



Republic of the Philippines  
Supreme Court  
Manila

EN BANC

In Re: Report on the Judicial Audit 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:

GESMUNDO, C.J.,  
LEONEN,  
CAGUIOA,  
HERNANDO,  
LAZARO-JAVIER,  
INTING,\*  
ZALAMEDA,  
LOPEZ, M.,  
GAERLAN,  
ROSARIO,  
LOPEZ, J.,\*  
DIMAAMPAO,  
MARQUEZ,\*\*  
KHO, JR.,\* and  
SINGH, JJ.\*

Promulgated:

February 20, 2024

RESOLUTION

**PER CURIAM:**

**The Case**

By Decision<sup>1</sup> dated September 1, 2020, respondent Judge Raphiel F. Alzate (Judge Alzate) was found guilty of gross ignorance of the law and gross

\* On official business.

\*\* No part.

<sup>1</sup> *In Re: Report on the Judicial Audit in Branch 24, Regional Trial Court, Cabugao, Ilocos Sur*, 880 Phil. 571 (2020) [*Per Curiam, En Banc*].

misconduct and meted the supreme penalty of dismissal 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, thus:

**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.

**SO ORDERED.**<sup>2</sup>

On Judge Alzate's Motion for Reconsideration<sup>3</sup> dated February 1, 2022, the Court reduced the penalty to suspension from the service for five years, which shall include the one-year preventive suspension he had served, plus a fine of PHP 200,000.00, viz.:

**ACCORDINGLY**, the Motion for Reconsideration dated February 14, 2022 is **PARTLY GRANTED**.

Judge Raphiel F. Alzate is exonerated from the charges of blatant violation of A.M. No. 02-11-10-SC involving Case Nos. 925-KC, 924-KC, 921-KC, and 928-KC, and allegations of swift and worry – free decision in Case No. 894-KC.

On the other hand, he is found liable for gross neglect of duty in violation of A.M. No. 02-11-10-SC for proceeding with Case Nos. 925-KC (*Cherry A. Gatchalian v. Roel M. Gatchalian*), 894-KC (*Grace V. Torres v. Gerald S. Torres*) 15-828 (*Lenie Cabintoy Agbilay v. Reysel Agbilay*), 15-829 (*Declaration of Void Marriage of Gaudencio Urbano Jr. And Vernalyn Bueno*) and 15-848 (*Louie Luico vs. Baby Rose Reyes*) without conducting a pre-trial and in 15-850, (*Aleli Historillo-Salido v. Keith Rosario-Salido*) and 875-KC (*Beverly Tica v. Jesus Fantastico*) without awaiting the reports on the possible collusion of the parties.

<sup>2</sup> *Id.* at 631.

<sup>3</sup> *Rollo*, pp. 538–602.

However, the penalty of dismissal from the service earlier imposed on him under **Decision** dated September 20, 2021 is **SET ASIDE**. In lieu thereof, he is **SUSPENDED** for **FIVE (5) YEARS**, the service of which should include the one-year preventive suspension he had served. A **FINE** of **[PHP] 200,000.00** is further imposed on him considering that this is the second time he has been found to be administratively liable. Finally, he is **STERNLY WARNED** that a repetition of the same or similar act shall warrant a more severe penalty.

Let a copy of this Decision be attached to his personal record in the Office of the Bar Confidant.

Furnish a copy of this Decision to the Integrated Bar of the Philippines for its information and guidance; and the Office of the Court Administrator for dissemination to all courts of the Philippines.

This Resolution is immediately executory.

**SO ORDERED.**<sup>4</sup> (Emphasis in the original)

In his recent Manifestation and Compliance<sup>5</sup> dated February 5, 2024, Judge Alzate stated:

**THE UNDERSIGNED** most respectfully comes before the Honorable Supreme Court and states that:

1. In compliance with the Resolution of the Honorable Court directing the undersigned to pay the fine in the amount of TWO HUNDRED THOUSAND PESOS [PHP] 200,000.00 in relation to this case, the undersigned has paid the said amount through the Office of the Clerk of Court, RTC Bangued, Abra;
2. As proof of payment, the undersigned respectfully submits the certified true copy of Official Receipt No. 5803638 under the SAJ Fund; [and]
3. The undersigned likewise manifests that he has assumed office as Presiding Judge of Branch 1, RTC Bangued, Abra on February 1, 2024.

**WHEREFORE**, premises considered, it is most respectfully prayed that the Honorable Supreme Court deems this as sufficient compliance of its Resolution dated April 18, 2023.<sup>6</sup>

The thing speaks for itself. Judge Alzate has flagrantly disrespected and defied Our Resolution<sup>7</sup> dated April 18, 2023, pertaining to his five-year suspension, which he is deemed to have only partially served via his previous one-year preventive suspension. He should have commenced serving the rest of his five-year suspension only upon his receipt of the aforesaid Resolution on January 31, 2024.<sup>8</sup>

<sup>4</sup> *Id.* at 901

<sup>5</sup> *Id.* at 823.

<sup>6</sup> *Id.*

<sup>7</sup> *Id.* at 839-903.

<sup>8</sup> Per Philippine Post Report, RX273037610ZZ.

But what he peremptorily did was to simply pay the imposed fine, and thereupon, take it upon himself to report back to Branch 1, Regional Trial Court, Bangued, Abra right on the following day February 1, 2024, sans any prior notice or clearance from the Court.

It is, thus, readily suspicious that in his Manifestation and Compliance dated February 5, 2024, he did not even mention the five-year suspension imposed on him. This is a clear signal that Judge Alzate has intentionally omitted the mention of the five-year suspension for no other purpose than to mislead the Court itself and consequently negate its efficacy. This we cannot allow. Neither can we allow Judge Alzate to resume donning the judicial robe as his grave, nay, tainted actions, and omissions invariably depict his unworthiness.

In *Dr. Alday v. Judge Cruz, Jr.*,<sup>9</sup> the Court dismissed the respondent Judge Escolastico U. Cruz, Jr. from the service for his deliberate refusal to obey our Order dated March 14, 2001, suspending him from the service. In so ruling, the Court gave no credence to his explanation that he was impelled “by an honest misappreciation of the legal import of the adjudication’s decretal clause.” The Court, thus, declared that his failure to adhere to the directive of the Court constituted grave misconduct, which merited the supreme penalty of dismissal.

Similarly, Judge Alzate could not have misconstrued the penalties imposed on him. The *fallo* of the Court’s Resolution could not have been clearer. To be sure, directives issued by this Court are not to be treated lightly, certainly not on the pretext that one has misapprehended the meaning of said directives.<sup>10</sup>

For his deliberate defiance of the directive of the Court as borne in its Resolution dated April 18, 2023, the Court finds Judge Alzate guilty of gross misconduct and insubordination, affecting his fitness and worthiness of the honor and integrity attached to his office. Judge Alzate, therefore, is deserving of the supreme penalty of dismissal from the service.

**ACCORDINGLY**, the Court finds respondent Judge Raphiel F. Alzate **GUILTY** of grave misconduct prejudicial to the administration of justice 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.

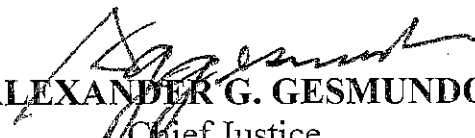
This is immediately executory.

**SO ORDERED.**

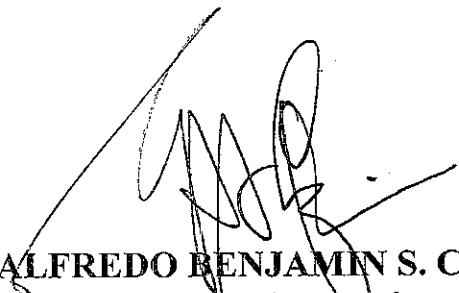
<sup>9</sup> 426 Phil 385 (2002) [*Per Curiam, En Banc*].

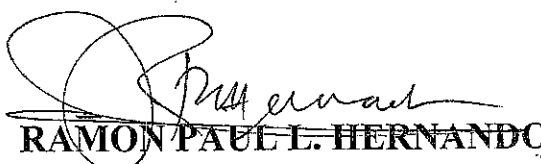
<sup>10</sup> *Id.* at 390.


**WE CONCUR:**

  
**ALEXANDER G. GESMUNDO**  
Chief Justice

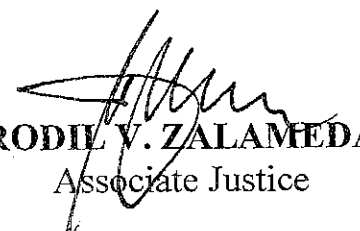
  
**MARVIC M.V.F. LEONEN**  
Associate Justice

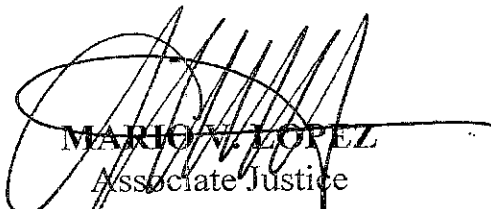
  
**ALFREDO BENJAMIN S. CAGUIOA**  
Associate Justice

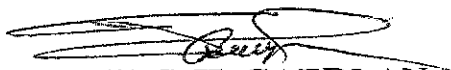
  
**RAMON PAUL L. HERNANDO**  
Associate Justice

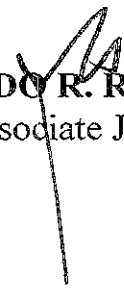
  
**AMY C. LAZARO-JAVIER**  
Associate Justice

(on official business)  
**HENRI JEAN PAUL B. INTING**  
Associate Justice

  
**RODIL V. ZALAMEDA**  
Associate Justice

  
**MARIO N. LOPEZ**  
Associate Justice

  
**SAMUEL H. GAERLAN**  
Associate Justice

  
**RICARDO R. ROSARIO**  
Associate Justice

(on official business)  
**JHOSEP Y. LOPEZ**  
Associate Justice

  
**JAPAR B. DIMAAMPAO**  
Associate Justice

(no part)  
**JOSE MIDAS P. MARQUEZ**  
Associate Justice

(on official business)  
**ANTONIO T. KHO, JR.**  
Associate Justice

(on official business)  
**MARIA FILOMENA D. SINGH**  
Associate Justice