



Republic of the Philippines
Supreme Court
Manila

SECOND DIVISION

**PRESIDING JUDGE MARIGEL
S. DAGANI-HUGO, Regional
Trial Court, Branch 3, Butuan
City, Agusan del Norte,**
Complainant,

- versus -

**JUDGE DENNIS B. CASTILLA,
Municipal Trial Court in Cities,
Branch 1, Butuan City, Agusan
del Norte,**
Respondent.

OCA IPI No. 20-3093-MTJ

Present:

PERLAS-BERNABE, J.,
Chairperson,
HERNANDO,
INTING,
DELOS SANTOS, and
BALTAZAR-PADILLA,* JJ.

Promulgated:

OCT 14 2020

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DECISION

DELOS SANTOS, J.:

The Case

This instant case against Judge Dennis B. Castilla (Judge Castilla), Municipal Trial Court in Cities (MTCC) of Butuan City, Agusan del Norte, Branch 1, stemmed from the counter-charges filed by Presiding Judge Marigel S. Dagani-Hugo (Judge Hugo), Regional Trial Court (RTC) of Butuan City, Agusan Del Norte, Branch 3, in an administrative case docketed as OCA IPI No. 17-4750-RTJ.

Antecedents

In a Complaint¹ dated September 7, 2017, Judge Castilla charged Judge Hugo with Ignorance of the Law and Conduct Prejudicial to the Best

* On leave.

¹ Rollo (OCA IPI No. 17-4750-RTJ), pp. 1-6.

Interest of Service before the Office of the Court Administrator (OCA). The allegations of Judge Castilla are synthesized as follows:

- (1) Judge Hugo, when she was still a provincial prosecutor, caused the dismissal of four (4) counts of theft and two (2) counts of Estafa that Judge Castilla filed against Engineer Hospicio C. Ebarle, Jr., Arcadio L. Racasa, Jr.,² and six (6) other accused. Judge Castilla claimed that Judge Hugo was biased in approving the recommendation of dismissal because of the latter's membership in a fraternity called Alphans;
- (2) Judge Hugo dismissed a rape case, in which some person raised a concern on how the said rape case was dismissed;
- (3) The then Provincial Prosecutor Hugo conspired with her process server, Noel Indonto, in filing a baseless and fabricated charge of perjury against one Mary Grace E. Wang (Wang);
- (4) On September 5, 2017, Judge Hugo, who was then the Chairperson of the Committee on Parking and Beautification, inexplicably occupied his parking space. According to Judge Castilla, he was told by the security personnel that his parking space was reassigned upon the directive of Judge Hugo. He claims that he had been using said parking space for the last 10 years, and was thus humiliated when the guard prohibited him from parking in said space and directed him to park in his newly assigned space where he had difficulty to park due to its location;
- (5) Judge Hugo, while she was still a prosecutor, together with Judge Castilla's former wife, Climarie Castilla (Climarie) connived in filing a case against him for violation of Republic Act No. 9262 or the Violence Against Women and Their Children Act of 2004 (VAWC).

In her Comment³ dated November 23, 2017, Judge Hugo denied the allegations of Judge Castilla and countered that the complaint was ill-motivated because Judge Castilla bears a grudge against her. First, Judge Hugo explained that the Estafa and Theft cases filed by Judge Castilla were dismissed upon the recommendation of Prosecutor Cyril G. Viva for lack of probable cause. She maintained that said finding was affirmed by another prosecutor, who eventually resolved the motion for reconsideration. According to Judge Hugo, the Department of Justice (DOJ) sustained the

² Also referred to as Arcadio L. Racaza, Jr. in other parts of the *rollo*.

³ *Rollo* (OCA IPI No. 17-4750-RTJ), pp. 56-60.

dismissal, when Judge Castilla elevated the dismissal of the said cases for review. Second, Judge Hugo countered that her supposed “dismissal of a certain rape case raised by some person” was a complete hearsay. Third, on the filing of the perjury case against Wang, Judge Hugo strongly denied being personally involved in the filing of the said case. Fourth, as regards the parking re-assignment Judge Hugo explained that the re-assignment of priority parking slots was made due to security concerns following the murder of Judge Godofredo B. Abul, Jr. She added that a recommendation⁴ for the parking re-assignment was submitted by the Committee on Parking and Beautification and was approved by Executive Judge Emmanuel E. Escatron per Office Memorandum No. 34-2017⁵ dated August 17, 2017. Lastly, Judge Hugo claimed that she never had a hand on the VAWC complaint filed by Climarie against him.

On February 1, 2018, Judge Hugo filed a Supplemental Comment⁶ and prayed that the same be considered as her initiatory complaint against Judge Castilla. Judge Hugo alleged that it was Judge Castilla who possessed reprehensible behavior and committed acts prejudicial to the best interest of service. The counter-charges of Judge Hugo are the following: (1) Judge Castilla does not respect hierarchy of courts; (2) Judge Castilla is fond of insulting his colleagues; (3) Judge Castilla does not follow office memorandum; and (4) Judge Castilla’s involvement with a lawyer of the Public Attorney’s Office (PAO) showed lack of integrity.

Judge Hugo submitted several documents in support of her counter-charges, to wit: (1) copy of Omnibus Order⁷ dated August 8, 2016 issued by Judge Castilla, showing that he ignored a directive of RTC-Branch 5, Butuan City, for him to conduct further proceedings on revived criminal cases; (2) copy of an Order of Dismissal⁸ dated December 16, 2013 issued by Judge Castilla, that showed unwarranted words against a prosecutor; (3) Affidavit⁹ dated January 14, 2019 executed by Judge Augustus L. Calo, attesting to the allegation that Judge Castilla does not follow the office memorandum on flag raising and flag lowering ceremonies; and (4) Transcript¹⁰ of messages, culled from Judge Castilla’s cellular phone, that showed exchange of text messages between Judge Castilla and the said PAO lawyer, his alleged paramour.

In his Reply¹¹ dated April 16, 2018, Judge Castilla submitted documents in support of his allegations in his original complaint. Judge

⁴ Id. at 92.

⁵ Id. at 91.

⁶ Id. at 97-99.

⁷ Id. at 144-148.

⁸ Id. at 500.

⁹ Id. at 501-503.

¹⁰ Id. at 536-546.

¹¹ Id. at 180-200.

Castilla reiterated past misdemeanors allegedly committed by Judge Hugo during her stint as provincial prosecutor. Judge Castilla denies the counter-charges hurled against him and reiterated the allegations in his complaint against Judge Hugo.

The OCA's Report and Recommendation

The OCA found that the issues presented by the conflicting claims of Judge Castilla and Judge Hugo should be ventilated in a formal investigation, where parties can present their respective evidence. It was recommended that the complaint be referred to the Executive Justice of the Court of Appeals, Cagayan de Oro City.¹²

Thus, the Court issued a Resolution¹³ dated October 10, 2018 referring the case to the Presiding Justice of the Court of Appeals, Cagayan de Oro City, for raffle, investigation, report, and recommendation within 90 days from receipt of records.

Report and Recommendation of the Investigating Justice

In his Report and Recommendation,¹⁴ Investigating Justice Oscar V. Badelles (Justice Badelles) found that the charges against Judge Hugo warrant a dismissal.

As regards the counter-charges against Judge Castilla, it was held that he was guilty of gross misconduct by failing to obey the lawful order of a superior court, and by failing to be impartial and granting undue advantage to a certain PAO lawyer whom he allegedly had an illicit affair. Justice Badelles found probable cause against Judge Castilla for violation of Canons 2 and 4 of the Code of Judicial Conduct, after giving credence to the transcript of the short message exchanges between Judge Castilla and the said PAO lawyer. The dispositive portion reads as follows:

WHEREFORE, it is respectfully recommended that the complaint against Judge Marigel Dagani-Hugo be DISMISSED.

We further recommend, after finding probable cause, that the case against Judge Dennis B. Castilla be elevated to an Administrative Charge. We further recommend, after trial, that Judge Castilla be meted the penalty of FINE in the amount of [P]40,000.00, with a STERN WARNING that a repetition of the same or similar offense shall be dealt with more severely, for violation of Canons 2 and 4 of the Code of Judicial Conduct of the Philippine Judiciary.

¹² Id. at 352.

¹³ Id. at 353-354.

¹⁴ Id. at 364-376.

IT IS SO RECOMMENDED.¹⁵

On January 8, 2020, the Court issued a Resolution dismissing the administrative matter against Judge Hugo for lack of merit, and ordered that the counter-charges against Judge Castilla be docketed as a separate administrative matter.

On June 1, 2020, Judge Castilla filed a Most Urgent Manifestation/Appeal for Dismissal, praying for the outright dismissal of the counter-charges against him.

Issue

The issue for the Court's resolution is whether or not Judge Castilla is administratively liable.

The Court's Ruling

Judge Castilla was charged with the following acts: (1) does not respect hierarchy of courts; (2) fond of insulting his colleagues; (3) does not follow office memorandum; and (4) involvement with a lawyer of the PAO.

Justice Badelles found that Judge Castilla violated Canons 2 and 4 of Code of Judicial Conduct — the canons on integrity and impropriety, respectively. Consequently, Judge Castilla was held guilty of gross misconduct.

The Court does not agree with the findings and recommendation of Justice Badelles.

In Re: Letter of Lucena Ofendoreyes,¹⁶ the Court explained:

Jurisprudence dictates that in administrative proceedings, complainants bear the burden of proving the allegations in their complaints by substantial evidence. If they fail to show in a satisfactory manner the facts upon which their claims are based, the respondents are not obliged to prove their exception or defense. The same goes with administrative cases disciplining for grave offense court employees or magistrates. The evidence against the respondent should be competent and should be derived from direct knowledge.¹⁷

¹⁵ Id. at 376.

¹⁶ 810 Phil. 369 (2017).

¹⁷ Id. at 374.



After judicious evaluation of the records of this case, it appears that the pieces of evidence submitted by Judge Hugo fell short of competence and were not derived from direct knowledge.

First, the Court notes that the 36 cases being used as subject in the allegation of disrespect to higher courts were not cases of Judge Castilla but of the other branch of the RTC. If at all, the persons who stand to have direct knowledge and thereby possibly aggrieved by Judge Castilla's order were the prosecutor, the judge, or the complaining witnesses of the dismissed criminal cases. If there were valid grounds, the said order of Judge Castilla could have been assailed by the proper parties to the appropriate courts.

Jurisprudence is replete with cases holding that errors, if any, committed by a judge in the exercise of his adjudicative functions cannot be corrected through administrative proceedings, but should instead be assailed through available judicial remedies.¹⁸ Moreover, a judge may not be administratively charged for mere errors of judgment, in the absence of showing of any bad faith, malice or corrupt purpose.¹⁹ In this instant case, there was no evidence showing that in issuing said order, Judge Castilla was motivated by bad faith, fraud, dishonesty or corruption.

Second, in support of her charge that Judge Castilla was fond of insulting his colleagues, Judge Hugo submitted a copy of the former's Order of Dismissal, in which she claimed that words therein were personally insulting to the handling prosecutor of the case, Assistant Prosecutor Atty. Ruth C. Sanchez. Again, similar to the first allegation, the evidence of Judge Hugo was not from direct knowledge and was insufficient to warrant administrative liability.

Nevertheless, the Court seizes this occasion to reaffirm *Guanzon v. Rufon*²⁰ and declare once again that "although respondent judge may attribute his intemperate language to human frailty, his noble position in the bench nevertheless demands from him courteous speech in and out of court. Judges are required to always be temperate, patient and courteous, both in conduct and in language."²¹

Third, to prove Judge Castilla's illicit affair, Judge Hugo submitted a transcript of exchanges of text messages between Judge Castilla and the PAO lawyer assigned to his court, his alleged paramour.

¹⁸ *Re: Bueser*, 701 Phil. 462, 468 (2013).

¹⁹ *Araos v. Luna-Pison*, 428 Phil. 290, 297 (2002).

²⁰ 562 Phil. 633 (2007).

²¹ *Id.* at 638.

In this regard, the Court agrees with the findings of Justice Badelles that this charge was not duly proven.

It must be noted that the transcript of text messages was a court document originally used and taken from the declaration of nullity of marriage case filed by Judge Castilla against his former wife, Climarie. While the said transcript was an attachment to an affidavit filed by Climarie to the said case, the same and its contents cannot be considered as competent, and from direct knowledge of Judge Hugo with respect to this instant administrative case. Significantly, the following were not verified or authenticated: (1) the identity of the cellular phone from which the messages were culled; (2) the identity of the cellular phone numbers, if they indeed belong to Judge Castilla and the PAO lawyer; and (3) if the “JC” and “JB” in the said transcript were certainly Judge Castilla and the PAO lawyer.

Under Sections 8 and 11, Rule 140 of the Rules of Court, a judge found guilty of immorality can be dismissed from service, if still in the active service, or may forfeit all or part of his retirement benefits, if already retired, and disqualified from reinstatement or appointment to any public office including government-owned or controlled corporations. We have already ruled that if a judge is to be disciplined for a grave offense, the evidence against him should be competent and derived from direct knowledge.²² Again, the Court finds that Judge Hugo failed to satisfy this quantum of evidence.

Basic is the rule that in administrative proceedings, complainant bears the *onus* of establishing the averments of her complaint. If complainant fails to discharge this burden, respondent cannot be held liable for the charge.²³

As regards the claim that Judge Hugo did not follow Office Memorandum No. 1-2017 directing all judges and court personnel to strictly observe flag raising and flag lowering ceremonies, Judge Castilla was unpretentious to acknowledge his deficiencies and the Court finds that he was able to satisfactorily explain his absences.

Flag ceremonies inspire patriotism and evoke the finest sentiments of love of country and people.²⁴ Accordingly, the Court regularly issues policies addressed to the courts that directs compliance to observance of flag raising and flag lowering ceremonies. However, the Court understands that like in any other mandated activities of the courts, perfect and unremarkable attendance will not always be possible.

²² *Macias v. Macias*, 617 Phil. 18, 28 (2009).

²³ *Id.*

²⁴ *Martinez v. Lim*, 601 Phil. 338, 342 (2009).

WHEREFORE, the Court **DISMISSES** the complaint against Judge Dennis B. Castilla for lack of factual and legal merit.

SO ORDERED.

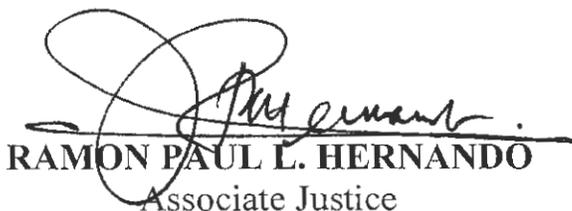


EDGARDO L. DELOS SANTOS
Associate Justice

WE CONCUR:



ESTELA M. PERLAS-BERNABE
Senior Associate Justice
Chairperson



RAMON PAUL L. HERNANDO
Associate Justice



HENRI JEAN PAUL B. INTING
Associate Justice

(On Leave)

PRISCILLA J. BALTAZAR-PADILLA
Associate Justice