Republic of the Philippines
Supreme Court
Manila

EN BANC

OFFICE OF THE COURT ADMINISTRATOR,
Complainant,

- versus -

JUDGE PERLA V. CABRERA-FALLER, OFFICER-IN-CHARGE OPHELIA G. SULUEN and PROCESS SERVER RIZALINO RINALDI B. PONTEJOS, all of the RTC, Branch 90, Dasmariñas, Cavite,
Respondents.

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A.M. No. RTJ-11-2301
[Formerly A.M. No. 11-3-55-RTC]

OFFICE OF THE COURT ADMINISTRATOR,
Complainant,

- versus -

PRESIDING JUDGE FERNANDO L. FELICEN, CLERK OF COURT V ATTY. ALLAN SLY M. MARASIGAN, SHERIFF IV ANSELMO P. PAGUNSAN, JR., COURT STENOGRAPHERS ROSALIE MARANAN and TERESITA P. REYES, COURT INTERPRETER IMELDA M. JUNTILLA, and PROCESS SERVER HIPOLITO O. FERRER, all of the RTC, Branch 20, Imus, Cavite; PRESIDING JUDGE NORBERTO J. QUISUMBING, JR., CLERK OF COURT ATTY. MARIA CRISTITA A. RIVAS-SANTOS, LEGAL RESEARCHER

A.M. No. RTJ-11-2302
[Formerly A.M. No. 11-7-125-RTC]

MANUELA O. OSORIO, SHERIFF IV FILMAR M. DE VILLA, COURT STENOGRAPHERS MARILOU CAJIGAL, WENDILYN T. ALMEDA and HELEN B. CARALUT, COURT INTERPRETER ELENITA T. DE VILLA, and PROCESS SERVER ELMER S. AZCUETA, all of the RTC, Branch 21, Imus, Cavite; PRESIDING JUDGE CESAR A. MANGROBANG, CLERK OF COURT VI ATTY. REGALADO E. EUSEBIO, CLERK OF COURT V ATTY. SETER M. DELA CRUZ-CORDEZ, LEGAL RESEARCHER DEVINA A. REYES BERMUDEZ, COURT STENOGRAPHERS PRISCILLA P. HERNANDEZ, NORMITA Z. FABIA, MERLY O. PARCERO, and JOYCE ANN F. SINGIAN, COURT INTERPRETER MICHELLE A. ALARCON, and PROCESS SERVER ELMER S. AZCUETA, all of the RTC, Branch 22, Imus, Cavite; EXECUTIVE JUDGE PERLA V. CABRERA-FALLER, CLERK OF COURT ZENAIDA C. NOGUERA, SHERIFF IV TOMAS C. AZURIN, OIC LEGAL RESEARCHER OPHELIA G. SULUEN, COURT STENOGRAPHERS JESUSA B. SAN JOSE, ROSALINA A. COSTUNA, and MARIA LOURDES M. SAPINOSO, COURT INTERPRETER MERLINA S. FERMA, and PROCESS SERVER RIZALINO RINALDI B. PONTEJOS, all of the RTC, Branch 90, Dasmariñas, Cavite,

Respondents.

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RE: ANONYMOUS LETTER-COMPLAINT AGAINST JUDGE PERLA V. CABRERA-FALLER, Branch 90, Regional Trial Court, Dasmariñas City, Cavite, relative to Civil Case No. 1998-08

A.M. No. 12-9-188-RTC

Present:

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

Promulgated:

January 16, 2018

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DECISION

SERENO, *CJ*:

A.M. No. RTJ-11-2301 is an administrative complaint for gross irregularity in the conduct of proceedings in annulment and declaration of nullity of marriage cases. The complaint was born of a judicial audit conducted at the Regional Trial Court of Dasmariñas, Cavite, Branch 90 (RTC Dasmariñas 90), on 15-17 September 2010.

A.M. No. RTJ-11-2302 stemmed from a report on a judicial audit conducted on 3-11 February 2011 and treated as an administrative complaint against the judges and personnel of the Regional Trial Court of Imus, Cavite, Branches 20, 21 and 22 (RTC Imus 20, 21 and 22); and RTC Dasmariñas 90.

A.M. No. 12-9-188-RTC stemmed from an anonymous complaint against Judge Perla V. Cabrera-Faller (Judge Cabrera-Faller) of RTC Dasmariñas 90 relative to the irregularity of the proceedings in Civil Case No. 1998-08 for declaration of nullity of marriage.

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* On leave.

FACTS

A.M. No. RTJ-11-2301

In a Report dated 23 February 2011,[1] the Office of the Court Administrator (OCA) narrated its findings on the judicial audit conducted on 15-17 September 2010 at RTC Dasmariñas 90.

At the time of audit, the court had a total case load of 827 cases, 417 of which were criminal and 410, civil.

Of the criminal cases, the judicial audit team found that the court had failed to take action on three cases for a considerable length of time. Its last action on one case was on 10 June 2008, when the private prosecutor was given five days within which to submit a formal offer of evidence; the two other cases had not been acted upon since the denial of the motion for judicial determination of probable cause on 3 June 2009. Another criminal case had a pending motion to lift a warrant of arrest since 19 August 2009. Two cases had recently been submitted for decision, and one case was scheduled for the promulgation of judgment.

The civil cases proved more problematic. Still not acted upon from the time of their filing were 106 cases, some of which went as far back as 2008. The court had not acted on 51 cases for a considerable length of time. In fact, the last court action on 35 of these cases was from 2003 to 2009. There were 28 civil cases with pending incidents. Their pendency was relatively recent, because 26 of them were filed only in 2010, one was filed 2009 and another in 2008. There were 17 civil cases submitted for decision – 16 of them were recent, but one had been submitted for decision since 8 December 2008.

The judicial audit team observed that the case records in the court were not stitched, but held together by fasteners only, and that they were not chronologically arranged or paginated. Nevertheless, the stitching of the records was immediately done upon advice of the audit team. It also appeared that the court personnel were not wearing the prescribed uniform for the trial courts.

The team noted several irregularities in the petitions for declaration of nullity and annulment of marriage:

1. Improper service of summons

Process Server Rizalino Rinaldi B. Pontejos (Process Server Pontejos) had been in the habit of making a substituted service of summons without compliance with the mandatory requirements for validly effecting it, as enunciated in *Manotoc v. CA*.[2] In two cases, it is indicated that the summonses were "duly served but despite diligent efforts x x x exerted, the same proved ineffectual."[3] In at least 12 cases cited, summonses were not attached to the records.

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[1] *Rollo* (A.M. No. RTJ-11-2301), pp. 1-40.
[2] 530 Phil. 454 (2006).
[3] *Rollo* (A.M. No. RTJ-11-2301), p. 18.

2. No appearance by the Solicitor General

In nine cases, the hearing of the petition proceeded even without the filing of a notice of appearance by the Solicitor General.

3. No categorical finding on whether collusion existed between the parties/no collusion report at all

In all his reports regarding the existence of collusion between the parties, Assistant Provincial Prosecutor Oscar R. Jarlos stated that "the undersigned Prosecutor is not in the position to tell whether collusion exists."[4] In 10 cases, the hearing of the petition proceeded even without the submission of the collusion report by the public prosecutor.

4. No pretrial briefs

No pretrial briefs can be found in the records of 11 cases at the trial stage and three that have been submitted for decision.

5. No formal offer of exhibits/evidence

Two cases were submitted for decision without any formal offer of exhibits/evidence.

6. Non-attachment of the minutes to the records

The minutes were not attached to the records of several cases, and the audit team had doubts whether the psychiatrist/psychologist who had prepared the evaluation report testified in court.

7. Irregular psychological evaluation reports

Some of the Psychological Evaluation Reports attached to the records were mere photocopies. In two cases, the affidavits of the psychiatrist/psychologist were unsubscribed. The psychological report attached to the record of one case was unsigned and undated.

8. Absence of the public prosecutor's signature in the *jurat* of the judicial affidavit of the petitioner in one case

In a Resolution dated 11 October 2011,[5] the Court resolved to docket the Report as A.M. No. RTJ-11-2301, a case for gross irregularity in the conduct of proceedings in petitions for declaration of nullity and annulment of marriage. Judge Cabrera-Faller, Officer-in-Charge Ophelia G. Suluen

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[4] Id. at 19.
[5] Id. at 167-190.

(OIC Suluen) and Process Server Pontejos were required to explain, within 30 days from notice, the irregularities observed by the judicial audit team.

Judge Cabrera-Faller was likewise directed to take appropriate action on all cases that the court had failed to act upon for a considerable length of time from the date of their filing. She was further directed to act on those without further setting, with pending incidents or those submitted for decision. She was required to submit a copy of the actions taken thereon within 10 days from notice.

During the audit, it was brought to the attention of the team that family court cases falling within the territorial jurisdiction of RTC Dasmariñas 90 were being raffled to RTC Imus 20 and 21. Accordingly, the Court also amended the Resolution dated 16 June 1998 in A.M. No. 92-9-855-RTC[6] to read as follows: "[F]amily court cases originating from the municipalities of Dasmariñas shall be heard and tried exclusively by the Regional Trial Court, Branch 90, Dasmariñas, Cavite."[7]

Judge Cabrera-Faller, OIC Suluen and Process Server Pontejos submitted their joint compliance or explanation in a letter dated 8 December 2011.[8] They also attached relevant court orders and decisions to cases that were cited by the audit team as awaiting action by the court.[9] The Court referred these documents to the OCA for evaluation, report and recommendation.[10]

In its Memorandum dated 12 August 2014,[11] the OCA recommended that Judge Cabrera-Faller be fined in the amount of ₱10,000 for her failure to comply fully with the Resolution dated 11 October 2011. According to the OCA, she did not take appropriate action on all the cases enumerated in the Court's Resolution, in defiance of the directive given to her. For the same reason, it also recommended that OIC Suluen be fined in the amount of ₱20,000.

As regards Process Server Pontejos, the OCA observed that while he signed the joint compliance or explanation dated 8 December 2011, he gave no explanation regarding his practice of making a substituted service of summons without compliance with the mandatory requirements for validly effecting it. Thus, it recommended that he be suspended for three months without salary and other benefits for his utter failure to comply with the Resolution dated 11 October 2011.

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[6] *Re: Report on the Audit and Inventory of Cases in the RTC, Br. 19, Bacoor, Cavite.*
[7] *Rollo* (A.M. No. RTJ-11-2301), p. 40.
[8] Id. at 191-198.
[9] Id. at 199-437.
[10] Id. at 440; Resolution dated 23 October 2012.
[11] Id. at 442-478.

The OCA recommended the foregoing penalties not for the irregularities observed by the audit team, but for the failure of Judge Cabrera-Faller, OIC Suluen and Process Server Pontejos to comply fully, if at all, with the Resolution dated 11 October 2011. Noting this deficiency, the Court opted to defer the imposition of penalties and instead require complete compliance with the Resolution.[12] In addition, the irregularities discovered involved petitions for declaration of nullity and annulment of marriage, which are among the subjects of A.M. No. RTJ-11-2302 and A.M. No. 12-9-188-RTC. Hence, the Court consolidated the two cases with the instant administrative matter, which has a lower, and therefore earlier, docket number.

Judge Cabrera-Faller and OIC Suluen complied through their submissions dated 8 December 2011,[13] 29 January 2015[14] and 30 September 2015.[15] Process Server Pontejos submitted his explanation in a compliance dated 30 September 2015.[16]

As regards several irregularities in the petitions for annulment and declaration of nullity of marriage noted by the judicial audit team, the following explanations were offered by Judge Cabrera-Faller, OIC Suluen and Process Server Pontejos:

1. Improper service of summons

Process Server Pontejos explained that while some summonses were made through substituted service, they were served upon persons who were immediate relatives, had relations of confidence with the respondent, or were residing at the given address.[17] These are persons who usually know the situation and expect that court personnel will serve summons, which they are willing to receive and acknowledge on behalf of the respondent.[18] Some of them also call or text the respondent before receiving the summons.[19] However, if the relatives refuse to receive the summons, Process Server Pontejos sets an appointment with the respondent and makes a second or third attempt to serve the summons. When it is not possible to make a second or third attempt due to the distance of the respondent's address, he explains to the relatives the importance of the summons and of notifying the respondent about the petition. In case only caretakers, security guards or minors are at the given address, he makes several attempts to locate the respondent or submits a written report with the notation "UNSERVED."[20]

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[12] Id. at 479-481; Resolution dated 18 November 2014.
[13] Id. at 191-437.
[14] Id. at 499-510.
[15] Id. at 527-661.
[16] Id. at 524-525.
[17] Id. at 524.
[18] Id. at 524-525.
[19] Id. at 525.
[20] Id. at 524.

Judge Cabrera-Faller, OIC Suluen and Process Server Pontejos claim that the rules and jurisprudence on the service of summons are largely observed, although they admit that due to the heavy work load of the process server, some of these rules may have been overlooked.[21]

Judge Cabrera-Faller explains that no "*pro forma* summons"[22] was attached to the records of some cases, because summonses were made by publication. In summons by publication, the order granting the summons already incorporates it as a form of cost-cutting.

2. No appearance by the Solicitor General

Judge Cabrera-Faller insists that there is nothing in the rules prohibiting the court from proceeding with the case without the entry of appearance of the Solicitor General.[23] She says that it is enough that there be proof of service on the Solicitor General and the provincial prosecutor to commence proceedings. She is aware of the mandatory period for the disposal of cases and, considering that the Office of the Solicitor General takes ages before the latter transmits its entry of appearance, she sees a need to speedily proceed with the hearing of the cases.[24]

3. No categorical finding on whether collusion exists between the parties/no collusion report at all

Judge Cabrera-Faller believes that the proceedings in the Office of the Provincial Prosecutor are not under the direct control and supervision of the judge.[25] She points out that the rules do not state that the court shall order the prosecutor to conduct the collusion investigation in a manner that the court deems fit.[26] She further points out that it is not true that in all the reports of Assistant Provincial Prosecutor Oscar R. Jarlos regarding the existence of collusion between the parties, he merely indicated that "the undersigned Prosecutor is not in the position to tell whether collusion exists."[27] Attached to the compliance dated 8 December 2011 is a report of the prosecutor stating that "the undersigned is of well-considered opinion that no collusion exists between the parties to this petition."[28]

She also considers it highly improbable for the court to proceed with the hearing of annulment cases when no report of collusion is attached to the record.[29] While she admits that the audit team identified 10 cases in which the hearings proceeded even without the submission of the public

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[21] Id. at. 197-198.
[22] Id. at 197.
[23] Id. at 193.
[24] Id. at 193-194.
[25] Id. at 191.
[26] Id. at 192.
[27] Id.
[28] Id. at 199.
[29] Id. at 192.

prosecutor's collusion report, she emphasizes that these are contested cases. The prosecutor no longer submits any collusion report in cases where the respondent has vigorously opposed the petition by filing an answer.[30]

4. No pretrial briefs

Judge Cabrera-Faller believes that pretrial briefs are simply guides for the parties on the stipulation of facts, admissions, and the manner in which the case shall proceed.[31] She allows the parties to proceed to pretrial even without the required pretrial briefs if the parties agree, in the case of contested proceedings; or if the prosecutor agrees, in the case of uncontested petitions. It is a strategy she has devised in order to shorten the proceedings and lessen the costs of litigation.

5. No formal offer of exhibits/evidence

It is not true that two cases were submitted for decision without any formal offer of exhibits or evidence. In those cases, the offer of evidence was made orally in open court, as there were only few documentary exhibits offered.[32]

6. Nonattachment of minutes to the records[33]

Judge Cabrera-Faller states that the audit team seemed to equate the nonattachment of the stenographic notes to the record with the non-taking of the actual testimonies of the parties.[34] The stenographic notes are kept in the stenographers' files to keep them safe. They are not attached to the records, which are kept in a container van outside the Hall of Justice and exposed to the elements.[35]

Despite repeated orders by this Court and several compliances by Judge Cabrera-Faller, OIC Suluen and Process Server Pontejos, no explanation or comment was included with regard to the irregularities involving the psychological evaluation reports of the psychiatrists/psychologists.

In a Resolution dated 20 October 2015,[36] the Court referred this administrative case, together with A.M. Nos. RTJ-11-2302 and 12-9-188-RTC, to the Court of Appeals (CA) for its immediate raffle among the members thereof. The investigating CA justice was directed to evaluate the cases and make a report and recommendation within 90 days from notice.

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[30] Id. at 192-193.
[31] Id. at 194.
[32] Id. at 195.
[33] Explanation was given in the Comment for A.M. No. RTJ-11-2302.
[34] *Rollo* (A.M. No. RTJ-11-2302), pp. 755-756.
[35] Id. at 756.
[36] *Rollo* (A.M. No. RTJ-11-2301), pp. 662-663.

A.M. No. RTJ-11-2302

In a Report dated 29 June 2011,[37] the OCA narrated its findings on the judicial audit conducted on 3-11 February 2011 at RTC Imus 20, 21 and 22; and RTC Dasmariñas 90. According to the OCA, the four branches have generally violated A.M. No. 02-11-10-SC[38] and specific provisions of the Rules of Court in handling petitions for declaration of nullity and annulment of marriage, adoption, and correction of entries.

In the Resolution dated 10 April 2012,[39] the Court considered the irregularities found by the audit team sufficient to warrant the conduct of a full investigation. Accordingly, the Report was treated as an administrative complaint against the judges and personnel of the four branches, and they were required to comment on the findings. The OCA was directed to submit its evaluation, report and recommendation to the Court. Meanwhile, until the conclusion of the investigation, the presiding judges of the four branches were prohibited from acting on all cases for declaration of nullity and annulment of marriage, adoption, and correction of entries.

The investigation, conducted from 22 April to 8 May 2013, covered the decided cases for declaration of nullity and annulment of marriage filed from the year 2008 to 2011.[40] Thereafter, the OCA submitted an Investigation Report dated 13 February 2014.[41]

The findings of the comprehensive investigation were itemized per court, to wit:

RTC Imus 20

1. Improper venue

Out of 65 cases, 49 are indicative of improper venue.[42] While the petitions for declaration of nullity and annulment of marriage show that one or both of the parties reside under the territorial jurisdiction of RTC Imus 20, most of the given addresses were vague or incomplete.[43] The notices sent to several parties were "returned to sender" because the addresses were insufficient, incomplete, unknown or could not be located. In others, the addressees were unknown at the given addresses, or they were abroad, or had moved out. Worse, there were four different cases in which the parties had common addresses, leading to the suspicion that the private counsels

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[37] *Rollo* (A.M. No. RTJ-11-2302), pp. 1-40.
[38] Rule on Declaration of Absolute Nullity of Void Marriages and Annulment of Voidable Marriages, which took effect on 15 March 2003.
[39] *Rollo* (A.M. No. RTJ-11-2302), pp. 41-45.
[40] Id. at 500.
[41] Id. at 497-588.
[42] Id. at 502-508.
[43] Id. at 502.

might have also been involved in the use of bogus addresses in order to fulfill the residence requirement.

In Civil Case No. 2785-09 for declaration of nullity of marriage, the respondent filed an Answer and prayed for the dismissal of the petition, because the petitioner had allegedly been living in Taoyuan, Taiwan, since 1994; and none of the parties resided in Imus, Cavite.[44] In fact, the order setting the case for pretrial and sent to the petitioner's address bore the notation "RTS-moved out." Nevertheless, the OCA found that Judge Fernando L. Felicen (Judge Felicen) ignored the Answer entirely when he granted the petition. He said in his Decision dated 7 June 2010 that "[d]espite the service of summons, no responsive pleading was filed by respondent within the reglementary period."[45] A certification from the Bureau of Immigration showed that the petitioner had no record of arrival or departure in the country from January 1993 to 28 May 2013.[46] Yet she apparently testified before the court on 3 March 2010[47] based on the minutes of the proceedings prepared by Interpreter Imelda M. Juntilla (Interpreter Juntilla) and the transcript prepared by Stenographer Teresita P. Reyes (Stenographer Reyes).[48]

In Civil Case No. 3141-09 for declaration of nullity of marriage, the respondent also filed an Answer stating that the petition was filed in the wrong venue, because petitioner was in fact a resident of Caloocan City. The petition was still given due course, despite the fact that mail matters sent to the petitioner were returned because of the vague Cavite address.

2. Questionable jurisdiction/improper service of summons

Process Server Hipolito O. Ferrer (Process Server Ferrer) claims to have personally served summons at the given Cavite addresses, even though subsequent notices sent to them were "returned to sender" for the above-mentioned reasons.[49] Together with Sheriff Anselmo P. Pagunsan, Jr. (Sheriff Pagunsan), Process Server Ferrer also resorts to substituted service of summons without observing the requirements therefor.[50] There was clearly a practice of leaving the summons at the front door or resorting to a substituted service, even when the recipient refused to sign or acknowledge receipt. Sheriff Pagunsan made a substituted service on a person named "Jose Justino" on two separate occasions in two different addresses.[51]

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[44] Id. at 508.
[45] Id.
[46] Id. at 609.
[47] Id. at 610.
[48] Id. at 509.
[49] Id. at 509.
[50] Id. at 510-516.
[51] Id. at 510.

In Civil Case No. 3222-09, Sheriff Pagunsan issued a return dated 16 November 2009 stating that the summons was served on the respondent through a certain Gino Uson.[52] However, the respondent sent a letter dated 21 January 2010 requesting copies of the pertinent records of the case to enable him to file an Answer. Nevertheless, initial trial proceeded on 25 January 2010, and a decision granting the petition was rendered on 12 March 2010, stating that the respondent had "failed to tender his responsive pleading within the reglementary period to file the same."[53]

3. Questionable raffling of cases

Of the 65 cases examined, 37 were filed and raffled on the same day.[54] In one case, the petition had already been assigned to RTC Imus 20 even before it was stamped "received" by the RTC Office of the Clerk of Court and raffled to that branch. In others, there are clear indications that the court had already acted upon the petition even before the case was assigned to it by raffle.[55] This circumstance led to a suspicion that the petitions were just stamped "received" on the day of the raffle, so that they could be assigned to predetermined courts.[56]

4. No categorical finding on whether collusion existed between the parties/no collusion report at all

Of the 65 case records examined, 59 contained an investigation report submitted by Prosecutor Rosa Elmina Catacutan-Villarin stating that "she is not in a position to tell whether collusion exists or not."[57] Civil Case Nos. 2666-09 and 2916-09 proceeded to trial, and the petitions for declaration of nullity of marriage were granted even if no investigation reports were found in the records.

5. Finality of judgment despite non-service of copies of the decisions on the respondents

In four cases, the certificate of finality and the decree of absolute nullity of marriage were issued despite the fact that the copy of the decision sent to the respondents bore the notation "returned to sender."[58]

6. Issuance of the decree of nullity of marriage despite absence of proof that the entry of judgment had been registered with the local civil registrar

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[52] Id. at 517.
[53] Id. at 632.
[54] Id. at 517.
[55] Id. at 518.
[56] Id. at 517.
[57] Id. at 518.
[58] Id. at 519.

In 40 cases, the certificate of finality and the decree of nullity were issued on the same day; in seven cases, the decree of nullity was even issued ahead of the certificate of finality.[59]

7. Grant of petitions for declaration of nullity and annulment of marriage at the extraordinary speed of six months or less

Of the 65 case records examined, 50 were found to have been granted in six months or less from the date of filing to the rendition of judgment.[60]

RTC Imus 21

1. Improper venue

Out of the 62 cases examined, 19 have indications of improper venue.[61] In the petition in Civil Case No. 2329-08, while the body alleged that the petitioner was a resident of Damariñas, Cavite, and the respondent of Valenzuela City, the verification expressly stated that the petition was to be filed in Pasay City.[62] In the petition in Civil Case No. 2691-09, while the body alleged that the petitioner was a resident of Dasmariñas, Cavite, the verification stated that she was a resident of Silang, Cavite, which was outside the jurisdiction of the court. There were eight cases in which a party had the same address as a party in another case.[63]

In Civil Case No. 3026-09, the petition stated that both parties were based in Italy. Despite the fact that the petitioner had no record of travel back to the Philippines since 18 July 2002, she was able to execute a judicial affidavit in Makati City, and it was allowed in court by Judge Norberto J. Quisumbing, Jr. (Judge Quisumbing).[64]

2. Questionable jurisdiction/improper service of summons

Improper service of summons was shown in 25 cases, mainly because Sheriff Wilmar M. De Villa (Sheriff De Villa) resorted to a substituted service of summons without observing the requirements therefor.[65] In Civil Case No. 2963-09, the summons was returned unserved because the respondent was in the United States, and yet the case proceeded and the petition was eventually granted.[66] The respondents in Civil Case Nos. 3208-09 and 2733-09 had the same address, but Sheriff De Villa was able to make

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[59] Id. at 519-523.
[60] Id. at 523-524.
[61] Id. at 525-527.
[62] Id. at 525.
[63] Id. at 525-527.
[64] Id. at 527.
[65] Id. at 528-530.
[66] Id. at 528.

both a personal and a substituted service on the two respondents in that address.

3. No collusion report

Despite the lack of answer from the respondents, no investigation report regarding collusion can be found in 13 out of all the cases examined.[67]

4. Grant of petitions for declaration of nullity and annulment of marriage at the extraordinary speed of six months or less

Of the 62 case records examined, 15 were found to have been granted in six months or less from the date of filing to the rendition of judgment.[68]

RTC Imus 22

1. Improper venue

Out of 118 cases examined, 36 have clear indications of improper venue.[69] Some of the addresses in Cavite indicated in the petitions appear to be highly suspicious, if not fictitious. In Civil Case No. 3227-09, the petitioner alleged in the petition that he resided in Imus, Cavite, but likewise indicated an "alternative" address in Quezon City where summons and other court processes may be served on him.[70] In Civil Case No. 2545-09, the petitioner stated in his petition that he resided in Imus, Cavite, while the respondent lived in Quezon City. However, the body of the petition stated that petitioner had earlier initiated the same proceeding before the RTC of Malolos, Bulacan, Branch 18. Petitioner's verification in Civil Case No. 2839-09 bears no signature of the alleged notary public. The notices sent to several parties were "returned to sender" because the addresses were insufficient, incomplete, vague, unknown or could not be located. In others, the addressees were unknown at the given address, or they were abroad, or had moved out. Despite these irregularities, Judge Cesar A. Mangrobang (Judge Mangrobang) allowed these cases to prosper.

There were eight cases in which a party had the same address as a party in another case.[71] Furthermore, the address of Process Server Elmer S. Azcueta (Process Server Azcueta) appears to be the same as the address of the petitioner in Civil Case No. 1256-07.[72]

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[67] Id. at 530-531.
[68] Id. at 531-532.
[69] Id. at 532-537.
[70] Id. at 532.
[71] Id. at 536-537.
[72] Id. at 537.

2. Questionable jurisdiction/improper service of summons

In 88 cases, there were indications of questionable jurisdiction or improper service of summons.[73] Copies of orders setting the cases for pretrial were "returned to sender" for the following reasons: unknown address; unlocated/no such name and number of house on the given address; unknown/unlocated; or no such name. However, Process Server Azcueta indicated in the prior returns of summons that he was able to make a substituted service on the respondents in those addresses.[74] He also made a substituted service on a person named "Shiela G. Villanueva" on two separate occasions in two different addresses in two different cases.[75] The same irregularity is shown in the case of an individual named "Rosemarie Magno."[76]

Process Server Azcueta also served summonses on persons in distant provinces outside the jurisdiction of the court, such as Sorsogon, Isabela, and Cagayan de Oro City. There were numerous cases in which he indicated in the returns that he was able to make a personal service of summons, but that the respondent refused to sign or acknowledge receipt.[77] He also resorted to a substituted service without observing the requirements therefor. Worse, there are cases in which no summonses or returns thereof were found in the records.

3. No collusion report

Despite the lack of answer from the respondents, no investigation report regarding collusion can be found in 16 out of 118 cases examined.[78]

4. In one case, the rendition of a decision even before the admission of exhibits

The decision in Civil Case No. 3702-10 was rendered four days ahead of the issuance of the order admitting all documentary exhibits and submitting the case for decision.[79]

5. In another, the absence of a verification and certification against forum shopping

The petition in Civil Case No. 3092-09 was given due course despite the absence of a verification and certification against forum shopping.[80]

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[73] Id. at 537-549.
[74] Id. at 537.
[75] Id.
[76] Id.
[77] Id. at 538.
[78] Id. at 549-550.
[79] Id. at 550.
[80] Id. at 551.

6. Finality of judgment despite the non-service of copies of the decisions on the respondents

In eight cases, the certificate of finality was issued despite the fact that the copy of the decision sent to the respondents bore the notation "returned to sender."[81]

7. Issuance of the decree of nullity of marriage despite the absence of proof that the entry of judgment had been registered with the local civil registrar

In four cases, the certificate of finality and the decree of nullity were issued on the same day.[82]

8. Grant of petitions for declaration of nullity and annulment of marriage at the extraordinary speed of six months or less

Out of the 118 cases examined, 46 were found to have been granted in six months or less from the date of filing to the rendition of judgment.[83] In fact, Civil Case No. 2434-08 for declaration of nullity of marriage was granted at the record speed of 25 days from the date of filing to the rendition of judgment granting the petition.[84]

RTC Dasmariñas 90

1. Improper venue

Out of 88 cases examined, 28 have clear indications of improper venue.[85] Some of the addresses in Cavite are incomplete or vague.[86] The notices sent to several parties were "returned to sender" because the addresses were insufficient, incomplete or unknown.

There were four cases in which a party had the same address as a party in another case.[87] Furthermore, the address of Social Worker Officer Alma N. Serilo (Social Worker Serilo) of the RTC Office of the Clerk of Court was the same as the address of the petitioners in Civil Case Nos. 2893-09 and 3179-09.[88]

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[81] Id.
[82] Id. at 552.
[83] Id. at 552-554.
[84] Id. at 552-553.
[85] Id. at 555-558.
[86] Id. at 555.
[87] Id. at 558.
[88] Id. at 555.

2. Questionable jurisdiction/improper service of summons

In 45 cases, there were indications of questionable jurisdiction or improper service of summons.[89] There were numerous cases in which Process Server Pontejos indicated in the returns that he was able to make a personal service of summons, but that the respondent refused to sign or acknowledge receipt.[90] He also resorted to a substituted service of summons without observing the requirements therefor.[91] In Civil Case Nos. 2940-09 and 1860-08, Process Server Pontejos allegedly served summonses personally on the respondents who resided in Camarines Norte. In Civil Case No. 3374-09, summons for the respondent was served by the sheriff of the Office of the Clerk of Court of RTC Iloilo City and received in Iloilo City by the sister of the petitioner. The summons in Civil Case No. 1528-07 was returned unserved, and yet the case proceeded and the petition was eventually granted.

3. In one case, the grant of the petition for declaration of nullity of marriage even without the appearance of any of the parties

Civil Case No. 3443-10 was a petition for declaration of nullity of marriage on the ground of lack of the formal requisite of a marriage license. During the initial trial on 7 June 2010, petitioner's counsel and the public prosecutor entered into a stipulation with respect to a certification from the Office of the Local Civil Registrar that no license was issued relative to the questioned marriage.[92] Thereafter, the case was submitted for decision and eventually granted. None of the parties appeared, as they were both nonresidents of the Philippines as alleged in the petition.

4. Questionable raffling of cases

Of the 88 cases examined, 65 were filed and raffled on the same day.[93] This circumstance leads to a suspicion that the petitions were just stamped "received" on the day of the raffle, so that they could be assigned to predetermined courts. The record of Civil Case No. 3676-10 shows that it was raffled on 12 April 2010, yet the return of summons showed that it was personally served on the respondent on 25 March 2010. This discrepancy indicates that the court had already acted upon the petition even before the case was assigned to it by raffle.

5. Issuance of the decree of nullity of marriage despite absence of proof that the entry of judgment had been registered with the local civil registrar

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[89] Id. at 558-565.
[90] Id. at 558-559.
[91] Id. at 559.
[92] Id. at 565.
[93] Id. at 567.

In 36 cases, the certificate of finality and the decree of nullity were issued on the same day.[94]

6. Grant of petitions for declaration of nullity and annulment of marriage at the extraordinary speed of six months or less

Out of the 88 cases examined, 50 were found to have been granted in six months or less from the date of filing to the rendition of judgment.[95]

In the Resolution dated 12 August 2014,[96] the Court required the following to submit their comments on the findings of the OCA:

RTC Imus 20: Judge Felicen, Clerk of Court Atty. Allan Sly M. Marasigan (Clerk of Court Marasigan), Court Interpreter Juntilla, Court Stenographer Reyes, Sheriff Pagunsan, and Process Server Ferrer;

RTC Imus 21: Judge Quisumbing and Sheriff De Villa;

RTC Imus 22: Judge Mangrobang,[97] Clerk of Court Atty. Seter M. Dela Cruz-Cordez (Clerk of Court Cordez), and Process Server Azcueta;

RTC Dasmariñas 90: Judge Cabrera-Faller and Process Server Pontejos;

Office of the Clerk of Court of the RTC, Imus, Cavite: Clerk of Court Atty. Regalado E. Eusebio (Clerk of Court Eusebio), and Social Worker Serilo.

The Court also referred a copy of the Investigation Report to the Office of the Bar Confidant for appropriate action relative to the findings on the possible involvement of private practitioners in the anomalies relative to the declaration of nullity and annulment of marriage cases.

The charges against all other court personnel were dismissed for insufficiency of evidence.

In their comments, respondents explained:

RTC Imus 20

1. Improper venue

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[94] Id. at 568-570.
[95] Id. at 570-572.
[96] Id. at 717-726.
[97] Id. at 737-739; Resolution dated 19 August 2014.

Process Server Ferrer states that his duty as process server is ministerial, and that whatever is referred to him for service on the parties is served by him.[98] He is not in a position to determine or ascertain whether the names or addresses appearing in the court processes are genuine or bogus. Sheriff Pagunsan echoes this argument.[99] Clerk of Court Marasigan states that his duty of signing the summons to be served is also ministerial, for it is not his duty to determine whether the addresses of the parties are valid, existing, certain, and verifiable.[100] He adds that he has no authority to question, much less prevent, the continuation of the trial of particular cases if there is a question on the residence of the parties.[101] The matter rests upon the judicial discretion of the judge.

Judge Felicen insists that the parties who indicated that they resided in Cavite were indeed residents of Cavite. They were able to attend the hearings in court.[102] Furthermore, the public prosecutor also sent notices to the parties at their given addresses, and they were able to appear before her for the collusion investigation.[103] He adds that the allegation that a party has resided within the jurisdiction of the court for six months is not part of the "complete facts constituting the cause of action" as provided under A.M. No. 02-11-10-SC.[104] At any rate, a falsified address as stated in the petition constitutes extrinsic fraud and may be the subject of an appeal. In these cases, no appeal was filed by the public prosecutor or the Solicitor General.[105]

As regards Civil Case No. 2785-09, Judge Felicen explains that the statement of the respondent in the latter's Answer that the petitioner was not a resident of Imus, Cavite, was immaterial. It must be noted that the respondent submitted himself to the jurisdiction of the court.[106] Furthermore, he did not submit a pretrial brief or present evidence to support his claim. Thus, Judge Felicen found that a discussion in the decision regarding the respondent's allegation was unnecessary. Between the petitioner's affirmative allegation that she was a resident of Imus, Cavite, and the respondent's baseless denial, the court ruled in favor of the petitioner.

Judge Felicen also emphasizes that the petitioner appeared in all stages of the proceedings and testified in open court.[107] He does not know about the alleged certification from the Bureau of Immigration showing that the petitioner had no record of arrival in or departure from the country from January 1993 to 28 May 2013. But when the petitioner testified, she gave her

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[98] Id. at 845.
[99] Id. at 854.
[100] Id. at 1085-1086.
[101] Id. at 1085.
[102] Id. at 234, 240.
[103] Id. at 234-235, 240-241.
[104] Id. at 1009.
[105] Id. at 1010.
[106] Id.
[107] Id. at 1010-1011.

name and personal circumstances under oath. With her counsel, an officer of the court, assisting her, the court had no reason to doubt her identity.[108]

For their part, Interpreter Juntilla and Stenographer Reyes explain that on 3 March 2010, a verbal oath was administered to the witness, who identified herself as the petitioner in Civil Case No. 2785-09.[109] She was even asked to state her name and other personal circumstances for the record. After her testimony, she signed the minutes of the proceedings, and a visual comparison of the signatures therein and the verification of the petition showed a match. Interpreter Juntilla and Stenographer Reyes argue that they were in no position to question the identity of the witness, who appeared before the court and testified under pain of criminal prosecution. If it later turns out that the witness is a charlatan, any falsity committed with respect to the latter's personal circumstances should not be attributed to them.[110]

As regards Civil Case No. 3141-09, Judge Felicen explains that the mere allegation of the respondent that the petitioner was not a resident of Cavite is not supported by any evidence whatsoever.[111] The court could not have ordered the outright dismissal of the petition because of respondent's bare allegation. It does not matter that mail matters addressed to the petitioner at her given Cavite address were returned with the notation "RTS-address is unknown and incomplete," because she was able to appear and fully participate in the proceedings of the case.[112]

2. Questionable jurisdiction/improper service of summons

Process Server Ferrer insists that he personally served summons on parties at their given addresses in Cavite.[113] The fact that the notation "returned to sender" was made on the subsequent orders of the court sent to the same addresses may be explained by the possibility that the parties no longer resided there at the time. He laments that, considering the nature of these cases in which the parties were at odds with each other, the respondents and their next of kin may not have been inclined to sign or acknowledge their receipt of summons, much less entertain him as process server.[114] Still, he exerted diligent efforts to serve the summons by returning on two separate occasions. But when they still refused to sign the summons, he had no choice but to reflect in the return that the recipient received the summons but refused to sign or acknowledge receipt.

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[108] Id. at 1011.
[109] Id. at 838.
[110] Id. at 839.
[111] Id. at 1011.
[112] Id. at 1012.
[113] Id. at 1078.
[114] Id. at 1079.

Sheriff Pagunsan believes that when he made a substituted service of summons on the respondents by leaving copies thereof at the front door of their houses, he was merely doing his duties and functions, because there was no one who would receive them.[115] It was actually an act of prudence on his part in anticipation of the actual receipt of the summons by the respondents at a later time. He echoes the lament of Process Server Ferrer regarding the cold treatment that the latter gets from the respondents and their next of kin.[116] Sheriff Pagunsan also admitted that in Civil Case No. 3259-09, he served summons on the respondent in Camarines Sur. His travel expenses were shouldered by the petitioner therein.

For his part, Clerk of Court Marasigan claims that he does not possess any express authority to reject or order the amendment of a return of summons if the service thereof was done with a procedural lapse by the process server and the sheriff.[117]

With regard to Civil Case No. 3222-09, Judge Felicen states that the mere existence of the respondent's request letter for a copy of the petition should not be construed as indicative of the sheriff's failure to tender a copy thereof upon the respondent through Gino Uson.[118] The respondent eventually secured a copy of the petition when he went to court, but he never filed a responsive pleading, nor did he participate in the proceedings of the case.[119]

3. Questionable raffling of cases

Judge Felicen and Clerk of Court Marasigan point out that the raffling of cases is a process under the direct control of the Office of the Clerk of Court and Ex-Officio Sheriff and under the supervision of the executive judge.[120] Clerk of Court Marasigan states that, as such, the process was beyond the regular scope of his duty, so he had no participation therein whatsoever.[121] On the other hand, Judge Felicen emphasizes that the judges of the RTC Imus 20, 21, 22 and RTC Dasmariñas 90 have no option or privilege to choose or select cases to be assigned to their courts.[122]

They explain that with regard to Civil Case No. 1852-08 – the records of which were received by RTC Imus 20 on 4 February 2008 – the allegation of irregularity originated from the erroneous stamp of the Office of the Clerk of Court stating that the case was filed on 24 February 2008.[123] Based

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[115] Id. at 1397.
[116] Id. at 1398.
[117] Id. at 1086-1087.
[118] Id. at 1013.
[119] Id. at 1013-1014.
[120] Id. at 1014, 1088.
[121] Id. at 1089.
[122] Id at 1014.
[123] Id. at 1015, 1089.

on the receipts for the payment of legal fees, the case was actually filed on 1 February 2008.

The alleged irregularity in Civil Case No. 3309-09 stems from the return stating that although an attempt to serve the summons was made on 6 November 2009, the case was transmitted to RTC Imus 20 only on 23 November 2009.[124] Again, it is claimed that there was an error in the date of the return of the summons, caused by the use of an old return and the mistaken use of the "copy and paste" functions of the word processor.[125]

4. No categorical finding on whether collusion existed between the parties/no collusion report at all

Judge Felicen explains that the statement of the public prosecutor that "she is not in a position to tell whether collusion exists or not" is always accompanied by a manifestation that she will actively participate in the proceedings to safeguard against collusion or fabricated evidence.[126] The court relies on the regular performance of duties by the public prosecutor and proceeds to hear and try the petition. The judge has no control over how the public prosecutor conducts the investigation.[127] To reject the latter's report would result in an unreasonable and indefinite deferment of trial.[128]

5. Finality of judgment despite non-service of the copies of the decisions to the respondents

Judge Felicen and Clerk of Court Marasigan explain that the certificate of finality is only given to them for signature by the clerk in charge, who is tasked with verifying the records in order to determine whether the decision has indeed attained finality.[129] At any rate, Clerk of Court Marasigan notes that copies of the decisions were not served on the respondents, because the returns bore the notation "RTS-moved out/moved."[130] Respondents are duty-bound to inform the court of any change in their addresses, and the finality of the decisions cannot be held hostage by the absence of forwarding addresses.

6. Issuance of the decree of nullity of marriage despite absence of proof that the entry of judgment had been registered with the local civil registrar

Judge Felicen points out that under Section 19 of A.M. No. 02-11-10-SC, the immediate issuance of a decree of nullity of marriage upon the

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[124] Id. at 1016, 1089-1090.
[125] Id. at 894, 1016, 1090.
[126] Id. at 227, 1016.
[127] Id. at 1017.
[128] Id. at 227-228, 1016.
[129] Id. at 1017-1018, 1090-1091.
[130] Id. at 1091.

finality of the decision is mandated if the parties have no properties.[131] Thus, there was no need for prior registration of the entry of judgment with the civil registrar, considering that the parties in the identified cases had no properties declared in their petitions.[132]

7. Grant of petitions for declaration of nullity and annulment of marriage at the extraordinary speed of six months or less

Judge Felicen argues that because the petitions in these cases were uncontested,[133] only the petitioners presented evidence. Furthermore, the court is tasked to render a decision within 90 days from the time the case is submitted for decision. Thus, the early disposition of cases should not be taken against the judge, as it is just in keeping with the mandate of speedy administration of justice.

RTC Imus 21

1. Improper venue

Judge Quisumbing alleges that there is no merit in the observation of the OCA that 19 out of the 62 cases examined showed vague addresses indicating improper venue. He explains that the addresses in Cavite and other provinces do not have house numbers.[134] Some addresses are identified only by their block and lot numbers.

In Civil Case No. 2329-08, Judge Quisumbing states that the verification of the petition expressly stating that the petition was to be filed in Pasay City did not mean that the petitioner was a resident of that city.[135] What was controlling was her allegation in the petition that she was a resident of Cavite, a fact she repeated when she testified in court. Judge Quisumbing explains that the same is true regarding the verification in Civil Case No. 2691-09, in which the petitioner stated that she was a resident of Silang, Cavite. He, however, points out that the respondent in that case was a resident of Kawit, Cavite, which was within the jurisdiction of his *sala*.[136]

As regards those instances when a party in one case had the same address as a party in another case, Judge Quisumbing offers the possibility that the petitioners really lived in the same house, because they were both separated from their respective spouses.[137] Also, considering that two of

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[131] Id. at 1018.
[132] Id. at 1019.
[133] Id. at 230, 1019.
[134] Id. at 1033-1034.
[135] Id. at 1033.
[136] Id.
[137] Id. at 1034-1035.

these parties had addresses that did not contain house numbers, it was possible that they only lived in the same street.[138]

Finally, with regard to the observation in Civil Case No. 3026-09 that the petitioner therein had no record of travel back to the Philippines since 18 July 2002, Judge Quisumbing only knows that on 19 July 2010, a person who introduced herself as the petitioner in the case testified under oath in open court in his presence and that of his court staff, the public prosecutor, and the petitioner's counsel.[139]

2. Questionable jurisdiction/improper service of summons

Sheriff De Villa explains that he only resorts to substituted service when he is able to talk with the addressee over the phone.[140] He confirms the identity of the addressee through the details in the petition and its annexes. The latter usually advises him to give the summons to the person present in the house.[141] Afterwards, he also interviews the person present and verifies that person's relationship with the addressee. He believes that this procedure fulfils the requirement that he exert all efforts to serve the summons. He also points out that no party in the cases examined by the OCA ever complained that there was an improper service of summons.[142] He admits that he even went as far as Nueva Ecija to serve a summons on the respondent in Civil Case No. 2908-09. As the summons was given to him for service, he believed that he was duty-bound to obey the order of the court.[143]

Judge Quisumbing explains that he reminds Sheriff De Villa to be careful in the service of summons. The judge also points out that the immediate resort to substituted service is the problem not only of his court, but of all other courts as well. However, he believes that this practice should not be branded as a "blatant irregularity."[144]

In Civil Case No. 2963-09, Sheriff De Villa says that it is not true that summons was returned unserved. According to the sheriff's return, the summons was received by the respondent's brother after several failed attempts to serve it on the respondent himself.[145]

Sheriff De Villa says it is only now that he realizes that the respondents in Civil Case Nos. 3208-09 and 2733-09 have the same address, because his main concern then was to obey the order to serve the

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[138] Id. at 1035.
[139] Id. at 816-817.
[140] Id. at 1057.
[141] Id. at 830.
[142] Id. at 1057.
[143] Id. at 1051.
[144] Id. at 1036.
[145] Id. at 1035.

summons.[146] Judge Quisumbing offers the possibility that one respondent lived in that address after the other had left it.[147]

3. No collusion report

Judge Quisumbing explains that in the 13 cases where there was no investigation report regarding collusion, the public prosecutor manifested that he would forego the submission of that report and instead actively participate in the proceedings.[148] At times, the nonexistence of collusion is determined by the public prosecutor through a cross-examination of the petitioner during the latter's court testimony or deposition. Judge Quisumbing stresses that these manifestations are clearly stated in the records.

4. Grant of petitions for declaration of nullity and annulment of marriage at the extraordinary speed of six months or less

Judge Quisumbing explains that it is the practice of his court to resolve cases as soon as they are submitted for decision, especially where there is no reason to delay the resolution of uncontested cases.[149] He states that judges are always reminded to devise means for the quick disposition of cases. At any rate, A.M. No. 02-11-10-SC does not prescribe a period within which to decide cases for the declaration of nullity of void marriages and annulment of voidable marriages, except that provided in the Constitution and the Rules of Court.[150]

RTC Imus 22

1. Improper venue

Judge Mangrobang submits that it is not within his bounden duty to ascertain whether the parties are truthful in their allegations as to their respective residences.[151] Assuming it were so, the court may not dismiss an action *motu proprio* on the mere ground of improper venue.[152] He stresses that no motion to dismiss on that ground was filed either by the respondent or the public prosecutor on behalf of the Solicitor General.[153]

Clerk of Court Cordez submits that her duties to receive pleadings, motions and other court-bound papers is purely ministerial.[154] While it is

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[146] Id. at 1050.
[147] Id. at 1035.
[148] Id. at 1038-1039.
[149] Id. at 1039.
[150] Id. at 1040.
[151] Id. at 1327.
[152] Id. at 1328-1329.
[153] Id. at 1329.
[154] Id. at 934.

possible that parties feigned their addresses in their petitions, she is not in a position to determine the veracity thereof.[155]

Process Server Azcueta argues that he did not allow the petitioner in Civil Case No. 1256-07 to use his address in Cavite.[156] He says that he did not serve court processes on the petitioner because these were coursed through her counsel. Neither did he have any chance to catch a glimpse of the address when he served the summons on the respondent; otherwise, he would have called the attention of the court.[157] At any rate, he offers the possibility that the encoding of the address may have been due to a typographical error.[158]

2. Questionable jurisdiction/improper service of summons

Clerk of Court Cordez emphasizes that she was not remiss in her duties to constantly remind the process server of the proper service of summons.[159] She believes that the process server complied in good faith pursuant to the doctrine of regularity in the performance of official duties. The fact that subsequent orders sent to the addresses of the parties were returned with the notation "unknown addressee or moved out" might only mean that the addressees had indeed moved out, or that the postal worker had not diligently performed his duties.[160]

This opinion was echoed by Judge Mangrobang.[161] He adds that it is not within the power of the court to ensure that respondents remain in their residence in the course of the proceedings. They are considered to have waived their right to present evidence if they do not participate in the proceedings, or if they transfer to another residence without informing the court.

He also submits that the rules provide that if the respondent refuses to receive or sign the summons, it is enough that the same is tendered to the latter.[162] Indeed, if the service of summons was questionable, the court's attention should have been called by the public prosecutor.[163] The court is not required to conduct a hearing *motu proprio* on the validity of the service of summons in view of the presumption of regularity in the performance of official functions.

Process Server Azcueta claims that he normally serves a summons personally, and only when he cannot locate the person after several attempts

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[155] Id. at 934-935.
[156] Id. at 945.
[157] Id. at 945-946.
[158] Id. at 945.
[159] Id. at 937.
[160] Id. at 938.
[161] Id. at 1331.
[162] Id. at 1331-1332.
[163] Id. at 1334.

does he resort to substituted service.[164] He also believes that he prepares the returns for substituted service in accordance with the rules, because he indicates therein the reason for the substituted service and the dates when he attempted personal service.[165] He argues that none of the parties in the cases before RTC Imus 22, and not even the public prosecutor or the Solicitor General, complained about any improper service of summons.[166] This argument is echoed by Clerk of Court Cordez.[167]

Process Server Azcueta also points out that the format of the return of summons under the 2002 Revised Manual for Clerks of Court allows process servers or sheriffs to indicate that the recipient of the summons refused to sign or acknowledge receipt.[168] The reason for behind this format is that they have no power to coerce the recipient to sign the summons being served. Contrary to the allegation of the OCA, he says that he made a substituted service on a person named "Shiela G. Villanueva" only in Civil Case No. 3170-09, because the summons in Civil Case No. 3151-09 was received by one "Ma. Paz C. Baun."[169] He made a substituted service on a person named "Rosemarie Magno" only in Civil Case No. 2942-09, because the summons in Civil Case No. 2946-09 was received by one "Rosan M. Aringo."[170] He admits, though, that he has indeed served a summons in Cagayan de Oro City, but that he did so in good faith. Based on his mistaken reading of Supreme Court Administrative Circular No. 12 dated 12 October 1985,[171] he thought that the directive applies only to the execution of writs, garnishments and attachments.[172] He apologizes for the mistake and undertakes to never again serve a summons outside the jurisdiction of Imus, Cavite.

He states that attaching the returns to the records is the job of the clerk in charge of civil cases. However, the fact that no returns of summons were attached to the records of some cases does not mean that there was an improper service of summons on respondents. Evidence shows that they were able to file answers or receive subsequent orders from the court.[173] This statement was echoed by Clerk of Court Cordez, who attached to her comment the summonses bearing the signature of the respondents who received them.[174] She and Judge Mangrobang add that it is not impossible for the summonses and returns to be accidentally detached from the records, considering that the folders of closed and terminated cases are packed and

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[164] Id. at 944, 1174.
[165] Id. at 1177.
[166] Id. at 944, 1175.
[167] Id. at 937-938.
[168] Id. at 1174-1175.
[169] Id. at 1176.
[170] Id.
[171] Guidelines and Procedure in the Service and Execution of Court Writs and Processes in the Reorganized Courts.
[172] *Rollo* (A.M. No. RTJ-11-2302), p. 1176.
[173] Id. at 1180-1181.
[174] Id. at 1110-1114.

cramped in a small space inside the courtroom.[175] Numerous instances of retrieval and photocopying might have damaged the folders and their contents.

3. No collusion report

Judge Mangrobang explains that despite repeated orders from the court, the public prosecutor failed to submit a collusion report. Nevertheless, the latter actively participated in the court proceedings. In an effort to resolve the cases with dispatch, the court proceeded with trial despite the non-submission of a collusion report. While this tack may be a deviation from the rules, it does not constitute grave misconduct; it is, instead, an error of judgment that may be properly raised in a judicial forum and not in administrative proceedings against the judge.[176]

4. In one case, the rendition of the decision even before the admission of exhibits

Judge Mangrobang explains that because of a typographical error, the order admitting all documentary exhibits and submitting the case for decision bore the date 31 August 2010.[177] In truth, it was issued earlier than the decision, which was dated 27 August 2010.

5. In another, the absence of a verification and certification against forum shopping

Judge Mangrobang offers the possibility that, since the verification and certification against forum shopping are usually on in one page, that page was accidentally detached from the records.[178] The lack of a verification and certification against forum shopping could not have escaped the notice of the Office of the Clerk of Court and the public prosecutor, who would have filed the appropriate pleading to inform the court of the deficiency.

6. Finality of judgment despite non-service of copies of the decisions on the respondents

Clerk of Court Cordez emphasizes that she never issued a certificate of finality unless there was proof of receipt of the decision by the parties and the Solicitor General.[179] She states that she cannot be blamed if the copy of the decision sent to the parties were "UNSERVED" with the added notation "unknown address or moved out," because they should have informed the

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[175] Id. at 1110, 1335-1336.
[176] Id. at 1336-1337.
[177] Id. at 1338.
[178] Id. at 1339.
[179] Id. at 938.

court of their new addresses.[180] Nevertheless, she says that her issuance of the certificates of finality was not motivated by any ill motive, but by an honest belief that the procedure she followed did not violate any law, rule or administrative order.[181]

For his part, Judge Mangrobang states that there is nothing amiss in the issuance of a certificate of finality when the records reveal that notices and copies of the decisions were sent to the parties at their last known addresses.[182] Failure of the parties to be vigilant in monitoring their cases should not be blamed on the court.

7. Issuance of the decree of nullity of marriage despite absence of proof that the entry of judgment had been registered with the local civil registrar

Judge Mangrobang submits that the requirement that the entry of judgment be registered with the local civil registrar before the issuance of a decree of nullity is applicable only when the grounds for the declaration of nullity are Articles 40 and 45 of the Family Code.[183] It is not required for marriages declared void *ab initio* under Article 36.

8. Grant of petitions for declaration of nullity and annulment of marriage at the extraordinary speed of six months or less

Judge Mangrobang explains that cases involving the declaration of nullity of marriage are not difficult to decide. Hence, he finds no reason to delay the promulgation of the decision after the parties have terminated the presentation of their evidence.[184] He laments the possibility that judges would be penalized for resolving cases with dispatch rather than for unreasonable delay in resolving them.

RTC Dasmariñas 90

1. Improper venue

Social Worker Serilo states that she has no knowledge as to how or why her address was used as the address of the petitioners in Civil Case Nos. 2893-09 and 3179-09.[185] She explains that she is not acquainted with the parties or their counsels, and that she does not know how they came to know her address. However, she points out that she testifies in open court in

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[180] Id. at 939.
[181] Id. at 1117.
[182] Id. at 1341.
[183] Id. at 1342-1346.
[184] Id. at 1346.
[185] Id. at 901, 1383.

adoption cases, and that her personal circumstances – including her address – have become part of the records of these cases.

2. Questionable jurisdiction/improper service of summons

Process Server Pontejos explains that the "refused to sign" annotation he makes on the summonses just means that the recipient refused to sign the latter's name.[186] He deems it best to make this annotation in order to indicate that the summons was properly served. He even leaves his contact number with the recipients of the summons in case they need to reach him.

He also explains that his failure to abide by the rules on substituted service of summons was due to inadvertence, because he had in mind the immediate service of summons without going through the tedious process provided in the rules.[187] He points out, though, that he zealously seeks the whereabouts of the addressees. He resorts to a substituted service only if they are not around, in which case he explains to the person present the consequences of receiving the summons on behalf of the addressee.[188] As regards Civil Case Nos. 2940-09 and 1860-08, in which he served a summons in Camarines Norte, he explains that he is a Bicolano; as such, he is familiar with the Bicol region.[189]

3. In one case, the grant of the petition for declaration of nullity of marriage even without the appearance of any of the parties

Judge Cabrera-Faller narrates the entire history of the case and insists that, contrary to the observation of the OCA, a hearing was conducted for the presentation of one witness. However, the latter's testimony was later dispensed with pursuant to a stipulation between the public prosecutor and the petitioner's counsel.[190]

4. Questionable raffling of cases

Judge Cabrera-Faller claims that the raffle and distribution of cases on the same day is not a baffling situation; rather, it is an efficient system of working out the early disposition of cases.[191] In other courts, the distribution of cases to the concerned courts is done a week after the raffle.[192]

With regard to Civil Case No. 3676-10, while it was indeed raffled on 12 April 2010, the return of the summons showed that it was personally

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[186] Id. at 1044.
[187] Id. at 1042.
[188] Id. at 1043.
[189] Id.
[190] Id. at 761-763.
[191] Id. at 1044-1045.
[192] Id. at 1045.

received by the respondent on 14 April 2010, and not 25 March 2010 as reported by the OCA.[193]

5. Issuance of the decree of nullity of marriage despite absence of proof that the entry of judgment had been registered with the local civil registrar

Judge Cabrera-Faller explains that the issuance of actual court processes is not always done by the books, and that it sometimes has to give way to the convenience of the court and the requesting persons.[194]

She explains the procedure in her court. After the issuance of a decision granting the declaration of absolute nullity or annulment of marriage, they send copies to the parties, their counsels, the public prosecutor, the Solicitor General, the National Statistics Office, and the local civil registrars of both the place where the parties were married and the place where the court is sitting.[195] Thereafter, the winning party can return to the court to secure the entry of final judgment after the lapse of the appeal period. Usually, the court issues the entry of final judgment and the decree of nullity of marriage on the same day as the request therefor, so that the winning party can have the documents registered with the local civil registrar.[196] This procedure is designed precisely for facility in the registration of these certificates.[197]

6. Grant of petitions for declaration of nullity and annulment of marriage at the extraordinary speed of six months or less

Judge Cabrera-Faller sees nothing "extraordinary" about resolving cases within six months, especially since these cases are uncontroverted even by the State.[198] She explains that she did not want to burden the court's calendar by prolonging the proceedings therein.

As regards the questionable raffling of cases in his office, Clerk of Court Eusebio submits that the raffle of cases are held every Monday at 11:45 a.m. and are attended by the judges of RTC Imus 20, 21 and 22; and RTC Dasmariñas 90.[199] All cases filed in the afternoon of every Monday up to 11:30 in the morning of the following Monday are included in the next raffle.

He and Judge Quisumbing, the executive judge, reiterate the explanation of Judge Cabrera-Faller with regard to the regularity of the raffle

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[193] Id. at 769-770.
[194] Id. at 1044.
[195] Id. at 768.
[196] Id. at 768-769.
[197] Id. at 769.
[198] Id. at 770.
[199] Id. at 914.

of Civil Case No. 3676-10; and of Judge Felicen and Clerk of Court Marasigan with regard to Civil Case Nos. 1852-08 and 3309-09.[200] They aver that those cases, identified to have been filed and raffled on the same day, were indeed filed in the morning of a Monday and, hence, included in the raffle at 11:45 a.m. that day.[201]

For his part, Judge Quisumbing states that he does not have any control over the number of cases filed and raffled.[202] After each raffle, the clerk of court distributes the case records not later than 3:00 p.m. of the same day to the branches to which they have been raffled.

In a Resolution dated 20 October 2015,[203] the Court referred this administrative case, together with A.M. Nos. RTJ-11-2301 and 12-9-188-RTC, to the CA for immediate raffle among the members thereof. The investigating CA justice was directed to evaluate the cases and make a report and recommendation thereon within 90 days from notice.

A.M. No. 12-9-188-RTC

In a letter dated 1 June 2012 addressed to the OCA,[204] a "concerned employee" of RTC Dasmariñas 90 claimed to have personal knowledge that the decision rendered by Judge Cabrera-Faller in Civil Case No. 1998-08 was for a cash consideration. According to the letter writer, the petitioner therein, Armando Tunay, was an American citizen who had never been a resident of the Philippines. However, in his petition, he allegedly used a fictitious address in Dasmariñas, Cavite. Despite being fully aware of this fact, Judge Cabrera-Faller granted the petition in less than six months. The letter writer added that the judge did not deserve to be in the judiciary because of her partiality and corruption.

At the time of the receipt of the anonymous letter, a full investigation by the OCA of the proceedings in A.M. No. RTJ-11-2302 was underway; hence, it recommended that the letter be included among the subjects of the investigation.[205] In a Resolution dated 12 November 2012,[206] the Court approved the OCA recommendation and consolidated A.M. No. 12-9-188-RTC with A.M. No. RTJ-11-2302. Judge Cabrera-Faller was likewise required to comment on the anonymous letter.

In her comment dated 6 February 2013,[207] Judge Cabrera-Faller expressed disbelief that the letter could have been written by her staff in

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[200] Id. at 914-915, 824-825.
[201] Id.
[202] Id. at 824.
[203] Id. at 1405-1406.
[204] *Rollo* (A.M. No. 12-9-188-RTC), p. 4.
[205] Id. at 1-3.
[206] Id. at 6-7.
[207] Id. at 9-11.

view of the letter writer's impeccable English. She suspected that the real perpetrator of the evil scheme just wanted to put her in even worse light at a time when she was already facing several other administrative complaints. She pointed out that Armando Tunay never hid the fact of his citizenship, as he definitively alleged in his petition that he was a naturalized American citizen. Upon an ocular inspection of the given address in the petition, Judge Cabrera-Faller was able to verify that the address truly existed; hence, it was not true that it was fictitious. Based on the attached affidavit of Armando Tunay,[208] he stayed in that house owned by their family friend six months before the filing of the petition and until a year after the termination of the proceedings. Judge Cabrera-Faller emphasizes that she does not accept cash considerations for favorable decisions in her court.

She points out that the State never questioned the address of the petitioner as stated in the petition, nor did it file any opposition during the proceedings.[209] While admitting that Civil Case No. 1998-08 was indeed decided in less than six months, she emphasizes that she has always observed the rule on the speedy disposition of both civil and criminal cases.

In a Resolution dated 20 October 2015,[210] the Court referred this administrative case, together with A.M. Nos. RTJ-11-2301 and RTJ-11-2302, to the CA for immediate raffle among the members thereof. The investigating CA justice was directed to evaluate the cases and make a report and recommendation thereon within 90 days from notice.

RECOMMENDATION OF THE INVESTIGATING JUSTICE

The instant administrative cases were raffled to CA Associate Justice Victoria Isabel A. Paredes (Justice Paredes). She submitted her Amended Report[211] on 4 October 2016.[212]

A.M. No. RTJ-11-2301

Justice Paredes agreed with the OCA finding that Judge Cabrera-Faller did not take appropriate action in all the cases that had not been acted upon for a considerable length of time from the dates of their filing, including those without further setting, with pending incidents or submitted for decision.[213] In this light, Justice Paredes recommends that the judge be fined in the amount of ₱10,000 for failure to comply with the Court's Resolution.

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[208] Id. at 12-13.
[209] *Rollo* (A.M. No. RTJ-11-2302), p. 767.
[210] *Rollo* (A.M. No. 12-9-188-RTC), pp. 66-67.
[211] *Rollo* (A.M. No. RTJ-11-2301), pp. 927-1017.
[212] Id. at 888.
[213] Id. at 941.

On the other hand, OIC Suluen fails to satisfactorily explain why certain cases for declaration of nullity and annulment of marriage pending with the court proceeded despite the absence of vital documents.[214] As OIC branch clerk of court, she was charged with the efficient recording, filing and management of court records besides having administrative supervision over court personnel. For lack of diligence in the performance of administrative functions amounting to simple neglect of duty, Judge Paredes recommends that a fine in the amount of ₱20,000 be imposed on OIC Suluen.

Justice Paredes found the practice of Process Server Pontejos of serving summonses on the immediate relatives of respondents unacceptable.[215] Considering that it is through the service of summons by process servers that courts acquire jurisdiction over respondents, he was duty-bound to discharge his duties with the prudence, caution and attention that careful persons usually exercise in the management of their affairs. His failure to comply with the requirements set in *Manotoc v. CA* amounted to simple neglect of duty. For his offense, Justice Paredes recommends the imposition of a fine in the amount of ₱5,000.

A.M. No. RTJ-11-2302

On the allegation of improper venue for the declaration of nullity and annulment of marriage cases lodged against all four judges, Justice Paredes found only Judge Felicen liable.[216] Justice Paredes recalled that while the plaintiff or the respondent must be residents of the place where the action was instituted at the time it is commenced, improper venue as a ground to dismiss may be raised only by the parties to the action. In this case, none of the parties, or even the State, raised this ground during the proceedings in the audited cases. The only one who raised it was the respondent in Civil Case No. 2785-09 filed before RTC Imus 20.[217] The respondent thereon sought to dismiss the petition on the ground that none of the parties were residents of Cavite. The complaint could have only been filed before the court in the place where the respondent resided because the petitioner had been living in Taiwan and had no residence in the Philippines. Thus, Justice Paredes found that Judge Felicen erred when he failed to dismiss the case.

On the improper service of summons, Justice Paredes clears all four judges.[218] She indicates that while an improper service of summons may mean lack of jurisdiction over the person of the respondent, the latter may waive that defense by voluntarily appearing before the court or by failing to seasonably object to its jurisdiction. In all the audited cases, not one of the respondents upon whom a substituted service of summons was made filed a

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[214] Id. at 942.
[215] Id. at 943.
[216] Id. at 996, 1000.
[217] Id. at 995.
[218] Id. at 996-997.

timely motion to dismiss the action for lack of jurisdiction over the respondent's person.

However, Justice Paredes finds that Process Server Pontejos, Sheriff Pagunsan, Process Server Azcueta and Sheriff De Villa had failed to comply with the guidelines of *Manotoc*.[219] Sheriff Pagunsan even admitted to leaving copies of the summons at the doors of the houses of respondents in anticipation of their receipt of it at a later time. For this negligence, Justice Paredes finds them guilty of simple neglect of duty.[220] Considering that all of them admitted to serving summons outside the territorial jurisdiction of their courts, Justice Paredes also finds them guilty of abuse of authority.[221] She recommends that Sheriff Pagunsan, Process Server Azcueta and Sheriff De Villa be fined in the amount of ₱5,000 each for simple neglect of duty and another ₱5,000 each for abuse of authority, with a stern warning that a repetition of the same or a similar offense shall be dealt with more severely.

For their failure to properly supervise the court personnel in their respective branches, specifically with regard to the proper service of summons on litigants, Clerks of Court Cordez and Marasigan were likewise found guilty of simple neglect of duty.[222] Justice Paredes recommends that they be fined in the amount of ₱20,000 each, with a stern warning that a repetition of the same or a similar offense shall be dealt with more severely.

As regards Process Server Pontejos, he was already found guilty of simple neglect of duty in A.M. No. RTJ-11-2301. The circumstances in A.M. No. RTJ-11-2302 further reveal his gross and palpable neglect of duty, for which the penalty of dismissal from service should be meted out to him.[223]

All four judges were cleared for issuing certificates of finality simultaneously with the decree of nullity of marriage. Justice Paredes elucidates that pursuant to Section 19(4) of A.M. No. 02-11-10-SC, and as illustrated in *Diño v. Diño*,[224] the court shall forthwith issue the decree of nullity upon the finality of the decision, if the parties have no properties.[225]

On the extraordinary speed with which petitions were granted, Justice Paredes found that Judge Felicen carried the highest percentage of petitions granted in six months or less at 77%.[226] She also considered it notoriously impossible and improbable for Judge Mangrobang to decide a case within 25 days from the date of filing, regardless of the fact that it was an uncontested

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[219] Id. at 1006.
[220] Id. at 1007.
[221] Id at 1007-1008.
[222] Id. at 1009-1010.
[223] Id. at 1009.
[224] 655 Phil. 175 (2011).
[225] *Rollo* (A.M. No. RTJ-11-2301), pp. 997-999.
[226] Id. at 1000.

petition.[227] Justice Paredes reminds Judge Cabrera-Faller that petitions for declaration of nullity and annulment of marriage are regular family court cases, and not special proceedings for which jurisdictional requirements need to be established. Yet, despite this unnecessary layer in the conduct of proceedings, Judge Cabrera-Faller was still able to decide 57% of the declaration of nullity and annulment of marriage cases before her in six months or less.

Justice Paredes reminds the judges that they must behave at all times in ways that would promote public confidence in the integrity and impartiality of the judiciary. They must, therefore, avoid impropriety and even the appearance of impropriety in all their activities. Indeed, the judicial audit in these cases was prompted by reports that Cavite was a haven for "paid-for annulments."[228]

Thus, Justice Paredes finds Judge Felicen guilty of grave abuse of authority for failing to dismiss Civil Case No. 2785-09 for improper venue and for granting petitions for declaration of nullity and annulment of marriage with extraordinary speed.[229] She recommends that he be fined in the amount of ₱40,000, which is to be deducted from his retirement benefits.

Justice Paredes finds that Judge Mangrobang's cavalier attitude towards marriage – shown when he granted a petition 25 days after its filing – does not speak well of the reverence that the Constitution, society and Filipino culture holds for marriage as the foundation of the family.[230] She finds him guilty of grave abuse of authority and recommends that he be fined in the amount of ₱40,000, to be deducted from his retirement benefits.

Judge Cabrera-Faller was also found guilty of grave abuse of authority for granting petitions for declaration of nullity and annulment of marriage with extraordinary speed. It is recommended that she be fined in the amount of ₱40,000 and permanently enjoined from handling family court cases.[231]

On the other hand, Justice Paredes recommends that the charges against Judge Quisumbing be dismissed.[232] Likewise, she finds no sufficient, clear and convincing evidence to hold Interpreter Juntilla and Stenographer Reyes administratively liable, because they cannot be expected or required to go beyond the usual practice of asking for names and personal circumstances in ascertaining the real identities of the parties appearing before them.[233] At the time that the petitioner in Civil Case No. 2785-09 testified in court, nothing had put them on guard as to the witness's identity.

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[227] Id. at 1001.
[228] Id. at 1000.
[229] Id. at 1000-1001.
[230] Id. at 1001.
[231] Id.
[232] Id. at 1000.
[233] Id. at 1003.

The charge against Social Worker Serilo is also recommended to be dismissed for insufficiency of evidence.[234] There was no evidence that she was directly involved in the filing of the petitions in which her address was used as the petitioners' own. Neither was there any clear showing that she had consented to the use of her address in that manner.

Similarly, there was insufficient evidence to hold Process Server Ferrer administratively liable, because a reading of his comments and returns shows that he sufficiently complied with the guidelines in *Manotoc*.[235] Justice Paredes holds that there is a valid tender of summons even if the respondent or another person of suitable age and discretion refuses to sign the original copy of the summons.

Justice Paredes recommends that charges against Clerk of Court Eusebio be dismissed. She believes that he was able to explain that the seemingly questionable raffling of cases among the RTC branches was only brought about by inadvertence or mistakes in the indication of dates.[236]

A.M. No. 12-9-188-RTC

Justice Paredes points out that the issue in this administrative matter is whether money exchanged hands for a favorable judgment in Civil Case No. 1998-08. She holds the considered opinion that the purported graft and corruption reported in the anonymous complaint is just a figment of the letter writer's imagination.[237]

During the clarificatory hearing conducted on 12 January 2016, Mrs. Orlinda Ojeda-Tunay testified that the letter writer was her brother. He had allegedly been against her marriage with Armando Tunay, whose remarriage was made possible by the grant of the petition in Civil Case No. 1998-08.[238] For Justice Paredes, this testimony – as against the amorphous, undefined and unsupported charge in the anonymous letter – should be upheld. Thus, she recommends that the charge against Judge Cabrera-Faller be dismissed.

OUR RULING

In the present administrative disciplinary proceedings against judges and court personnel, respondents spring the defense that no objection from the parties, the public prosecutor, the Solicitor General, or the State was ever raised against these alleged irregularities. To our mind, the fact that respondent judges and court personnel are using judicial arguments does not speak well of the strength of their position in these administrative

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[234] Id. at 1003-1004.
[235] Id. at 1006.
[236] Id. at 1010-1011.
[237] Id. at 1012.
[238] Id. at 1012-1013.

complaints. The waiver of venue of civil actions or the waiver of the defense of lack of jurisdiction over persons – or, for that matter, any failure to raise an objection – is relevant only to the judicial proceedings where that waiver was made.

Court personnel are, first and foremost, public officials.[239] They are held to a high standard of ethics in public service and exhorted to discharge their duties with utmost responsibility, integrity, competence, and loyalty, as well as to uphold public interest over personal interest.[240] As professionals, they are expected to perform their duties with the highest degree of excellence, intelligence and skill. The presence or absence of objections cannot be the measure by which our public officials should perform their sacred duties. First and foremost, they should be guided by their conscience; and, in the case of those employed in the judiciary, by a sense of responsibility for ensuring not only that the job is done, but that it is done with a view to the proper and efficient administration of justice.

Judges and court personnel are expected to avoid not just impropriety in their conduct, but even the mere appearance of impropriety.[241] In the instant administrative cases, respondents miserably failed in this regard. Note must be taken that what prompted the judicial audit in the four courts involved herein are reports that they have become havens for "paid-for annulments."

Improper Venue

A.M. No. 02-11-10-SC (Rule on Declaration of Absolute Nullity of Void Marriages and Annulment of Voidable Marriages), which took effect on 15 March 2003, provides that petitions shall be filed in the Family Court of the province or city where the petitioner or the respondent has been residing for at least six months prior to the date of filing.[242] In the case of nonresident respondents, it shall be filed where they may be found in the Philippines, at the election of the petitioner.

In *OCA v. Flores*,[243] this Court has ruled that a deliberate disregard of the foregoing rule may be shown by the judge's inexplicable persistence in trying and resolving cases despite glaring circumstances that "should have created doubt as to the veracity of the residential addresses declared in the petitions."[244]

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[239] Republic Act No. 6713, Section 3(b):
(b) "Public Officials" includes elective and appointive officials and employees, permanent or temporary, whether in the career or non-career service, including military and police personnel, whether or not they receive compensation, regardless of amount.
[240] Id. at Section 2.
[241] *See* New Code of Judicial Conduct, Canon 4, Section 1.
[242] A.M. No. 02-11-10-SC, Section 4.
[243] A.M. No. RTJ-12-2325 & A.M. OCA IPI No. 11-3649-RTJ, 14 April 2015, 755 SCRA 400.
[244] Id. at 429.

In these cases, the records are replete with glaring circumstances that should have created doubt in the minds of the respondent judges as to the veracity of the residential addresses declared in the petitions. In all four courts, the OCA and the judicial audit teams found that most of the given addresses were vague or incomplete. It may be true, as explained by Judge Quisumbing, that some residential addresses in the provinces have no house numbers. Yet, the fact that most of the court notices sent to the parties by RTC Imus 20 and 22 and RTC Dasmariñas 90 were "returned to sender" shows that there was something amiss in the given addresses. It is even more curious that the notices were "returned to sender" for the reason that the addressees were unknown at the given address or could not be located.

More important, cases where parties have the same address as those in another case cannot be explained away. In fact, out of the four respondent judges, only Judge Quisumbing attempted to give an explanation of this anomaly. But his statement, instead of clarifying the matter, only operated to strengthen the cases against them. He offers the possibility that the petitioners really lived in the same house, because they were separated from their respective spouses. If this is indeed the case, then the fact that these parties were represented by the same counsels shines an even more disturbing light upon the observed irregularity.

In four cases decided by RTC Imus 20, the address of the petitioner in Civil Case No. 3045-09 is the same as that of the petitioner in Civil Case No. 3118-09, while the address of the petitioner in Civil Case No. 3117-09 is the same as that of the petitioner in Civil Case No. 3430-10.[245] The counsel for the petitioners in Civil Case Nos. 3045-09, 3118-09 and 3117-09 was Atty. Allan Rheynier D. Bugayong, while the counsel for the petitioner in Civil Case No. 3430-10 was Atty. J.T. Leonardo Santos.

In RTC Imus 21, the address of the petitioner in Civil Case No. 2729-09 is the same as that of the petitioner in Civil Case No. 3534-10. They were represented by Atty. Ruel B. Nairo.[246] The address of the petitioner in Civil Case No. 2733-09 is the same as that of the petitioner in Civil Case No. 3208-09, and they were represented by Atty. Norman R. Gabriel.[247] The address of the petitioner in Civil Case No. 3490-10, represented by Atty. Aimee Jean P. Leaban, is the same as that of the petitioner in Civil Case No. 3558-10, represented by Atty. Ruel B. Nairo. The address of the petitioner in Civil Case No. 3636-10 is the same as that of the petitioner in Civil Case No. 3786-10, and they were both represented by Atty. Allan Rheynier D. Bugayong.

In RTC Imus 22, the address of the petitioner in Civil Case No. 2781-09 is the same as that of the petitioners in Civil Case Nos. 3040-09 and

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[245] *Rollo* (A.M. No. 11-2302-RTC), p. 508.
[246] Id. at 526.
[247] Id. at 527.

3370-09.[248] The address of the respondent in Civil Case No. 2781-09 is the same as that of the respondents in Civil Case Nos. 3370-09 and 3371-09. The counsel for petitioners in all of these cases was Atty. Clarissa L. Castro. The address of the petitioner in Civil Case No. 2994-09 is the same as that of the petitioner in Civil Case No. 3092-09, and they were both represented by Atty. Bernard R. Paredes.[249] The address of the petitioner in Civil Case No. 2589-09 represented by Atty. Herminio Valerio, is the same as that of the petitioner in Civil Case No. 3170-09, represented by Atty. Cesar DC Geronimo.

In RTC Dasmariñas 90, the address of the petitioner in Civil Case No. 3623-10 is the same as that of the respondent in Civil Case No. 2815-09.[250] The address of the respondent in Civil Case No. 2991-09 is the same as that of the respondent in Civil Case No. 3456-10, and they were both represented by Atty. Omar Francisco.

It would appear that counsels maintain residences within the jurisdiction of friendly courts for their declaration of nullity and annulment of marriage cases. Considering, however, that the notices sent to most of these addresses were also "returned to sender," we cannot even make the kindest assumption that the parties actually resided in those addresses just for the sole purpose of having their marriages declared null and void or annulled by a friendly court. What is clear is that there is a conspiracy, at least between the counsels of these parties and the four courts, in order to reflect paper compliance with the rule on venue.

In Civil Case No. 2785-09 before RTC Imus 20, it may be true that the respondent did not present any proof to support his allegation in his Answer that the petitioner was not a resident of Imus, Cavite. Nonetheless, Judge Felicen still made a false statement in his decision in that case when he stated therein that "[d]espite the service of summons, no responsive pleading was filed by respondent."[251] He thought perhaps that the addition of the phrase "within the reglementary period" would place the statement within the purview of the truth. Such dishonesty, aggravated by the fact that it was committed in no less than a decision of the court, cannot be countenanced.

On the other hand, the recommendation of Justice Paredes with regard to the dismissal of the charge against Interpreter Juntilla and Stenographer Reyes is well-taken. Indeed, at the time that the petitioner in Civil Case No. 2785-09 testified in open court, there was sufficient basis to believe that she was indeed who she said she was. After all, the witness identified herself under oath, stated her name and other personal circumstances for the record,

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[248] Id at 535-536.
[249] Id. at 536.
[250] Id. at 558.
[251] Id. at 508.

and signed the minutes of the proceedings. The evidence also shows that the signatures in the minutes of the proceedings and in the verification of the petition are the same.[252] Furthermore, we cannot rely too much on the certification issued by the Bureau of Immigration in this case.[253] While it states that the petitioner did not have any record of arrival in the Philippines from January 1993 to 28 May 2013, it also states that she did not have any record of departure during the same period. To recall, the respondent in the case alleged in his Answer that the petitioner had been living in Taiwan since 1994.

In Civil Case No. 1256-07, before RTC Imus 22, the address of the court's very own Process Server Azcueta appeared as the address of the petitioner therein. In Civil Case Nos. 2893-09 and 3179-09 before RTC Dasmariñas 90, the address of Social Worker Serilo also appeared as the address of the petitioners therein. We cannot accept their explanation regarding the alleged unauthorized use of their addresses. It should be noted that relative to the majority of the vague and incomplete addresses given by the parties in the other petitions, those given by the petitioners who used the addresses of Process Server Azcueta and Social Worker Serilo stick out in their specificity: the block and lot number, street, subdivision and even the barangay were indicated. Furthermore, the addresses of the respondents in these petitions were not in Cavite. Thus, the addresses of Process Server Azcueta and Social Worker Serilo were the ones that provided the opportunity for these petitions to be in compliance with the venue requirement. This single most important fact negates any declaration that they did not consent to, or that they were even aware of the use of their addresses.

In A.M. No. 12-9-188-RTC, the Court notes that the address given by Armando Tunay in his petition was "c/o Christina B. Toh, xxx Aguinaldo Highway, Dasmariñas, Cavite."[254] As we pronounced in *Re: Report on the Judicial Audit Conducted in the RTC Br. 60, Barili, Cebu*,[255] the use of the abbreviation "c/o" connotes that that petitioner was not an actual resident of the given address. This fact, together with the admission of the petitioner that he is a naturalized American citizen, should have engendered suspicion on the part of Judge Cabrera-Faller that the former did not reside within the territorial jurisdiction of RTC Dasmariñas 90. The affidavit executed by Armando Tunay stating that he resided in that address for six months before the filing of the petition and until a year after the termination of the case is, at best, self-serving. What he stated in his affidavit may be relevant only to the proceedings for his petition for declaration of nullity of marriage. It cannot operate to excuse the gross ignorance of the law committed by Judge Cabrera-Faller with regard to the application of the rules on venue for petitions for declaration of nullity and annulment of marriages.

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[252] Id. at 841-842.
[253] Id. at 609.
[254] *Rollo* (A.M. No. 12-9-188-RTC), p. 18.
[255] 488 Phil. 250 (2004).

Improper Service of Summons

Section 6 of A.M. No. 02-11-10-SC provides that the service of summons shall be governed by Rule 14 of the Rules of Court. Under that Rule, the summons may be served by the sheriff, the deputy sheriff, or other proper court officer, or, for justifiable reasons, by any suitable person authorized by the court issuing the summons.[256] Whenever practicable, the summons shall be served by handing a copy thereof to respondents in person or, if they refuse to receive and sign for it, by tendering it to them.[257] However, if the service cannot be done personally for justifiable causes and within a reasonable time, it may be effected by (a) leaving copies of the summons with some other person of suitable age and discretion then residing at respondent's house; or (b) leaving copies of the summons with some competent person in charge of the respondent's office or regular place of business.[258]

Manotoc v. CA[259] operationalized the provision for a valid substituted service of summons by laying down the following requirements:

> (1) Impossibility of Prompt Personal Service
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> The party relying on substituted service or the sheriff must show that defendant cannot be served promptly or there is impossibility of prompt service. Section 8, Rule 14 provides that the plaintiff or the sheriff is given a reasonable time to serve the summons to the defendant in person, but no specific time frame is mentioned. Reasonable time is defined as so much time as is necessary under the circumstances for a reasonably prudent and diligent man to do, conveniently, what the contract or duty requires that should be done, having a regard for the rights and possibility of loss, if any[,] to the other party. Under the Rules, the service of summons has no set period. However, when the court, clerk of court, or the plaintiff asks the sheriff to make the return of the summons and the latter submits the return of summons, then the validity of the summons lapses. The plaintiff may then ask for an alias summons if the service of summons has failed. What then is a reasonable time for the sheriff to effect a personal service in order to demonstrate impossibility of prompt service? To the plaintiff, reasonable time means no more than seven (7) days since an expeditious processing of a complaint is what a plaintiff wants. To the sheriff, reasonable time means 15 to 30 days because at the end of the month, it is a practice for the branch clerk of court to require the sheriff to submit a return of the summons assigned to the sheriff for service. The Sheriffs Return provides data to the Clerk of Court, which the clerk uses in the Monthly Report of Cases to be submitted to the Office of the Court Administrator within the first ten (10) days of the succeeding month. Thus, one month from the issuance of summons can be considered reasonable time with regard to personal service on the defendant.

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[256] Rules of Court, Rule 14, Section 3.
[257] Id. at Section 6.
[258] Id. at Section 7.
[259] 530 Phil. 454 (2006).

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 [mean] 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.

(2) Specific Details in the Return

The sheriff must describe in the Return of Summons the facts and circumstances surrounding the attempted personal service. The efforts made to find the defendant and the reasons behind the failure must be clearly narrated in detail in the Return. The date and time of the attempts on personal service, the inquiries made to locate the defendant, the name/s of the occupants of the alleged residence or house of defendant and all other acts done, though futile, to serve the summons on defendant must be specified in the Return to justify substituted service. The form on Sheriffs Return of Summons on Substituted Service prescribed in the Handbook for Sheriffs published by the Philippine Judicial Academy requires a narration of the efforts made to find the defendant personally and the fact of failure. Supreme Court Administrative Circular No. 5 dated November 9, 1989 requires that impossibility of prompt service should be shown by stating the efforts made to find the defendant personally and the failure of such efforts, which should be made in the proof of service.

(3) A Person of Suitable Age and Discretion

If the substituted service will be effected at defendant's house or residence, it should be left with a person of suitable age and discretion then residing therein. A person of suitable age and discretion is one who has attained the age of full legal capacity (18 years old) and is considered to have enough discernment to understand the importance of a summons. Discretion is defined as the ability to make decisions which represent a responsible choice and for which an understanding of what is lawful, right or wise may be presupposed. Thus, to be of sufficient discretion, such person must know how to read and understand English to comprehend the import of the summons, and fully realize the need to deliver the summons and complaint to the defendant at the earliest possible time for the person to take appropriate action. Thus, the person must have the relation of confidence to the defendant, ensuring that the latter would receive or at least be notified of the receipt of the summons. The sheriff must therefore determine if the person found in the alleged dwelling or residence of defendant is of legal age, what the recipients relationship with the defendant is, and whether said person comprehends the significance of the receipt of the summons and his duty to immediately deliver it to the defendant or at least notify the defendant of said receipt of summons. These matters must be clearly and specifically described in the Return of Summons.

(4) A Competent Person in Charge

> If the substituted service will be done at [defendant's] office or regular place of business, then it should be served on a competent person in charge of the place. Thus, the person on whom the substituted service will be made must be the one managing the office or business of defendant, such as the president or manager; and such individual must have sufficient knowledge to understand the obligation of the defendant in the summons, its importance, and the prejudicial effects arising from inaction on the summons. Again, these details must be contained in the Return.[260]

The return for a substituted service should state, with more particularity and detail, the facts and circumstances such as the number of attempts at personal service, dates and times of the attempts, inquiries made to locate the respondent, names of occupants of the alleged residence, and reasons for failure in order to satisfactorily show the efforts undertaken.[261] The exertion of efforts to personally serve the summons on respondent, and the failure of those efforts, would prove the impossibility of prompt personal service.[262]

Manotoc also emphasized that while substituted service of summons is permitted, it is extraordinary in character and a departure from the usual method of service.[263] As such, it must faithfully and strictly comply with the prescribed requirements and circumstances authorized by the rules.[264]

In these cases, it was clear that no faithful and strict compliance with the requirements for substituted service of summons was observed by Sheriffs De Villa and Pagunsan and Process Servers Ferrer, Azcueta, and Pontejos.

Contrary to the findings of Justice Paredes, those arrived at by this Court show that the returns made by Process Server Ferrer did not sufficiently comply with the guidelines in *Manotoc*. To illustrate, he submitted the following return in Civil Case No. 2511-09:

> This is to certify that on January 29, 2009, the undersigned personally served the Summons together with the copy of a Petition and its annexes in the above-entitled case upon the respondent thru **Candy Socorro, house maid** but she refuse[d] to affix by [sic] her name and signature in the original copy of the Summons.
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> That all diligent efforts were exerted to serve the said Summons as the undersigned went also to the above stated address on January 21 and 24, 2009 but the same proved ineffectual.

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[260] Id. at 468-471.
[261] Id. at 473.
[262] Id. at 474.
[263] Id. at 468.
[264] Id.

> The original copy of the Summons is therefore respectfully returned duly served.[265]

Notably, this return fails to establish the impossibility of prompt personal service. Although it states that he went to the respondent's address three times on three different dates, it does not show that efforts were made to find the respondent personally or cite why those efforts "proved ineffectual." Neither does it show that he ascertained whether or not the recipient comprehended the significance of the receipt of the summons and the duty to deliver it to the respondent or at least to notify the latter about the receipt of the summons.

In Civil Case Nos. 2216-08 and 2243-08, Process Server Ferrer indicated in his returns that he had made a personal service of summons on the respondents at their given addresses. However, subsequent orders sent to the same addresses were "returned to sender." Indeed, it is possible that after personal service of summons on respondents, they moved to another residence, but it is a different matter if the subsequent orders were returned to sender because respondents were "unknown at given address."[266] This notation overturns whatever presumption of regularity in the performance of official duties may be accorded to the prior return of Process Server Ferrer stating that personal service on the respondent was made at that address. Furthermore, Civil Case No. 2216-08 was decided by RTC Imus 20 in three months and 10 days and Civil Case No. 2243-08 in four months and 17 days from filing.[267] It would be hard to imagine that in such a short span of time, the respondents would be "unknown at given address," if they had really been found there just a few months previously.

Sheriff Pagunsan was in the habit of stating in his returns that "no one was around to receive the court process. Hence, a copy of the summons was left at the door of the defendant's place."[268] The Court cannot even begin to describe how far-off this practice is from the prescribed requirements and circumstances authorized by the rules. It does not even fall under the category of substituted service of summons, which, as we have said, is already a departure from the usual method of service. The following is an example of Sheriff Pagunsan's return for a substituted service of summons:

> THIS IS TO CERTIFY that on November 8, 2009, the undersigned personally served the copy of Summons together with the Petition and its annexes in the above captioned case to the defendant VINCENT CHRISTIAN OBLENA at xxx Parañaque City thru Gino Uson [who] claims to be a relative of the defendant, of sufficient age and discretion to receive the court process as [sic] however refused to affix his signature on the original copy of the Summons.

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[265] *Rollo* (A.M. No. RTJ-11-2302), p. 320.
[266] Id. at 510.
[267] Id. at 523.
[268] Id. at 511-512.

> Earnest efforts were made by the undersigned in the morning and afternoon of the said date to serve the summons personally upon the respondent but failed on the grounds that respondent was always out at the time of the said service, hence, substituted service was resorted to in accordance with the Rules of Court.
>
> The original copy of the summons is, therefore, respectfully returned DULY SERVED.[269]

The foregoing return clearly shows that while there were two attempts to serve the summons personally, they were made on the same day. He does not mention if he made any inquiry to locate the respondent; or if the recipient, who "claims to be a relative" of the respondent, comprehended the significance of the receipt of the summons and the duty to deliver it to the respondent or at least to notify the latter about the receipt thereof.

The blatant nonobservance of the rule regarding personal and substituted service of summons was shown by Sheriff De Villa in Civil Case No. 2693-09 when he resorted to substituted service of summons on the very same day that it was issued.[270] He was also found to have served summons – one was personal and the other substituted – on two different respondents in two different cases at the same address in Makati.[271] We cannot countenance his alleged practice of resorting to substituted service after being advised by the respondent over the phone to leave the summons with the person present in the house. Contrary to his belief, this practice does not fulfill the requirement that he exert all efforts to personally serve the summons. In these instances, since he had already contacted the respondent by phone, it would have been more prudent and dutiful to have set an appointment for another day to enable him to personally serve the summons on the respondent himself, rather than to resort to a substituted service at the first instance.

The following is an example of a return that he submitted for a substituted service of summons:

> Respectfully returned to ATTY. MARIA CRSITITA A. RIVAS-SANTOS, Clerk of Court V, RTC Br. 21, Imus, Cavite the enclosed original copy of the Summons issued in the above-captioned case to respondent, PAUL JEFFREY R. SANTOS of xxx, Pasig City with the information that copy of the Summons together with the attached Petition and its Annexes was received by respondent's mother, LINA R. SANTOS on March 10, 2010, as evidenced by her signature appearing at the face bottom of said summons.[272]

Again, this return fails to establish the impossibility of a prompt personal service. It does not show that Sheriff De Villa went to the

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[269] Id. at 627.
[270] Id. at 528.
[271] Id.
[272] Id. at 1070.

respondent's address three times on at least two different dates, or that he exerted efforts to find the respondent and serve the summons personally. Neither does the return show that he ascertained whether the recipient comprehended the significance of receiving the summons and the duty to deliver it to the respondent or at least to notify the latter about the receipt of the summons.

In a number of the returns submitted by Process Server Azcueta, he claimed to have made a substituted service of summons to recipients who refused to sign or acknowledge receipt thereof. However, subsequent orders sent to the same addresses were "returned to sender," because "no such defendant/name" or "unknown address;" or, worse, the address was "unlocated, no such name and number of house on given address."[273] Again, these notations overturn whatever presumption of regularity in the performance of official duties may be accorded to the prior return of Process Server Azcueta that substituted service on respondents was made at the given addresses.

No return of summons was attached to the records of five cases before RTC Imus 22.[274] Process Server Azcueta explains that attaching the returns to the case records was not his job. On the other hand, Judge Mangrobang and Clerk of Court Cordez offer the possibility that the returns were accidentally detached from the records due to numerous instances of retrieval and photocopying. All of them claim that just because no returns were attached to the records did not mean that there was an improper service of summons. Curiously, whether it was a matter of failure to attach the returns to the records or accidental detachment of the returns therefrom, no evidence of the actual existence of the missing returns has been shown. If it was a matter of failure to attach the returns, their submission to the judicial audit team would have been easy. In any event, the accidental detachment of the returns could have been proven by a gap in the pagination of the records.

The following is an example of a return that Process Server Azcueta submitted for a substituted service of summons:

> Respectfully return[ed] to the Honorable Court the attached original copy of the summons and petition dated September 29, 2009 issued by this Honorable Court with the following information:
>
> 1. That on October 1, 2009, the undersigned caused the service of Summons to the respondent but said respondent was not around on the said date.
> 2. That earnest effort to personally serve the summons failed as the said respondent is still not around at the given address when service was effected on October 10, 2009. To satisfy the Rules, substituted service was made by tendering a copy of the summons with petition and its annexes

[273] Id. at 538-540.
[274] Id. at 549.

> thru MA. PAZ C. BAUN, a person of competent age and discretion as evidenced by her signature appearing on the original copy of summons.
>
> WHEREFORE, the original copy of the summons is hereby respectfully returned DULY SERVED.[275]

From a reading of the return, it evidently fails to establish the impossibility of prompt personal service. While it shows that Process Server Azcueta went to the respondent's address twice on two different dates, it does not show that he exerted efforts to find the respondent and serve the summons personally. Despite its use of the phrase "[t]o satisfy the Rules," it does not indicate the relation of the recipient with the respondent or whether the former comprehended the significance of the receipt of the summons and the duty to deliver it to the respondent or at least to notify the latter about the receipt of the summons.

As regards Process Server Pontejos, it bears noting that there were findings of improper service of summons in both A.M. Nos. RTJ-11-2301 and RTJ-11-2302. Out of the 32 cases in A.M. No. RTJ-11-2301 and 45 in A.M. No. RTJ-11-2302 in which he made a substituted service of summons without compliance with the mandatory requirements of *Manotoc*, only one case overlapped – Civil Case No. 3746-10.

In A.M. No. RTJ-11-2302, the service of summons in 18 out of the 45 cases audited was made personally. However, all the returns in these 18 cases indicate that respondents refused to sign the original copy of the summons. Below is an example of such returns:

> THIS IS TO CERTIFY that on February 19, 2010, the undersigned caused the service of summons issued by the Clerk of Court of this Court together with the copy of complaint in the above-entitled case upon respondent Aurora T. Frias at xxx Dasmariñas, Cavite, who received the summons personally, but she refused to sign in the original copy of summons.
>
> The original copy of summons is, therefore, respectfully returned, DULY SERVED.[276]

In the other cases in which substituted service of summons was made, Process Server Pontejos did not even indicate the relation of the recipient with the respondent.[277] Below is an example of a return for a substituted service of summons:

> THIS IS TO CERTIFY that on August 5, 2009, the undersigned caused the service of summons issued by the Clerk of Court of this Court together with the copy of complaint in the above-entitled case upon respondent Shirly Manzana-Luzarraga at xxx Camarines Norte thru Lydia

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[275] Id. at 1191.
[276] Id. at 699.
[277] Id. at 562-563.

> Brayus, a person residing thereat of sufficient age and discretion to receive summons, as evidenced by her signature appearing in the original copy of summons.
>
> That all diligent efforts were exerted to serve the said summons personally upon respondent Shirly Manzana-Luzarraga, but the same proved ineffectual.[278]

Then again, even Process Server Pontejos admits that he only had in mind the immediate service of summons "without going through the tedious process"[279] provided under Administrative Circular No. 12 dated 1 October 1985.[280]

As borne out by the records and admitted by Sheriffs De Villa and Pagunsan and Process Servers Ferrer, Azcueta, and Pontejos, they have all served summons outside the territorial jurisdictions of their respective courts. Process Server Ferrer has served summons in Makati and Muntinlupa City,[281] Sheriff Pagunsan in Camarines Sur,[282] Process Server Pontejos in Camarines Norte,[283] Sheriff De Villa in Nueva Ecija,[284] and Process Server Azcueta in Cagayan de Oro City.[285]

Their service of summons outside the territorial jurisdiction of their respective courts is regrettable for two reasons. First, it was contrary to Administrative Circular No. 12 dated 1 October 1985, which provides that the service of all court processes and the execution of writs issued by the courts shall only be made within their territorial jurisdictions. Second, the level of industry, commitment and diligence that went into the service of summons in places very far from the territorial jurisdictions of the courts in question unfortunately failed to find its way into the service of summons *within* the territorial jurisdictions of the concerned courts or into the preparation of the corresponding returns.

The purpose of a summons is twofold: to acquire jurisdiction over the person of respondents and to notify them that an action has been commenced, so that they may be given an opportunity to be heard on the claim being made against them.[286] The importance of the service and receipt of summons is precisely the reason why the Court has laid down very strict requirements for undertaking substituted service of summons. As we said in *Manotoc*, to allow sheriffs and process servers to describe the facts and circumstances of substituted service in inexact terms would encourage

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[278] Id. at 1047.
[279] Id. at 1042.
[280] Guidelines and Procedure in the Service and Execution of Court Writ and Processes in the Reorganized Courts.
[281] *Rollo* (A.M. No. RTJ-11-2302), pp. 510-511.
[282] Id. at 1398.
[283] Id. at 559, 751-752.
[284] Id. at 1051.
[285] Id. at 1176.
[286] *Sagana v. Francisco*, 617 Phil. 387 (2009).

routine performance of their precise duties. It would be quite easy for them to shroud or conceal carelessness or laxity in such broad terms.[287]

Having administrative supervision over court personnel, Clerks of Court Marasigan and Cordez in A.M. No. RTJ-11-2302 and OIC Suluen in A.M. No. RTJ-11-2301 had the responsibility to monitor compliance with the rules and regulations governing the performance of their duties. Their responsibility gains more significance considering that they are the ones who issue the summons[288] and receive the returns from the sheriffs and process servers.[289] They should have insisted on strict compliance with the rules and imposed a corresponding punishment for repeated violations.

The same is true with regard to the four respondent judges in these cases. That they allowed and tolerated noncompliance with the strict requirements of the rules for a long period of time shows their unfitness to discharge the duties of their office. Despite the improper service of summons, they continued with the conduct of the proceedings in the petitions for declaration of nullity and annulment of marriage. These findings tie up with the allegation of the OCA and the judicial audit teams that a conspiracy existed and thereby turned the courts in Cavite into havens for "paid-for annulments."

Lack of Collusion Report

Under Section 8(1) of A.M. No. 02-11-10-SC, the respondent is required to submit an Answer within 15 days from receipt of the summons. If no answer is filed, the court shall order the public prosecutor to investigate whether collusion exists between the parties.[290] Within one month from receipt of the order of the court, the public prosecutor shall submit a report to the court stating whether the parties are indeed in collusion.[291] If it is found that collusion exists, the public prosecutor shall state the basis of that conclusion in the report.[292] The court shall then set the report for hearing; and if convinced that the parties are in collusion, it shall dismiss the petition. If the public prosecutor reports that no collusion exists, the court shall set the case for pretrial.[293]

Notably, the rules do not merely ask whether the public prosecutor is in a position to determine whether collusion exists. They require that the investigating prosecutor determine whether or not there is collusion. In A.M. No. RTJ-11-2301, Judge Cabrera-Faller tolerated the public prosecutor's practice of submitting investigation reports stating merely that "the

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[287] *Manotoc v. CA*, supra note 259; at 474.
[288] Rules of Court, Rule 14, Section 1.
[289] Id. at Section 4.
[290] A.M. No. 02-11-10-SC, Section 8(3).
[291] Id. at Section 9(1).
[292] Id. at Section 9(2).
[293] Id. at Section 9(3).

undersigned Prosecutor is not in the position to tell whether collusion exists."[294] Judge Cabrera-Faller still proceeded with the hearing of the cases.

Furthermore, in declaration of nullity and annulment of marriage cases, the investigation report of the prosecutor on whether there is collusion between the parties is a condition *sine qua non* for setting the case for pretrial or further proceedings.[295]

Thus, it matters not that the public prosecutors manifested before Judges Felicen, Quisumbing and Mangrobang that they would just actively participate in the proceedings to safeguard against collusion or fabricated evidence, in lieu of an investigation report on collusion. No further proceedings should have been held without the investigation report.

In *Corpus v. Ochotorena*,[296] the Court found the respondent judge therein administratively liable for failure to observe the mandatory requirement of ordering the investigating public prosecutor to determine whether collusion existed between the parties. The Court emphasized that the active participation of the public prosecutor in the proceedings of the case could not take the place of the investigation report:

> While the record shows that Public Prosecutor Arturo M. Paculanag had filed a *Certification* dated May 04, 2001 with the respondent judge's court, stating, among others, that he appeared in behalf of the Solicitor General during the *ex-parte* presentation of plaintiff's evidence, even cross-examining the plaintiff and his witness, the psychiatrist Dr. Cheryl T. Zalsos, and that he had no objection to the granting of the petition for declaration of nullity of marriage, such *Certification* does not suffice to comply with the mandatory requirement that the court should order the investigating public prosecutor whether a collusion exists between the parties. Such directive must be made by the court before trial could proceed, not after the trial on the merits of the case had already been had. Notably, said *Certification* was filed after the respondent judge had ordered the termination of the case.[297]

There is no merit either in the contention that the active participation of the public prosecutor in the proceedings in lieu of an investigation report facilitates the speedy disposition of the cases. In *OCA v. Aquino*,[298] we enunciated that shortcuts in judicial processes cannot be countenanced, because speed is not the principal objective of a trial.

It is the considered opinion of this Court that the reason why the public prosecutors are not in a position to determine whether there is collusion between the parties is that one or both of them cannot be

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[294] *Rollo* (A.M. No. RTJ-11-2301), p. 19.
[295] *OCA v. Aquino*, 699 Phil. 513 (2012); *Corpus v. Ochotorena*, 479 Phil. 355 (2004).
[296] 479 Phil. 355 (2004).
[297] Id. at 363.
[298] 699 Phil. 513 (2012).

summoned to appear before the public prosecutor. Presumably, the irregularity regarding the non-submission of collusion investigation reports is likewise tied with the anomalous addresses of the parties. Hence, the non-submission of the reports is another manifestation of the conspiracy to reflect paper compliance with the rule on venue.

Failure to Serve Copies of the Decisions on Respondents

If a counsel or party moves to another address without informing the court of that change, the former's failure to receive a copy of the decision sent to the last known address will not stay the finality of the decision.[299] It is a different matter, however, if from the very inception of the proceedings there is already doubt as to the genuineness of a party's given address.

In Civil Case No. 2904-09 filed before RTC Imus 20, summons was served on the respondent through substituted service. A copy of the order setting the pretrial was sent to respondent's address, but was returned to sender for the reason "no such name at given address."[300] A copy of the decision granting the petition for the annulment of marriage sent to the respondent's address was again returned to sender for the reason "unknown at given address." Nevertheless, a certificate of finality and decree of absolute nullity was issued by the court.

In Civil Case No. 1799-08 filed before RTC Imus 22, a copy of the order setting the pretrial was sent to the respondent's address, but was returned to sender for the reason "unlocated, no such name and number of house on given address."[301] A copy of the decision granting the petition for the annulment of marriage sent to the respondent's address was again returned to sender for the reason "unlocated/unknown." Nevertheless, a certificate of finality was issued by the court. In other cases before RTC Imus 22, copies of the decision sent to the respondents' addresses were returned to sender with the notations "unknown," "no such name," or "no such address." Yet, certificates of finality were issued by the court.

These notations should have put Judges Felicen and Mangrobang and Clerks of Court Marasigan and Cordez on guard regarding the propriety of issuing a certificate of finality, considering that the notations meant that this was not just a simple matter of failure of the parties to inform the court of their new addresses. At best, their failure to be circumspect constituted neglect of duty. At worst, it was another manifestation of the conspiracy to grant fast and easy annulments to those who needed it.

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[299] *R Transport Corp. v. Philippine Hawk Transport Corp.*, 510 Phil. 130 (2005); *Macondray & Co. Inc. v. Provident Insurance Corp.*, 487 Phil. 153 (2004).
[300] *Rollo* (A.M. No. RTJ-11-2302), p. 519.
[301] Id. at 551.

Grant of Petitions at Extraordinary Speed

In RTC Imus 20, 50 out of the 65 cases examined were granted in six months or less from filing.[302] Sixteen cases were granted in three months, 12 in four months, 13 in five months, and nine in six months.

In RTC Imus 21, 15 out of the 62 cases examined were granted in six months or less from filing.[303] One case each was granted in two, three or four months; seven cases in five months; and five cases in six months.

In RTC Imus 22, 46 out of the 118 cases examined were granted in six months or less from filing.[304] One case was granted in record 25 days. Five cases were granted in two months, 6 in three months, 21 in four months, 7 in five months, and 6 in six months.

In RTC Dasmariñas 90, out of the 88 cases examined, 50 were granted in six months or less from filing.[305] Three cases were granted in three months, 10 in four months, 14 in five months, and 23 in six months.

Considering that this Court continuously reminds our judges to resolve cases with dispatch, we cannot be so quick to reprove the practice of the four respondent judges herein. After all, as we said in *Santos-Concio v. Department of Justice*:[306]

> Speed in the conduct of proceedings by a judicial or quasi-judicial officer cannot *per se* be instantly attributed to an injudicious performance of functions. For one's prompt dispatch may be another's undue haste. The orderly administration of justice remains as the paramount and constant consideration, with particular regard of the circumstances peculiar to each case.[307]

However, the surrounding circumstances in these cases for the declaration of nullity and annulment of marriage render the speed with which they were decided suspect.

More important, the findings in A.M. No. RTJ-11-2301 involving Judge Cabrera-Faller include those of the judicial audit team showing a number of criminal and civil cases pending before RTC Dasmariñas 90 that have not been acted upon for a considerable length of time; some of them, even as far back as the time of their filing.

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[302] Id. at 523-524.
[303] Id. at 531.
[304] Id. at 552-554.
[305] Id. at 570-572.
[306] 567 Phil. 70 (2008).
[307] Id. at 81.

During the material period when Judge Mangrobang was deciding the declaration of nullity and annulment of marriage cases with extraordinary speed, he failed to resolve two pending motions before his *sala* within the 90-day reglementary period. In *Castro v. Mangrobang*,[308] this Court found him guilty of undue delay in resolving pending matters and fined him in the amount of ₱10,000. In another case, he was admonished for his failure to decide a motion on time.[309]

Judge Felicen had also been previously admonished to be more mindful of his duties, particularly in the prompt disposition of cases pending and/or submitted for decision and resolution before his sala.[310]

These independent findings lend weight to the conclusion of the OCA and the judicial audit teams that the irregularities in the proceedings before the four courts were systemic and deliberate, rather than caused by inadvertence or mere negligence. If it is true that the four judges are committed to the speedy resolution and disposition of cases, this commitment should have been reflected in all the cases pending before their courts, and not just in the declaration of nullity and annulment of marriage cases.

Lack of Registration with the Local Civil Registrar

Under Section 19(3) of A.M. No. 02-11-10-SC, a decision of the court granting the petition for declaration of nullity or annulment of marriage becomes final upon the expiration of 15 days from notice to the parties. Entry of judgment shall be made if no motion for reconsideration or new trial, or appeal, is filed by any of the parties, the public prosecutor, or the Solicitor General. If the parties have no properties, the court shall forthwith issue the corresponding decree of declaration of absolute nullity or annulment of marriage upon the finality of the decision.[311] Otherwise, upon the finality of the decision, the court shall observe the procedure prescribed for the liquidation, partition and distribution of the properties of the spouses, including custody, support of common children, and delivery of their presumptive legitimes.

In both cases, the entry of judgment shall be registered in the civil registry where the marriage was recorded and in the civil registry where the family court granting the petition for the declaration of absolute nullity or annulment of marriage is located.[312]

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[308] A.M. No. RTJ-16-2455, 11 April 2016.
[309] *Cadiliman v. Mangrobang*, RTJ-10-2222, 10 February 2010.
[310] *Dumdum v. Felicen*, A.M. No. RTJ-13-2345, 19 June 2013.
[311] A.M. No. 02-11-10-SC, Section 19(4).
[312] Id. at Section 19(4) and Section 22(1).

If the parties have properties, the decree of declaration of absolute nullity or annulment of marriage shall be issued only after the registration of the approved partition and distribution of the properties of the spouses in the proper Register of Deeds where the real properties are located; and after the delivery of the children's presumptive legitimes in cash, property, or sound securities.[313] The approved deed of partition shall be attached to the decree.[314]

Again, in both cases in which the parties have or do not have properties, the decree shall be registered in the civil registry where the marriage was registered, the civil registry of the place where the family court is situated, as well as in the National Census and Statistics Office.[315]

In these administrative cases, absent a finding by the OCA and the judicial audit teams that the parties in the identified cases have properties, the Court cannot condemn the practice of the issuance on the same day of the certificate of finality and the decree of declaration of absolute nullity or annulment of marriage. The rule is clear that courts shall forthwith issue the corresponding decree upon the finality of the decision if the parties have no properties. Considering further that both the entry of judgment and the decree must be registered with the civil registry where the marriage was registered and the civil registry of the place where the family court is situated, it is in fact easier for the parties to secure both from the courts on the same day and have them registered at the same time.

Questionable Raffling of Cases

The recommendation of Justice Paredes regarding the dismissal of charges against Clerk of Court Eusebio is well taken. Records show that Civil Case No. 1852-08 was filed on 1 February 2008 and received by RTC Imus 20 on 4 February 2008. The stamp of the Office of the Clerk of Court indicating that it was filed on 24 February 2008 was only due to inadvertence.

The same is true with Civil Case No. 3309-09. The case was raffled and transmitted to RTC Imus 20 on 23 November 2009, and the statement in the return of summons that an attempt to serve the summons was made on 6 November 2009 was merely due to Sheriff Pagunsan's failure to update the old return format. With regard to Civil Case No. 3676-10, summons was personally received by the respondent on 14 April 2010, not 25 March 2010.

The finding that most of the cases were filed and raffled on the same day, without more, cannot make the judges and court personnel administratively liable. Under Supreme Court Circular No. 7-74 dated 23

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[313] Id. at Section 22(a).
[314] Id. at Section 22(b).
[315] Id. at Section 23(a).

September 1974,[316] the notice of the day and hour of the raffle should be posted prominently on the bulletin boards of the courts and at a conspicuous spot on the main door of the session hall of the executive judge. Thus, it is not impossible for counsels to habitually choose the date of the raffle as the date on which to file their petitions for whatever reason.

Other Irregularities

In A.M. No. RTJ-11-2301, other irregularities committed in RTC Dasmariñas 90 include the continuation of proceedings even without the appearance of the Solicitor General, the continuation of the pretrial despite the non-submission of pretrial briefs by the parties, the lack of formal offer of evidence in two cases submitted for decision, the non-attachment of the minutes to the records, the submission of unsigned and photocopied psychological evaluation reports of the psychiatrist/psychologist, and the submission of an unsigned *jurat* in the judicial affidavit of the petitioner in one case.

These irregularities speak for themselves and require no in-depth discussion. In *Maquilan v. Maquilan*,[317] we enunciated that the appearances of the Solicitor General and/or the public prosecutor in proceedings for the declaration of nullity and annulment of marriage are mandatory. Under A.M. No. 02-11-10-SC, the failure of the petitioner to file a pretrial brief or even comply with its required contents has the same effect as the failure to appear at the pretrial,[318] which means the dismissal of the case.[319] While an oral offer of evidence is allowed by the Rules of Court,[320] the offer should be reflected at least in the minutes of the proceedings or in the court order issued at the end of each proceeding covering what transpired during the court session. As against the finding of the judicial audit team that no formal offer of evidence was made in two cases submitted for decision, no minutes of the proceedings or court order was submitted by Judge Cabrera-Faller to controvert the finding.

In A.M. No. RTJ-11-2302, other irregularities committed in RTC Imus 22 include the rendition of judgment ahead of the issuance of the order admitting the documentary exhibits and the giving of due course to a petition without a verification and certification against forum shopping. We find no

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[316] Rule on Raffle of Cases.
[317] 551 Phil. 601 (2007).
[318] A.M. No. 02-11-10-SC, Section 12.
[319] Id. at Section 13:
Section 13. *Effect of Failure to Appear at the Pre-trial.* — (a) If the petitioner fails to appear personally, the case shall be dismissed unless his counsel or a duly authorized representative appears in court and proves a valid excuse for the non-appearance of the petitioner.
(b) If the respondent has filed his answer but fails to appear, the court shall proceed with the pre-trial and require the public prosecutor to investigate the non-appearance of the respondent and submit within fifteen days thereafter a report to the court stating whether his non-appearance is due to any collusion between the parties. If there is no collusion, the court shall require the public prosecutor to intervene for the State during the trial on the merits to prevent suppression or fabrication of evidence.
[320] Rules of Court, Rule 132, Section 35.

merit in the explanation of Judge Mangrobang regarding the date indicated in the order admitting the documentary exhibits. He says that the date, which shows that the order admitting the exhibits was issued four days after the date of the decision, was a mere typographical error. As keenly observed by the OCA and the judicial audit teams, even the stitching and the pagination of these two rulings show that the decision is ahead of the order admitting the documentary exhibits.[321] As regards the missing page containing the verification and certification against forum shopping, its alleged accidental detachment from the records could have been proven by a gap in the pagination of the records. No evidence of this sort was offered by Judge Mangrobang.

Again, in RTC Dasmariñas 90, one petition for the declaration of nullity of marriage was granted even without the appearance of the parties. Judge Cabrera-Faller merely explained that a hearing was conducted, but she did not belie the finding that the parties had not at all appeared before her during the entire proceedings.

LIABILITY AND APPROPRIATE PENALTIES

Judges Felicen, Quisumbing, Mangrobang and Cabrera-Faller

A blatant disregard of the provisions of A.M. No. 02-11-10-SC constitutes gross ignorance of the law.[322] This Court has ruled that for a judge to be liable for gross ignorance of the law, it is not enough that the decision, order or actuation in the performance of official duties is contrary to existing law and jurisprudence.[323] It must also be proven that the judge was moved by bad faith, fraud, dishonesty or corruption; or committed an error so egregious that it amounted to bad faith.[324]

In *Department of Justice v. Mislang*,[325] we said:

> For liability to attach for ignorance of the law, the assailed order, decision or actuation of the judge in the performance of official duties must not only be found erroneous but, most importantly, it must also be established that he was moved by bad faith, dishonesty, hatred, or some other like motive. Judges are expected to exhibit more than just cursory acquaintance with statutes and procedural laws. They must know the laws and apply them properly in all good faith. Judicial competence requires no less. Thus, unfamiliarity with the rules is a sign of incompetence. Basic rules must be at the palm of his hand. When a judge displays utter lack of familiarity with the rules, he betrays the confidence of the public in the courts. Ignorance of the law is the mainspring of injustice. Judges owe it

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[321] *Rollo* (A.M. No. RTJ-11-2302), p. 550.
[322] *OCA v. Castañeda*, 696 Phil. 202 (2012).
[323] *Lorenzana v. Austria*, A.M. No. RTJ-09-2200, 2 April 2014.
[324] Id.
[325] A.M. Nos. RTJ-14-2369 & RTJ-14-2372, 26 July 2016.

> to the public to be knowledgeable, hence, they are expected to have more than just a modicum of acquaintance with the statutes and procedural rules; they must know them by heart. When the inefficiency springs from a failure to recognize such a basic and elemental rule, a law or a principle in the discharge of his functions, a judge is either too incompetent and undeserving of the position and the prestigious title he holds or he is too vicious that the oversight or omission was deliberately done in bad faith and in grave abuse of judicial authority. In both cases, the judge's dismissal will be in order.

But when there is persistent disregard of well-known rules, judges not only become liable for gross ignorance of the law, they commit gross misconduct as well.[326] It is then that a mistake can no longer be regarded as a mere error of judgment, but one purely motivated by a wrongful intent.[327]

The four courts herein have allowed themselves to become havens for "paid-for annulments." Their apparent conspiracy with the counsels of the parties in order to reflect paper compliance with the rules if not complete disregard thereof, as well as their failure to manage and monitor the regularity in the performance of duties by their court personnel, shows not only gross ignorance of the law but also a wrongful intention that smacks of misconduct.

Misconduct refers to any unlawful conduct on the part of a judge prejudicial to the rights of parties or to the right determination of the cause.[328] It entails wrongful or improper conduct motivated by a premeditated, obstinate or deliberate purpose.[329] Simple misconduct is defined as an unacceptable behavior that transgresses the established rules of conduct for public officers.[330] On the other hand, gross misconduct connotes something "out of all measure; beyond allowance; not to be excused; flagrant; shameful."[331]

The four judges also violated the following Canons of the New Code of Judicial Conduct for the Philippine Judiciary:[332]

> CANON 2
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> Integrity
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> Section 1. Judges shall ensure that not only is their conduct above reproach, but that it is perceived to be so in the view of a reasonable observer.

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[326] *OCA v. Flores*, A.M. No. RTJ-12-2325 & A.M. OCA IPI No. 11-3649-RTJ, 14 April 2015, 755 SCRA 400.
[327] Id.
[328] *OCA v. Paderanga*, 505 Phil. 143 (2005).
[329] Id.
[330] *Abulencia v. Hermosisima*, 712 Phil. 248 (2013).
[331] *Canson v. Garchitorena*, 370 Phil. 287, 306 (1999).
[332] A.M. NO. 03-05-01-SC, 27 April 2004.

> Section 2. The behavior and conduct of judges must reaffirm the people's faith in the integrity of the judiciary. Justice must not merely be done but must also be seen to be done.
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> Section 3. Judges should take or initiate appropriate disciplinary measures against lawyers or court personnel for unprofessional conduct of which the judge may have become aware.
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> x x x x
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> CANON 6
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> Competence and Diligence
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> x x x x
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> Section 3. Judges shall take reasonable steps to maintain and enhance their knowledge, skills and personal qualities necessary for the proper performance of judicial duties, taking advantage for this purpose of the training and other facilities which should be made available, under judicial control, to judges.
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> x x x x
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> Section 5. Judges shall perform all judicial duties, including the delivery of reserved decisions, efficiently, fairly and with reasonable promptness.
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> x x x x
>
> Section 7. Judges shall not engage in conduct incompatible with the diligent discharge of judicial duties.

As judges, more than anyone else, they are required to uphold and apply the law. They should maintain the same respect and reverence accorded by the Constitution to our society's institutions, particularly marriage. Instead, their actuations relegated marriage to nothing more than an annoyance to be eliminated. In the process, they also made a mockery of the rules promulgated by this Court.

Gross ignorance of the law and gross misconduct constituting violations of the Code of Judicial Conduct are serious charges under Section 8, Rule 140 of the Rules of Court. Justices and judges found guilty of these charges may be penalized by any of the following:

> 1. Dismissal from the service, forfeiture of all or part of the benefits as the Court may determine, and disqualification from reinstatement or appointment to any public office, including government-owned or controlled corporations. *Provided*, however, that the forfeiture of benefits shall in no case include accrued leave credits;
> 2. Suspension from office without salary and other benefits for more than three (3) but not exceeding six (6) months: or

3. A fine of more than ₱20,000.00 but not exceeding ₱40,000.00.[333]

We have had occasion to impose the penalty of suspension for a period of three months on judges found guilty of gross ignorance of the law and gross misconduct.[334] However, in a line of cases[335] where the judges found guilty of the same offenses had already compulsorily retired from service and therefore could no longer be penalized with suspension, a fine was ordered deducted from their retirement benefits.

In *Marcos v. Cabrera-Faller*,[336] Judge Cabrera-Faller was ordered dismissed from the service for gross ignorance of the law. As stated above, Judge Mangrobang was found guilty of undue delay in resolving pending matters in *Castro v. Mangrobang*.[337] He was also previously reprimanded in *Miranda v. Mangrobang*[338] for conduct prejudicial to the best interest of the judiciary. In *Bartolome v. Maranan*,[339] Judge Felicen was also involved in an alleged pattern of corruption involving the annulment of marriage cases in RTC Imus 20.

Considering that Judge Cabrera-Faller has already been dismissed from service, and Judges Mangrobang and Felicen have already compulsorily retired, the penalty of suspension can no longer be imposed on them. Thus, they are hereby ordered to pay a fine in the amount of ₱80,000 each. Notably, Judge Mangrobang had already passed away. At any rate, the fine shall be deducted from the retirement benefits of Judges Mangrobang and Felicen. The same fine shall be deducted from whatever amounts may still be due Judge Cabrera-Faller.

The irregularities committed in these administrative cases took place and festered under the watch of Judge Quisumbing. As executive judge, he performs the functions of a court administrator within his administrative area.[340] He was supposed to provide leadership and coordinate the management of the courts, as well as implement policies concerning court operations laid down by the Supreme Court.[341] Unfortunately, instead of exercising his prerogatives in order that those under his management be kept in line, he joined in the commission of some of the reprehensible practices described in these administrative cases.

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[333] Rules of Court, Rule 140, Section 11(A).
[334] *Uy v. Javellana*, 694 Phil. 159 (2012), *Loss of Court Exhibits at MTC-Dasmariñas, Cavite*, 498 Phil. 353 (2005).
[335] *Bautista v. Causapin*, 667 Phil. 574 (2011), *Land Bank of the Philippines v. Pagayatan*, 615 Phil. 18 (2009); *Sinsuat v. Hidalgo*, 583 Phil. 38 (2008).
[336] A.M. No. RTJ-16-2472, 24 January 2017.
[337] A.M. No. RTJ-16-2455, 11 April 2016.
[338] 422 Phil. 327 (2001).
[339] A.M. No. P-11-2979, 18 November 2014.
[340] Supreme Court Administrative Order No. 6-75, dated 30 June 1975.
[341] Id.

Thus, the Court cannot adopt the recommendation of Justice Paredes to completely absolve Judge Quisumbing of all liability. To note, the *sala* of Judge Quisumbing was also involved in the irregularities regarding cases where parties had the same address as those in another case. Of the four pairs of parties before the RTC Imus 21 who had the same addresses, three were represented by the same counsels. Judge Quisumbing also failed to observe the mandatory requirement of ordering the investigating public prosecutor to determine whether collusion existed between the parties in cases for the declaration of nullity and annulment of marriage.

Nevertheless, considering that his infractions are not as grave as those of the other three judges, he shall be liable for gross ignorance of the law and simple misconduct. In *Adriano v. Villanueva*,[342] a judge found guilty of gross ignorance of the law, simple misconduct, and undue delay in deciding a case was ordered to pay a fine in the amount of ₱40,000. In the case of Judge Quisumbing, a fine in the amount of ₱21,000 shall suffice. Considering that he had retired from judicial service, this amount shall be deducted from his retirement benefits.

Sheriffs Pagunsan and De Villa; and Process Servers Ferrer, Azcueta and Pontejos

We have had occasion to emphasize the importance of the responsibilities of process servers in the efficient and proper administration of justice:

> A process server should be fully cognizant not only of the nature and responsibilities of his task but also of their impact in the speedy administration of justice. It is through the process server that a defendant learns of the action brought against him by the complainant. More importantly, it is through the service of summons of the process server that the trial court acquires jurisdiction over the defendant. As a public officer, the respondent is bound *virtute oficii* to bring to the discharge of his duties the prudence, caution, and attention which careful men usually exercise in the management of their affairs. Relevant in the case at bar is the salutary reminder from this Court that the image of a court of justice is necessarily mirrored in the conduct, official or otherwise, of the men and women who work thereat, from the judge to the least and lowest of its personnel — hence, it becomes the imperative sacred duty of each and everyone in the court to maintain its good name and standing as a true temple of justice.[343]

Sheriffs and process servers are required to exercise utmost care in seeing to it that all notices assigned to them are duly served upon the parties.[344] Their failure to perform their duties can never be excused by a heavy work load.[345]

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[342] A.M. No. MTJ-99-1232, 445 Phil. 675 (2003).
[343] *Ulat-Marrero v. Torio, Jr.*, 461 Phil. 654, 661 (2003).
[344] *Tan v. Azcueta*, 746 Phil. 1 (2014).
[345] Id.

Again, in a line of cases,[346] we have ruled that the failure to serve court processes promptly and properly amounts to simple neglect of duty. It is the failure of employees to give their attention to a task expected of them, which thereby shows a disregard of duty resulting from carelessness or indifference.[347] On the other hand, there is gross neglect of duty when, from the gravity of the case or the frequency of instances, the neglect becomes so serious in character as to endanger or threaten public welfare.[348]

Under the Revised Uniform Rules on Administrative Cases in the Civil Service,[349] simple neglect of duty is punishable by suspension for one month and one day to six months for the first offense and dismissal from service for the second offense. Gross neglect of duty is punishable by dismissal from service for the first offense.

We find Sheriffs Pagunsan and De Villa and Process Servers Ferrer, Azcueta, and Pontejos guilty of simple neglect of duty.

In *Holasca v. Pagunsan*,[350] Sheriff Pagunsan was found guilty of gross inefficiency, for which he was suspended for a period of nine months and one day without pay. Since gross inefficiency is closely related to gross neglect, as both involve specific acts of omission on the part of the employee,[351] that previous administrative liability shall make this instant administrative infraction a second offense that should merit the severe penalty of dismissal from service.

In *Espero v. De Villa*,[352] Sheriff De Villa was found guilty of simple neglect of duty for his failure to file a return of a writ of execution and to make periodic reports to the court. The penalty of suspension for a period of one month and one day was meted out to him. As this is already his second offense, Sheriff De Villa should be dismissed from service.

In *Tan v. Azcueta*,[353] Process Server Azcueta was found guilty of simple neglect of duty and was accordingly reprimanded and warned that a repetition of the same or a similar act shall be dealt with more severely. While mitigating circumstances were appreciated in that case, making the penalty imposed lower than that prescribed by the Revised Uniform Rules on Administrative Cases in the Civil Service, there is no question that this is already his second offense. Accordingly, Process Server Azcueta should also be dismissed from service.

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[346] *Tan v. Azcueta*, 746 Phil. 1 (2014); *OCA v. Castañeda*, 696 Phil. 202 (2012); *Laguio, Jr. v. Amante-Casicas*, 537 Phil. 180 (2006).
[347] *Cabigao v. Nery*, A.M. No. P-13-3153, 14 October 2013.
[348] *Rodrigo-Ebron v. Adolfo*, 550 Phil. 449 (2007).
[349] CSC Memorandum Circular No. 19-99, dated 14 September 1999.
[350] A.M. Nos. P-14-3198 & P-14-3199, 23 July 2014.
[351] *Guerrero-Boylon v. Boyles*, 674 Phil. 565 (2011).
[352] OCA IPI No. 10-3566-P, 21 April 2014
[353] A.M. No. P-14-3271, 22 October 2014.

In the case of Process Server Pontejos, he is hereby found guilty of two counts of simple neglect of duty in A.M. Nos. RTJ-11-2301 and RTJ-11-2302. Again under the Revised Uniform Rules on Administrative Cases in the Civil Service, if the respondent is found guilty of two charges or counts, the penalty to be imposed shall correspond to the more serious charge or count, and the other shall be considered as an aggravating circumstance.[354] The presence of an aggravating circumstance shall increase the penalty to the maximum provided under the rules.[355] As the maximum of the penalty for simple neglect of duty is dismissal from service, that penalty should be imposed on Process Server Pontejos.

The foregoing notwithstanding, we have always taken advantage of every opportunity to show compassion and leniency in the imposition of administrative penalties on erring court employees. This is because work is as much a source of one's dignity as it is of one's income. While this Court will never tolerate any act of wrongdoing in the performance of duties, it would not be remiss in its mandate, should it extend just one more chance for court employees to improve their ways. That chance shall be given to Sheriffs Pagunsan and De Villa and to Process Servers Azcueta and Pontejos. They would do well not to waste it.

The penalty of suspension for a period of one year shall instead be imposed on Sheriff Pagunsan. On the other hand, the penalty of suspension for a period of six months shall be imposed on Sheriff De Villa and Process Servers Azcueta and Pontejos.

The penalty of suspension for one month and one day shall be meted out to Process Server Ferrer for the instant first offense of simple neglect of duty.

Clerks of Court Cordez and Marasigan and OIC Suluen

Clerks of Court Marasigan and Cordez in A.M. No. RTJ-11-2302 and OIC Suluen in A.M. No. RTJ-11-2301 are likewise found guilty of simple neglect of duty. They failed to monitor compliance with the rules and regulations governing the performance of duties by court personnel under their administrative supervision. Also, Clerks of Court Marasigan and Cordez failed to exercise the required circumspection prior to issuing certificates of finality in declaration of nullity and annulment of marriage cases, considering that notices of the court's decisions had not been served at the time upon the respondents.

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[354] CSC Memorandum Circular No. 19-99, dated 14 September 1999, Section 55.
[355] Id. at Section 54(c).

The penalty of suspension for one month and one day shall be meted out to them for the instant first offense of simple neglect of duty.

Considering that Clerk of Court Cordez has transferred to another government agency, the penalty of suspension can no longer be imposed on her. Accordingly, in lieu of suspension, a penalty of fine equivalent to her salary for a period of one month shall be imposed.

Process Server Azcueta and Social Worker Serilo

In *Japson v. Civil Service Commission*,[356] the petitioner therein was a former senior member services representative assigned at the Social Security System (SSS) branch in Baguio City. In conspiracy with others, the petitioner enticed benefit claimants to file their claims before SSS Baguio, where he could guarantee prompt releases because he was assigned at the claims section. As the claimants were residing in outlying provinces, they used in their claim forms the address of the petitioner in Baguio City. When the claims were released, the petitioner was able to secure a chunk of each claimant's benefits.

In a case for dishonesty, grave misconduct, and conduct prejudicial to the best interest of the service against the petitioner, the SSS found him guilty on all counts. It ruled that it was not necessary to show concrete proof of the receipt of a consideration for the arrangement, following the principle of *res ipsa loquitur*. On appeal, the Civil Service Commission ruled that while there was no strong evidence showing that the petitioner received, collected, or took a share from the benefits awarded to the claimants, he was still liable. His irregular conduct and indiscriminate judgment relative to the handling of the claims were found to have caused a serious breach in the integrity of the system observed by the SSS, as well as endangered the welfare of the public at large.

After the denial of his petition for review before the CA, the petitioner therein came to this Court claiming, among others, that there was no evidence showing that he had specifically authorized any of the claimants involved to use his address. The Court denied the petition for lack of merit. We ruled that his acts clearly reflected his dishonesty and grave misconduct. He was less than forthright in his dealings and led claimants to believe that he could give them undue advantage by processing their claims faster than others without the same connection.

The surrounding facts in *Japson* are analogous to those in the case of Process Server Azcueta and Social Worker Serilo. Both involve the use of a government employee's address in order for others to comply with the

[356] 663 Phil. 665 (2011).

residence requirement laid down by the rules. In their defense, the petitioner therein and Process Server Azcueta and Social Worker Serilo herein claim that they did not authorize anyone to use their address. As in Japson, the Court's conclusion here shall be the same.

Considering, however, that the infraction committed by Process Server Azcueta and Social Worker Serilo is not directly connected with the performance of their official duties, they are liable not for misconduct but for conduct prejudicial to the best interest of the service. "The word 'prejudicial' means 'detrimental or derogatory to a party; naturally, probably or actually bringing about a wrong result.'"[357] Their conduct placed the entire judiciary in a bad light;[358] that our rules are easily circumvented by our very own.

Under the Revised Uniform Rules on Administrative Cases in the Civil Service, conduct prejudicial to the best interest of the service is punishable by suspension for six months and one day to one year for the first offense and dismissal from service for the second offense. Accordingly, the penalty of suspension for six months and one day shall be meted out to Social Worker Serilo for the instant first offense of conduct prejudicial to the best interest of the service.

As regards Process Server Azcueta, in addition to his suspension for six months for the second offense of simple neglect of duty, the penalty of suspension for six months and one day shall be meted out to him for conduct prejudicial to the best interest of the service.

WHEREFORE, premises considered, the Court has arrived at the following findings:

1. Judge Fernando L. Felicen, Presiding Judge, Regional Trial Court of Imus, Cavite, Branch 20, is found **GUILTY** of gross ignorance of the law and gross misconduct constituting violations of the Code of Judicial Conduct. A **FINE** in the amount of ₱80,000 shall be deducted from his retirement benefits.

2. Judge Norberto J. Quisumbing, Jr., Presiding Judge, Regional Trial Court of Imus, Cavite, Branch 21, is found **GUILTY** of gross ignorance of the law and simple misconduct. A **FINE** in the amount of ₱21,000 shall be deducted from his retirement benefits.

3. Judge Cesar A. Mangrobang, Presiding Judge, Regional Trial Court of Imus, Cavite, Branch 22, is found **GUILTY** of gross ignorance of the law and gross misconduct constituting violations of the Code of Judicial

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[357] *OCA v. Corea*, A.M. No. P-11-2992, 9 November 2015, 774 SCRA 13, 27.
[358] Id.

Conduct. A **FINE** in the amount of ₱80,000 shall be deducted from his retirement benefits.

4. Judge Perla V. Cabrera-Faller, Presiding Judge, Regional Trial Court of Dasmariñas, Cavite, Branch 90, is found **GUILTY** of gross ignorance of the law and gross misconduct constituting violations of the Code of Judicial Conduct. Considering that she had been previously dismissed from service in A.M. No. RTJ-16-2472 (Formerly OCA IPI No. 13-4141-RTJ), a **FINE** in the amount of ₱80,000 shall be deducted from whatever amounts may still be due her.

5. Atty. Allan Sly M. Marasigan, Clerk of Court V, Regional Trial Court of Imus, Cavite, Branch 20, is found **GUILTY** of simple neglect of duty. He is ordered **SUSPENDED** for a period of one month and one day.

6. Atty. Seter M. Dela Cruz-Cordez, Clerk of Court V, Regional Trial Court of Imus, Cavite, Branch 22, is found **GUILTY** of simple neglect of duty. She is ordered to pay a **FINE** equivalent to her salary for a period of one month to be taken from whatever sums may be due her as retirement, leave or other benefits.

7. Ophelia G. Suluen, Officer-in-Charge and Legal Researcher, Regional Trial Court of Dasmariñas, Cavite, Branch 90, is found **GUILTY** of simple neglect of duty. She is ordered **SUSPENDED** for a period of one month and one day.

8. Anselmo P. Pagunsan, Jr., Sheriff IV, Regional Trial Court of Imus, Cavite, Branch 20, is found **GUILTY** of simple neglect of duty. He is ordered **SUSPENDED** for a period of one year.

9. Hipolito O. Ferrer, Process Server, Regional Trial Court of Imus, Cavite, Branch 20, is found **GUILTY** of simple neglect of duty. He is ordered **SUSPENDED** for a period of one month and one day.

10. Wilmar M. De Villa, Sheriff IV, Regional Trial Court of Imus, Cavite, Branch 21, is found **GUILTY** of simple neglect of duty. He is ordered **SUSPENDED** for a period of six months.

11. Elmer S. Azcueta, Process Server, Regional Trial Court of Imus, Cavite, Branch 22, is found **GUILTY** of simple neglect of duty and conduct prejudicial to the best interest of the service. He is ordered **SUSPENDED** for a period of one year and one day.

12. Rizalino Rinaldi B. Pontejos, Process Server, Regional Trial Court of Dasmariñas, Cavite, Branch 90, is found **GUILTY** of two counts of

simple neglect of duty. He is ordered **SUSPENDED** for a period of six months.

13. Alma N. Serilo, Social Worker Officer II, Office of the Clerk of Court, Regional Trial Court of Imus, Cavite, is found **GUILTY** of conduct prejudicial to the best interest of the service. She is ordered **SUSPENDED** for a period of six months and one day.

Atty. Allan Sly M. Marasigan, Atty. Seter M. Dela Cruz-Cordez, Ophelia G. Suluen, Anselmo P. Pagunsan, Jr., Hipolito O. Ferrer, Wilmar M. De Villa, Elmer S. Azcueta, Rizalino Rinaldi B. Pontejos and Alma N. Serilo are **STERNLY WARNED** that a repetition of the same or similar acts shall warrant a more severe penalty.

The complaints against Atty. Regalado E. Eusebio, Clerk of Court VI, Office of the Clerk of Court, Regional Trial Court of Imus, Cavite; Imelda M. Juntilla, Court Interpreter; and Teresita P. Reyes, Court Stenographer, both of the Regional Trial Court of Imus, Cavite, Branch 20, are **DISMISSED** for lack of merit.

The Court hereby **ORDERS** the Office of the Bar Confidant to submit, within 30 days from notice, its compliance with the Resolution dated 12 August 2014, which required its appropriate action relative to the findings on the possible involvement of private practitioners in the anomalies in the declaration of nullity and annulment of marriage cases.

Let a copy of this Decision be furnished to the Secretary of Justice, the Solicitor General, and the Prosecutor-General for their information and possible remedial action to prevent further irregularities, including possibly by persons under their supervision. The Clerk of Court of the Court En Banc shall prepare the appropriate cover letter therefor.

SO ORDERED.

MARIA LOURDES P. A. SERENO
Chief Justice

WE CONCUR:

ANTONIO T. CARPIO
Senior Associate Justice

PRESBITERO J. VELASCO, JR.
Associate Justice

Please see Concurring and Dissenting Opinion
TERESITA J. LEONARDO-DE CASTRO
Associate Justice

(On leave)
DIOSDADO M. PERALTA
Associate Justice

LUCAS P. BERSAMIN
Associate Justice

MARIANO C. DEL CASTILLO
Associate Justice

ESTELA M. PERLAS-BERNABE
Associate Justice

MARVIC M.V.F. LEONEN
Associate Justice

I join the Concurring and Dissenting Opinion of Justice De Castro
FRANCIS H. JARDELEZA
Associate Justice

ALFREDO BENJAMIN S. CAGUIOA
Associate Justice

SAMUEL R. MARTIRES
Associate Justice

NOEL GIMENEZ TIJAM
Associate Justice

ANDRES B. REYES, JR.
Associate Justice

ALEXANDER G. GESMUNDO
Associate Justice

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