Republic of the Philippines
Supreme Court
Manila

SUPREME COURT OF THE PHILIPPINES
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EN BANC

RE: REPORT ON THE JUDICIAL AUDIT CONDUCTED IN BRANCH 24, REGIONAL TRIAL COURT, CABUGAO, ILOCOS SUR, UNDER HON. RAPHIEL F. ALZATE, AS ACTING PRESIDING JUDGE.

A.M. No. 19-01-15-RTC

Present:

PERALTA, *C.J.*,
PERLAS-BERNABE,
LEONEN,
CAGUIOA,
GESMUNDO,
REYES, J., JR.,
HERNANDO,
CARANDANG,
LAZARO-JAVIER,
INTING,
ZALAMEDA,
LOPEZ,
DELOS SANTOS, and
GAERLAN,
BALTAZAR-PADILLA,* *JJ.*

Promulgated:

September 1, 2020

x----------x

DECISION

PER CURIAM.:

This is an administrative complaint against Judge Raphiel F. Alzate (*Judge Alzate*), as Acting Presiding Judge, Branch 24, Regional Trial Court (*RTC*), Cabugao, Ilocos Sur, which stemmed from reports relayed to the Office of the Court Administrator (*OCA*) alleging irregular disposal of cases on nullity of marriages.

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* On leave.

To verify the allegations against Judge Alzate, the OCA conducted a judicial audit on Branch 24, RTC, Cabugao, Ilocos Sur from October 11 to 15, 2018 with special attention to the nullity of marriage cases.

In its Memorandum Report[1] dated January 22, 2019, the audit team confirmed previous reports that Branch 24, Regional Trial Court, Cabugao, Ilocos Sur, presided by Judge Alzate, was issuing swift and "worry-free" favorable decisions of nullity of marriage cases for financial considerations, in wanton disregard of the rules of procedures in the declaration of nullity of marriage cases.

Relative thereto, the OCA recommended that Judge Alzate be preventively suspended from the service, effective immediately, for a period of six (6) months, or until further orders from the court, and that the OCA be directed to conduct an investigation on matters pertaining to the nullity of marriage cases in question, and the actual number of nullity of marriage cases filed in Branch 24, RTC, Cabugao, Ilocos Sur since May 4, 2016, the day Judge Alzate was designated as Acting Presiding Judge in the said court up to the present.

In the Resolution[2] dated February 12, 2019, the Court resolved, upon the recommendation of the OCA, to: (a) PREVENTIVELY SUSPEND Judge Alzate for a period of six (6) months, effective immediately, and (b) DIRECT the OCA to CONDUCT an investigation on matters pertaining to the nullity of marriage cases in question, and the actual number of nullity of marriage cases filed in Branch 24, RTC, Cabugao, Ilocos Sur since May 4, 2016, the day Judge Alzate was designated as Acting Presiding Judge in the said court up to the present.

In compliance with the Court's directive, in a Memorandum[3] dated June 28, 2019, the OCA recommended the following:

> (a) the findings as a result of the investigation in Branch 28, Regional Trial Court, Cabugao, Ilocos Sur and Branch 58, Regional Trial Court, Bucay, Abra, be NOTED; [and]
>
> (b) A.M. No. 19-01-15-RTC (Re: Report on the Judicial Audit conducted in Branch 24, Regional Trial Court, Cabugao, Ilocos Sur, under Hon. Raphiel F. Alzate, as Acting Presiding Judge), be **RE-DOCKETED** as a regular administrative matter.[4]

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1 *Rollo*, pp. 1-11.
2 *Id.* at 21.
3 *Id.* at 26-60.
4 *Id.* at 59.

In support of its recommendation, the OCA reported the following irregularities:

A. Issue of Residency of the Parties

Of the seven (7) nullity of marriage cases previously identified in the OCA's Memorandum dated January 22, 2019, four (4) cases were confirmed to have parties who were not actual residents of the municipalities under the territorial jurisdiction of Branch 24, RTC, Cabugao, Ilocos Sur prior to the filing of the subject petitions. Based on Administrative Order No. 3, Series of 1983, the territorial jurisdiction of Branch 24, Cabugao, Ilocos Sur, encompasses the Municipalities of Sinait, Magsingal and San Juan, all in the Province of Ilocos Sur.

The OCA team was able to secure certifications from the four (4) different *barangays* which were indicated in the questioned petitions by the petitioners as their residences

Case Number	Petitioner	Residence indicated in the Petition	Certification
925-KC	Cherry Gatchalian	Barangay Bannuar, San Juan, Ilocos Sur	Certification issued on May 21, 2019 by Chairman Jowin T. Ubaldo of Barangay Bannuar, San Juan, Ilocos Sur certifying that, "as per verification from all files of inhabitants from January of 2017 to May 21, 2019 there is no residents (sic) named CHERRY GATCHALIAN on our records."
924-KC	Ma. Theresa B. De Leon	Barangay Bannuar, San Juan, Ilocos Sur	Certification issued on May 21, 2019 by Chairman Jowin T. Ubaldo of Barangay Bannuar, San Juan, Ilocos Sur certifying that, "as per verification from all files of inhabitants from January of 2017 to May 21, 2019 there is no residents (sic) named MA. THERESA B. DE LEON on our records."
921-KC	Ruel Bagne and Rose Anne Bagne	Barangay Baclig, Cabugao, Ilocos Sur	Certification issued on May 21, 2019 by Chairman Michael Angelo B. Sarmiento of Barangay Baclig, Cabugao, Ilocos Sur certifying that, "RUEL BAGNE AND ROSE ANNE BAGNE are not residents of Barangay Baclig, Cabugao, Ilocos Sur.
928-KC	Dino Roa	Barangay Rizal, Cabugao, Ilocos	SMS message from Jim Castro, Secretary of

		Sur	Barangay Rizal, Cabugao, Ilocos Sur, "*Regarding po kay Dino Roa, hindi po taga Rizal po. Base po sa List of Census 2018-2019.*"

B. Number of Nullity of Marriage Cases Filed and Decided in Branch 24, Regional Trial Court, Cabugao, Ilocos Sur

The following statistics are the data given by the Statistical Reports Division, Court Management Office, OCA which are based on the Monthly Reports submitted by Branch 24, RTC, Cabugao, Ilocos Sur, to the said office:

I. Number of Cases Filed

	2013	2014	2015	2016	2017	2018
January	1	1	1	1	1	3
February	0	0	0	0	1	1
March	0	0	1	0	0	1
April	1	2	1	1	2	2
May	1	0	2	1	0	2
June	0	0	0	0	0	5
July	0	0	0	2	0	0
August	0	0	1	2	0	0
September	0	0	0	1	0	2
October	0	1	0	2	0	0
November	0	0	0	1	0	2
December	1	0	0	0	0	2
TOTAL	**4**	**4**	**6**	**11**	**4**	**20**

II. Number of Cases Decided

	2013	2014	2015	2016	2017	2018
January	0	0	0	2	0	0
February	0	0	2	1	0	0
March	0	0	0	0	0	0
April	0	0	0	1	0	1
May	0	0	0	0	0	3
June	0	0	0	0	0	1
July	0	1	2	0	0	1
August	1	0	1	0	0	4
September	3	0	0	0	0	2
October	0	0	0	2	0	0
November	0	0	0	2	0	0
December	1	0	3	0	0	5
TOTAL	**4**	**1**	**7**	**8**	**0**	**17**

The foregoing tables reveal the marked increase of nullity of marriage cases filed and decided when Judge Alzate was the Acting Presiding Judge of Branch 24, RTC, Cabugao, Ilocos Sur, in 2016 as compared to the previous years.

C. Irregularities in the Proceedings

x x x x

1. No Report on the Collusion Investigation

CASE NUMBER	*Title*	*Last Court Action*
875-KC	Beverly Tica vs. Jesus Fantastico	• Sheriff's Return dated September 8, 2016 stating that the Summons dated August 24, 2016 was personally served upon respondent on September 8, 2016. • Order dated February 22, 2017 directing the Public Prosecutor to conduct investigation on possible collusion of parties and to submit the said report within thirty (30) days from receipt of a copy of the order. (Received on February 24, 2017) • Order dated March 15, 2017 the Urgent Motion to Take Deposition by Way of Advance Testimony was granted. The reception of the advance testimony was set on the same day at 11:00. • Order dated March 15, 2017 wherein the testimony of petitioner was completed and terminated. • "Collusion Report" was marked as "reserved" in the Minutes on March 15, 2017 (11:35 am) on the Preliminary Conference. • Decision dated April 18, 2018.
924-KC	Maria Teresa B. De Leon vs. Geremy De Leon	• Officer's Return dated May 23, 2018 wherein the Summons dated May 11, 2018 was personally received by respondent on May 23, 2018. • Pre-Trial Order dated July 25, 2018 – Collusion Report of the Public Prosecutor was not included as one of the documentary evidence. • Order dated July 25, 2018 wherein petitioner was presented and her testimony was terminated. • Order dated August 8, 2018 wherein petitioner presented Leo Christian P. Lumbre, Clinical Psychologist, and his direct testimony was finished. Conduct of cross examination was set on September 19, 2018. (No order or minutes was attached showing what transpired during September 19, 2018 setting)

		• Formal Offer of Evidence for the Petitioner filed on October 4, 2018. • Collusion Report dated October 10, 2018 received by the court on October 12, 2018. • Order dated November 21, 2018 wherein "all exhibits offered by the petitioner through counsel are hereby ADMITTED. Case is now submitted for decision." • Decision dated December 5, 2018.
925-KC	Cherry A. Gatchalian vs. Roel M. Gatchalian	• Process Server's Return dated May 28, 2018 wherein Summons dated May 11, 2018 was served through substituted service on May 25, 2018. • Ex Parte Motion to Take Advance Testimony filed on June 27, 2018, 9:30 am. • Order dated June 27, 2018 wherein the Ex Parte Motion to Take Advance Testimony filed by petitioner was granted. The taking of advance testimony of the petitioner was set on the same day. • Order dated June 27, 2018 wherein the advance testimony of petitioner was terminated, and the case was set for initial hearing on August 8, 2018 at 2:00 p.m. • Order dated August 8, 2018 wherein petitioner presented Leo Christian P. Lumbre and his direct testimony was finished. Cross examination was set on September 19, 2018. • Order dated September 19, 2018 that in view of the absence of [a] public prosecutor, hearing was reset to October 17, 2018. • Formal Offer of Evidence for the petitioner dated September 28, 2018 filed on October 4, 2018. (no resolution on admission) • Collusion Report dated October 10, 2018 filed on October 12, 2018. • Decision dated December 5, 2018.

2. No Pre-Trial Conducted

925-KC	Cherry A. Gatchalian vs. Roel M. Gatchalian	• Though it was mentioned in the Decision dated December 5, 2018, no minutes or orders were seen in the records showing that a preliminary conference or pre-trial was conducted.
894-KC	Grace V. Torres vs. Gerald S. Torres	• No Minutes was attached in the records showing the conduct of the Pre-Trial. • The Pre-Trial Order dated July 12, 2017 was unsigned by Judge Alzate as well as the counsels and parties to the case.

3. No Proof of Service of Petition to the OSG

896-KC	Orlando Barbosa, Jr. vs. Maureen Resurreccion Piros-Barbosa	• No proof of service of the petition on the OSG; no OSG appearance. • Pre-Trial Order dated August 15, 2018 setting initial trial to October 24, 2018.
871-KC	Fedelina A. Agdeppa vs. Emerson D. Agdeppa	• No proof of service of the petition on the OSG; no OSG appearance. • Pre-Trial Order dated September 27, 2017. • Order dated September 26, 2018 wherein the continuation of the presentation of petitioner's testimony was reset to October 24, 2018.

4. Suspicious Haste in Resolving Cases

894-KC	Grace V. Torres vs. Gerald S. Torres	• Petition filed on May 15, 2017. • Ex Parte Motion (A. To Set Case for Pre-Trial and/or Trial, and B. For Leave of Court for the Taking of Advance Testimony) dated July 5, 2017 (not stamped received by the court) • Notice of Appearance by the Office of the Solicitor General received by the court on July 11, 2017. • Order dated July 12, 2017 (unsigned) granting the Ex Parte Motion filed by petitioner. • Collusion Report dated July 12, 2017 received by the

		court on the same day at 10:00 am. • Pre-Trial Order dated July 12, 2017 was unsigned by Judge Alzate as well as the counsels and parties to the case. • Order dated July 12, 2017 wherein petitioner was presented and her testimony was completed and terminated. (unsigned) • Order dated July 12, 2017 wherein petitioner presented Leo Christian P. Lumbre and his testimony was terminated. Petitioner was given 5 days to file his Formal Offer of Evidence and [the] public prosecutor the same period to file comment, afterwhich incident shall be submitted for resolution. (unsigned) • Order dated August 9, 2017 that all exhibits offered by petitioner were admitted. Case was then submitted for decision. • Decision dated August 30, 2017. • Transcript of Stenographic Notes of the Proceedings on July 12, 2017 was unsigned by the Court Stenographer who allegedly prepared the same. • No proof of mailing/service was attached in the Pre-Trial Brief and the Formal Offer of Evidence filed by the petitioner. • The foregoing orders issued by Judge Alzate contain no proof of mailing/service. • The Registry Return Receipt of the Decision dated August 30, 2017 for the OSG was signed by one Mark Lhey Brillantes, instead of being stamped received by the OSG.
872-KC	Carlito Merto Tigao vs. Grace Borja Marquez	• Petition filed on July 5, 2016. • Urgent Motion to Take Deposition by Way of Advance Testimony on July 13, 2016 ("petitioner is soon leaving for U.A.E.") filed by petitioner on July 12, 2016, 3:30 pm.

		• Order dated July 13, 2016 granting the Urgent Motion to Take Deposition by Way of Advance Testimony. The taking of the advance testimony of the petitioner was set on the same day. • Order dated July 13, 2016 wherein petitioner was presented and his advance testimony was terminated. • Minutes of proceedings on July 13, 2016 were not signed by counsels and parties. • Summons was issued on July 13, 2016.

Investigation on the Nullity of Marriage Cases decided by Judge Alzate as Acting Presiding Judge in Branch 58, RTC, Bucay, Abra

In addition to the investigation conducted in Cabugao, Ilocos Sur and the neighboring towns, the OCA team interviewed members of the Judiciary and law practitioners in Ilocos Sur and Abra. From them, they received reports that Judge Alzate, together with his wife, Atty. Maria Saniata Liwliwa Gonzales-Alzate who is a law practitioner in Abra, "sell" favorable and swift decisions in nullity of marriage cases to residents outside of the territorial jurisdiction of Branch 58, RTC, Bucay, Abra, and without any appearance in court. Based on Administrative Order No. 3, Series of 1983, the territorial jurisdiction of Branch 58, RTC, Bucay, Abra, encompasses Bucay, Tayum, Peñarrubia, Manabo, Boliney, Tubo, Luba, Sallapdan, Bucloc and Daguioman, all in the Province of Abra.

According to the reports, the alleged *modus* is that Judge Alzate and his wife would prepare the necessary petition for a client under the name and signature of another lawyer. In most instances, such petitions were filed even without the knowledge of the lawyers whose signatures were allegedly falsified so they would appear that such were personally prepared and filed by them.

In order to verify the said reports, the OCA team went unannounced to Branch 58, RTC, Bucay, Abra, to secure records of nullity of marriage cases decided by Judge Alzate. The examination of the said records by the OCA team confirmed the reports that the nullity of marriage cases decided by Judge Alzate in Branch 58, RTC, Bucay, Abra, were marked by irregularities and anomalous proceedings. The examination also revealed that, from among the records secured, at least four (4) lawyers were identified to have filed, on record, multiple nullity of marriage cases in Branch 58, RTC, Bucay, Abra, with dubious proceedings.

Except in certain cases where the signatures of the lawyers were obviously falsified even from the view of an untrained eye, it cannot be determined, albeit for now, that the petitions in the cases listed below were prepared and filed by the said lawyers personally or not. Be that as it may, what can be deduced from the foregoing is that Judge Alzate may be involved in corruption activities over the nullity of marriage cases filed in Branch 58, RTC, Bucay, Abra.

The results of the judicial audit of the records secured from Branch 58, RTC, Bucay, Abra, are as follows:

1. **Petitions for Nullity of Marriage with ATTY. BYRONE ALZATE as counsel of record**

Case Number and Title	Addresses as indicated in the Petition	Addresses indicated in the Marriage Certificate	Observations in the Case Records
Civil Case No. 15-841 Ruth Chua-Tamayo vs. Jose Noel-Tamayo	Sallapadan, Abra (Petitioner); Manabo, Abra (Respondent)	Philamlife Homes, Quezon City – both parties	* No proof of service to OSG * Process Server's Return dated April 23, 2015 wherein the Summons dated March 16, 2015 was served thru substituted service on April 21, 2015 but the one who received the same refused to sign. * Judicial Affidavits of petitioner and psychologist were without proof of identification. * Order dated April 28, 2015 wherein petitioner through counsel manifested that the appearance of the Solicitor General was not yet appended to the records. Counsel manifested that petitioner is in court and would like that her testimony be taken on that day. Without objection on the part of the government, the petitioner was allowed to testify thereat. * Order dated April 28, 2015 wherein petitioner testified and her

			testimony was terminated. The case was set as soon as the appearance of the Solicitor General is appended to the records. * Notice of Appearance of the OSG filed on June 9, 2015. * Order dated June 11, 2015 wherein the assigned Prosecutor was directed to conduct an investigation to determine whether or not there was collusion between the parties and to submit his report within 30 days from receipt. (stamped received July 27, 2015) * Compliance dated June 25, 2015 of Associate Provincial Prosecutor Marcelo Ortega reporting that no collusion exists between the parties. (Not stamped received by court) * Decision dated August 20, 2015 – no proof of receipt by the OSG. * Certificate of Finality dated November 3, 2015 – subject decision became final on October 2, 2015.
Civil Case No. 14-813 Mauris Siddayao vs. Lorna Banizal	Bangued, Abra (Petitioner) and Sallapadan, Abra (Respondent)	Same	* No proof of mailing/service of petition to OSG * Process Server's Return dated August 20, 2014

			wherein the Summons dated July 21, 2014 was served thru substituted service on August 15, 2014, but the one who received the same refused to sign. * Notice of Appearance of OSG dated November 14, 2014. (not stamped received by court) * Order dated September 4, 2014 wherein this case was called for hearing and counsel for petitioner manifested that petitioner will soon go back abroad, and without objection from public prosecutor, the petitioner is allowed to testify at today's hearing. * Judicial Affidavit of petitioner executed on September 4, 2014 was not authorized. * Notice of Appearance of OSG filed on January 6, 2015. * Decision dated January 22, 2015. (without proof of receipt from OSG) * No Pre-trial was conducted. * Process Server's Return dated August 15, 2014 summons was received thru substituted service on August 15, 2014, but the one who received the same refused

			to sign. (copy furnished Atty. Ma. Saniata Liwliwa G. Alzate) * No collusion report on file despite no answer being filed * No Formal Offer of Evidence filed; the same was not even mentioned in the decision. * No order on the admission of petitioner's evidence
Civil Case No. 14-804 Nathaniel Bermudez vs. Margie Valencia Rillamas-Bermudez	Bucay, Abra (Petitioner) and Bangued, Abra (Respondent)	Bangued, Abra (both parties)	* Order dated June 19, 2014 wherein public prosecutor was directed to conduct a collusion investigation and to submit report within 15 days from receipt. * Sheriff's Return dated June 30, 2014 that summons was served thru substituted service on June 17, 2014. * Order dated July 24, 2014 wherein the exhibits were admitted and special jurisdiction of court was conferred. Case was set for reception of evidence on August 28, 2014. * Order dated August 28, 2014 wherein the testimonies of the petitioner and psychologist were terminated. Presentation of additional evidence was set on October 16, 2014. * Order dated October 16, 2014

			that exhibits for petitioner formally offered and admitted for the purpose they were offered. Case was submitted for decision. * Decision dated January 5, 2015.

2. Petitions for Nullity of Marriage with ATTY. AMELY DAIT-AGMATA as counsel of record

Case Number and Title	*Addresses as indicated in the Petition*	*Addresses indicated in the Marriage Certificate*	*Observations in the Case Records*
Civil Case No.15-835 Albife Sullano vs. Rodel Del Rosario	Tayum, Abra (Petitioner) and Cantilan, Surigao Del Sur (Respondent)	Canumay, Valenzuela City (both parties)	* Verification and Certificate of Non-Forum Shopping was not notarized. * No office address of the counsel for the petitioner was indicated in the petition * No proof of service of Summons dated March 2, 2015. * No pre-trial conducted. * Decision dated January 4, 2016 * In the Notice of Appearance by the OSG dated July 6, 2015, the office address of Atty. Agmata was "c/o RTC – Br. 58, Bucay, Abra". * There is (sic) no signature of counsels and parties in the minutes on the reception of the testimonies for the petitioner and psychologist as well as in the formal offer of exhibits by petitioner and the admission thereof.
Civil Case No. 15-848	Tayum, Abra (Petitioner)	Dolores, Quezon	* Summons dated April 16, 2015.

Louie Luico vs. Baby Rose Reyes	and Sampaloc, Manila (Respondent)	(Petitioner) and San Pablo City, Laguna (Respondent)	* Process Server's Return dated May 19, 2015 wherein summons was served thru substituted service on May 8, 2015 but the one who received the same refused to sign. * Order dated March 26, 2015 terminated petitioner's testimony. * OSG Appearance filed on July 7, 2015. * No pre-trial was conducted. * There was no signature of the counsels and parties in the minutes on the reception of the testimonies for the petitioner and psychologist as well as in the formal offer of exhibits by petitioner and the admission thereof. * Decision dated September 24, 2015.
Civil Case No. 15-850 Aleli Historillo-Salido vs. Keith Rosario Salido	Peñarubia, Abra (Petitioner) and Mandaluyong City (Respondent)	Bagong Ilog, Pasig (Petitioner) and Mandaluyong City (Respondent)	* The Verification and Certification Against Forum Shopping was not properly notarized. * No summons was attached to the records. * Order dated August 6, 2015 that the testimony of the petitioner was terminated. (The hearing was covered by minutes but no signature of counsel and parties.) * Notice of Appearance by the OSG filed on October 13, 2015. * Order dated May 21, 2015 wherein public prosecutor was directed to conduct a collusion investigation.

			* No collusion investigation report attached to the records. * Order dated October 22, 2015 wherein the testimony of the psychologist was terminated. Further reception of evidence for the petitioner was set on November 12, 2015. * No judicial affidavit attached to the records. * Minutes were without the signatures of the counsel and parties. * Decision dated January 7, 2016. * Motion for Reconsideration of the decision was filed by the OSG. (Stamped received by the court but no date indicated) * Order dated March 17, 2016 for the petitioner to file comment on the motion for reconsideration within 10 days from receipt. (No proof of mailing/service of the order to the petitioner) * Order dated August 16, 2018 wherein, due to inadvertence, the instant case was overlooked by the court. Petitioner did not file any comment. Thus, the motion for reconsideration was granted and the case was dismissed.
Civil Case No. 14-814 Mary Joanne Cayana-Elfa vs.	Tayum, Abra (Petitioner) and Barangay Sauyo, Quezon City	Project 6, Quezon City (Petitioner) and Tandang Sora, Quezon City	* Process Server's Return dated August 28, 2014 wherein summons was served thru substituted service on August 26,

Michael Richard Elfa	(Respondent)	(Respondent)	2014 but the one who received the same refused to sign. * Order dated September 25, 2014 wherein considering the absence of the petitioner and counsel, the case was ordered dismissed. (Without previous setting) * Motion for Reconsideration filed on October 15, 2014. * Order dated December 4, 2016 wherein the Motion for Reconsideration was granted. Reception of petitioner's evidence was set on February 26, 2015. * Order dated January 8, 2015 wherein counsel manifested that the appearance of the Solicitor General is not yet appended to the record. Petitioner was present and was willing to testify. Without objection on the part of the Government, the petitioner was allowed to testify on the same day. (No previous setting made by the court) * Notice of Appearance by the OSG was filed on January 15, 2015. * Minutes were without the signatures of the counsel parties. * Collusion Report (not stamped received) * Order dated January 15, 2015 wherein the exhibits offered by petitioner were admitted and the special jurisdiction of the court was

			conferred. * Order dated January 29, 2015 wherein the psychologist testified and the testimony was terminated. The exhibits offered were then admitted. Case was submitted for decision. * Decision dated February 27, 2015. * Certificate of Finality issued on March 14, 2015. (even without proof of receipt by the OSG of the Decision)
Civil Case No. 14-815 Jhoneil Alquino vs. Sheryl Lynn Ciano	Tayum, Abra (Petitioner) and Sampaloc, Manila (Respondent)	Binangonan, Rizal (both parties)	* Verification and Certificate of Non-Forum Shopping were not notarized. * Process Server's Return dated August 28, 2014 wherein summons was served on August 26, 2014 thru substituted service but the one who received the same refused to sign. * Order dated December 4, 2014 wherein the motion for reconsideration was granted. Reception of petitioner's evidence was set on February 26, 2015. * Order dated January 8, 2015 wherein the petitioner testified and her testimony was terminated. Further reception of evidence was set on January 15, 2015. * Order dated January 15, 2015 wherein the psychologist testified and her testimony was terminated. Further reception of evidence was set on February 19, 2015. * No Psychology

			Report was attached to the records, although mentioned in the decision as Exhibit H, but there was no mention of the name of the psychologist who prepared the alleged report. * Collusion Report filed on February 10, 2015 * Order dated February 26, 2015 wherein the petitioner manifested that she has no more evidence to present. She further manifested that upon the appearance of the Solicitor General and the authorization of the Solicitor General, this case shall be immediately submitted for resolution. The manifestation was not objected to by the Government. In view of the foregoing, upon receipt of the above-stated documents, the case was deemed submitted for decision. * Notice of OSG Appearance filed February 27, 2015. * Decision dated March 3, 2015. * Decree of Annulment of Marriage dated May 7, 2015. (This was issued even without proof of receipt of the decision by the OSG.)
Civil Case No. 15-833 Imelda Decepida vs. Walden Salayo	San Juan, Batangas (Petitioner) and Boliney, Abra (Respondent)	Bangkal, Makati (both parties)	* Verification and Certificate of Non-Forum Shopping were not notarized. * Judicial affidavit of the petitioner was not signed and notarized. * Process Server's

			Return dated May 5, 2015 served on respondent on April 30, 2015 but he refused to sign. * Order dated June 18, 2015 wherein the public prosecutor was directed to conduct a collusion investigation. * No pre-trial conducted. * Order dated August 6, 2015 wherein exhibits were admitted and special jurisdiction of the court was conferred. Further reception of evidence was set to September 10, 2015. * Order dated September 10, 2015 wherein petitioner testified and her testimony was terminated. Further reception of evidence was set on September 24, 2015. * Order dated October 10, 2015 wherein petitioner formally offered her exhibits and all were admitted for the purpose they were offered. Case was submitted for decision. * Certificate of Due Search and Inability to Find allegedly issued by Local Civil Registrar, and marked as Exhibit "C", a crucial documentary evidence which was nowhere to be found in the records. Likewise, it was not attached to the petition. * Decision dated January 21, 2016.
Civil Case	Manabo,	Manabo, Abra	* Summons dated April

No. 15-846 Augene Taberdo vs. Glenda Ayco	Abra (Petitioner) and Manabo, Abra (Respondent)	(Petitioner) and Manabo, Abra (Respondent)	16, 2015 * No proof of service of summons * Order dated September 10, 2015 wherein petitioner's exhibits were admitted and the special jurisdiction of the court was conferred. Further reception of evidence was set to October 15, 2015. * No proof of service of petition to the OSG * Judicial Affidavit of petitioner was not notarized. * Order dated August 13, 2015 wherein the assigned public prosecutor was directed to conduct an investigation to determine whether there was collusion between the parties and to submit his report thereon within a period of 30 days from receipt of the Order. (Stamped received by the Provincial Prosecutor on November 20, 2015) * Compliance dated September 4, 2015 of the public prosecutor stating that there was no collusion between the parties. * Decision dated July 18, 2016

3. Petitions for Nullity of Marriage with ATTY. CHERRIE GRACE P. BARENG (ASSISTIN) as counsel of record

Case Number and Title	Addresses as indicated in the Petition	Addresses indicated in the Marriage Certificate	Observations in the Case Records
Civil Case No. 15-828 Lenie	Lagangilang, Abra (Petitioner)	Luisiana, Laguna (Petitioner)	* Process Server's Return dated January 26, 2015 wherein the

Cabintoy Agbilay vs. Reysel Agbilay	and Bucay, Abra (Respondent)	and Bucay, Abra (Respondent)	Summons dated January 21, 2015 was served thru substituted service on January 23, 2015. But the one who received the same refused to sign. * No pre-trial conducted * Decision dated January 14, 2015 * A copy of the said decision was received by one Airene Paringit "for Atty. Ma. S L Alzate" on February 29, 2016.
Civil Case No. 16-944 Antonio Bonilla vs. Rhia Tolentino Bonilla	Amti, Boliney, Abra (Petitioner) and Gonzaga, Cagayan (Responde nt)	San Nicolas, Ilocos Norte (Petitioner) and Gozaga, Cagayan (Respondent)	* No Return of Summons attached to the records * Order dated June 15, 2017 there being no answer filed by respondent within the period, assigned prosecutor was directed to conduct collusion investigation and submit a report within 15 days from receipt thereof. * Order dated June 22, 2017 wherein exhibits marked to establish jurisdictional facts were admitted * Order dated August 3, 2017 wherein the court will issue the necessary Pre-Trial Order within 10 days and that the case was set on August 10, 2017 * Motion to Dismiss filed on August 8, 2017 with a Certification from the Barangay Captain that petitioner was not a resident of Barangay Amti, Boliney, Abra. (Remained unresolved.)

			* Compliance (dated November 27, 2017) filed on December 8, 2017 by Public Prosecutor. * Order dated February 8, 2018 wherein Exhibits A to E formally offered by petitioner were all admitted. Case was submitted for decision. Court Stenographer was ordered to transcribe the stenographic notes within 20 days and submit the same to the Clerk of Court. * Decision dated April 26, 2018 * No signature in the stamp "Received" of the Decision by the OSG.
Civil Case No. 15-878 Maria Luz D. Bides-Reyes vs. Eldrino Reyes IV	Bucay, Abra (both parties)	Bangued, Abra (Petitioner) and Dolores, Abra (Respondent)	* Summons dated October 8, 2015. * Sheriff's Return dated December 2, 2015 wherein summons was served thru substituted service on December 1, 2015. * Order dated December 3, 2015 wherein petitioner testified and her testimony terminated. Further hearing was set on January 14, 2016. * Order dated December 3, 2015 wherein the petitioner's exhibits were admitted and the special jurisdiction of the court was conferred. * Order dated April 14, 2016 wherein the psychologist testified and her testimony was terminated. Further presentation

			of additional evidence was set on April 28, 2016. * Order dated April 28, 2016 wherein Exhibits A to J were formally offered and admitted. Case was submitted for decision. * Order dated May 19, 2016 wherein assigned public prosecutor was directed to conduct a collusion investigation and to submit a report within 30 days * Compliance dated June 2, 2016 filed on June 2, 2016 by public prosecutor stating that no collusion exists between the parties * Decision dated July 25, 2016.
Civil Case No. 15-829 Declaration of Void Marriage of Gaudencio Urbano Jr. and Vernalyn Bueno Aida Fernandez Urbano, Petitioner	Sallapadan, Abra (Petitioner) and Caloocan City (Respondent Vernalyn Bueno)	San Isidro, Abra (Petitioner)	* No pre-trial conducted. No Pre-Trial Order issued * Decision dated November 24, 2016 * A copy of the decision was received for "Atty Alzate" on November 25, 2016

4. Petitions for Nullity of Marriage with ATTY. JASON A. CANTIL as counsel of record

Case Number and Title	Addresses as indicated in the Petition	Addresses indicated in the Marriage Certificate	Observations in the Case Records
Civil Case No. 16-916 Rey Vicentillo vs. Rheza Padullon-	Bucay, Abra (Petitioner) and Cubao, Quezon City (Respondent)	Tacloban City – (both parties)	* Proof of residency of petitioner that was submitted was his Driver's License where the address indicated is Caibaan,

Vicentillo			Tacloban City. * Petition not signed by counsel. * Sheriff's Return dated April 11, 2016 wherein the Summons dated February 3, 2016 was received on April 8, 2016 thru substituted service. * The receiving copy of the summons signed by recipient was not attached into the records. * Ex Parte Motion to Take Advance Testimony filed by Petitioner on October 25, 2016. (No proof of mailing/service) * Minutes dated November 10, 2016 wherein testimony of petitioner was terminated. (No order was issued granting the Ex Parte Motion to Take Advance Testimony) * Formal Offer of Evidence for the petitioner filed on April 5, 2017. * No order issued admitting the exhibits offered by petitioner was attached to the records of the case. * Decision dated June 8, 2017.
Civil Case No. 15-891 Jenny Rose Alcalde vs. Jessie Ferrer	Tabiog, Abra (Petitioner) and Bangued, Abra (Respondent)	Bucay, Abra (Petitioner) and Calasiao, Pangasinan (Respondent)	* Order dated September 15, 2016 that the advance testimony of petitioner was terminated. * Compliance dated September 10, 2016 issued by the public prosecutor (received by court on September 30, 2016) stating that no collusion exists between the parties.

			* Formal Offer of Evidence for the petitioner filed on April 5, 2017. * No order issued admitting the exhibits offered by petitioner was attached to the records of the case. * Decision dated May 18, 2017.
Civil Case No. 15-884 Jackqueline D. Valera vs. Reynaldo C. Piñera	Bucay, Abra (Petitioner) and Malanday, Marikina City (Respondent)	Gattaran, Cagayan (Both parties)	* Order dated November 3, 2016 that petitioner testified and terminated her testimony. Pre-Trial set on November 10, 2016. * Compliance filed on March 17, 2017 by the public prosecutor stating that no collusion exists between the parties. * Order dated March 23, 2017 wherein the counsel for petitioner presented petitioner and her direct testimony was terminated. Further hearing was set on March 30, 2017. * Formal Offer of Exhibits filed on April 5, 2017. * Decision dated April 27, 2017. * No Pre-Trial Order was issued.

DISCUSSION

1. Non-compliance with the rules.
a. Residence outside of the territorial jurisdiction of the court

Confirmed by the certifications above-mentioned, and copies of which are attached herewith, most of the nullity of marriage cases that were identified did not comply with the rule on venue as provided in Section 4 of the Rule on Declaration of Nullity of Void Marriages and Annulment of Voidable Marriages, which provided that:

> Section 4. *Venue*. - The Petition 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. Or in the case of non-resident respondent, where he may be found in the Philippines, at the election of the petitioner.

As reported by the OCA team, Judge Alzate failed to exercise his judicial discretion to ascertain the true residence of the parties even though the marriage certificates that were appended to the petitions clearly showed different addresses from the ones stated in the petitions. Judge Alzate could have required the petitioners to submit their respective proof of residency, such as utility bills or government-issued IDs, which are now required to be attached to the petitions pursuant to OCA Circular 63-2019 on the Guidelines to Validate Compliance with the Jurisdictional Requirement Set Forth in A.M. No. 02-11-10-SC (Re: Rule on Declaration of Absolute Nullity of Void Marriages and Annulment of Voidable Marriages).

This is in stark contrast to his resolution in Civil Case No. 935-KC, entitled "Esabro L. Yogue vs. Marishelle C. Daiz Yogue", through his Order dated July 1, 2018, where Judge Alzate dismissed the case since "petitioner has no proof that he is a resident within the jurisdiction of the Honorable Court. A mere allegation in the petition that he is a *bona fide* resident in Brgy. Declapan, Cabugao, Ilocos Sur will not suffice without a proof to support the same. Based on the certificate of marriage, neither of them is a resident within the jurisdiction of this court. The petitioner is a resident of Malabon City."

b. Proceedings continued despite the absence of the Report on Collusion Investigation

In Civil Case No. 15-850, entitled "Aleli Historillo-Salido vs. Keith Rosario-Salido", no copy of the report on the collusion investigation was attached to the records despite the directive to conduct the same pursuant to the Order dated May 21, 2015 of Judge Alzate. Hearings still proceeded even without such report until the case was decided on January 7, 2016.

Likewise, in Civil Case No. 925-KC entitled "Gatchalian vs. Gatchalian", the Collusion Report dated October 10, 2018 was belatedly submitted on October 12, 2018, or after the petitioner already rested her case by the filing of her Formal Offer of Evidence on October 4, 2018. This is in violation of Section 9 of the Rule on Declaration of Absolute Nullity of Void Marriages and Annulment of Voidable Marriages wherein it is stated that "(i)f the public prosecutor reports that no collusion exists, the court shall set the case for pre-trial. It shall be the duty of the public prosecutor to appear for the State at the pre-trial." This implies that the submission of the report by the public prosecutor to the court on the collusion investigation is mandatory before the proceedings can continue.

c. No Pre-Trial was conducted

According to Section 11 of the Rule on Declaration of Absolute Nullity of Void Marriages and Annulment of Voidable Marriages, pre-trial is mandatory.

However, in Civil Case Nos. 15-828 and 15-829, among others, the case proceeded, and eventually decided by Judge Alzate without any record that the cases underwent pre-trial. The fact that no notice of pre-trial, or that

pre-trial orders were reportedly not found in the records of the said cases only proves that such proceeding was never held.

d. No proof that the Office of the Solicitor General was furnished with a copy of the petition.

In Civil Case Nos. 15-841 and 14-813, it was reported that, after an audit of the records of the same, no proofs of service were attached to the said petitions. Pursuant to Section 5(4) of the Rule on Declaration of Absolute Nullity of Void Marriages and Annulment of Voidable Marriages, it is required that the Office of the Solicitor General and the Public Prosecutor be furnished with a copy of the petition for declaration of nullity of void marriages, to wit:

> "Section 5. *Contents and form of petition.*- x x x
>
> x x x x
>
> (4) It shall be filed in six copies. The petitioner shall serve a copy of the petition on the Office of the Solicitor General and the Office of the City or Provincial Prosecutor, within five days from the date of its filing and submit to the court proof of such service within the same period.
>
> Failure to comply with any of the preceding requirements may be a ground for immediate dismissal of the petition.

Notwithstanding the glaring absence of the required proofs of service, Judge Alzate, instead of dismissing the same for non-compliance with the foregoing provision, still heard the cases and ultimately decided the same per the decisions he rendered on August 20, 2015 and January 22, 2015, respectively.

Likewise, in relation thereto, Judge Alzate concluded the trial in Civil Case No. 14-815 despite the absence of the Notice of Appearance of the OSG and the delegation of the Public Prosecutor to represent the said office when he issued the Order dated February 26, 2015 wherein he pronounced that the said case would be submitted for decision only upon receipt by the court of the Notice of Appearance of the OSG. This ruling did not only run counter to Section 5 (4) of the Rule on Declaration of Absolute Nullity of Void Marriages and Annulment of Voidable Marriages but also with Administrative Circular No. 28 issued on July 3, 1989.

2. Procedural Lapses

The following is a table enumerating the apparent lapses in the proceedings of the previously decided cases by Judge Alzate as a result of the judicial audit of the records of the same. Thus:

Civil Case No. 16-916	Petition was not signed by the counsel
Civil Case Nos. 15-835, 14-815 and 15-850	Verification and certification against forum shopping attached to the petition was not notarized

Civil Case Nos. 15-848 and 15-835	Minutes were not signed by counsels and parties
Civil Case No. 15-841	Trial proceeded when no Notice of Appearance of the OSG and Deputation of the Public Prosecutor have yet been received by the court.
Civil Case No. 15-850	No judicial affidavits were attached to the records
Civil Case No. 14-804	An order for the conduct of collusion investigation was issued despite no return of summons having been prepared/filed yet.
Civil Case Nos. 14-813, 15-833 and 15-846	Judicial affidavits attached to the records were not notarized.
Civil Case Nos. 16-916, 15-835, 14-815, 15-850, 15-848, 14-813, 15-833, 15-846, 15-844	Notices and orders were without attached proof of service/registry receipts.
Civil Case Nos. 15-891, 16-916 and 14-813	There was no order admitting formal offer of exhibits
Civil Case No. 14-815	No psychological report was attached to the records

Special attention should be given to those cases with notices or orders for the setting of hearings where no proof of service or registry receipts were attached, and those where the minutes of the proceedings were not signed by the counsels and parties. The only conclusion that can be drawn is that the proceedings were never set for hearing and were never conducted. This would demonstrate the questionable haste by which Judge Alzate was able to hear and resolve his cases in Branch 24, RTC, Cabugao, Ilocos Sur, and Branch 58, RTC, Bucay, Abra, where he served as Acting Presiding Judge, the most dubious of which is Civil Case No. 894-KC which was identified in the previous report.

3. Suspicious Haste in Resolving Cases

Based on the evaluation of the foregoing, Civil Case No. 894-KC was decided by Judge Alzate within a period of only ***three (3) months, two (2) weeks and one (1) day***. The fact that the filing of the Report on the Investigation of Collusion between the parties, the pre-trial and the initial trial happened on the same day, *i.e.*, July 12, 2017, puts in serious doubt the integrity of the proceedings in the case. Also, since Judge Alzate, as the Acting Presiding Judge, conducts hearings in Branch 24, RTC, Cabugao, Ilocos Sur, only on Wednesdays, it is highly improbable that he could resolve the said case within such a short span of time.

4. Proof of Bad Faith
a. Disparities in the Signatures of Counsels

As earlier mentioned, reports were gathered that the alleged *modus* of Judge Alzate and his wife, Atty. Ma. Saniata Liwliwa G. Alzate, was to offer clients who wished to have their marriage annulled was to let the petition be signed by another lawyer. Based on the reports, such petitions were filed even without the knowledge of the lawyer whose signatures were merely falsified so they would appear that such were personally prepared and filed by them. Upon examination of the records of the above cases in

> question, more particularly those where the counsel of record is Atty. Cherrie Grace P. Bareng, there may be truth to the alleged *modus*.
>
> The disparity between the signatures of Atty. Bareng in the petitions for Civil Case Nos. 15-828, 15-829 and 15-878 compared with her signature in Civil Case No. 16-944, all filed in Branch 58, RTC, Bucay, Abra, is very evident even when viewed with an untrained eye. In order to put a semblance of genuineness on the said petitions and to create a different personality, the surname "Asistin" was added to the name of Atty. Bareng, though the same Attorney's Roll Number, IBP Number, etc. were used.
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> **b. Copies of the Decisions received "for Atty. Alzate"**
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> The most compelling proofs that would confirm the allegations against Judge Alzate and his wife, Atty. Ma. Saniata Liwliwa G. Alzate, are the notations in the copies of the decisions in Civil Case Nos. 15-828 and 15-829 that the same were received "for Atty. Alzate". Since she was not the counsel of record of the said cases, it begs the question why Atty. Alzate would need a copy of the decisions if she had no interest in them? Photocopies of the decisions in Civil Case Nos. 15-828 and 15-829 showing the subject notations are herewith attached for ready reference.[5]

Thus, in the same Memorandum, the OCA recommended that the judicial audit report conducted in Branch 24, Regional Trial Court, Cabugao, Ilocos Sur be re-docketed as a regular administrative matter.

In the Resolution[6] dated September 3, 2019, upon the recommendation of the OCA, the Court resolved to extend the preventive suspension of Judge Alzate for another six (6) months, effective immediately.

In the Resolution[7] dated September 10, 2019, the Court resolved to require Judge Alzate to comment on the Report on the Judicial Audit Conducted in Branch 24, RTC, Cabugao, Ilocos Sur.

In his Comment[8] dated December 19, 2019, Judge Alzate refuted the allegations against him, to wit:

On the allegation of anomalous residencies of petitioners, Judge Alzate argued that in annulment of marriage cases, it is beyond his authority to "*re-examine and re-assess the evidence of the parties and weigh anew the probative value of the evidence presented in the court*" because "*it is within the judicial discretion of the judge under the circumstances whether the parties or the petitioner or witnesses are telling the truth, wherever,*

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5 *Id.* at 114-116. (Citations omitted)
6 *Id.* at 109.
7 *Id.* at 111.
8 *Id.* at 201-224.

whenever they take the witness stand and under oath, and not only based on the petition." He also questioned the authority of the judicial audit team to investigate the annulment of marriage cases he decided in the RTC, Bucay, Abra, when the subject of the instant administrative case involved those cases filed in the RTC, Cabugao, Ilocos Sur.

As to the allegation of significant increase of nullity of marriage cases filed in RTC, Cabugao, Ilocos Sur when Judge Alzate was designated Acting Presiding Judge therein, he raised doubts on the veracity of the given figures reported in the Memorandum dated June 28, 2019 and, instead, he submitted a certification from the RTC Cabugao, Ilocos Sur showing different figures.

On the allegation of irregularities in the procedure observed by Judge Alzate, such as absence of report on the collusion investigation, Judge Alzate alleged that there are collusion reports in Civil Case No. 875-KC, Civil Case No. 924-KC and Civil Case No. 925-KC.

On the allegation of absence of pre-trial, Judge Alzate did not deny that there were no pre-trial conducted in Civil Case Nos. 15-828 and 15-829, which he decided as Assisting Judge in Branch 58, Regional Trial Court, Bucay, Abra. However, he argued that since the said cases were for declaration of void marriages due to the existence of previous marriage, "the only documents to be presented should be the two marriage certificates, to prove that the person had two marriages" considering that "there is no issue as to the properties in the petition and due to the absence of answer of the respondent and his non-appearance."

As to the allegation of procedural lapses, such as the unnotarized verification and certificate of non-forum shopping, Judge Alzate admitted that he failed to notice that the verification and the certification of non-forum shopping in three (3) petitions, namely, Civil Case Nos. 15-850, 15-835 and 14-815, were not notarized but reasoned out that when the petitioners testified under oath and affirmed the allegation in the petition, the defect, as a result of inadvertence was already cured.

On the alleged disparity of the signatures of counsels in certain petitions, and the alleged involvement of his wife in the questioned cases, Judge Alzate submitted a copy of Atty. Bareng-Asistin's affidavit where the latter attested that the questioned cases where she appeared as counsel were indeed her cases and admitted that she used different signatures. Atty. Bareng-Asistin also stated that she is married and, thus, her complete name is "Cherrie Grace P. Bareng-Asistin" and that sometimes she "put or add the surname Asistin" in her pleadings "when time and the mood prevails."

Further, to prove that the appearance of his wife's name in the copies of decisions as recipient of the same was unintentional and only due to inadvertence, Judge Alzate submitted a Certification issued on December 11, 2019 by Roger B. Viado, Sheriff IV of Branch 58, RTC, Bucay, Abra attesting that he "mistakenly and erroneously served a copy of a Decision in Civil Case No. 15-829, Re: Declaration of Void Marriage of Gaudencio Urbano, Jr. and Vernalyn Bueno vs. Aida Fernandez-Urbano on November 25, 2016 to Atty. Ma. Saniata Liwliwa G. Alzate where in truth and in fact, the counsel for the petitioner is Atty. Cheri Grace Bareng-Asistin."

On February 11, 2020, the Court resolved to refer the Comment of Judge Alzate to the OCA for evaluation, report and recommendation.[9]

In its Comment[10] dated June 30, 2020, the OCA, foremost, asserted that the investigation conducted on the cases decided by Judge Alzate in the RTC, Bucay, Abra, was authorized and approved by then Honorable Chief Justice Lucas P. Bersamin, who also directed the audit team to "conduct an investigation on matters pertaining to cases of nullity of marriages filed in Branch 24, Regional Trial Court, Cabugao, Ilocos Sur, and those filed in the other courts presided by Judge Alzate.

As to the issue on the anomalous residences of petitioners, the OCA pointed out that Judge Alzate was unable to give any justifiable reason for his failure to show that he actually ascertained the actual residences of the parties, particularly in the numerous petitions identified to be with questionable proceedings.

The OCA maintained that in Civil Case No. 921-KC entitled "*Ruel Bagne v. Rose Anne Bagne*" and Civil Case No. 928-KC, entitled "*Dino Roa v. Jane Roa,*" the petitioners stated in their petitions their addresses as "Barangay Baclig, Cabugao, Ilocos Sur c/o Atty. Cherry Bareng, Legal Counsel with office address at Unit 101, Ground Floor, CAP Bldg., F.R. Castro St., Laoag City" and "Barangay Rizal, Cabugao, Ilocos Sur, Legal Counsel with office address at Unit 101, Ground Floor, CAP Bldg, F.R. Castro St., Laoag City," respectively. Judge Alzate should have questioned these odd addresses, and compared them with the residences entered in the certificates of marriage which were the only proof of residency of the parties attached in the petitions. There was also no explanation as to how Judge Alzate took steps to ascertain the veracity of the residences of the parties as he claimed to have done.

As to Judge Alzate's doubts on the veracity of the alleged suspicious increase of case disposal of annulment cases, the OCA claimed that the given statistics were taken from the data reflected in the Statistical Reports

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9 *Id.* at 266-268.
10 *Id.* at 309-323.

Division, Court Management Office, OCA which were based in the monthly reports submitted by Branch 24, RTC, Cabugao, Ilocos Sur. The said monthly reports are both signed by the Branch Clerk of Court and Judge Alzate, and subscribed by the Executive Judge. Thus, if there are discrepancies in the figures as alleged by Judge Alzate, he can be liable for perjury for submitting wrong entries in the monthly reports.

As to the issue of irregularities in the procedures observed by Judge Alzate such as absence of collusion investigation report where Judge Alzate claimed that there were actual collusion investigation reports in Civil Case Nos. 924-KC and 925-KC, the OCA averred that what was being questioned therein was the fact that the proceedings in the said cases continued even with the absence of the report on the collusion investigation and which was submitted only after the filing of the petitioner's Formal Offer of Evidence, to wit:

> Likewise, in Civil Case No. 925-KC entitled "Gatchalian vs. Gatchalian", the Collusion Report dated October 10, 2018 was belatedly submitted on October 12, 2018, or after the petitioner already rested her case by the filing of her Formal Offer of Evidence on October 4, 2018. This is in violation of Section 9 of the Rule on Declaration of Absolute Nullity of Void Marriages and Annulment of Voidable Marriages wherein it is stated that "if the public prosecutor reports that no collusion exists, the court shall set the case for pre-trial. It shall be the duty of the public prosecutor to appear for the State at the pre-trial." This implies that the submission of the report by the public prosecutor to the court on the collusion investigation is mandatory before the proceedings can continue.[11]

On the other hand, in Civil Case No. 15-875, the alleged existence of collusion report was indicated in the pre-trial order, in the formal offer of exhibit, and in the decision itself, but no copy of the said report was ever found in the case records. In fact, the "collusion report" was simply noted as "reserved" in the minutes of the preliminary conference held on March 15, 2017. This would imply that, at the time of the preliminary conference, no collusion report was submitted by the public prosecutor, and yet Judge Alzate proceeded in hearing the case. Thus, unless there is an actual copy, it does not prove the existence of the collusion report or the actual conduct of the collusion investigation. Incidentally, the order granting the urgent motion to take deposition by way of advance testimony of the petitioner, and the order stating that the testimony of the petitioner was completed and terminated were both issued on March 15, 2017, or the same day the preliminary conference was allegedly conducted based on the minutes of the proceedings. Again, there was no reasonable explanation given by Judge Alzate on this matter.

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[11] *Id.* at 313-314.

The OCA further averred that Judge Alzate, likewise, gave no justifiable reason for his non-compliance with the rules of procedure. Section 5(3) of the Rules on Declaration of Absolute Nullity of Void Marriages and Annulment of Voidable Marriages specifically require that all petitions must be verified and accompanied by a certificate of non-forum shopping and the absence thereof will render the said petitions as mere scraps of paper. The fact that Judge Alzate went as far as deciding the said cases without ever noticing these fatal defects in the petitions puts serious doubt on his competence as a judge.

As to Judge Alzate's submission of affidavits which, in effect, meant to disprove his wife's alleged involvement in cases pending before his sala, the OCA was unconvinced and treated the same as self-serving. The OCA maintained that the connection between Atty. Ma. Saniata Liwliwa G. Alzate, and Atty. Bareng-Asistin may be deduced from the report on Civil Case Nos. 15-828 and 15-829, both decided favorably by Judge Alzate as Acting Presiding Judge of Branch 58, RTC, Bucay, Abra, to wit:

> i. Civil Case Nos. 15-828 and 15-829 were both filed with Atty. Cherrie Grace Bareng-Asistin as the counsel on record for the petitioners;
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> ii. Civil Case Nos. 15-828 and 15-829 were both filed on the same day on January 21, 2015 as shown by the stamp receipt of the court;
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> iii. The names "Atty. Ma S L Alzate" and "Atty. Alzate" appeared in the copies of the decisions in Civil Case Nos. 15-828 and 15-829, respectively, as recipients;
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> iv. In the petitions for both cases, the font of the "Verification and Certification" is noticeably different from the one used in the main petition; and
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> v. In both cases, no pre-trial was conducted.[12]

No explanation was made on the copy of the Decision dated January 14, 2015 in Civil Case No. 15-828 where it was received by one Airene Paringit "for Atty. Ma S L Alzate" on February 29, 2016.

Further, in Civil Case No. 16-944 where Atty. Bareng-Asistin appeared to be the counsel of record, there is a Motion to Dismiss filed on August 8, 2017 and with the Certification from the Barangay Captain that the petitioner is not a resident of Barangay Amti, Boliney, Abra, the address alleged in the petition. However, without resolving the motion to dismiss as there was no order found in the records, Judge Alzate proceeded with the hearing of the said case and eventually rendered a Decision dated April 26, 2018. The OCA, thus, observed that there is enough basis to conclude that the proceedings in some nullity of marriage cases where Atty. Bareng-

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[12] *Id.* at 317.

Asistin appeared as counsel of record, more particularly Civil Case Nos. 15-828, 15-829 and 16-944, among others, all filed in the RTC, Bucay, Abra, were tainted with bad faith.

In sum, the OCA concluded that Judge Alzate's comments on the allegations against him were, in fact, admissions that he indeed failed to comply with the Rules on Declaration of Nullity of Void Marriages and Annulment of Voidable Marriages, *albeit*, he justified such non-compliance by invoking "substantive justice", "judicial discretion", and "human frailty" as excuses in order to escape administrative liability.

The OCA pointed out that the specific rules of procedures which have been violated by Judge Alzate are considered basic rules, such as the requirement that initiatory pleadings should be signed by the counsel and the verification and certification of non-forum shopping should be notarized. However, despite the glaring absence of the said requisites, he still continued to hear the subject cases and eventually rendered decision by granting the petitions.

Thus, for failing to comply with the Rules of Procedure on Declaration of Nullity of Void Marriages and Annulment of Voidable Marriages, the OCA recommended that Judge Alzate be found guilty of gross ignorance of the law and procedures.

RULING

After a perusal of the records, We find no compelling reason to deviate from the findings and recommendations of the OCA.

The foregoing are undisputed facts as they are based on court records. The irregularities speak for themselves and require no in-depth discussion. In effect, the evidence against Judge Alzate speaks of his grave infractions where the application of the doctrine of *res ipsa loquitur* may be applied. As can be gathered from the cases decided in this jurisdiction, *res ipsa loquitor* has been defined as "the thing speaks for itself" and "the fact speaks for itself."[13] It is even asserted that in cases like the one at bar, there is no more need for any further investigation as the determination of administrative liability can be determined on the basis of court records alone.[14]

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[13] *People v. Valenzuela*, G.R. No. L-63950-60, April 19, 1985, 135 SCRA 712 and *Padilla v. Dizon*, A.C. No. 3086, February 23, 1988, 158 SCRA 127.

[14] See *Sy v. Mongcupa*, 335 Phil. 182,187 (1997).

Improper venue

In petitions for declaration of nullity of void marriages, the applicable rule is A.M. No. 02-11-10-SC, as amended.[15] In particular, Section 4 categorically states the venue where a petition shall be filed, to wit:

> SEC. 4. *Venue.* — The petition 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 the filling, or in case of a non-resident respondent, where he may be found in the Philippines, at the election of the petitioner, x x x.

Further, in the Resolution[16] dated October 2, 2018, the Court likewise enunciated that petitioner shall state the complete address of the parties in the petition (*i.e.*, house number, street, purok/village/subdivision, barangay, zone, town, city, and province); and that petitioner shall attach the following: (1) sworn certification of residency (with house location sketch) issued by the barangay; (2) sworn statement of counsel of record that he/she has personally verified petitioner's residency and that the petitioner had been residing thereat for at least six (6) months prior to the filing of petition; and (3) any but not limited to the following supporting documents: (i) Utility bills in the name of the petitioner for at least six (6) months prior to the filing of the petition; (ii) Government-issued I.D. or Company I.D., bearing the photograph and address of the petitioner and issued at least six (6) months prior to the filing of the petition; (iii) Notarized lease contract, if available, and/ or receipts for rental payments (bearing the address of the petitioner) for at least six (6) months prior to the filing of the petition.

In the instant case, the audit report is replete with findings showing that Judge Alzate continued to try and resolve cases despite the parties' dubious circumstances which should have instead put him on guard. There were certifications which showed that most of the nullity of marriage cases that were identified did not comply with the rule on venue as provided in Section 4 of the Rule on Declaration of Nullity of Void Marriages and Annulment of Voidable Marriages. Judge Alzate failed to ascertain the true residence of the parties even though the marriage certificates that were appended to the petitions clearly showed different addresses from the ones stated in the petitions.

Indeed, Judge Alzate could have required the petitioners to submit their respective proof of residency, such as utility bills or government-issued IDs, which are now required to be attached to the petitions pursuant to OCA Circular 63-2019 on the Guidelines to Validate Compliance with the

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[15] A.M. No. 02-11-10-SC, March 4, 2003, RE: PROPOSED RULE ON DECLARATION OF ABSOLUTE NULLITY OF VOID MARRIAGES AND ANNULMENT OF VOIDABLE MARRIAGES.

[16] A.M. No. 02-11-10-SC (*Re: Rule on Declaration of Absolute Nullity of Void Marriages and Annulment of Voidable Marriages*) and in A.M. No. 02-11-11-SC (*Re: Rule on Legal Separation*).

Jurisdictional Requirement Set Forth in A.M. No. 02-11-10-SC, but failed to do so.

Absence of collusion report

The audit team also reported that Judge Alzate continued with the court proceedings despite the absence of the Report on Collusion Investigation. In Civil Case No. 15-850, entitled "*Aleli Historillo-Salido vs. Keith Rosario-Salido*", no copy of the report on the collusion investigation was attached to the records despite the directive to conduct the same pursuant to the Order dated May 21, 2015 of Judge Alzate. Case hearings proceeded even without said report until the case was decided. Likewise, in Civil Case No. 925-KC entitled "*Gatchalian vs. Gatchalian*", the Collusion Report dated October 10, 2018 was belatedly submitted on October 12, 2018, or after the petitioner already rested her case by the filing of her Formal Offer of Evidence on October 4, 2018.

It must be stressed that 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.[17] 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.[18] If it is found that collusion exists, the public prosecutor shall state the basis of that conclusion in the report.[19] 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 pre-trial.[20]

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. 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.[21] No further proceedings should have been held without the investigation report, thus, Judge Alzate should have refrained from proceeding with the subject cases.

In *Corpus v. Ochotorena,*[22] the Court found the respondent judge therein administratively liable for failure to observe the mandatory

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17 A.M. No. 02-11-10-SC, Section 8(3).
18 *Id.* at Section 9(1).
19 *Id.* at Section 9(2)
20 *Id.* at Section 9(3).
21 *OCA v. Judge Aquino,* 699 Phil. 513, 518 (2012).
22 479 Phil. 355 (2004).

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. Shortcuts in judicial processes cannot be countenanced, because speed is not the principal objective of a trial.[23]

Absence of pre-trial, proof of service and notice of appearance

During the investigation, the OCA also found that in Civil Case Nos. 15-828 and 15-829, among others, Judge Alzate proceeded with the court hearings and eventually rendered judgment therein without any record that the cases underwent pre-trial. Considering that no notices of pre-trial and pre-trial orders were found in the records of the said cases, it gives the conclusion that no pre-trial was held, thus, the same was in violation of Section 11[24] of the Rule on Declaration of Absolute Nullity of Void Marriages and Annulment of Voidable Marriages where it is stated that pre-trial if mandatory.

Moreover, the OCA reported that they found no proof that the Office of the Solicitor General was furnished with copies of the petitions for annulment. In Civil Case Nos. 15-841 and 14-813, no proofs of service were attached to the said petitions, in violation of Section 5 (4) of the Rule on Declaration of Absolute Nullity of Void Marriages and Annulment of Voidable Marriages[25] which requires that the Office of the Solicitor General and the Public Prosecutor be furnished with a copy of the petition for declaration of nullity of void marriages. However, notwithstanding the glaring absence of the required proofs of service, Judge Alzate, instead of dismissing the same for non-compliance with the foregoing provision,

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23 *Supra* note 8.

24 Section 11. *Pre-trial.* -

(1) Pre-trial mandatory. - A pre-trial is mandatory. On motion or *motu proprio,* the court shall set the pre-trial after the last pleading has been served and filed, or upon receipt of the report of the public prosecutor that no collusion exists between the parties.

(2) Notice of pre-trial. - (a) The notice of pre-trial shall contain:

(1) the date of pre-trial conference; and

(2) an order directing the parties to file and serve their respective pre-trial briefs in such manner as shall ensure the receipt thereof by the adverse party at least three days before the date of pre-trial.

(b) The notice shall be served separately on the parties and their respective counsels as well as on the public prosecutor. It shall be their duty to appear personally at the pre-trial.

(c) Notice of pre-trial shall be sent to the respondent even if he fails to file an answer. In case of summons by publication and the respondent failed to file his answer, notice of pre-trial shall be sent to respondent at his last known address.

25 Section 5. *Contents and form of petition.* - (1) The petition shall allege the complete facts constituting the cause of action.

x x x x

(4) it shall be filed in six copies. The petitioner shall serve a copy of the petition on the Office of the Solicitor General and the Office of the City or Provincial Prosecutor, within five days from the date of its filing and submit to the court proof of such service within the same period.

Failure to comply with any of the preceding requirements may be a ground for immediate dismissal of the petition.

proceeded in hearing the cases and eventually rendered judgment therein on August 20, 2015 and January 22, 2015, respectively.

Likewise, in Civil Case No. 14-815, Judge Alzate concluded the trial therein despite the absence of the notice of appearance of the OSG and the delegation of the public prosecutor to represent the said office which again runs counter to Section 5(4) of the Rule on Declaration of Absolute Nullity of Void Marriages and Annulment of Voidable Marriages.

There were also cases with notices or orders for the setting of hearings where no proof of service or registry receipts were attached, and those where the minutes of the proceedings were not signed by the counsels and parties which gives the impression that those cases were neither set for hearing nor ever conducted.

Suspicious haste in resolving annulment cases

The OCA also reported the questionable and suspicious haste in hearing and resolving cases under the jurisdiction of Branch 24, RTC, Cabugao, Ilocos Sur. In Civil Case No. 894-KC, Judge Alzate rendered judgment therein within a period of only three (3) months, two (2) weeks and one (1) day. Indeed, as noted by the OCA, the filing of the Report on the Investigation of Collusion between the parties, the pre-trial and the initial trial which all happened on the same day, *i.e.*, July 12, 2017, put in serious doubt the integrity of the proceedings in the said case.

Equally disturbing are the reports which alleged the *modus* of Judge Alzate and his wife, Atty. Ma. Saniata Liwliwa G. Alzate (*Atty. Alzate*) in offering clients who wished to have their marriage annulled. Based on the reports, such petitions were filed even without the knowledge of the lawyer whose signatures were merely falsified so it would appear that such were personally prepared and filed by them. Upon examination of the records of the above cases in question, the OCA reported that there might be truth to the said *modus* as shown more particularly in the case where the counsel of record is Atty. Cherrie Grace P. Bareng.

The OCA, likewise, reported suspicious notations in the copies of the decisions in Civil Case Nos. 15-828 and 15-829 which showed that the same were received "for Atty. Alzate," as evidenced by the photocopies of the decisions in Civil Case Nos. 15-828 and 15-829. Indeed, while Atty. Alzate was not the counsel of record of the said cases, why would she need a copy of the decisions if she had no interest in them. The affidavits which Judge Alzate submitted to refute the allegations against his wife, indeed, fails to convince. Although admissible in evidence, affidavits being self-serving

must be received with caution.[26] This is because the adverse party is not afforded any opportunity to test their veracity.[27] By themselves, generalized and *pro forma* affidavits cannot constitute relevant evidence which a reasonable mind may accept as adequate. There must be some other relevant evidence to corroborate such affidavits.[28] Likewise, it did not help either that in a recent administrative case against him, Judge Alzate was reprimanded with warning for failing to compulsorily inhibit himself from acting on his wife's application for notarial commission, which now, thus, shows his apparent propensity to abuse his authority.[29]

While there was no concrete evidence presented to prove Judge Alzate's partiality and malice, it must be emphasized that Canon 2 of the Code of Judicial Conduct provides: "A judge should avoid impropriety and the appearance of impropriety in all activities." The failure to present evidence that the respondent acted with partiality and malice can only negate the allegation of impropriety, but not the appearance of impropriety. In *De la Cruz v. Judge Bersamira,*[30] this Court underscored the need to show not only the fact of propriety but the appearance of propriety itself. It held that the standard of morality and decency required is exacting so much so that a judge should avoid impropriety and the appearance of impropriety in all his activities. The Court explains, thus:

> By the very nature of the bench, judges, more than the average man, are required to observe an exacting standard of morality and decency. The character of a judge is perceived by the people not only through his official acts but also through his private morals as reflected in his external behavior. It is, therefore, paramount that a judge's personal behavior both in the performance of his duties and his daily life, be free from the appearance of impropriety as to be beyond reproach.[31]

In *Magarang v. Judge Jardin, Sr.,*[32] the Court pointedly stated that:

> While every public office in the government is a public trust, no position exacts a greater demand on moral righteousness and uprightness of an individual than a seat in the judiciary. Hence, judges are strictly mandated to abide by the law, the Code of Judicial Conduct and with existing administrative policies in order to maintain the faith of the people in the administration of justice.
>
> Judges must adhere to the highest tenets of judicial conduct. They must be the embodiment of competence, integrity and independence. A judge's conduct must be above reproach. **Like Caesar's wife, a judge must not only be pure but above suspicion. A judge's private as well as**

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26 *PLDT Company, Inc. v. Tiamson*, 511 Phil. 384, 400 (2005).
27 *Id.*
28 *Id.*
29 *Samson Sindon v. Judge Alzate*, A.M. No. RTJ-20-2576, January 29, 2020.
30 402 Phil. 671 (2001).
31 *Id.* at 679-680.
32 386 Phil. 272, 284 (2000). (Emphases ours)

> **official conduct must at all times be free from all appearances of impropriety, and be beyond reproach.**

In fine, based on all the foregoing findings, it is undisputed that Judge Alzate violated the Code of Judicial Conduct, which enjoins judges to uphold the integrity of the Judiciary, avoid impropriety or the appearance of impropriety in all activities and to perform their duties honestly and diligently.

No less than the Code of Judicial conduct mandates that a judge shall be faithful to the laws and maintain professional competence. Indeed, competence is a mark of a good judge. A judge must be acquainted with legal norms and precepts as well as with procedural rules. When a judge displays an utter lack of familiarity with the rules, he erodes the public's confidence in the competence of our courts. Such is gross ignorance of the law. One who accepts the exalted position of a judge owes the public and the court the duty to be proficient in the law. Unfamiliarity with the Rules of Court is a sign of incompetence. Basic rules of procedure must be at the palm of a judge's hands.[33]

In the instant case, Judge Alzate's blatant disregard of the provisions of A.M. No. 02-11-10-SC shows not only a lack of familiarity with the law but a gross ignorance thereof. However, 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.[34] 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.[35] The fact that in many instances, Judge Alzate chose to ignore if not completely disregard the glaring irregularities and non-compliance of the rules, and mindlessly proceeded with the court proceeding breeds a suspicion that he has personal interest in those cases before him. His unusual interest in the cases before him, not only displayed his utter lack of competence and probity but also make him liable for gross 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. It entails wrongful or improper conduct motivated by a premeditated, obstinate or deliberate purpose. Simple misconduct is defined as an unacceptable behavior that transgresses the established rules of conduct for public officers. On the other hand, gross misconduct connotes something "out of all measure; beyond allowance; not to be excused; flagrant; shameful."[36]

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33 *State Prosecutor Comilang, et al. v. Judge Belen*, 689 Phil. 134, 146 (2012).

34 *OCA v. Judge Flores,* 758 Phil. 30, 60 (2015).

35 *Id.*

36 *OCA v. Judge Cabrera-Faller*, A.M. No. RTJ-11-2301, January 16, 2018, 851 SCRA 207, 301.

Clearly, for all his infractions, there is no question that Judge Alzate also violated the following Canons of the New Code of Judicial Conduct for the Philippine Judiciary:

> Canon 2
> Integrity
>
> 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.
>
> 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.
>
> Canon 6
> Competence and Diligence
>
> x x x x
>
> 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.
>
> x x x x
>
> Section 5. Judges shall perform all judicial duties, including the delivery of reserved decisions, efficiently, fairly and with reasonable promptness.
>
> x x x x
>
> Section 7. Judges shall not engage in conduct incompatible with the diligent discharge of judicial duties.

As a judge, 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.

A judge should observe the usual and traditional mode of adjudication requiring that he should hear both sides with patience and understanding to keep the risk of reaching an unjust decision at a minimum. Thus, he must neither sacrifice for expediency's sake the fundamental requirements of due process nor forget that he must conscientiously endeavor each time to seek

the truth, to know and aptly apply the law, and to dispose of the controversy objectively and impartially.

Judge Alzate's act of issuing decisions that voided marital unions despite irregularities and non-compliance with the rules not only made a mockery of marriage and its life-changing consequences but likewise violated the basic norms of truth, justice, and due process.[37] His conduct greatly undermines the people's faith in the Judiciary and betrays public trust and confidence in the courts.

Thus, it must be once again emphasized that everyone in the Judiciary, from the presiding judge to the clerk, must always be beyond reproach, free of any suspicion that may taint the Judiciary. Public service requires utmost integrity and discipline. A public servant must exhibit at all times the highest sense of honesty and integrity, for no less than the Constitution mandates the principle that "a public office is a public trust and all public officers and employees must at all times be accountable to the people, serve them with utmost responsibility, integrity, loyalty and efficiency." As the administration of justice is a sacred task, the persons involved in it ought to live up to the strictest standards of honesty and integrity. Their conduct, at all times, must not only be characterized by propriety and decorum, but must also be above suspicion. Thus, every employee of the Judiciary should be an example of integrity, uprightness, and honesty.[38]

PENALTY

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.[39]

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37 See *Office of the Court Administrator v. Castaneda, et al.*, 696 Phil. 202 (2012).
38 *Office of the Court Administrator v. Chavez*, 806 Phil. 932, 966 (2017).
39 Rules of Court, Rule 140, Section 11(A).

In *OCA v. Castaneda,*[40] the Court found the respondent guilty of gross ignorance of the law and procedure for her blatant disregard of the provisions of A.M. Nos. 02-11-10-SC and 02-11-11-SC, among others, and imposed the penalty of dismissal.

Finally, let this be a **WARNING** to those judges who continuously disregard the rules and guidelines pertaining to cases of annulment of marriage, as particularly provided in A.M. Nos. 02-11-10-SC[41] and 02-11-11-SC,[42] that any brazen disregard of the existing rules is an *indicium* of a judge's unfitness to continue as member of the bench, as such acts erode public's trust and confidence, and creates disrespect to the Judiciary, in general. Moreover, even if the erring judge has opted to resign or retire, it would not extricate him/her from the consequences of the offenses he/she committed, as resignation or retirement has never been a way out to evade administrative liability.[43]

WHEREFORE, the Court finds respondent Judge Raphiel F. Alzate, as Acting Presiding Judge of both Branch 24, Regional Trial Court, Cabugao, Ilocos Sur and Branch 58, Regional Trial Court, Bucay, Abra, **GUILTY** of Gross Ignorance of the Law and Gross Misconduct for which he is **DISMISSED** from the service, with forfeiture of all benefits due him, except accrued leave benefits, if any, with prejudice to re-employment in any branch of the government, including government-owned or controlled corporations.

Let a copy of this Decision be entered into Judge Alzate's record as a member of the bar and notice of the same be served on the Integrated Bar of the Philippines and on the Office of the Court Administrator for circulation to all courts in the country.

The Office of the Bar Confidant is **ORDERED** to **INVESTIGATE** Atty. Ma. Saniata Liwliwa G. Alzate, on her alleged participation in the questioned Decisions on the annulment of marriage cases issued by Judge Raphiel F. Alzate.

This Decision is immediately executory.

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40 *Supra* note 37.

41 Rule on Declaration of Absolute Nullity of Void Marriages and Amendment of Voidable Marriages, March 4, 2003.

42 Rule on Legal Separation, March 4, 2003.

43 *Judge Gallon-Gayanilo v. Caldito*, 794 Phil. 32, 39 (2016).

SO ORDERED.

DIOSDADO M. PERALTA
Chief Justice

ESTELA M. PERLAS-BERNABE
Associate Justice

MARVIC M.V.F. LEONEN
Associate Justice

ALFREDO BENJAMIN S. CAGUIOA
Associate Justice

ALEXANDER G. GESMUNDO
Associate Justice

JOSE C. REYES, JR.
Associate Justice

RAMON PAUL L. HERNANDO
Associate Justice

ROSMARI D. CARANDANG
Associate Justice

AMY C. LAZARO-JAVIER
Associate Justice

HENRI JEAN PAUL B. INTING
Associate Justice

RODIL V. ZALAMEDA
Associate Justice

MARIO V. LOPEZ
Associate Justice

EDGARDO L. DELOS SANTOS
Associate Justice

SAMUEL H. GAERLAN
Associate Justice

(On leave)
PRISCILLA J. BALTAZAR-PADILLA
Associate Justice

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EDGAR O. ARICHETA
Clerk of Court En Banc
Supreme Court