed in court as it was received officially on 06/07/06 at 3:00 P.M.
- (nn) For issuing the Order dated 09/28/06 in Civil Case No. 12808 (*De Leon vs. De Leon*) stating, among others, that the court "noted" the public prosecutors' Investigation report when there is no proof or record showing that the said report was filed or submitted in court.
- (oo) For issuing the Order dated 07/23/07 in Civil Case No. 13482 (*Tiopenco vs. Tiopenco*) stating among others that the court "noted" the public prosecutors' Investigation Report when there is no proof or record showing that the said report was filed or submitted in court.
- (pp) For authorizing the marking of the public prosecutor's Investigation Report as Exhibit "D" in Civil Case No. 13482 (*Tiopenco vs. Tiopenco*) when there is no proof or record showing that the said report was filed or submitted in court.
- (qq) For failure to direct the petitioner to furnish the respondent with the copy of the formal offer of exhibits/evidence in the following cases: Civil Cases Nos. 13246 (*Bonifacio vs. Bonifacio*), 11405 (*De La Pena vs. De La Peña*), 13342 (*Aguilar vs. Aguilar*), 12954 (*Reyes vs. Reyes*), 13072 (*Thong vs. Thong*).

- (rr) For proceeding with the trial when there is no proof or record showing that respondent was furnished with the copy of the notice of hearing on the presentation of respondent's evidence, to wit: Civil Cases Nos. 11405 (*De La Pena vs De La Pena, Re: Order dated 09/17/07*), 13342 (*Aguilar vs. Aguilar, Re: Order dated 11/05/07*), 13510 (*Marcelino vs. Marcelino, Re: Order dated 08/13/07*), 12373 (*Reyes vs. Reyes, Re: Order dated 04/17/06 , 08/07/06 & 09/17/06*), 13252 (*Angeles vs. Ronquillo, Re: Order dated 04/03/08*, 12786 (*Baluyot vs. Baluyot*).
- (ss) For issuing the Order submitting the following cases for decision when there is no proof or record showing that respondent was furnished with the copy of the notice of hearing on the presentation of respondent's evidence, to wit: Civil Case Nos. 13324 (*Masangakay vs. Masangkay, Re; Order dated 02/04/08*), 1228 (*Canlas vs. Canlas, Re: Order dated 01/24/08*), 13246 (*Bonifacio vs. Bonifacio, Re: Order dated 06/28/07*), 13342 (*Aguilar vs. Aguilar, Re: Order dated 03/24/08*), 13515 (*Chan vs. Chan, Re: Order dated 09/13/07*), 13386 (*Masamayor vs. Kin Din Tsoi, Re: Order dated 12/13/07*), 12373 (*Reyes vs. Reyes, Re: Order dated 10/19/06*) 13393 (*Siongco vs. Siongco, Re: Order dated 04/26/07*), 13336 (*Bautista vs. Bautista, Re: Order dated 03/21/08*).
- (tt) For stating in the Decisions of Civil Case Nos. 12499 (*De Leon vs De Leon*) and 13522 (*Lumanlan vs. Lumanlan*) that the City Prosecutor was deputized by the Office of the Solicitor General (OSG) when no proof or record showing that the said office filed a letter deputizing the City Prosecutor to appear in the said case in behalf of the OSG.
- (uu) For rendering the Decision in Civil Case No. 13363 (*Bustillos vs. Bustillos*) when there is no proof or record showing that: (1) the court set in the court calendar the cross-examination of the petitioner; (2) the petitioner's formal offer of exhibit was resolved; and (3) the presentation of respondent's evidence on 09/06/07 has proceeded as the decision was rendered before the said date on 08/31/07.
- (vv) For rendering the Decision in Civil Case No. 13230 (*De Le Blanc vs. De Le Blanc*) when there is no proof or record showing that the court set in the court calendar the respondent's presentation of evidence or the respondent was notified of such hearing.
- (ww) For rendering the Decision in Civil Case No. 13496 (*Sali vs. Sali*) when the petitioner's formal offer of exhibit is still unresolved.
- (xx) For failure to furnish the OSG and/or the respondent with the copy of the decision in the following cases: Civil Case Nos. 13178 (*David vs. David*), 11405 (*De la Pena vs. De La Pena*), 13393 (*Siongco vs. Siongco*), 12653 (*Ibanez vs. Ibañez*), 13132 (*Pineda vs. Pineda*), 11900 (*Santos vs Santos*), 12324 (*Escobar vs. Escobar*), 12373 (*Reyes vs. Reyes*), 13522 (*Lumanlan vs. Lumanlan*).

- (yy) For issuing the Decree of Declaration of Absolute Nullity or Annullment of Marriage simultaneously with or on the same day the Certificate of Finality was issued, or before the registration of the Entry of Judgment with the Local Civil Registrar where the marriage was celebrated and the Local Civil Registrar of the place where the Family Court is located in the following cases: Civil Cases Nos. 13246 (*Bonifacio vs. Bonifacio*), 11405 (*De La Pena vs. De La Peña*), 13230 (*De Le Blanc vs. De Le Blanc*), 12443 (*Nunga vs. Nunga*), 13393 (*Siongco vs. Siongco*), 13437 (*Azuro vs. Azuro*), 13062 (*Manalili vs. Manalili*), 13171 (*Dumangan vs. Dumangan*), 13522 (*Lumanlan vs. Lumanlan*).
- (zz) For failure to issue the Order requiring the prevailing party to cause the registration of the Decree of Declaration of Absolute Nullity or Annulment of Marriage in the Local Civil Registrar where the marriage was celebrated and the Local Civil Registrar of the place where the Family Court is located and in the National Census and Statistics Office (NCSO) in the following decided cases: Civil Case Nos. 12443 (*Nunga vs. Nunga*), 13515 (*Chan vs. Chan*), 13522 (*Lumanlan vs. Lumanlan*), Civil Case Nos. 13246 (*Velchez vs. Velchez*), 11405 (*De La Pena vs De La Pena*), 13230 (*De Le Blanc vs. De La Blanc*), 13393 (*Siongco vs. Siongco*), 13437 (*Azuro vs. Azuro*), 13062 (*Manalili vs. Manalili*), 13171 (*Dumangan vs. Dumangan*), 13522 (*Lumanlan vs. Lumanlan*).
8. Ms. Racquel Dalida-Clarín, Officer-In-Charge/Legal Researcher, Regional Trial Court, Branch 60, Angeles City, be **DIRECTED** to **EXPLAIN** within fifteen (15) days from notice why she should not be administratively dealt with for:
- (a) Issuing the commitment order without the written authority from the presiding judge in the following cases: Criminal Cases Nos. 01-326 (*Pp. vs. J. Avaristo*), 02-725 to 76 (*Pp. vs. C. Marcos*), 01-805 (*Pp. vs. R. Siron*), 03-767 (*Pp. vs. Magabilin*), 01-750 (*Pp. vs. N. Malonzo*), 02-033 (*Pp. vs. L. Dizon*), 03-417 (*Pp. vs. J. David*), and 01-653 (*Pp. vs. A. Panlilio*).
- (b) Issuing the Order of Release without the written authority from the presiding judge in the following cases: Criminal Cases Nos. 03-860 (*Pp. vs. H. William*), 02-182 (*L. Pineda*), 01-516 (*Pp. vs. R. Manalang*), 03-691 (*Pp. vs. B. Edwards*), 03-698 (*Pp. vs. B. Edwards*), 04-242 (*Pp. vs. B. Edwards*), 96-540 to 42 (*Pp. vs. H. Gill*), and 98-489 (*Pp. vs. Sical, Jr.*)
- (c) Failure to issue the Certificate of Arraignment in the following cases: Criminal Cases Nos. 03-685 to 87 (*Pp. vs. J. Torres, et al.*), 00-683 to 84 (*Pp. vs. A. Libu, et al.*), 00-534 (*Pp. vs. R. Baluyot*), 01-574 (*Pp. vs. R. Calma*), 01-855 (*Pp. vs. J. Omerga*), 06-1780 (*Pp. vs. A. Ledesma*), 00-732 (*Pp vs De Musa, et al.*), 06-2591 (*Pp. vs. J. Cunanan*), 94-851 (*Pp. vs. Marfilla, Jr.*), 03-861 (*Pp. vs. R. Castro*), 03-877 (*Pp. vs. R. Ragasa*), 97-192 (*Pp. vs. Magtoto*), 97-193 (*Pp. vs. E. Serrano, et.al.*), 03-601 (*Pp. vs. J. Rueda*), 05-1301 (*Pp. vs.*

W. Pineda), 03-417 (*Pp. vs. J. David*), 03-834 (*Pp. vs. J. Servano, Jr.*), 04-045 (*Pp. vs. A. Ubay*), 01-522 to 53 (*Pp. vs. E. Edillor*), 07-2810 (*Pp. vs. W. Cayanan*), and 99-1172 to 73 (*Pp. vs. E. David*).

- (d) Accepting and consequently attaching to the record of the case the pleading/document in the following cases when such pleading/document has "no stamp received": Civil Case Nos. 13501 (*Figueroa vs. Figueroa, Re: Ex-Parte Motion for Leave of Court to take Advance Deposition*), 13393 (*Siongco vs. Siongco, Re: Motion to Take Deposition of Petitioner*), 13510 (*Marcelino vs. Marcelino, Re: Petitioner's Pre-Trial Brief*) and the *Special Power of Attorney*), 12865 (*Martin vs Martin, Re: Petitioner's Pre-Trial Brief*).
- (e) Failure to maintain a centralized record book of all incoming documents, communication, pleadings and other documents of similar import.
- (f) Failure to maintain a control logbook for all registered mails.
- (g) Allowing the late release of the copy of the Order dated 10/01/07 (*re: the Order submitting the case for decision*) in Civil Case No. 13437 (*Azuro vs. Azuro*) on 10/30/07 or after the decision was rendered on 10/10/07.
- (h) Allowing the late release of the copy of the Decision dated 10/24/04 in Civil Case No. 10944 (*Lising vs. Lising*) on 03/18/05.
- (i) Allowing the late release of the copy of the Notice setting the pre-trial conference (PTC) in Civil Case No. 12590 (*Toledo vs. Toledo*) on 05/17/06 when the said PTC was set in the court calendar on 05/18/06 per Order dated 04/27/06.
- (j) Allowing the early release of the copy of the Decision dated 12/05/07 in Civil Case No. 13405 (*Morales vs. Morales*) to the petitioner on 12/07/07 when such decision was officially released on 12/31/07.
- (k) Allowing the early release of the copy of the Order dated 01/30/07 in Civil Case No. 13263 (*Tuazon vs. Tuazon*) to the public prosecutor on 02/04/07 when such Order was officially released on 02/07/07.
- (l) Allowing the early release of the copy of the Decision dated 01/04/08 in Civil Case No. 13583 (*Atienza vs. Atienza*) to the petitioner and respondent on 11/11/08 and the OSG on 01/21/08 when such decision was officially released on 01/30/08.
- (m) Allowing the early release of the copy of the Decision dated 12/27/07 in Civil Case No. 13386 (*Masamayor vs. Kin Din Tsoi*) to the petitioner and the latter's counsel on 01/24/08 when such decision was officially released on 01/30/08.

- (n) Allowing the belated preparation of the accompanying Order of the Minutes dated 07/30/07 (re: cross-examination of the petitioner) in Civil Case No. 12896 (*Patriarca vs. Patriarca*) during the audit.
- (o) Allowing the release of the copy of the Decision dated 11/19/07 in Civil Case No. 13349 for petitioner and respondent to one and the same person on 11/29/07 as shown by the identical signature appearing in the attached registry return receipt;
- (p) Failure to cause the preparation of the accompanying Order of the Minutes dated 12/17/07 in Civil Case No. 13482 *Tiopenco vs. Tiopenco*.
- (q) Failure to furnish the respondent with the copy of the order or notice of pre-trial conference in the following cases: Civil Cases Nos. 13324 (*Masangkay vs. Masangkay*), 13067 (*Honnald vs. Honnald*), 13137 (*Mallari vs. Mallari*), 11257 (*Calma vs. Calma*), 13178 (*David vs. David*), 13246 (*Bonifacio vs. Bonifacio*), 13110 (*Ocampo vs. Ocampo*), 12844 (*Peralta vs. Peralta*), 13342 (*Aguilar vs. Aguilar*), 13363 (*Bustillos vs. Bustillos*), 12954 (*Reyes vs. Reyes*), 12897 (*Merlin vs. Merlin*), 12460 (*Canlas vs. Canlas*), 13150 (*Canlas vs. Canlas*), 13230 (*De Le Blanc vs. De Le Blanc*), 12443 (*Nunga vs. Nunga*), 13262 (*Rosario vs. Rosario*), 13072 (*Thong vs. Thong*), 12504 (*Quirante vs. Quirante*), 13053 (*Samson vs. Samson*), 12779 (*Manalastas vs. Manalastas*), 12766 (*Palean vs. Palean*), 13457 (*Dalatre vs. Dalatre*), 12056 (*Mungcal vs. Mungcal*), 13112 (*Dillon vs. Dillon*), 13069 (*Cabrera vs. Cabrera*), 12749 (*So vs. So*), 12819 (*Balonza vs. Balonza*), 13136 (*Sangil vs. Sangil*), 13091 (*Lacson vs. Lacson*), 12708 (*Humphries vs. Humphries*), 13278 (*Ignacio vs. Ignacio*), 12998 (*Malig vs. Malig*), 13321 (*Morales vs. Morales*), 13544 (*Mallen vs. Mallen*), 12766 (*Espinosa vs. Espinosa*), 13500 (*Turia vs. Turia*), 13507 (*Catacutan vs. Catacutan*), 13477 (*Patio vs. Patio*), 12864 (*Cruz vs. Cruz*), 13107 (*Rodriguez vs. Rodriguez*), 12534 (*Felix vs. Felix*), 13523 (*Manuntag vs. Manuntag*), 12853 (*Medina vs. Medina*), 12758 (*Fernandez vs. Fernandez*), 13086 (*Bonifacio vs. Bonifacio*), 13568 (*Barco vs. Barco*), 12784 (*Garcia vs. Garcia*), 12820 (*De La Cruz vs. De La Cruz*), 13550 (*Ramos vs. Ramos*), 13158 (*Aguilar vs. Aguilar*), 13377 (*Dogmoc vs. Dogmoc*), 13171 (*Dumangan vs. Dumangan*), 13463 (*Salonga vs. Salonga*), 12625 (*Lacap vs. Lacap*), 12918 (*Rabe vs. Rabe*), 12746 (*Relucio vs. Relucio*), 13164 (*Cunanan vs. Cunanan*), 13519 (*Ordonez vs. Ordonez*), 12775 (*Mendoza vs. Mendoza*), 12921 (*Magat vs. Magat*), 13515 (*Chan vs. Chan*), 13522 (*Lumanlan vs. Lumanlan*), 13510 (*Marcelino vs. Marcelino*), 13386 (*Lovelle Masamayor vs. Kin Din Tsoi*), 12373 (*Reyes vs. Reyes*).
- (r) Failure to furnish the respondent with the copy of the pre-trial order (PTO) in Civil Cases Nos. 13266 (*Lugtu vs. Lugtu, PTO*)

dated 03/05/07), 13510 (*Marcelino vs. Marcelino*, PTO dated 06/28/07).

- (s) Allowing the delay in sending the [N]otices of [H]earing in Civil Case No. 12844 (*Peralta vs. Peralta*) particularly the Notice setting the trial on 01/24/08 which was received by the respondent's lawyer only on 03/27/08.
- (t) Allowing the delay in sending the Notices of Hearing to the respondent due to erroneous address in Civil Case No. 13072 (*Thong vs. Thong*).
- (u) Failure to furnish the respondent with the Order or Notice of Hearing setting the presentation of respondent's evidence in the following cases: Civil Case Nos. 13556 (*Reyes vs Reyes*), 13324 (*Masangkay vs. Masangkay*), 12288 (*Canlas vs. Canlas*), 13246 (*Bonifacio vs. Bonifacio*).
- (v) Failure to furnish the respondent with the copy of the petition and Order (re: Summons by Publication) at the respondent's last known address in Civil Case No. 13417 (*Tonogai vs. Tonogai*, Re: Order dated 03/28/07), 11965 (*Libut vs. Libut*, Re: Order dated 03/14/07), 13063 (*Pinzon vs. Pinzon*, Re: Order dated 02/05/08), 13510 (*Marcelino vs. Marcelino*).
- (w) Allowing the belated filing of the Minutes dated 01/10/08 in Civil Case No. 13496 (*Sali vs. Sali*) in the court record since it appears that it has been "merely inserted" after the decision was rendered in the said case.
- (x) Allowing the belated filing of the Order dated 08/08/06 in Civil Case No. 12822 (*Espiritu vs. Espiritu*) in the court record as it was placed in the record after the Order dated 01/17/07 and before the Minutes dated 02/25/07.
- (y) For failure to furnish the OSG and/or the respondent with the copy of the decision in the following cases: Civil Case Nos. 13178 (*David vs. David*), 11405 (*De La Peña vs. De La Peña*), 13393 (*Siongco vs. Siongco*), 12653 (*Ibañez vs. Ibañez*), 13132 (*Pineda vs. Pineda*), 11900 (*Santos vs. Santos*), 12324 (*Escobar vs. Escobar*), 12373 (*Reyes vs. Reyes*), 13522 (*Lumanlan vs. Lumanlan*), 12288 (*Canlas vs. Canlas*).
- (z) For failure to furnish the Local Civil Registrar of the place where the marriage was registered with the copy of the decision in the following cases despite the court's directive in the Decision: Civil Case Nos. 12443 (*Nunga vs. Nunga*), and SP-7680 (*In Re: Petition for Adoption of Minor Camille Keith Sebastian*), 13470 (*Isidro vs. Isidro*).
- (aa) No Transcript of Stenographic Notes (TSN) was attached to the record of Civil Case No. 13386 (*Masamayor vs. Kin Din Tsoi*).

- (bb) No Transcript of Stenographic Notes (TSN) was attached to the record of Civil Case No. 12373 (*Reyes vs. Reyes*) particularly the petitioner's direct and cross-examination on 03/27/06 and 04/17/06, respectively.
- (cc) In all the Minutes of Proceedings/Court Session, she did not affix her signature.
- (dd) Failure to cause the pagination and stitching of all court records.
- (ee) Failure to cause the chronological arrangement and proper filing of court records according to date or sequence of receipt of records.
- (ff) Failure to cause the attachment of registry return receipts/slip in the record of all cases.
- (gg) Failure to attach the copy of decided/ terminated cases and complete said list of the said cases in the Monthly Report of Cases for the entire Calendar Year 2007.
- (hh) Failure to cause the preparation of the accompanying order on the Minutes of Proceedings/Court Sessions which cancel/postpone/reset the trial or hearing of cases due to the absence of the presiding judge, public prosecutor or one of the parties to the case.³

x x x x

On September 10, 2008, the Court adopted the recommendations of the OCA, and placed Judge Pinto and respondent Racquel L.D. Clarin under preventive suspension.⁴

On October 22, 2008, the Judicial Audit Team submitted its additional report to include other cases that had undergone similar irregularities.⁵

On October 2008, the OSG submitted its compliance⁶ stating that it had been informed and notified by Branch 60 of the family-court cases listed in the September 10, 2008 resolution of the Court, except as to 19 of them that the OSG listed therein.

On December 5, 2008, Clarin filed her partial compliance/explanation⁷ clarifying that her issuance of commitment orders and orders of release without the written authority from Judge Pinto as the Presiding Judge had

³ Id.

⁴ Id. at 208-259.

⁵ Id. at 2783.

⁶ Id. at 301-305.

⁷ Id. at 353-367.

been the practice of her predecessors; and that she had only followed the practice in the exigency of the service.⁸

Judge Pinto sent her partial compliance/explanation on December 10, 2008,⁹ and she stated therein that she did not issue the commitment orders in several criminal cases because the accused thereat had already been arrested and detained;¹⁰ that she had at times allowed Clarin as her Officer-In-Charge to issue the commitment orders for purposes of expediency;¹¹ that there was no prohibition against any judge issuing any order to furnish the OSG with copies of the petitions for annulment of marriage because the petitioners in such proceedings had the duty to furnish the OSG;¹² that the summonses were properly served upon the respondents or defendants;¹³ that her court allowed the taking of the testimonies of the petitioners or plaintiffs in advance for valid reasons subject to their recall as witnesses once their presence was needed;¹⁴ that under the *Rules of Court*, the taking of the early testimony of witnesses through deposition could be allowed for valid reasons and without prejudice to requiring their appearance as witnesses whenever the need therefor should arise or the circumstances warranted;¹⁵ that pre-trial notices were actually sent to the parties, including the respondents and the OSG;¹⁶ that her court directed the public prosecutor to investigate in order to determine whether or not collusion between the parties existed;¹⁷ and that she was not informed beforehand of the audit and the physical inventory of records, and was not furnished with the result and required to explain the lapses.¹⁸

On December 15, 2008, the Court referred this case to the OCA for evaluation, report and recommendation, and for the OCA to submit its report and recommendation within 15 days from receipt of the records.¹⁹

On January 28, 2009, Judge Pinto submitted her final compliance and explanation,²⁰ wherein she reiterated the arguments and explanations contained in her partial compliance/explanation.

In its memorandum dated June 2, 2010,²¹ the OCA issued a final evaluation and report, and recommended therein as follows:

⁸ Id. at 353-354.
⁹ Id. at 761-812.
¹⁰ Id. at 763-764.
¹¹ Id. at 764.
¹² Id. at 764-765.
¹³ Id. at 771-776.
¹⁴ Id. at 784.
¹⁵ Id. at 786-788.
¹⁶ Id. at 788-794.
¹⁷ Id. at 795.
¹⁸ Id. at 810.
¹⁹ Id. at 328-332.
²⁰ Id. at 830-893.
²¹ Id. at 2782-2799.

1. The matter be **FORMALLY DOCKETED** as an administrative complaint against Judge Ofelia Tuazon-Pinto and Officer-in-Charge/Legal Researcher Raquel D.L. Clarin, both of the Regional Trial Court, Branch 60, Angeles City;
2. **Judge Ofelia Tuazon-Pinto** be **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 Ignorance of the Law/Procedure and Gross Inefficiency;
3. Officer-in-Charge/Legal Researcher **Raquel D.L. Clarin** be **SUSPENDED for three (3) months and one (1) day**, effective immediately for misconduct with a warning that a repetition of the same or similar act shall be dealt with separately;

x x x x

According to the OCA, the lapses discovered by the Judicial Audit Team were not mere “isolated incidents;” that procedural blunders had been committed by the respondents; and that the lapses ranged from the subtle to the most glaring.²²

On October 11, 2010,²³ the Third Division of the Court resolved to formally docket this case as an administrative complaint against Judge Pinto and OIC/Legal Researcher Clarin; and required them to manifest if they were willing to submit the case for decision on the basis of the pleadings and other records already filed.

In their joint manifestation dated November 30, 2010,²⁴ the respondents manifested that they were submitting the case for decision based on the pleadings and other records on file.

Issue

Are the respondents administratively liable for the irregularities discovered by the Judicial Audit Team?

Ruling of the Court

The Court adopts the findings and recommendation of the OCA. 9

²² Id. at 2795.

²³ Id. at 2801.

²⁴ Id. at 2803.

I

Liability of Judge Ofelia Tuazon Pinto

The judicial audit conducted on Branch 60 uncovered many procedural violations committed by Judge Pinto in cases involving petitions for nullity and annulment of marriages that were in direct contravention of the letter and spirit of the *Rule on Declaration of Absolute Nullity of Void Marriages and Annulment of Voidable Marriages* (A.M. No. 02-11-10-SC). Accordingly, we entirely agree with the OCA's recommendation that Judge Pinto was guilty of gross ignorance of the law and procedure, and of gross inefficiency.

Anent gross ignorance of the law and procedure, the audit report copiously detailed how Judge Pinto had disregarded the law and procedure in handling the cases pending before her *sala*. The observations and findings contained in the audit report stood unrefuted by her. Among her gross errors and blunders were omitting to furnish to the OSG copies of the decisions she had rendered; granting motions to take advance testimonies and depositions even before the records of the cases were transmitted to her *sala*; accepting pretrial briefs on the same days of the holding of the pre-trial conferences, and permitting the lawyers to take part in the pre-trial conferences despite not being authorized to do so through special powers of attorney; acting on and admitting formal offers of exhibits even before the respondents or the State could comment thereon;²⁵ and not giving notifications to the OSG regarding the progress of proceedings in at least 19 cases.²⁶ We should observe that any of these gross errors and blunders was sufficient to render her administratively liable for gross ignorance of the law and procedure.

The OCA listed other irregularities committed by Judge Pinto, namely: (a) the issuance of a certificate of finality without proof that the respondent was already furnished a copy of the decision; (b) the issuance of a copy of the decision despite the fact that the copy of the decision supposedly sent to the respondent had been returned for the reason of "wrong address"; (c) the issuance of an order declaring her decision final and executory despite the fact that a copy of the decision had been returned with the marking "respondent unknown;" (d) the failure to act on the OSG's motion seeking to be furnished with a copy of the decision; (e) her amending in one case of her original decision by inserting a new date and place of the marriage in question, and such amended decision was not furnished to the respondent; (f) her admitting the formal offer of evidence of the petitioner without first giving the respondent and the public prosecutor the opportunity and time to comment thereon; (f) the acceptance of the pre-trial brief of the petitioner on the same day the pretrial conference was held; and (g) the issuance of the summons to

²⁵ Id. at 2796.

²⁶ Id. at 2795.

the parties on May 8, 2006 although the case was raffled to her *sala* only on May 9, 2006.²⁷ Such other irregularities, singly or collectively, were themselves gross and blatant violations of the rules of procedure and the basic guidelines for ensuring that proceedings initiated to annul a marriage or declare the nullity of a marriage are insulated from vice and fraud.

Although Judge Pinto sought to justify her having granted motions to take advance testimonies and depositions even before the records of the cases were transmitted to her *sala* by contending that she had seen nothing wrong in so doing if the cases were bound to end up in her *sala* anyway because her court was the only family court in the area,²⁸ such justification was still unacceptable because her doing so rather evinced her unconcealed partiality that was the very antithesis of her oath to do justice. No judge in her shoes should grant such motions prematurely and rashly because acting thereon before the records have been brought to her official cognizance revealed an injudicious and cavalier attitude towards the judicial functions and office.

Judge Pinto was clearly guilty of gross ignorance of law and procedure. It is not debatable that when the law or rule of procedure is so elementary, not to be aware of it constitutes gross ignorance of the law. This is because a judge is expected to exhibit more than just cursory acquaintance with statutes and procedural rules. Indeed, Judge Pinto was expected to keep abreast of our laws, changes therein, as well as with the latest jurisprudence and rules of procedure, for she owed it to the public to be legally knowledgeable because ignorance of the law and procedure is the mainspring of injustice. By virtue of the delicate position that she occupied in society, she was duty bound to be the embodiment of competence and integrity.²⁹

Canon 6 of the *New Code of Judicial Conduct for the Philippine Judiciary* states that competence is a prerequisite to the due performance of the judicial office. Judge Pinto's flagrant disregard of laws and the rules of procedure affected her competency and conduct as a judge in the discharge of her official functions. She thereby ignored that the rules of procedure have been instituted to guarantee the speedy and efficient administration of justice, such that the failure to abide by said rules weakens the wisdom behind them and diminishes respect for the law. According, all judges should ensure strict compliance with the rules of procedure at all times in their respective jurisdictions.³⁰

The blatant and unwarranted disregard by Judge Pinto of the provisions of A.M. Nos. 02-11-10-SC and other rules rendered her

²⁷ Id. at 2789-2793.

²⁸ Id. at 2796.

²⁹ *Office of the Court Administrator v. Lerma*, A.M. Nos. RTJ-07-2076, RTJ-07-2077, RTJ-07-2078, RTJ-07-2079 & RTJ-07-2080, October 12, 2010, 632 SCRA 698, 716-717.

³⁰ *Office of the Court Administrator v. Reyes*, A.M. No. RTJ-16-2465 (Notice), March 13, 2018.

guilty of gross ignorance of the law and procedure.³¹ In *Office of the Court Administrator v. Castañeda*,³² the penalty of dismissal from the service was imposed on the respondent judge for the serious disregard of A.M. No. 02-11-10-SC and A.M. No. 02-11-11-SC because the disregard amounted to gross ignorance of the law and procedure.³³ Citing *Pesayco v. Layague*,³⁴ the Court pointed out therein that—

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. 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.³⁵

Anent the charge of gross inefficiency, Judge Pinto did not refute the audit team's finding that she had allowed respondent Clarin to issue commitment or release orders in some instances. In her partial compliance/explanation, however, she would justify this by insisting on her doing so out of her desire to expedite the proceedings, for in that way the arresting officers and the accused would no longer need to wait for her to be done with her sessions and trials before the release of the accused could be ordered.³⁶

The justification of Judge Pinto for Clarin's actions on the commitment or release orders was flimsy. No law or rule permitted or authorized Judge Pinto to abdicate her essential judicial responsibilities by delegating them to her clerical subordinate, even if the latter was her designated Officer-in-Charge. The task of issuing the commitment or release orders required the exercise of judicial discretion and was not merely clerical or administrative. It pertained to Judge Pinto, and could not be transferred to her subordinate even for a brief moment. As a result, Judge Pinto's failure to adhere to and implement existing laws, policies, and the basic rules of procedure seriously compromised her ability to be an effective magistrate.³⁷ The convenience of any party cannot ever justify the flagrant disregard of such laws, policies, and the basic rules of procedure.

³² A.M. No. RTJ-12-2316, October 9, 2012, 682 SCRA 321.

³³ Id. at 339-340.

³⁴ A.M. No. RTJ-04-1889, December 22, 2004, 447 SCRA 450.

³⁵ Id. at 459.

³⁶ Id. at 764.

³⁷ *Office of the Court Administrator v. Yu*, A.M. Nos. MTJ-12-1813, 12-1-09-MeTC, MTJ-13-1836, MTJ-12-1815, OCA IPI Nos. 11-2398-MTJ, 11-2399-MTJ, 11-2378-MTJ, 12-2456-MTJ & A.M. No. MTJ-13-1821, November 22, 2016, 809 SCRA 399, 509.

The sum of Judge Pinto's lapses and irregularities warranted the imposition of the supreme penalty of dismissal from the service. However, in *Re: Anonymous Letter dated August 12, 2010, Complaining against Judge Ofelia T. Pinto, Regional Trial Court, Branch 60, Angeles City, Pampanga*,³⁸ we already imposed on her the supreme penalty of dismissal from service, with forfeiture of all retirement benefits, except accrued leave credits, and with prejudice to re-employment in any branch, agency or instrumentality of the government, including government-owned or controlled corporations.³⁹ Consequently, the penalty of dismissal from service as recommended by the OCA is no longer feasible. Nonetheless, we deem it proper to impose the penalty of fine in the maximum, *i.e.*, ₱40,000.00, to be deducted from her accrued leave credits, if any.

II Liability of Officer-in-Charge/ Legal Researcher Raquel D.L. Clarin

As regards the liability of respondent Clarin, the OCA's recommendation is similarly well-taken.

Based on the judicial audit conducted by the OCA, Clarin miserably failed to meet the standards required of her designation as the Officer-in-Charge. She thereby discharged functions that could not be validly discharged by her, and at the same time did not perform the duties incumbent upon her to do. Her excuse that she had merely continued the practice followed prior to her designation as the Officer-in-Charge did not absolve her. She was all too aware that upon accepting such designation she would be assuming duties and responsibilities that would require utmost efficiency and fidelity on her part. That her predecessor had done the work contrary to the prevailing administrative circulars, issuances and manual of clerks of court at hand did not warrant her disregarding such guidelines.

In *Ortiz, Jr. v. De Guzman*,⁴⁰ the issuance of a release order was emphasized to be a judicial function, not an administrative one. Hence, a clerk of court is not authorized to order the commitment or the release on bail of persons charged with penal offenses. *Ortiz, Jr.* reminded that respondent had arrogated to himself the authority to exercise judicial discretion and overstepped the boundaries of his function.⁴¹ Similarly, Clarin exceeded her authority in issuing the commitment orders and release orders. She must be meted the penalty of suspension from the service. As held in *Nones v. Ormita*,

³⁸ A.M. No. RTJ-11-2289, October 2, 2012, 682 SCRA 146.

³⁹ *Id.* at 152.

⁴⁰ A.M. No. P-03-1708 (Resolution), February 16, 2005, 451 SCRA 392.

⁴¹ *Id.* at 401.

Clerk of Court II,⁴² a misconduct of the same nature is punished with suspension of three months and one day.

We reiterate that the conduct of all court personnel is circumscribed with the heavy burden of responsibility. Thus, they must be reminded that the Court will not countenance any conduct, act or omission on the part of anyone involved in the administration of justice that violates the norm of public accountability and diminishes the faith of the people in the Judiciary.⁴³ This Court has always valued high standards in judicial service. Time and time again, this Court has reminded that the behavior of all officials and employees involved in the administration of justice is bounded with a heavy burden of responsibility; hence, their conduct should, at all times, embody propriety, prudence, courtesy and dignity in order to maintain public respect and confidence in the judicial service.⁴⁴

WHEREFORE, the Court FINDS and DECLARES:

1. **JUDGE OFELIA TUAZON-PINTO**, Presiding Judge, RTC of Angeles City, Branch 60, Angeles City, **GUILTY** of **GROSS IGNORANCE OF THE LAW/PROCEDURE** and **GROSS INEFFICIENCY**, and **PUNISHES** her with a **FINE** in the amount of **₱40,000.00**, to be deducted from her accrued leave benefits, if any; and

2. **MS. RAQUEL D.L. CLARIN**, Officer-in-Charge/Legal Researcher, RTC of Angeles City, Branch 60, Angeles City, **GUILTY** of **MISCONDUCT**, and hereby **SUSPENDS** her from the service for a period of three (3) months and one (1) day, with a warning that a repetition of the same or similar act shall be dealt with severely.

SO ORDERED.


LUCAS P. BERSAMIN

Chief Justice


ANTONIO T. CARPIO

Associate Justice


DIOSDADO M. PERALTA

Associate Justice

⁴² A.M. No. P-01-1532, 9 October 2002, 390 SCRA 519.

⁴³ *Office of the Court Administrator v. Buencamino*, A.M. Nos. P-05-2051 & 05-4-118-MeTC, January 21, 2014, 714 SCRA 322, 334-335.

⁴⁴ *In re: Partial Report on the Results of the Judicial Audit Conducted in the MTCC, Branch 1, Cebu City*, A.M. No. MTJ-05-1572, January 30, 2008, 543 SCRA 105, 129-130.

W. Perlas
ESTELA M. PERLAS-BERNABE
Associate Justice

M.V.F. Leonen
MARVIC M.V.F. LEONEN
Associate Justice

Alfredo Caguioa
ALFREDO BENJAMIN S. CAGUIOA
Associate Justice

Reyes
ANDRES B. REYES, JR.
Associate Justice

Alexander G. Gesmundo
ALEXANDER G. GESMUNDO
Associate Justice

(ON LEAVE)
JOSE C. REYES, JR.
Associate Justice

Ramon Paul L. Hernando
RAMON PAUL L. HERNANDO
Associate Justice

Rosmarie D. Carandang
ROSMARIE D. CARANDANG
Associate Justice

Amy C. Lazaro-Javier
AMY C. LAZARO-JAVIER
Associate Justice

Henri Jean Paul B. Inting
HENRI JEAN PAUL B. INTING
Associate Justice

Rodil V. Zalameda
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Edgar O. Aricheta
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Clerk of Court En Banc
Supreme Court