



**Republic of the Philippines  
Supreme Court  
Manila**

EN BANC

**OFFICE OF THE COURT  
ADMINISTRATOR,**

Complainant,

**A.M. No. RTJ-12-2316  
(Formerly A.M. No. 09-7-280-RTC)**

Present:

- versus -

**HON. LIBERTY O. CASTAÑEDA,**  
Presiding Judge, **ATTY. PAULINO  
I. SAGUYOD,** Clerk of Court,  
**LOURDES E. COLLADO,** Sheriff,  
**MARYLINDA C. DOCTOR,**  
**EVELYN B. ANTONIO, ROSALIE  
P. SARSAGAT and CHERYL B.  
ESTEBAN,** Court Stenographers,  
**GEORGE P. CLEMENTE,** Clerk,  
**MARITONI FLORIAN C.  
CERVANTES,** Court Interpreter,  
and **RUBEN A. GIGANTE,** Utility  
Worker, all of the REGIONAL  
TRIAL COURT, BRANCH 67,  
PANIQUI, TARLAC,

Respondents.

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

Promulgated:

OCTOBER 09, 2012

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**DECISION**

**PER CURIAM:**

This administrative matter is a consequence of the judicial audit and physical inventory of cases conducted from September 29, 2008 to October

\* No part due to prior participation as then Court Administrator.

8, 2008 in the Regional Trial Court (RTC) of Paniqui, Tarlac, Branch 67, presided over by Judge Liberty O. Castañeda (Judge Castañeda). A follow-up audit was subsequently conducted on February 1 to 4, 2011.

### **The Facts**

The team from the Office of the Court Administrator (OCA) reported<sup>1</sup> that as of audit date, Branch 67 had a caseload of **1,123**, consisting of **406** criminal cases and **717** civil cases. Of the **70** cases submitted for decision, **18** have not been decided notwithstanding the lapse of the 90-day period within which to resolve them. Likewise, of the seven (7) criminal and three (3) civil cases with pending incidents submitted for resolution, seven (7) have been awaiting resolution beyond the reglementary period.

However, notwithstanding her failure to decide the 18 cases and resolve the incidents in the seven (7) cases mentioned above, Judge Castañeda certified in her Certificates of Service from January to December 2008 that she has decided and resolved all cases and incidents within three (3) months from the date of submission.

The audit team also reported that **164** cases have not been acted upon for a considerable length of time; there are **14** cases with pending incidents; and no initial action has been taken in **27** cases. Apart from these figures, the audit team likewise noted that Branch 67 had a poor case and records management, particularly citing the absence of minutes of the court proceedings, lack of stamp receipts on the pleadings filed before it, official

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<sup>1</sup> *Rollo*, Volume I, pp. 1-41.

receipts reflecting that filing fees were paid days after the cases had been filed, registry receipts containing no registry numbers, and lack of proofs of receipts of court processes or issuances. Case records were not even properly stitched together.

The audit also revealed that there were criminal cases that were ordered archived even before the expiration of the 6-month period reckoned from the delivery of the warrant of arrest to the police authorities, in violation of OCA Circular No. 89-2004<sup>2</sup> dated August 12, 2004. In one case, Judge Castañeda arbitrarily reduced the bail bond of an accused from ₱120,000.00 to ₱10,000.00, and released another on recognizance on charges of violation of Section 11, Article II of Republic Act No. (R.A.) 9165.<sup>3</sup> Similarly, another accused, who was charged with violation of R.A. 7610,<sup>4</sup> was released on recognizance despite the fact that the penalty therefor is *reclusion temporal* in its medium period to *reclusion perpetua*.

It was also found that Atty. Paulino I. Saguyod (Atty. Saguyod), the Branch Clerk of Court, issued commitment orders in two (2) criminal cases without written authority from Judge Castañeda, and that no certificates of arraignment were issued in some cases.

Prompted by reports that Branch 67 is fast becoming a haven for couples who want their marriages to be judicially declared null and void or annulled, or those who merely want to be legally separated, the audit team

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<sup>2</sup> Item I(a) of OCA Circular No. 89-2004 states that “A criminal case may be archived only if after the issuance of the warrant of arrest, the accused remained at large for six (6) months from the delivery of the warrant to the proper peace officer.” x x x

<sup>3</sup> Otherwise known as the Comprehensive Dangerous Drugs Act of 2002 effective June 7, 2002.

<sup>4</sup> Otherwise known as the Special Protection of Children Against Abuse, Exploitation and Discrimination Act effective June 17, 1992.

gave special attention to cases for declaration of nullity of marriage, annulment of marriage and legal separation, and found that of the **717** civil cases, **522** or **72.80%** involved nullity of marriage, annulment and legal separation.

Further investigation of these cases revealed various irregularities in the proceedings, consisting of blatant violations of A.M. No. 02-11-10-SC,<sup>5</sup> or the Rule on Declaration of Absolute Nullity of Void Marriages and Annulment of Voidable Marriages, as well as A.M. No. 02-11-11-SC,<sup>6</sup> or the Rule on Legal Separation.

*First.* Judge Castañeda allowed the petitions for nullity of marriage or annulment to prosper despite the impropriety of venue. The audit showed that most of the parties in these petitions are not actual residents of the places under the territorial jurisdiction of Branch 67, *i.e.*, Paniqui, Anao, Moncada and San Miguel, all in Tarlac. A number of the addresses reflected on the pleadings are incomplete or vague, some are handwritten, typewritten or super-imposed on blanks, or even left completely blank. Many of the respondents raised the issue of improper venue, which Judge Castañeda ignored. One of the respondents, Lea Benaid, the respondent in Civil Case No. 254-P'07 (*Dodgie Benaid v. Lea Borreo-Benaid*) claimed, in a letter<sup>7</sup> dated October 8, 2008 addressed to the Chief Justice, that she and her petitioner-husband are not residents of Tarlac but of Infanta, Quezon, and that she never received any summons nor has she been notified of a collusion investigation by the public prosecutor. She also averred that she never met the clinical psychologist, whose report reflected that she was

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<sup>5</sup> Dated March 4, 2003.

<sup>6</sup> Dated March 4, 2003.

<sup>7</sup> *Rollo*, Volume I, pp. 247-248.

purportedly suffering from psychological incapacity. Neither was she subjected to any psychological test.

*Second.* In some cases, there are no proofs of payment of docket fees, while in others, summons and other initial court processes were issued even before the docket fees were fully paid.

*Third.* There are cases where the Office of the Solicitor General (OSG) and the Office of the Public Prosecutor (OPP) were not furnished copies of the petition, which under the rules must be done within five (5) days from the date of its filing, and proof of such service must be submitted to the court within the same period, otherwise, the petition may be outrightly dismissed. However, in those cases where it has been established that the OSG and OPP were not served copies of the petition, Judge Castañeda did not order the petitioners to comply.

*Fourth.* In several cases, the process server or sheriff merely resorted to substituted service of summons, without strict compliance with the rule<sup>8</sup> thereon as well as the Court's ruling in *Manotoc v. Court of Appeals*<sup>9</sup> elucidating on the requirements for effecting a valid substituted service. Nonetheless, Judge Castañeda acted on these petitions.

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<sup>8</sup> Rules of Court, Rule 14, Sec. 7. *Substituted service.* - If, for justifiable causes, the defendant cannot be served within a reasonable time as provided in the preceding section, service may be effected (a) by leaving copies of the summons at the defendant's residence with some person of suitable age and discretion then residing therein, or (b) by leaving the copies at defendant's office or regular place of business with some competent person in charge thereof.

<sup>9</sup> G.R. No. 130974, August 16, 2006, 499 SCRA 21, 33.

*Fifth.* Judge Castañeda likewise granted motions for depositions and allowed the advance taking of testimonies even without the respondent or public prosecutor being furnished copies of the motion. In several cases, she granted the motion on the very same day, or merely a day after it was filed.

*Sixth.* After having been served with summons, respondents were usually no longer notified of subsequent court orders or processes.

*Seventh.* In other cases, Judge Castañeda permitted the public prosecutor to conduct a collusion investigation even before the respondent has filed an answer, or the lapse of the prescribed period of 15 days. She would proceed with the pre-trial even without proof that respondent had been duly notified, or terminate the pre-trial for failure of respondent to file an answer and even without the prosecutor's collusion report. Worse, **eight (8)** petitions were granted despite the absence of an investigation report from the public prosecutor.

*Eighth.* Judge Castañeda allowed the pre-trial to proceed in several cases, notwithstanding the absence of the petitioner, or the fact that the latter failed to authorize his/her counsel, through a duly-executed special power of attorney (SPA), to represent him/her thereat. She also condoned the late filing of pre-trial briefs, as in fact, there were instances when the petitioner's pre-trial brief was filed on the day of the pre-trial conference itself.

*Ninth.* There are cases where the documentary evidence had been allegedly marked and formally offered, and which Judge Castañeda

admitted, but which cannot be found in the records. In several cases, the petitioner would be allegedly cross-examined by the public prosecutor, but records are bereft of showing to establish such proceeding.

*Tenth.* Most of the psychologists' reports are *pro forma* and mere photocopies, and the psychologists did not even testify in court. On the other hand, the respondent's failure to appear in court for purposes of presenting his/her evidence is considered a waiver thereof, despite lack of due notice.

*Eleventh.* At the time of the audit, Judge Castañeda had granted **175** cases involving nullity or annulment of marriage and legal separation. More particularly, the audit team observed the extraordinary speed and overzealousness with which Judge Castañeda acted in granting some **11** cases, which were decided between a period of a mere **16 days to four (4) months** from the date of their filing.

*Finally,* Judge Castañeda issued certificates of finality of decisions notwithstanding the lack of proof that the parties, counsels, the OSG and the OPP had been duly furnished with copies of the decisions.

Acting upon the report of the audit team, the Court, in its Resolution<sup>10</sup> dated November 23, 2009, resolved, *inter alia*, to:

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<sup>10</sup> *Rollo*, Volume I, pp. 260-285.

(a) preventively suspend Judge Castañeda from office immediately upon receipt of notice, and direct her to explain, within 60 days from notice, why she should not be administratively dealt with for her numerous infractions above-enumerated, and to comment on the letter of Lea Benaid dated October 8, 2008, the respondent in Civil Case No. 254-P'07 (*Dodgie Benaid v. Lea Benaid*);

(b) direct Atty. Saguyod, the Clerk of Court of Branch 67, to:

(1) explain why he should not be administratively dealt with for issuing commitment orders without Judge Castañeda's written authority in two (2) criminal cases; failing to issue certificates of arraignment in several cases; failing to furnish respondents copies of notice of pre-trial in some cases; allowing the issuance of notice of pre-trial in two (2) civil cases only two (2) days prior to the pre-trial conference; allowing the delay in the issuance of notice of pre-trial in Civil Case No. 228-07, which respondent received 16 days after the scheduled pre-trial; failing to furnish the respondent the court's order setting the presentation of respondent's evidence in several cases; and issuing the certificates of finality in many cases without the OSG having been furnished with copies of the court's decisions;

(2) explain why no initial action has been taken on several cases, to take appropriate action and to submit a report to the Court, through the OCA, on the status of these cases;



(c) direct Process Server Angel C. Vingua (Process Server Vingua) and Sheriff Lourdes E. Collado (Sheriff Collado), both of Branch 67, to explain within 15 days from notice why they failed to comply with the rules on personal service of summons and the requirements to effect a valid substituted service, in several cases;

(d) order Court Stenographers Marylinda C. Doctor (Doctor), Evelyn B. Antonio (Antonio), Rosalie P. Sarsagat (Sarsagat) and Cheryl B. Esteban (Esteban) to attach their stenographic notes and transcripts thereof to the case records;

(e) advise Clerk George P. Clemente (Clerk Clemente) and Court Interpreter Maritoni Florian C. Cervantes (Court Interpreter Cervantes), personnel in charge of the criminal and civil dockets, to attach the registry receipts and registry returns to the case records, arrange the pleadings and court orders chronologically according to the dates of receipt or issue, cause the pagination of records and update their respective dockets; and

(f) order Utility Worker Ruben A. Gigante (Utility Worker Gigante) to stitch all court records.

In her defense, Judge Castañeda claimed<sup>11</sup> that when she assumed her judicial functions on March 16, 2007, the court was actually housed in a dilapidated old school building, with leaky ceilings and faulty wiring, and that the records were in bundles and complete disarray. When her

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<sup>11</sup> Comment dated February 26, 2010, id. at 572-583; Comment dated July 13, 2010, id. at 1459-1465.

predecessor retired, she inherited quite a number of cases, and she was taken to task with rickety typewriters, limited office supplies, and lack of personnel. In July 2008, when the construction of a new judiciary building commenced, the court was transferred to a 6x10 square-meter session hall in the barangay. Judge Castañeda declared that this was the situation in which the OCA team found Branch 67 when they conducted the audit.

More specifically, Judge Castañeda asseverated that her preventive suspension was a violation of her human rights, as well as her constitutional rights to due process and equal protection. She maintained that the undecided and unresolved cases which Judge Alipio C. Yumul, who took over her duties during her preventive suspension, was directed to decide included 2008 cases, which were either newly-filed, pending trial, or submitted for decision. Defending Atty. Saguyod's issuance of commitment orders, she insisted that it was sanctioned by the 2002 Manual for Clerks of Court, especially when the judge's signature could not be secured.

Judge Castañeda cited inadvertence with respect to the archiving of cases without the warrants of arrest having been returned, and claimed that the two (2) accused who allegedly have not yet been arraigned had, in fact, already been arraigned when she was appointed as judge. She averred that she reduced the bail bond of an accused charged with violation of RA No. 9165 from ₱120,000.00 to ₱10,000.00 because it was recommended by Provincial Prosecutor Aladin Bermudez, and that she released on recognizance two (2) other accused charged with violation of RA No. 7610 because they were minors, both of whom she referred to the Department of Social Welfare and Development.

With regard to her alleged failure to decide cases within the reglementary period, Judge Castañeda insisted that she had already resolved them, thereby prompting her to declare such fact, in good faith, in her Certificates of Service.

Finally, Judge Castañeda denied that she failed to observe the provisions of A.M. Nos. 02-11-10-SC and 02-11-11-SC. Instead, she asseverated that, since the petitions filed before her were all verified, it was no longer incumbent upon her to confirm the veracity of the contents thereof, including the parties' addresses. She contended that she merely allowed the issuance of summons even before the filing fees had been paid when no receipts were readily available to be issued. She likewise explained that it was not the duty of the court to order the petitioner to furnish the OSG or the OPP with copies of the petition, and that it was only upon the petitioner's failure to do so that the court arrogates unto itself the duty to furnish the OSG a copy of the petition.

With respect to the granting of motions to take depositions without the respondent and the OPP being furnished copies thereof, she asserted that only the OSG is required to be given a copy, not the respondent, who only learns of the case when summons is served upon him/her. On the other hand, she adopted the explanation offered by Sheriff Collado on the matter of resorting to substituted service and the failure to strictly observe the requirements on validly effecting it, as mandated by the rules.

Meanwhile, Judge Castañeda blamed the clerk in-charge for allegedly forgetting to attach the court orders requiring the public prosecutor to conduct a collusion investigation in declaration of nullity and annulment of

marriage, and legal separation cases. She defended her stance to proceed with pre-trial conferences notwithstanding the absence of the public prosecutor's investigation report, maintaining that resetting the pre-trial for this reason alone would unduly delay the proceedings. She also proceeded with pre-trial despite lack of showing that respondent was duly notified thereof as the court merely presumes that he/she received it *via* registered mail within a period of 30 days. With regard to the absence of the petitioners themselves during pre-trial, or an SPA authorizing their counsels to act on their behalf, Judge Castañeda averred that the parties may have simply forgotten to sign the minutes, or the staff failed to make them sign for some reason. As for those cases where there were no SPAs presented, or where the petitioner has yet to submit a pre-trial brief, she imputed the blame upon the clerk in charge, who she claimed had forgotten to attach them to the records or who may have even misplaced or misfiled them.

Judge Castañeda likewise avowed that she always checks all documents when she renders her decisions. Thus, even if there has been no proof that respondent was furnished with a copy of the notice of hearing for the presentation of respondent's evidence, she nonetheless issues Orders submitting them for decision, as to wait for the returns would unnecessarily delay case disposition. She also insisted that the public prosecutor's investigation reports were always in the case records, and if they were not, they might have been misplaced or accidentally removed. She also postulated that the OSG is always furnished with copies of the decisions in all cases.

With respect to the letter<sup>12</sup> sent by Lea Benaïd, Judge Castañeda reiterated her earlier ratiocination that the petition filed by Lea's petitioner-husband was verified, thus, the court had no duty to investigate on the veracity of its contents. Judge Castañeda likewise pointed out that, despite having received summons, Lea did not file any responsive pleading, nor did her counsel appear before the court to participate in the proceedings.

For his part, Atty. Saguyod explained<sup>13</sup> that he issued the commitment orders without Judge Castañeda's written authority as he was empowered, under the 2002 Manual of Clerks of Court to issue a *mittimus* whenever the signature of the judge could not be secured, and there was an immediate necessity to detain an accused. He charged to mere inadvertence or oversight instances when the branch staff failed to have the accused or counsel affix their signatures on the certificates of arraignment. With regard to his alleged failure to furnish respondents copies of notice of pre-trial, Atty. Saguyod explained that these notices were actually sent on time but the proofs of mailing were not immediately attached to the records, and unfortunately, these proofs were misplaced.

Further, Atty. Saguyod averred that there was a mere typographical error on the date of one notice of pre-trial, supposedly issued two (2) days before the pre-trial conference, which should have reflected “February 8, 2008” and not “February 18, 2008.” In a civil case where the respondent received the notice of pre-trial only on February 22, 2008, 16 days after the scheduled pre-trial, Atty. Saguyod claimed that the notice of pre-trial was promptly mailed to respondent on February 1, 2008. Similarly, the order setting the hearing for the presentation of respondent's evidence was

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<sup>12</sup> Supra note 7.

<sup>13</sup> *Rollo*, Volume I, pp. 1436-1441.

actually mailed, only that the proof of mailing was not attached to the case records.

Finally, Atty. Saguyod echoed the defense of Judge Castañeda that the OSG had always been furnished with copies of the court's decisions before the corresponding certificates of finality were issued.

In compliance with the Court's directive, Atty. Saguyod submitted a report<sup>14</sup> of the initial action taken on the cases mentioned in the Court's November 23, 2009 Resolution.

For her part, Sheriff Collado claimed<sup>15</sup> that she served summons only in 10 cases enumerated in the Court's November 23, 2009 Resolution, but admitted that she failed to observe the requirements to validly effect substituted service of summons set forth in *Manotoc v. Court of Appeals*,<sup>16</sup> as she was allegedly not aware thereof and because she was used to a *pro forma* return of service. However, she posited that it was an honest mistake and made assurances to strictly observe the rules in future services of summons.

On the other hand, records show that Process Server Vingua died on January 1, 2009.<sup>17</sup>

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<sup>14</sup> Id. at 307-311.

<sup>15</sup> Id. at 302-303.

<sup>16</sup> Supra note 9.

<sup>17</sup> *Rollo*, Volume II, p. 1535.

On March 12, 2010, Judge Castañeda manifested<sup>18</sup> that she will resume her duties as Presiding Judge of Branch 67 on March 22, 2010, asseverating that since she had already acted upon the cases cited in the Court's November 23, 2009 Resolution, and that any lapses thereon were not attributable to her but to her staff, she has the right to be reinstated to her position. Thus, Judge Castañeda reported back to her court on March 22, 2010 notwithstanding the lack of any action from the Court regarding her manifestation.

On February 1 to 4, 2011, a second audit was conducted in Branch 67, the results of which essentially mirrored those of the first audit.<sup>19</sup>

### **The Action and Recommendation of the OCA**

In its Memorandum<sup>20</sup> dated March 22, 2011, the OCA recommended the following, *inter alia*:

(a) that Judge Castañeda be dismissed from the service, with forfeiture of all retirement benefits, except accrued leave credits, if any, and with prejudice to reemployment in any branch or instrumentality of the government, including government-owned or -controlled corporations, for *dishonesty, gross ignorance of the law and procedure, gross misconduct and incompetency*;

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<sup>18</sup> *Rollo*, Volume I, pp. 1448-1449.

<sup>19</sup> *Rollo*, Volume II, p. 1522.

<sup>20</sup> *Id.* at 1490-1538.

(b) that Atty. Saguyod be suspended for six (6) months and one (1) day, without salaries and other benefits, with warning that a repetition of the same or similar acts will be dealt with more severely, for *inefficiency and incompetency*;

(c) that Sheriff Collado, Court Stenographers Doctor, Antonio, Sarsagat and Esteban, Clerk Clemente, Court Interpreter Cervantes, and Utility Worker Gigante be fined in the amount of ₱5,000.00 each, for *simple neglect of duties*, with warning that a repetition of the same or similar acts will be dealt with more severely; and,

(d) that Atty. Saguyod and Clerk Clemente be ordered to explain, within fifteen (15) days from notice, why they failed to present to the audit team, in the conduct of the second audit, the records of 241 nullity of marriage cases decided in 2010, and why 30 decided cases involving nullity of marriage were not reported in 2010.

In arriving at its recommendation insofar as Judge Castañeda is concerned, the OCA found that she failed to decide cases within the reglementary period, and that her inaction or procrastination was inexcusable. The OCA touted Judge Castañeda's explanation as unsatisfactory, especially since she attempted to use her staff as scapegoats to evade administrative liability.

Because she failed to conduct a semi-annual inventory of her case docket, Judge Castañeda failed to see that there were two (2) accused who were yet to be arraigned. With respect to the accused charged with an



offense involving drugs whose bailbonds she drastically reduced from ₱120,000.00 to ₱10,000.00 purportedly upon the recommendation of the public prosecutor, records are bereft of such recommendation.

Moreover, the OCA also considered the irregularities and procedural lapses in the manner in which Judge Castañeda handled cases for nullity, annulment of marriage and legal separation, as she completely disregarded the basic provisions of A.M. Nos. 02-11-10-SC and 02-11-11-SC. For these infractions, the OCA found her guilty of gross ignorance of the law and procedure, and held her unjustifiable zeal and readiness in granting petitions for nullity, annulment and legal separation to be so gross, patent and deliberate that it reeks of utter bad faith. In fact, the OCA aptly took note of Judge Castañeda's alarming and indiscriminate granting of petitions for nullity and annulment of marriage, as evidenced by the fact that these cases would be usually submitted for decision within a month from the filing of the petition and decided in a mere 2 months' time. In 2010 alone, Judge Castañeda granted the extremely high total of **410** petitions of this nature. From this observation, the OCA explained that Judge Castañeda demonstrated an utter lack of competence and integrity in performing her duties as a judge, which amounted to grave abuse of authority.

Finally, by submitting her Certificates of Service for February and March 2010 and falsely asserting therein that she rendered work for that period when, in fact, she served her preventive suspension from January 13, 2010 to March 21, 2010, Judge Castañeda deliberately committed acts of dishonesty.

In fine, Judge Castañeda violated the Code of Judicial Conduct, which enjoins judges to uphold the integrity of the judiciary, avoid impropriety or the appearance of impropriety in all activities and to perform their duties honestly and diligently. Thus, considering the number and severity of Judge Castañeda's infractions, the OCA indicated that the extreme penalty of dismissal may be imposed upon her.

On the other hand, the OCA found Atty. Saguyod administratively liable for inefficiency and incompetence in the performance of his duties, which is classified as a grave offense under the Uniform Rules on Administrative Cases in the Civil Service. The judicial audits showed that Atty. Saguyod went beyond the ministerial duties of a branch clerk of court and arrogated unto himself functions that belong to a judge by issuing commitment orders in two criminal cases. On the other hand, he was remiss in his mandated duties as a branch clerk of court when he accepted non-verified petitions for nullity, annulment and legal separation as well as petitions which were not within the territorial jurisdiction of Branch 67. He demonstrated inefficiency when he failed to: (1) issue certificates of arraignment in several criminal cases; (2) furnish respondents copies of notice of pre-trial; and (3) furnish the respondent the Order setting the case for presentation of the latter's evidence, as well as when he issued certificates of finality without furnishing the respondent and/or the public prosecutor with copies of the decision.

Moreover, Atty. Saguyod miserably failed in performing his mandated duty under the Rules of Court to oversee and exercise control and supervision over the orderly keeping of court records, papers and files. Worse, he passed the blame to his subordinates and attributed the miserable state of their records to the condition of their office during the first audit.

However, when the second audit was eventually conducted, the team observed no substantial improvement in case and records management despite the fact that Branch 67 had already transferred to a new building.

As for Sheriff Collado, the OCA held that she should endeavor to learn the rules on service of summons, and her claim that their office uses a *pro forma* return of service is no excuse to absolve her from liability. On the other hand, despite having been ordered in the Court's November 23, 2009 Resolution to attach the stenographic notes and transcripts of stenographic notes to the case records, Court Stenographers Doctor, Antonio, Sarsagat and Esteban still failed to do so. Similarly, Clerk Clemente failed to attach the registry receipts and registry returns to the case records, arrange the pleadings and court issuances chronologically, cause the pagination of records and update the court docket book. For her part, former Clerk and currently Court Interpreter Cervantes was found to have failed to prepare the minutes of the court proceedings and mark exhibits properly. Finally, Utility Worker Gigante still failed to stitch all court records accordingly.

For their respective infractions, the OCA found Sheriff Collado, Court Stenographers Doctor, Antonio, Sarsagat and Esteban, Clerk Clemente, Court Interpreter Cervantes, and Utility Worker Gigante liable for simple neglect of duties, which is classified as a less grave offense under the Uniform Rules on Administrative Cases in the Civil Service, punishable by suspension for 1 month and 1 day to 6 months for the first offense. Instead of suspending them, however, the OCA recommended that a fine of ₱5,000.00 each be imposed upon them. The OCA refused to give credence to their defense that they cannot cope with their work because of the court's heavy caseload.

### **The Issue Before The Court**

The sole issue before the Court is whether Judge Castañeda, Atty. Saguyod, Sheriff Collado, Court Stenographers Doctor, Antonio, Sarsagat and Esteban, Clerk Clemente, Court Interpreter Cervantes, and Utility Worker Gigante should be imposed the penalties as recommended by the OCA, for their various and respective infractions in the performance of their official duties.

### **The Court's Ruling**

After a judicious perusal of the records, the Court wholly concurs with the findings and recommendations of the OCA as enumerated above.

### **Judge Liberty O. Castañeda, Presiding Judge**

#### ***A. On the Delay in the Disposition of Cases***

“Section 5, Canon 6 of the New Code of Judicial Conduct for the Philippine Judiciary provides that judges shall perform all judicial duties, including the delivery of reserved decisions, efficiently, fairly, and with reasonable promptness.”<sup>21</sup> Section 15 (1), Article VIII of the Constitution mandates trial court judges to decide a case within the reglementary period of 90 days, to wit:

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<sup>21</sup> *OCA v. Judge Trocino*, A.M. No. RTJ-05-1936, May 29, 2007, 523 SCRA 262, 271.

(1) All cases or matters filed after the effectivity of this Constitution must be decided or resolved within twenty-four months from date of submission for the Supreme Court, and, unless reduced by the Supreme Court, twelve months for all lower collegiate courts, and **three months for all other lower courts.** (Emphasis supplied)

Likewise, the Code of Judicial Conduct under Rule 3.05 of Canon 3 dictates:

Rule 3.05 — A judge shall dispose of the court's business promptly and decide cases within the required periods.

Thus, “rules prescribing the time within which certain acts must be done are indispensable to prevent needless delays in the orderly and speedy disposition of cases, making the 90-day period within which to decide cases mandatory.”<sup>22</sup> Corollarily, judges have always been exhorted to observe strict adherence to the rule on speedy disposition of cases.<sup>23</sup> Delay in the disposition of cases is a major culprit in the erosion of public faith and confidence in the judicial system, as judges have the sworn duty to administer justice without undue delay, for justice delayed is justice denied.<sup>24</sup>

In Judge Castañeda's case, both judicial audits conducted in the RTC of Paniqui, Tarlac, Branch 67 revealed that there were many cases that were undecided notwithstanding the lapse of the 90-day reglementary period within which they should be disposed, apart from those that have remained dormant or unacted upon for a considerable amount of time. Judge

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<sup>22</sup> *OCA v. Judge Garcia-Blanco and Atty. Mercado*, A.M. No. RTJ-05-1941, April 25, 2006, 488 SCRA 109, 120.

<sup>23</sup> *Re: Judicial Audit Conducted in the RTC, Branch 73, Antipolo City*, A.M. No. 05-2-113-RTC, December 7, 2005, 476 SCRA 598, 599.

<sup>24</sup> *Re: Request of Judge Roberto S. Javellana, RTC, Br. 59, San Carlos City (Negros Occidental) for Extension of Time to Decide Civil Cases Nos. X-98 and RTC 363*, A.M. No. 01-6-314-RTC, June 19, 2003, 404 SCRA 373, 376.

Castañeda failed to decide, within the prescribed period, **40**<sup>25</sup> cases from the first audit and **22** cases from the second audit, or a total of **62** cases. In the absence of an extension of time within which to decide these cases, which Judge Castañeda could have sought from the Court, her failure to assiduously perform her judicial duties is simply inexcusable. An inexcusable failure to decide a case within the prescribed 90-day period constitutes gross inefficiency<sup>26</sup> warranting a disciplinary sanction.<sup>27</sup>

### ***B. On the Falsification of the Certificates of Service***

A certificate of service is an instrument essential to the fulfillment by the judges of their duty to dispose of their cases speedily as mandated by the Constitution.<sup>28</sup> A judge who fails to decide cases within the reglementary period but continues to collect his salaries upon his certification that he has no pending matters to resolve transgresses the constitutional right of the people to the speedy disposition of their cases.<sup>29</sup>

Notwithstanding her failure to dispose of cases within the prescribed period, Judge Castañeda made it appear in her monthly Certificates of Service that she had decided or resolved cases within 90 days from their submission. When she was preventively suspended in the Court's November 23, 2009 Resolution, which suspension she served from January 13, 2010 to March 21, 2010, she nonetheless misrepresented on her Certificates of

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<sup>25</sup> *Rollo*, Volume II, p. 1527.

<sup>26</sup> *Report on the Judicial Audit Conducted in the RTC, Branches 29 and 59, Toledo City*, A.M. No. 97-9-278-RTC, July 8, 1998, 292 SCRA 8, 23.

<sup>27</sup> *Tam v. Judge Regencia, MCTC, Asturias-Balamban, Cebu*, A.M. No. MTJ-05-1604, June 27, 2006, 493 SCRA 26, 42.

<sup>28</sup> *Sabitsana, Jr. v. Villamor*, A.M. No. RTJ-90-474, October 4, 1991, 202 SCRA 435.

<sup>29</sup> *Request of Peter Ristig for Assistance Regarding the Delay in the Proceedings of Criminal Case No. 95227-R, entitled "People of the Philippines versus Henry Uy" Pending at MTCC, Branch 6, Cebu City*, A.M. No. 02-5-107-MTCC, December 9, 2004, 445 SCRA 538.

Service in February and March 2010 that she rendered work for those months. Because of such dishonest conduct, she was able to receive her salaries for the months when she was supposedly under preventive suspension. A judge who falsifies her Certificate of Service is administratively liable for serious misconduct and inefficiency.<sup>30</sup>

***C. On Disregarding the Provisions of A.M. Nos. 02-11-10-SC and 02-11-11-SC***

“A judge should observe the usual and traditional mode of adjudication requiring that he should hear both sides with patience and understanding to keep the risk of reaching an unjust decision at a minimum.”<sup>31</sup> Thus, “he must neither sacrifice for expediency’s sake the fundamental requirements of due process nor forget that he must conscientiously endeavor each time to seek the truth, to know and aptly apply the law, and to dispose of the controversy objectively and impartially.”<sup>32</sup>

The serious infractions committed by Judge Castañeda were in cases involving petitions for nullity and annulment of marriage and legal separation, the most disturbing and scandalous of which was the haste with which she disposed of such cases. For the year 2010 alone, Judge Castañeda *granted* a total of **410** petitions of this nature. The audits likewise showed that she acted on these petitions despite the fact that it was not verified; that the OSG or the OPP were not furnished a copy of the petition within 5 days

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<sup>30</sup> *Re: Report on the Judicial Audit Conducted in the RTC, Branches 61, 134 and 147, Makati, Metro Manila*, A.M. Nos. 93-2-1001-RTC and A.M. No. P-93-944, September 5, 1995, 248 SCRA, 5, 31.

<sup>31</sup> *Dayawon v. Garfin*, A.M. No. MTJ-01-1367, September 5, 2002, 388 SCRA 341, 349, *citing Castillo v. Juan*, 62 SCRA 124, 127 (1975).

<sup>32</sup> *Id.*, *citing Young v. De Guzman*, 303 SCRA 254, 258 (1999).

from its filing; that the petition did not recite the true residence of the parties, which should be within the territorial jurisdiction of Branch 67 for at least 6 months prior to the filing of the petition; or that the docket fees have not been fully paid and jurisdiction over the person of the respondents have not been acquired.

The Court takes special exception to Civil Case No. 254-P'07 (*Dodgie Benaid v. Lea Benaid*), which Judge Castañeda granted notwithstanding the following irregularities: (1) petitioner-husband Dodgie Benaid appeared to be a resident of Infanta, Quezon, contrary to the information reflected on the petition that he was a resident of Apulid, Paniqui, Tarlac; (2) respondent-wife Lea Benaid is not a resident, either, of Goldenland Subdivision, Mabalacat, Pampanga, but of Infanta, Quezon; and (3) Lea was neither interviewed nor investigated by the public prosecutor in arriving at the conclusion that no collusion exists between her and her husband. In fact, records show that Dodgie Benaid, the Chief of Police of Real, Quezon, was eventually found guilty of misconduct and dishonesty for falsely claiming in his petition for nullity of marriage that he was a resident of Apulid, Tarlac and that his wife, Lea, was a resident of Mabalacat, Pampanga.

The OCA has extensively elucidated on the transgressions committed by Judge Castañeda, which the Court adopts in its entirety. For her blatant disregard of the provisions of A.M. Nos. 02-11-10-SC and 02-11-11-SC, Judge Castañeda is thus found guilty of gross ignorance of the law and procedure. Thus, in *Pesayco v. Layague*, the Court held:

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.<sup>33</sup>

Moreover, the reprehensible haste with which she granted petitions for nullity and annulment of marriage and legal separation, despite non-compliance with the appropriate rules and evident irregularities in the proceedings, displayed her utter lack of competence and probity, and can only be considered as grave abuse of authority.

**Atty. Paulino I. Saguyod, Branch Clerk of Court**

In *Office of the Court Administrator v. Judge Trocino*, the Court explained the functions and responsibilities of a clerk of court, to wit:

Clerks of court perform vital functions in the prompt and sound administration of justice. Their office is the hub of adjudicative and administrative orders, processes, and concerns. Clerks of court are charged not only with the efficient recording, filing, and management of court records but also with administrative supervision over court personnel. A clerk of court is the personnel officer of the court who exercises general supervision over all court personnel, enforces regulations, initiates investigations of erring employees, and recommends appropriate action to the judge. They play a vital role in the complement of the court.<sup>34</sup>

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<sup>33</sup> A.M. No. RTJ-04-1889, December 22, 2004, 447 SCRA 450, 459, citations omitted.

<sup>34</sup> *Supra* note 21, at 274.

In the extensive results of the judicial audits conducted by the OCA, Atty. Saguyod miserably failed to meet the standards required of an effective and competent clerk of court. He arrogated unto himself functions which were not his, and at the same time, failed to perform duties which were incumbent upon him to do.

Records further show that Branch 67 has been remiss in the submission of the reportorial requirements, as evidenced by the fact that as of March 21, 2011, the latest Docket Inventory of Cases submitted by Branch 67 is for January to June 2010, and the latest Monthly Report of Cases is for November 2010.<sup>35</sup> Clearly, Atty. Saguyod violated Administrative Circular No. 4-2004 dated February 4, 2004, which requires the Monthly Report of Cases to be filed with the Court on or before the 10<sup>th</sup> day of the succeeding month, as well as Administrative Circular No. 76-2007 dated August 31, 2007 which in turn requires all trial judges and their clerks of court to submit the docket inventory of cases not later than the first week of February and the first week of August each year.

As aptly pointed out by the OCA, when he assumed the position of Clerk of Court of Branch 67, Atty. Saguyod is presumed to be ready, willing, and able to perform his tasks with utmost devotion and efficiency, failing which, he becomes administratively liable. Thus, Atty. Saguyod is administratively liable for inefficiency and incompetence in the performance of official duties.

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<sup>35</sup> *Rollo*, Volume II, p. 1534.

**Sheriff Lourdes E. Collado**

In *Manotoc v. Court of Appeals*, the Court expounded on the duty of the sheriff with respect to effecting a valid service of summons, thus:

Sheriffs are asked to discharge their duties on the service of summons with due care, utmost diligence, and reasonable promptness and speed so as not to prejudice the expeditious dispensation of justice. Thus, they are enjoined to try their best efforts to accomplish personal service on defendant. On the other hand, since the defendant is expected to try to avoid and evade service of summons, the sheriff must be resourceful, persevering, canny, and diligent in serving the process on the defendant. **For substituted service of summons to be available, there must be several attempts by the sheriff to personally serve the summons within a reasonable period [of one month] which eventually resulted in failure to prove impossibility of prompt service. “Several attempts” means at least three (3) tries, preferably on at least two different dates. In addition, the sheriff must cite why such efforts were unsuccessful. It is only then that impossibility of service can be confirmed or accepted.**<sup>36</sup>  
(Emphasis supplied)

With Sheriff Collado's admission that she indeed failed to observe the requirements to effect a valid substituted service of summons set forth in *Manotoc v. Court of Appeals*<sup>37</sup> in the 10 cases assigned to her, and upon her assurances to strictly observe these rules in the future, the Court therefore reminds Sheriff Collado to endeavor to commit to memory the rules on proper service of summons.

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<sup>36</sup> Supra note 9, at 35.

<sup>37</sup> Supra note 9.

**Court Stenographers Marylinda C. Doctor, Evelyn B. Antonio, Rosalie P. Sarsagat and Cheryl B. Esteban; Clerk George P. Clemente; Court Interpreter Maritoni Florian C. Cervantes; Utility Worker Ruben A. Gigante**

Section 17 of Rule 136 of the Rules of Court provides for the functions and duties of a court stenographer, which states in part:

SEC. 17. *Stenographer.* – It shall be the duty of the stenographer who has attended a session of a court either in the morning or in the afternoon, to deliver to the clerk of court, immediately at the close of such morning or afternoon session, all the notes he has taken, to be attached to the record of the case; and it shall likewise be the duty of the clerk to demand that the stenographer comply with said duty. The clerk of court shall stamp the date on which such notes are received by him. When such notes are transcribed, the transcript shall be delivered to the clerk, duly initialed on each page thereof, to be attached to the record of the case.

Further, Administrative Circular No. 24-90<sup>38</sup> requires all stenographers to transcribe all stenographic notes and to attach the transcripts to the records of the case not later than 20 days from the time the notes were taken. Stenographers are also required to accomplish a verified monthly certification to monitor their compliance with this directive. In the absence of such certification or for failure or refusal to submit the certification, the stenographer's salary shall be withheld.

In the Court's November 23, 2009 Resolution, issued pursuant to the results of the first audit conducted by the OCA, Stenographers Doctor, Antonio, Sarsagat and Esteban were already directed by the Court to attach their stenographic notes and transcripts of stenographic notes to the case

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<sup>38</sup> Revised Rules on Transcription of Stenographic Notes and their Transmission to Appellate Courts, dated July 12, 1990.

records. Likewise, Clerk Clemente, who was in charge of civil cases, was advised to attach registry receipts and registry returns to their respective records, arrange papers chronologically, complete records pagination and update his docket book. Similarly, Court Interpreter Cervantes was ordered to prepare the Minutes of proceedings and mark exhibits properly, and Utility Worker Gigante was tasked to stitch all court records properly.

Unfortunately, by the time the second audit had been concluded on February 4, 2011, all of them miserably failed to complete the respective tasks assigned to them, for which they must be held administratively liable.

On this note, the Court takes the opportunity to remind judges, clerks of court, and other court employees that all of them share in the same duty and obligation to ascertain that justice is dispensed promptly. In order to realize this end, they must be able to work together and mutually assist one another. However, it bears to stress that it is the judge who has, at the end of the day, the ultimate responsibility to ensure that the professional competence of her staff is constantly displayed, and to take the necessary steps when she feels that the same is not observed or begins to take a downward path. Thus, judges should supervise their court personnel to guarantee the prompt and efficient dispatch of business, and require at all times the observance of high standards of public service and fidelity.<sup>39</sup>

**WHEREFORE**, in view of all the foregoing, the Court finds:

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<sup>39</sup> Supra note 21, at 276.

(a) **JUDGE LIBERTY O. CASTAÑEDA** guilty of dishonesty, gross ignorance of the law and procedure, gross misconduct and incompetency and hereby **DISMISSES** her from the service, with forfeiture of all retirement benefits, except accrued leave credits, if any, and with prejudice to reemployment in any branch or instrumentality of the government, including government-owned or -controlled corporations;

(b) **ATTY. PAULINO I. SAGUYOD** guilty of inefficiency and incompetency and hereby **SUSPENDS** him for six (6) months and one (1) day, without salaries and other benefits, with warning that a repetition of the same or similar acts will be dealt with more severely;

(c) **SHERIFF LOURDES E. COLLADO; COURT STENOGRAPHERS MARYLINDA C. DOCTOR, EVELYN B. ANTONIO, ROSALIE P. SARSAGAT AND CHERYL B. ESTEBAN; CLERK GEORGE P. CLEMENTE; COURT INTERPRETER MARITONI FLORIAN C. CERVANTES and UTILITY WORKER RUBEN A. GIGANTE** guilty of simple neglect of duties and hereby imposes upon them a **FINE** in the amount of **₱5,000.00** each, with warning that a repetition of the same or similar acts will be dealt with more severely.

Let a copy of this Decision be attached to the records of Judge Castañeda, Atty. Saguyod, Sheriff Collado, Stenographers Doctor, Antonio, Sarsagat and Esteban, Clerk Clemente, Court Interpreter Cervantes and Utility Worker Gigante on file with the Court.

**SO ORDERED.**

*Maria Lourdes P. A. Sereno*  
**MARIA LOURDES P. A. SERENO**  
 Chief Justice

*Antonio T. Carpio*  
**ANTONIO T. CARPIO**  
 Associate Justice

*Presbitero J. Velasco, Jr.*  
**PRESBITERO J. VELASCO, JR.**  
 Associate Justice

*Teresita Leonardo de Castro*  
**TERESITA J. LEONARDO-DE CASTRO**  
 Associate Justice

*Arturo D. Brion*  
**ARTURO D. BRION**  
 Associate Justice

*Diosdado M. Peralta*  
**DIOSDADO M. PERALTA**  
 Associate Justice

*Lucas P. Bersamin*  
**LUCAS P. BERSAMIN**  
 Associate Justice

*Mariano C. Del Castillo*  
**MARIANO C. DEL CASTILLO**  
 Associate Justice

*Roberto A. Abad*  
**ROBERTO A. ABAD**  
 Associate Justice

*Martin S. Villarama, Jr.*  
**MARTIN S. VILLARAMA, JR.**  
 Associate Justice

*No part. Refsd on matter of Court Adm.*  
*Jose Portugal Perez*  
**JOSE PORTUGAL PEREZ**  
 Associate Justice

*Jose Catral Mendoza*  
**JOSE CATRAL MENDOZA**  
 Associate Justice

*Bienvenido L. Reyes*  
**BIENVENIDO L. REYES**  
 Associate Justice

*Estela M. Perlas-Bernabe*  
**ESTELA M. PERLAS-BERNABE**  
 Associate Justice