



Republic of the Philippines  
Supreme Court  
Manila

FIRST DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, First Division, issued a Resolution dated **December 9, 2020** which reads as follows:*

**“A.C No. 9086 – (JAKE YU, complainant vs. ATTY. MARY ANN CASTRO-ROA, respondent).** – The instant administrative case arose from a sworn complaint<sup>1</sup> dated September 10, 2005 filed by Jake Yu (complainant) against Atty. Mary Ann Castro-Roa (respondent), then Assistant Prosecutor of the Cebu City Prosecutor’s Office, before the Integrated Bar of the Philippines (IBP) – Committee on Bar Discipline for supposedly violating Canons 1, 7, 10, and 11 of the Code of Professional Responsibility.<sup>2</sup>

According to complainant, he is the accused in a case pending before the Municipal Trial Court in Cities – Cebu City, wherein respondent was the private complainant therein, involving a traffic incident between the parties on July 10, 2004 at P. Gullas Street, Cebu City (MTCC Case).<sup>3</sup> Complainant alleges that respondent surreptitiously detached and removed from the records of the MTCC Case, complainant’s photos which were attached to his application for bail, without permission from the court.<sup>4</sup> Respondent’s act was in fact witnessed by several court staff which prompted the latter to make a report and manifestation with the Presiding Judge.<sup>5</sup> The Presiding Judge issued a Show Cause Order to respondent directing her to explain why she should not be held in contempt for gross misconduct and gross disrespect of the court and ordering her to return the photos she took from the records of the MTCC Case.<sup>6</sup> Respondent in her

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<sup>1</sup> Rollo, pp. 2-7.

<sup>2</sup> Id. at 5-6.

<sup>3</sup> Id. at 3.

<sup>4</sup> Id.

<sup>5</sup> Id. at 8.

<sup>6</sup> Id. at 9.

reply to the MTCC's Show Cause Order admitted that she indeed take the photos of complainant from the records of the MTCC Case, but forgot to ask permission from the court staff in her haste.<sup>7</sup> Accordingly, respondent was found guilty of contempt and fined the amount of ₱5,000.00.<sup>8</sup>

On October 17, 2005, respondent filed her answer<sup>9</sup> dated October 14, 2005. Respondent admits that she indeed borrowed the records of the MTCC Case and removed the photograph of complainant from the records but forgot to ask permission from the court staff.<sup>10</sup> Respondent argues that when she detached the photograph from the records of the MTCC Case, she was rushing out to attend mass and forgot to ask permission from the court staff, who were allegedly having their lunch at the time.<sup>11</sup> Respondent likewise contends that she took the photograph in good faith since she was allegedly going to use the same in her pleading to be submitted in another case pending before the Regional Trial Court of Cebu City (RTC Case).<sup>12</sup>

On November 21, 2005, complainant filed his reply<sup>13</sup> dated October 31, 2005. Complainant alleged that his photograph had no relevance to the RTC Case as he was not a party thereto. In addition, complainant alleged that respondent only returned one photograph and failed to return the front view photo of complainant, which was now missing in the records.<sup>14</sup>

After the parties submitted back-and-forth pleadings before the IBP, Commissioner Oliver L. Pantaleon (Pantaleon) issued his Report and Recommendation<sup>15</sup> dated June 26, 2007, recommending that respondent be suspended from the practice of law for a period of three months.<sup>16</sup>

In his Report and Recommendation, Commissioner Pantaleon echoed this court's settled ruling that court records are confidential documents and must not be taken out of the court without proper

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<sup>7</sup> Id. at 10.

<sup>8</sup> Id. at 12.

<sup>9</sup> Id. at 16-20.

<sup>10</sup> Id. at 16.

<sup>11</sup> Id.

<sup>12</sup> Id.

<sup>13</sup> Id. at 34-39.

<sup>14</sup> Id. at 35-38.

<sup>15</sup> Id. at 106-122.

<sup>16</sup> Id. at 122.

authority and without the necessary safeguards to ensure their confidentiality and integrity.<sup>17</sup> Respondent's liability is further aggravated by the fact that she also took the picture (or pictures) and left the staff room without asking permission from the clerk of court.<sup>18</sup> Accordingly, respondent was found to have violated provisions of the Canon 1, Rule 1.01, Rule 6.02, Canon 7, Rule 7.03, Canon 10, Rule 10.01, Rule 10.03 and Canon 11 of the Code of Professional Responsibility, when she surreptitiously detached the picture of complainant from the court records and taking the same out of the court without proper authorization.<sup>19</sup>

In a Resolution<sup>20</sup> dated August 17, 2007, the IBP Board of Governors resolved to adopt the findings of Commissioner Pantaleon:

*RESOLVED to ADOPT and APPROVE, as it is hereby ADOPTED and APPROVED the Report and Recommendation of the Investigating Commissioner of the above-entitled case, herein made part of this Resolution as Annex "A"; and, finding the recommendation fully supported by the evidence on record and the applicable laws and rules, and for violation of Canon 1, Rule 1.01, Rule [6].02, Canon 7, Rule 7.03, Canon 10, Rule 10.01, Rule 10.03 and Canon 11 of the Code of Professional Responsibility, Atty. Mary Ann Castro-Roa is hereby SUSPENDED from the practice of law for three (3) months.*

On January 4, 2008, respondent filed her motion for reconsideration<sup>21</sup> December 27, 2007, praying that the IBP reverse and set aside its Resolution.

On November 27, 2008, and prior to the resolution of respondent's motion for reconsideration, complainant filed a motion to withdraw complaint<sup>22</sup> dated November 8, 2008, praying that the administrative case against respondent be dismissed.

In its Resolution<sup>23</sup> dated June 26, 2011, the IBP Board of Governors denied respondent's motion for reconsideration and affirmed its previous Resolution recommending the suspension of respondent for three months.

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<sup>17</sup> Id. at 117. *Judge Mirasol v. de la Torre, Jr.*, 273 Phil. 29, 36 (1991).

<sup>18</sup> Id.

<sup>19</sup> Id. at 121-122.

<sup>20</sup> Id. at 105.

<sup>21</sup> Id. at 132-137.

<sup>22</sup> Id. at 208-209.

<sup>23</sup> Id. at 249.

On July 13, 2011, the IBP Commission on Bar Discipline transmitted its Resolutions and the records of the case to the Office of the Bar Confidant.<sup>24</sup>

On October 18, 2011, respondent filed her petition for review on *certiorari*<sup>25</sup> dated September 24, 2011, assailing the IBP's Resolutions dated August 17, 2007 and June 26, 2011. On May 4, 2012, complainant filed his comment<sup>26</sup> to the petition for review. Thereafter, respondent filed her Reply<sup>27</sup> thereto.

We have repeatedly held that court records are confidential documents and must not be taken out of the court without proper authority and without the necessary safeguards to ensure their confidentiality and integrity.<sup>28</sup> Thus, in *Judge Usman v. Cabe*,<sup>29</sup> the Court held respondent administratively liable for the unauthorized taking out of court records on a Saturday.<sup>30</sup> Similarly, in *Executive Judge Aquino, Jr., v. Miranda*,<sup>31</sup> the Court held respondent therein administratively liable for unauthorized removal of court records from the court premises. It cannot be stressed enough that a regulated, orderly, and careful handling of court records the loss, tampering, or any other form of alteration or destruction of which does not only contribute to inordinate delay in judicial proceedings but more importantly erodes upon the credibility and reliability of our courts.<sup>32</sup>

However, before this Court could resolve the administrative case against respondent, she was ambushed and senselessly gunned down by still unknown assailants. This Court takes judicial notice<sup>33</sup> of the widely reported news that in the evening of January 17, 2019, respondent was killed while she was driving along Escario Street, Cebu City.<sup>34</sup>

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<sup>24</sup> Id. at 248.

<sup>25</sup> Id. at 271-324

<sup>26</sup> Id. at 531-534.

<sup>27</sup> Id. at 537-552.

<sup>28</sup> *Judge Mirasol v. de la Torre, Jr.*, supra note 17.

<sup>29</sup> 345 Phil. 236 (1997).

<sup>30</sup> Id. at 240.

<sup>31</sup> 473 Phil. 216 (2004).

<sup>32</sup> *Judge Usman v. Cabe*, supra at 241.

<sup>33</sup> *Saludo, Jr. v. American Express International, Inc. and/or Fish*, 521 Phil. 585, 603-604 (2006) held that courts are allowed to take judicial notice of matters which are of public knowledge, or are capable of unquestionable demonstration, or ought to be known to judges because of their judicial functions. The concept of "facts of common knowledge" in the context of judicial notice has been explained as those facts that are "so commonly known in the community as to make it unprofitable to require proof, and so certainly known to as to make it indisputable among reasonable men."

<sup>34</sup> <<https://www.sunstar.com.ph/article/1783405/Cebu/Local-News/Former-prosecutor-Mary-Ann-Castro-shot-dead>> (Last accessed: November 6, 2020).

This is not the first time that a respondent in an administrative case died during its pendency.<sup>35</sup> Although jurisprudence is settled that the death of a respondent does not preclude a finding of administrative liability, it is however, subject to certain exceptions.

As we explained in the case of *Limliman v. Judge Ulat-Marrero*,<sup>36</sup> where we said that the death of the respondent necessitates the dismissal of the administrative case upon a consideration of any of the following factors: *first*, the observance of respondent's right to due process; *second*, **the presence of exceptional circumstances in the case on the grounds of equitable and humanitarian reasons**; and *third*, **it may also depend on the kind of penalty imposed**.<sup>37</sup>

In view of the untimely death of respondent Atty. Mary Ann Castro-Roa, for equitable and humanitarian reasons, and due to the impossibility of imposing the corresponding penalty, this Court finds it inappropriate to impose a sanction upon her.

**WHEREFORE**, the complaint against the late Atty. Mary Ann Castro-Roa is **DISMISSED**.

In view of the Notice of Resolution No. XVIII-2007-77 dated August 17, 2007 and Resolution No. XIX-2011-353 dated June 26, 2011 of the Integrated Bar of the Philippines, the referral anew of the case thereto for investigation, report and recommendation, pursuant to the Resolution dated June 18, 2014 is **DISPENSED WITH**.

**SO ORDERED."**

**By authority of the Court:**

  
LIBRADA C. BUENA  
Division Clerk of Court

by:

**MARIA TERESA B. SIBULO**  
Deputy Division Clerk of Court

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<sup>35</sup> *Report on the Financial Audit Conducted in the MTC in Cities in Tagum City, Davao del Norte*, 720 Phil. 23, 51 (2013).

<sup>36</sup> 443 Phil. 732 (2003).

<sup>37</sup> *Id.* at 735-736.



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