



Republic of the Philippines
Supreme Court
 Manila

EN BANC

**RE: LETTER OF LUCENA
 OFENDOREYES ALLEGING
 ILLICIT ACTIVITIES OF A
 CERTAIN ATTY. CAJAYON
 INVOLVING CASES IN THE
 COURT OF APPEALS,
 CAGAYAN DE ORO CITY,**

A.M. No. 16-12-03-CA

X-----X
**RE: LETTER-COMPLAINT OF
 SYLVIA ADANTE CHARGING
 HON. JANE AURORA C.
 LANTION, ASSOCIATE
 JUSTICE, COURT OF
 APPEALS, CAGAYAN DE
 ORO CITY, and ATTY.
 DOROTHY CAJAYON WITH
 "SYSTEMATIC PRACTICES
 OF CORRUPTION."**

IPI No. 17-248-CA-J

Present:

SERENO, *C.J.*, Chairperson,
 CARPIO,
 VELASCO, JR.,
 LEONARDO-DE CASTRO,
 PERALTA,
 BERSAMIN,
 DEL CASTILLO,
 MENDOZA,*
 REYES,
 PERLAS-BERNABE,
 JARDELEZA,
 LEONEN,
 CAGUIOA,
 MARTIRES,** and
 TIJAM, *JJ.*

Promulgated:

June 6, 2017

Alfonso C. Sison

X-----X

RESOLUTION

* On Official Leave.
 ** On Official Leave.

PERLAS-BERNABE, J.:

These consolidated administrative matters arose from the letter-complaints respectively filed by Sylvia Adante (Adante) and Lucena Ofendoreyes (Ofendoreyes)¹ both charging a certain Atty. Dorothy Cajayon (Atty. Cajayon) from Zamboanga City and Associate Justice Jane Aurora C. Lantion (Justice Lantion) of the Court of Appeals in Cagayan De Oro City (CA-CDO) of illicitly selling favorable decisions involving cases filed in the CA-CDO to the highest bidding clients.

The Facts

On October 17, 2016, Adante filed before the Office of the Ombudsman (Ombudsman) a letter,² alleging that it was “intimated to [her]” that Atty. Cajayon, whom she met only once, was in cahoots with Justice Lantion in engaging in the shameful business of “selling” decisions involving cases from the CA-CDO to the highest bidder.

Subsequently, or on October 25, 2017, Ofendoreyes filed before the same agency a letter,³ requesting the latter to investigate and stop the purported partnership of Atty. Cajayon and Justice Lantion from the business of selling decisions in exchange for money.

Both letter-complaints were respectively referred by the Ombudsman to this Court on November 22, 2016⁴ and November 23, 2016,⁵ which were, consequently, docketed as IPI No. 17-248-CA-J and A.M. No. 16-12-03-CA. In a Resolution⁶ dated January 10, 2017, the Court referred the administrative matters to the Office of the Court Administrator (OCA) to study the possible consolidation of the same.

The OCA’s Report and Recommendation

In a Memorandum⁷ dated February 14, 2017, the OCA recommended that the matters be consolidated,⁸ considering that both letter-complaints involve the same respondents, *i.e.*, Atty. Cajayon and Justice Lantion, and issue, *i.e.*, the sale of favorable decisions involving cases in the CA-CDO to the highest bidder.

¹ Inadvertently mentioned as “Ofendorajes” in the record (see *rollo* [A.M. No. 16-12-03-CA], p. 1).

² Dated October 15, 2016. See *rollo* (IPI No. 17-248-CA-J), p. 3.

³ Dated October 17, 2016. See *rollo* (A.M. No. 16-12-03-CA), p. 2.

⁴ See endorsement letter dated November 7, 2016; *rollo* (IPI No. 17-248-CA-J), p. 2.

⁵ See endorsement letter dated October 28, 2016; *rollo* (A.M. No. 16-12-03-CA), p. 1.

⁶ See *rollo* (IPI No. 17-248-CA-J), p. 4 and *rollo* (A.M. No. 16-12-03-CA), p. 4.

⁷ See *rollo* (IPI No. 17-248-CA-J), pp. 5-6 and *rollo* (A.M. No. 16-12-03-CA), pp. 5-6.

⁸ The said consolidation was approved and granted by the Court in its Minute Resolution dated March 7, 2017.

The OCA, however, observed that the letter-complaints were insufficient in form and substance in that they: (1) were not verified; and (2) lacked affidavits of persons who may have personal knowledge of the facts to prove or substantiate the letter-complaints' allegations against respondents, as well as supporting documents. Moreover, it echoed the rule that in administrative proceedings, the burden of proof that the respondent committed the acts complained of rests on the complainant, and that in the absence of evidence against a court employee or magistrate to discipline for a grave offense, the presumption that the respondent has regularly performed his duties will prevail.⁹

The Issue Before the Court

The sole issue is whether or not Atty. Cajayon and Justice Lantion should be held administratively liable.

The Court's Ruling

Under the Rules of Court, administrative complaints both against lawyers and judges of regular and special courts as well as Justices of the Court of Appeals and the Sandiganbayan must be verified and supported by affidavits of persons who have personal knowledge of the facts alleged therein or by documents which may substantiate said allegations.

For lawyers, these requirements are stated in Section 1, Rule 139-B of the Rules of Court:

SECTION 1. *How Instituted.* — Proceedings for the disbarment, suspension, or discipline of attorneys may be taken by the Supreme Court *motu proprio*, or by the Integrated Bar of the Philippines (IBP) upon the verified complaint of any person. **The complaint shall state clearly and concisely the facts complained of and shall be supported by affidavits of persons having personal knowledge of the facts therein alleged and/or by such documents as may substantiate said facts.** (Emphasis and underscoring supplied)

Meanwhile, for judges and Justices of the Court of Appeals and the Sandiganbayan, the requirements are found in Section 1, Rule 140 of the Rules of Court:¹⁰

SECTION 1. *How instituted.* — Proceedings for the discipline of Judges of regular and special courts and Justices of the Court of Appeals and the Sandiganbayan may be instituted *motu proprio* by the Supreme Court or upon **a verified complaint, supported by affidavits of persons**

⁹ See *rollo* (IPI No. 17-248-CA-J), pp. 5-6 and *rollo* (A.M. No. 16-12-03-CA), pp. 5-6.

¹⁰ As amended by A.M. No. 01-8-10-SC, entitled "RE: PROPOSED AMENDMENT TO RULE 140 OF THE RULES OF COURT RE DISCIPLINE OF JUSTICES AND JUDGES" (September 11, 2001).

who have personal knowledge of the facts alleged therein or by documents which may substantiate said allegations, or upon an anonymous complaint, supported by public records of indubitable integrity. The complaint shall be in writing and shall state clearly and concisely the acts and omissions constituting violations of standards of conduct prescribed for Judges by law, the Rules of Courts or the Code of Judicial Conduct. (Emphasis and underscoring supplied)

In this relation, Section 2 of Rule 140 states that:

SECTION 2. *Action on the complaint.* — If the complaint is sufficient in form and substance, a copy thereof shall be served upon the respondent, and he shall be required to comment within ten (10) days from the date of service. **Otherwise, the same shall be dismissed.** (Emphasis supplied)

In these cases, it is evident that the herein complaints lacked the foregoing requirements. Complainants' respective single page letter-complaints are indisputably unverified, and bereft of any supporting affidavits or documents that would support the charges made against herein respondents. Overall, they contain bare allegations that, unfortunately, have no factual or legal anchorage.

Moreover, it appears that complainants did not have personal knowledge of the acts imputed against respondents as they merely relied on hearsay to support their claims. For one, Adante clearly stated in her letter-complaint that the alleged offense was only "intimated to [her],"¹¹ while Ofendoreyes simply asks the Court to "investigate and stop"¹² the said illicit activities without providing any further details on the information. The Court has emphasized that "to satisfy the substantial evidence requirement for administrative cases, hearsay evidence should necessarily be supplemented and corroborated by other evidence that are not hearsay,"¹³ which, however, was not presented here.

Jurisprudence dictates that in administrative proceedings, complainants bear the burden of proving the allegations in their complaints by substantial evidence. If they fail to show in a satisfactory manner the facts upon which their claims are based, the respondents are not obliged to prove their exception or defense.¹⁴ The same goes with administrative cases disciplining for grave offense court employees or magistrates. The evidence against the respondent should be competent and should be derived from direct knowledge.¹⁵

¹¹ *Rollo* (IPI No. 17-248-CA-J), p. 3.

¹² *Rollo* (A.M. No. 16-12-03-CA), p. 2.

¹³ See *Re: Verified Complaint dated July 13, 2015 of Umali, Jr. v. Hernandez*, IPI No. 15-35-SB-J, February 23, 2016, 784 SCRA 483, 492.


¹⁴ See *Bruselas, Jr. v. Mallari*, A.C. No. 9683, IPI No. 17-250-CA-J, IPI No. 17-251-CA-J, *et al.*, February 21, 2017.

¹⁵ *The Law Firm of Chavez Miranda Aseoche v. Dicdican*, 600 Phil. 65, 69 (2009).


Thus, considering that the complainants not only failed to comply with the formal requirements provided in the Rules of Court, but also did not present evidence to lend any ostensible merit to their letter-complaints that accuse herein respondents of serious ethical violations (*i.e.*, bidding out court decisions in favor of moneyed clients), the Court finds no proper conclusion other than to dismiss outright the present cases.

WHEREFORE, the complaints are **DISMISSED**.

SO ORDERED.


ESTELA M. PERLAS-BERNABE
Associate Justice

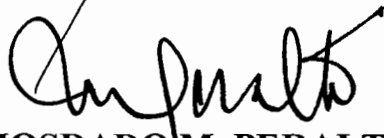
WE CONCUR:

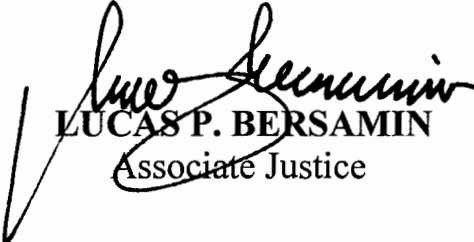

MARIA LOURDES P. A. SERENO
Chief Justice


ANTONIO T. CARPIO
Associate Justice


PRESBITERO J. VELASCO, JR.
Associate Justice

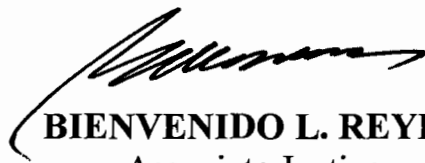

TERESITA J. LEONARDO-DE CASTRO
Associate Justice


DIOSDADO M. PERALTA
Associate Justice


LUCAS P. BERSAMIN
Associate Justice

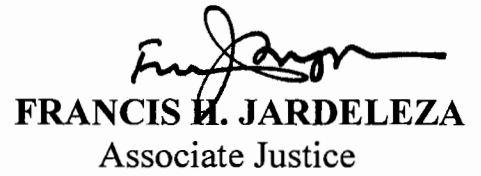

MARIANO C. DEL CASTILLO
Associate Justice

On Official Leave
JOSE CATRAL MENDOZA
Associate Justice

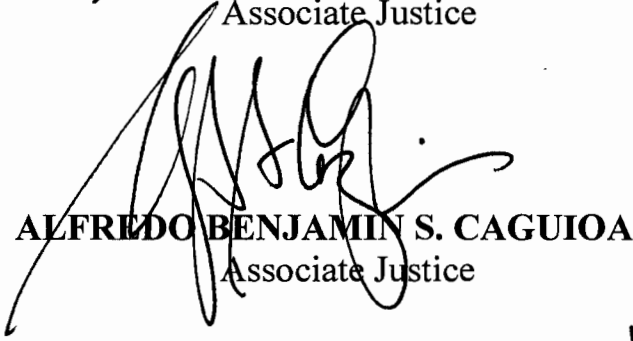

BIENVENIDO L. REYES
Associate Justice



MARVIC M. V. F. LEONEN
Associate Justice



FRANCIS H. JARDELEZA
Associate Justice



ALFREDO BENJAMIN S. CAGUIOA
Associate Justice

On Official Leave
SAMUEL R. MARTIRES
Associate Justice



NOEL GIMENEZ TIJAM
Associate Justice

CERTIFIED XEROX COPY:



FELIPA B. ANAMA
CLERK OF COURT, EN BANC
SUPREME COURT