

Republic of the Philippines
Supreme Court
 Manila

EN BANC

OFFICE OF THE COURT ADMINISTRATOR,
 Complainant,

A.C. No. 9920
[Formerly A.M. No. MTJ-07-1691]

Present:

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

-versus-

FORMER JUDGE ROSABELLA M. TORMIS,
 Respondent.

Promulgated:
 August 30, 2016

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X-----X

RESOLUTION

PER CURIAM:

A judge should know, or ought to know, his or her role as a solemnizing officer.

* On leave.

This disbarment complaint is an offshoot of our Decision in *Office of the Court Administrator v. Judge Necessario, et al.*¹ Respondent Former Judge Rosabella M. Tormis (Tormis), together with other judges and employees of the Municipal Trial Court in Cities, Cebu City, was dismissed for turning the solemnization of marriages into a business.² Tormis was dismissed from the service for the second time, and this Court directed the Office of the Bar Confidant to initiate disbarment proceedings against her.

On July 3, 2007, Atty. Rullyn Garcia, Region 7 Judicial Supervisor, led the judicial audit team created by the Office of the Court Administrator to investigate Branches 2, 3, 4, and 8 of the Municipal Trial Court in Cities of Cebu City for alleged misdeeds in the solemnization of marriages.³

Two (2) undercover agents from the judicial audit team, posing as a couple, went to the Palace of Justice to ask about the marriage application process.⁴ They were told by the guard on duty to go to Branch 4 and look for a certain “Meloy.”⁵

Fearing that the male undercover would be recognized by the court employees in Branch 4, the two agreed that only the female undercover would go inside the court.⁶ She was then assisted by a woman named Helen. Helen assured the female undercover that their marriage process could be hurried.⁷ She also claimed that it was possible for the marriage to be solemnized the next day, but the marriage certificate would only be dated when the marriage license became available.⁸

The Office of the Court Administrator found that the respondent judges in that case connived with the court personnel, who acted as “fixers” in solemnizing marriages.⁹ The judges heedlessly kept solemnizing marriages despite irregularities in the requirements provided under the law.¹⁰

In the Resolution dated July 10, 2007, this Court treated the judicial audit team’s memorandum as an administrative complaint against the respondent judges, including Tormis.¹¹ The judges were directed to file their

¹ 707 Phil. 328 (2013) [Per Curiam, En Banc].

² Id. at 362.

³ Id. at 334.

⁴ Id.

⁵ Id.

⁶ Id.

⁷ Id.

⁸ Id.

⁹ Rollo, p. 491, Office of the Court Administrator’s Report.

¹⁰ Id. at 494-497.

¹¹ *Office of the Court Administrator v. Judge Necessario, et al.*, 707 Phil. 328, 334 (2013) [Per Curiam, En Banc].

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comments on the charges against them.¹² They were also suspended pending resolution of the case.¹³

On August 24, 2007, Senior Deputy Court Administrator Zenaida N. Elepaño of the Office of the Court Administrator submitted a Memorandum dated August 29, 2007 and Supplemental Report.¹⁴ The Report stated that:

Six hundred forty-three (643) marriage certificates were examined by the judicial audit team. The team reported that out of the 643 marriage certificates examined, 280 marriages were solemnized under Article 34 of the Family Code. The logbooks of the MTCC Branches indicate a higher number of solemnized marriages than the number of marriage certificates in the courts' custody. There is also an unusual number of marriage licenses obtained from the local civil registrars of the towns of Barili and Liloan, Cebu. There were even marriages solemnized at 9 a.m. with marriage licenses obtained on the same day. The town of Barili, Cebu is more than sixty (60) kilometers away from Cebu City and entails a travel time of almost two (2) hours. Liloan, Cebu, on the other hand, is more than ten (10) kilometers away from Cebu City.¹⁵ (Citations omitted)

The Report included the court employees' admissions of their participation in the alleged misdeeds. The following personnel substantiated the charges against Tormis:

- (1) Celeste P. Retuya, Clerk III of Branch 6 of the Municipal Trial Court in Cities, Cebu City, confirmed that she would personally assist couples who wished to be married by checking that their documents were complete before referring them to the judges, including Tormis;¹⁶
- (2) Corazon P. Retuya, Court Stenographer of Branch 6 of the Municipal Trial Court in Cities, Cebu City, "narrated several anomalies involving foreign nationals and their acquisition of marriage licenses from the local civil registrar of Barili, Cebu despite the fact that parties were not residents of Barili."¹⁷ These marriages were solemnized by Tormis;¹⁸
- (3) Rhona F. Rodriguez, Administrative Officer I of the Office of the Clerk of Court of the Regional Trial Court, Cebu City,

¹² Id.

¹³ Id.

¹⁴ Id.

¹⁵ Id. at 335.

¹⁶ Id. at 336.

¹⁷ Id.

¹⁸ Id.

Zenaida N. Elepaño

would aid couples in the solemnization of their marriages by referring them to the judges;¹⁹

- (4) Emma D. Valencia, Court Stenographer III of Branch 18 of the Regional Trial Court, Cebu City, “admitted that she assisted couples seeking to get married and that most of the marriage licenses were obtained from the local civil registrar of Barili and Liloan, Cebu because the registrars in those towns were not strict about couples’ attendance in the family planning seminar”;²⁰
- (5) Marilou Cabañez, Court Stenographer of Branch 4 of the Municipal Trial Court in Cities, Cebu City, admitted that she would assist couples and refer them to the judges, including Tormis.²¹ She added that “during the 8th, 18th, and 28th of the month, seven (7) to eight (8) couples would go directly to Judge Rosabella M. Tormis for a fifteen-minute marriage solemnization”;²²
- (6) Rebecca L. Alesna, Court Interpreter of Branch 1 of the Municipal Trial Court in Cities, Cebu City, admitted that “she usually referred couples to Judges Necessario or Tormis. Couples who wanted to get married under Article 34 of the Family Code were advised to buy a pro-forma affidavit of joint cohabitation for ten pesos (₱10)”;²³ and
- (7) Filomena C. Lopez, Local Civil Registrar of Barili, Cebu, admitted that she did not examine marriage applications.²⁴ Couples who were not Barili residents could obtain a marriage license from her, provided that they had relatives residing in Barili;²⁵

Affidavits of private individuals were also attached to the records.²⁶ Among these individuals was Jacqui Lou Baguio-Manera (Baguio-Manera), a resident of Panagdait, Mabolo, Cebu. Baguio-Manera claimed that her marriage was solemnized by Tormis with the aid of “Meloy,” who asked for a fee of ₱1,500.00.²⁷ She and her then fiancé were not required to present a

¹⁹ Id.
²⁰ Id.
²¹ Id. at 337.
²² Id.
²³ Id. at 337–338.
²⁴ Id. at 338.
²⁵ Id.
²⁶ Id.
²⁷ Id. at 338–339.

Jacqui Lou Baguio-Manera

marriage license; they were only directed to bring their birth certificates.²⁸ She averred that while Article 34²⁹ did not apply to them, their marriage certificate was marked with the annotation, “No marriage license was necessary, the marriage being solemnized under Article 34 of Executive Order No. 209.”³⁰

On November 27, 2007, this Court En Banc issued the Resolution requiring all the judges involved, including Tormis, to comment on the Supplemental Report.³¹ The Resolution also directed the Process Servicing Unit to furnish all the judges with a copy of the Report.³² Further, all the court personnel involved were asked to show cause why they should not be disciplined for their misconduct.³³

In her comment, Tormis denied the charges against her.³⁴ She claimed that the action of the Office of the Court Administrator was an “entrapment.”³⁵ According to her, there was nothing wrong with solemnizing marriages on the same date the marriage license was issued.³⁶ In view of the pro forma affidavits of cohabitation, she relied on the presumption of regularity.³⁷ Tormis asserted that she should not be blamed for assuming that the affidavits were true since judges are not handwriting experts.³⁸

Tormis also claimed that Baguio-Manera’s affidavit was hearsay.³⁹ She averred that when Baguio-Manera and her husband was asked about the affidavit, they confirmed the truthfulness of their statements, particularly that they had been living together for five (5) years.⁴⁰ Lastly, Tormis blamed the filing clerks for the irregularities in the number of marriages solemnized in her sala.⁴¹

On November 12, 2007, Tormis, together with Judge Edgemelo C. Rosales, filed a Memorandum of Law with Plea for Early Resolution, Lifting

²⁸ Id.

²⁹ FAMILY CODE, art. 34 provides:

Art. 34. No license shall be necessary for the marriage of a man and a woman who have lived together as husband and wife for at least five years and without any legal impediment to marry each other. The contracting parties shall state the foregoing facts in an affidavit before any person authorized by law to administer oaths. The solemnizing officer shall also state under oath that he ascertained the qualifications of the contracting parties and found no legal impediment to the marriage.

³⁰ *Office of the Court Administrator v. Judge Necessario, et al.*, 707 Phil. 328, 339 (2013) [Per Curiam, En Banc].

³¹ Id.

³² Id.

³³ Id.

³⁴ Id. at 342.

³⁵ Id.

³⁶ Id.

³⁷ Id.

³⁸ Id.

³⁹ Id.

⁴⁰ Id.

⁴¹ Id.

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of Suspension and Dismissal of the Case.⁴² This Court lifted the suspension of the judges but forbade them from solemnizing marriages.⁴³

On December 7, 2007, both judges moved for early resolution with a waiver of formal and/or further investigation and to dismiss.⁴⁴ This Court noted their Motion and affirmed the relief they sought, thus allowing the payment of the judges' unpaid salaries and benefits from July 9, 2007.⁴⁵

The Office of the Court Administrator, through a memorandum dated June 15, 2010, found Tormis guilty of

gross inefficiency or neglect of duty for solemnizing marriages with questionable documents, for failure to make sure that the solemnization fee has been paid, for solemnizing marriages wherein one of the contracting parties is a foreigner who submitted a mere affidavit of his capacity to marry in lieu of the required certificate from the embassy and for solemnizing a marriage with an expired license.⁴⁶

This Court upheld the findings of the Office of the Court Administrator and noted the individual liability of the judges:

Liability of Judge Rosabella M. Tormis

Judge Tormis solemnized a total of one hundred eighty-one (181) marriages from 2003 to 2007 based on the marriage certificates actually examined. However, the monthly report of cases showed that she solemnized three hundred five (305) marriages instead for the years 2004 to 2007. The OCA report also noted that it was only in July 2007 that her court started to use a logbook to keep track of marriages.

Respondent judge solemnized thirty-seven (37) marriages with incomplete or missing documents such as the marriage license, certificate of legal capacity to marry, and the joint affidavit of cohabitation. In several instances, only affidavits were submitted by the foreign parties in lieu of the certificate of legal capacity to marry.

Judge Tormis solemnized thirteen (13) marriages despite the questionable character of the validity of the required documents particularly the marriage license. The judicial audit team found numerous erasures and superimpositions on entries with regard to the parties' place of residence. In one instance, the judge solemnized the marriage of Rex Randy E. Cujardo and Anselma B. Laranio on 28 December 2006 despite the marriage license containing a rubberstamp mark saying, "THIS LICENSE EXPIRES ON" and a handwritten note saying "12/28/06" under it.

⁴² Id.

⁴³ Id.

⁴⁴ Id.

⁴⁵ Id.

⁴⁶ Id. at 344.

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The judge solemnized a total of forty-seven (47) marriages under Article 34 of the Family Code wherein the marriage requirements' authenticity was doubtful due to the circumstances of the cohabitation of the parties and the given address of the parties. These irregularities were evident in the case of 22-year-old John Rey R. Tibalan and Ana Liza Secuya who were married on 25 May 2007. The residential address of the couple in the marriage certificate is "Sitio Bamboo, Buhisan, Cebu City." However, there was an application for marriage license attached to the marriage certificate showing that Secuya's address is "F. Lopez Comp. Morga St., Cebu City."⁴⁷

This Court ruled that:

3. **Judge Rosabella M. Tormis**, Presiding Judge, Municipal Trial Court in Cities, Branch 4, Cebu City, **GUILTY** of gross inefficiency or neglect of duty and of gross ignorance of the law and that she would have been **DISMISSED FROM THE SERVICE** with forfeiture of her retirement benefits, except leave credits, if any, and disqualified from reinstatement or appointment to any public office, including government-owned or -controlled corporation, **had she not been previously dismissed from service in A.M. No. MTJ-12-1817 (Formerly A.M. No. 09-2-30-MTCC)**;

....

The case against Judge Rosabella M. Tormis, including the sworn statements of Celerina Plaza and Crisanto dela Cerna, should be **REFERRED** to the Office of the Bar Confidant for the purpose of initiating disbarment proceedings against the judge.⁴⁸ (Emphasis in the original)

The affidavits of Celerina Plaza (Plaza) and Crisanto Dela Cerna (Dela Cerna) resulted from Marilou Cabañes' (Cabañes) and Helen Mongaya's (Mongaya) separate supplemental comments on the charges against them.⁴⁹ Cabañes, then Court Stenographer of Branch 4, named Plaza as Tormis' assistant, in charge of meeting couples at their lobby.⁵⁰ On the other hand, Mongaya, then Court Interpreter of Branch 4, attached Dela Cerna's affidavit to her comment.⁵¹

Plaza claimed to be Tormis' personal aide since 2002.⁵² She alleged that after Tormis' suspension in 2006, she was directed to find couples who

⁴⁷ Id. at 349–350.

⁴⁸ Id. at 362–364.

⁴⁹ *Rollo*, p. 126, Office of the Court Administrator's Memorandum.

⁵⁰ Id.

⁵¹ Id. at 127.

⁵² Id. at 34, Celerina Plaza's Affidavit.

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wanted to get married.⁵³ She was also told to direct the parties to Branch 4 and find Cabañes or “Meloy.”⁵⁴

In his affidavit, Dela Cerna stated that he was employed as Tormis’ personal aide.⁵⁵ He claimed that during the investigation, Tormis directed him and Tormis’ children to bring all the marriage certificates from her office to her house.⁵⁶

In view of *Judge Necessario, et al.*, the Office of the Bar Confidant recommended that the case be docketed as A.C. No. 9920 (Formerly A.M. No. MTJ-07-1691) and entitled *Office of the Court Administrator v. Former Judge Rosabella M. Tormis*.⁵⁷

On June 18, 2013, this Court approved the docketing of the case and directed respondent Former Judge Rosabella M. Tormis to comment on the disbarment charge against her.⁵⁸

Respondent filed an Urgent Motion for Clarification⁵⁹ dated August 12, 2013 asking the Office of the Court Administrator to state the particular Canons of the Code of Professional Responsibility that she had violated as basis for her disbarment.

In the Resolution⁶⁰ dated September 10, 2013, this Court noted the Urgent Motion for Clarification and directed the Office of the Bar Confidant to inform respondent of the particular Canons that she had violated.

On November 29, 2013, the Office of the Bar Confidant sent respondent a letter informing her that the charges in her administrative cases as a judge were the grounds for her disbarment.⁶¹ It cited A.M. No. 02-9-02-SC,⁶² which provides that administrative cases against judges shall also be considered as disciplinary charges against them as members of the bar.⁶³ Some administrative cases against judges stand on grounds that similarly violate the Lawyer’s Oath, the Code of Professional Responsibility, and the Canons of Professional Ethics, or on other breaches long recognized as

⁵³ Id.

⁵⁴ Id.

⁵⁵ Id. at 37.

⁵⁶ Id. at 38, Crisanto dela Cerna’s Affidavit.

⁵⁷ Id. at 41, Office of the Bar Confidant’s Memorandum.

⁵⁸ Id. at 42.

⁵⁹ Id. at 52–53.

⁶⁰ Id. at 49.

⁶¹ Id. at 57–58.

⁶² Re: Automatic Conversion of Some Administrative Cases Against Justices of the Court of Appeals and the Sandiganbayan; Judges of Regular and Special Courts; and Court Officials Who are Lawyers as Disciplinary Proceedings Against Them Both as Such Officials and as Members of the Philippine Bar (2002).

⁶³ *Rollo*, p. 57.

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grounds for discipline of lawyers. The Office of the Bar Confident reiterated that, in those cases, the respondent judge may be directed to comment on the complaint and explain why he or she should not be punished as a member of the bar.⁶⁴

The letter cited the previous administrative charges against respondent, thus:

- (a) *A.M. No. MTJ-07-1691*,⁶⁵ where respondent was dismissed from service, had she not been previously dismissed from service in A.M. No. MTJ-12-1817⁶⁶ for gross inefficiency or neglect of duty and gross ignorance of the law by turning solemnization of marriage into a business;⁶⁷
- (b) *A.M. No. MTJ-07-1692*,⁶⁸ where respondent was suspended for six (6) months without salary for gross misconduct for repeatedly disregarding the directives of this Court to furnish the complainant with her comment;⁶⁹
- (c) *A.M. No. 04-7-373-RTC*⁷⁰ and *A.M. No. 04-7-374-RTC*,⁷¹ where respondent was fined ₱5,000.00 for gross violation of Rule 114, Section 17⁷² of the Revised Rules of Criminal Procedure by inappropriately approving the bail posted by an accused in a criminal case;⁷³

⁶⁴ Id.

⁶⁵ *Office of the Court Administrator v. Judge Necessario, et al.*, 707 Phil. 328 (2013) [Per Curiam, En Banc].

⁶⁶ *Office of the Court Administrator v. Hon. Tormis, et al.*, 706 Phil. 113 (2013) [Per Curiam, En Banc].

⁶⁷ *Office of the Court Administrator v. Judge Necessario, et al.*, 707 Phil. 328, 363 (2013) [Per Curiam, En Banc].

⁶⁸ *Visbal v. Judge Tormis*, 564 Phil. 8 (2007) [Per J. Carpio Morales, Second Division].

⁶⁹ Id. at 18.

⁷⁰ *Re: Report on the Judicial Audit Conducted in the RTC, Branch 60, Barili, Cebu*, 488 Phil. 250 (2004) [Per Curiam, En Banc].

⁷¹ *Re: Violation of Judge Ildefonso Suerte, RTC, Branch 60, Barili, Cebu of Administrative Order No. 36-2004 Dated March 3, 2004*, 488 Phil. 250 (2004) [Per Curiam, En Banc].

⁷² RULES OF COURT, Rule 114, sec. 17 provides:

SEC. 17. *Bail, Where Filed.* — (a) Bail in the amount fixed may be filed with the court where the case is pending, or in the absence or unavailability of the judge thereof, with any regional trial judge, metropolitan trial judge, municipal trial judge, or municipal circuit trial judge in the province, city, or municipality. If the accused is arrested in a province, city, or municipality other than where the case is pending, bail may also be filed with any regional trial court of said place, or if no judge thereof is available, with any metropolitan trial judge, municipal trial judge, or municipal circuit trial judge therein.

(b) Where the grant of bail is a matter of discretion, or the accused seeks to be released on recognizance, the application may only be filed in the court where the case is pending, whether on preliminary investigation, trial, or appeal.

(c) Any person in custody who is not yet charged in court may apply for bail with any court in the province, city, or municipality where he is held.

⁷³ *Re: Report on the Judicial Audit Conducted in the RTC, Branch 60, Barili, Cebu*, 488 Phil. 250, 277 (2004) [Per Curiam, En Banc].

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- (d) *A.M. No. MTJ-05-1609*,⁷⁴ where respondent was severely reprimanded for her “unauthorized receipt of cash bond and keeping the same in her house”;⁷⁵
- (e) *A.M. No. MTJ-12-1817*,⁷⁶ where respondent was dismissed from service for gross inefficiency, violation of Supreme Court rules, directives and circulars, and gross ignorance of the law;⁷⁷ and
- (f) *A.M. No. MTJ-001337*,⁷⁸ where respondent was reprimanded after being found “guilty of improper conduct for trying to influence the course of litigation in Criminal Case No. 99796-12.”⁷⁹ She, together with another judge, was admonished for her “unbecoming conduct as dispensers of justice.”⁸⁰

Respondent filed her one-page Comment⁸¹ on January 10, 2014, asking this Court to grant her peace of mind.⁸² She states that she is adopting her Motion for Reconsideration⁸³ in A.M. No. MTJ-12-1817 as her Comment on the disbarment case against her.⁸⁴ In this Motion, respondent enumerates her previous administrative cases with her justifications.

For *A.M. No. MTJ-07-1692*, respondent claims that she had furnished the complainant with a copy of her comment three (3) times.⁸⁵ She avers that the complainant even acknowledged the receipt of her comment through her manifestation, as noted in this Court’s July 30, 2003 Resolution.⁸⁶ Despite this, she was still fined ₱2,000.00 for her repeated defiance to this Court’s directive to furnish the complainant with a copy of her comment.⁸⁷ She believed that the case ended upon resolution and upon this Court’s noting her payment of the fine. However, she claims that:

[The Supreme Court] made an underground evaluation of the case and made it appear that when she complied with their Resolution in 2 March 2005 to impose a fine of P2,000.00, it was already an admission that “[s]he (respondent) refused to present proof of service to complainant of

⁷⁴ *Lachica v. Tormis*, 507 Phil. 211 (2005) [Per J. Ynares-Santiago, First Division].

⁷⁵ *Rollo*, p. 470, Resolution of Supreme Court Special First Division.

⁷⁶ *Office of the Court Administrator v. Hon. Tormis, et al.*, 706 Phil. 113 (2013) [Per Curiam, En Banc].

⁷⁷ *Id.* at 137.

⁷⁸ *Judge Navarro v. Judge Tormis*, 471 Phil. 876 (2004) [Per J. Austria-Martinez, Second Division].

⁷⁹ *Id.* at 887.

⁸⁰ *Id.* at 888.

⁸¹ *Rollo*, p. 61.

⁸² *Id.*

⁸³ *Id.* at 62–80.

⁸⁴ *Id.* at 61.

⁸⁵ *Id.* at 163.

⁸⁶ *Id.*

⁸⁷ *Id.*

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her Comment or she did not furnish complainant with said document[.]”⁸⁸

For *A.M. No. 04-7-373-RTC* and *A.M. No. 04-7-374-RTC*, respondent claims that this Court “obviously ignored” her explanation.⁸⁹ She asserts that she was the only available judge at that time since she was working from Mondays through Saturdays and even Sundays due to her load of cases.⁹⁰

For *A.M. No. MTJ-05-1609*, respondent questions why this Court ruled that she deliberately made untruthful statements in her Comment with the intent to deceive this Court.⁹¹

For *A.M. No. MTJ-12-1817*, respondent claims that the audit was conducted one (1) day after she had served a prior suspension.⁹² She argues that since she was not in her court for a long time, she cannot be faulted for knowing nothing about what has been happening in her sala during her absence.⁹³ She alleges that the Clerk of Court, her co-respondent in the case, “could have manipulated it so that even if the cases had already been disposed of some years back he made it appear that this had remained unacted upon.”⁹⁴

For *A.M. No. MTJ-001337*, respondent claims that the dismissal of the judges was based on an alleged “entrapment.” She argues that it was impossible for her to act on the marriage of the undercover agents because she was in Tacloban City for her high school reunion.⁹⁵ She was merely indicted based on the statements of Plaza and Dela Cerna, who had been intimidated by Atty. Rullyn Garcia, Office of the Court Administrator judicial audit team head.⁹⁶

On March 18, 2014, this Court noted respondent’s Comment and resolved to refer the case to the Office of the Bar Confidant for investigation, report, and recommendation.⁹⁷

In its Report and Recommendation⁹⁸ dated August 24, 2015, the Office of the Bar Confidant noted that the Office of the Court Administrator, represented by Atty. Miguel Mergal, presented Plaza and Dela Cerna as their

⁸⁸ Id. at 164.

⁸⁹ Id. at 65.

⁹⁰ Id.

⁹¹ Id. at 67.

⁹² Id. at 187.

⁹³ Id.

⁹⁴ Id. at 78.

⁹⁵ Id. at 73.

⁹⁶ Id. at 73–74.

⁹⁷ Id. at 82.

⁹⁸ Id. at 618–625.

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witnesses.⁹⁹ Respondent also requested Atty. Rullyn Garcia's presence in the proceedings.¹⁰⁰

However, none of the witnesses participated in the proceedings. Hence, the parties were required to just submit their respective memoranda for evaluation.¹⁰¹

The Office of the Court Administrator filed a memorandum¹⁰² dated February 27, 2015 quoting the facts and ruling in *Judge Necessario, et al.* It avers that Plaza's and Dela Cerna's testimonies "are beside the point and these have been rendered moot because of their failure to appear at the hearings scheduled by the Office of the Bar Confidant."¹⁰³

The Office of the Court Administrator argues that respondent should be disbarred due to gross misconduct for her participation in the solemnization of marriages.¹⁰⁴ It points out that the various administrative charges against respondent "clearly shows that she does not possess high standards of competence and reliability required of a practicing lawyer."¹⁰⁵

On the other hand, respondent's memorandum¹⁰⁶ dated February 26, 2015 mainly anchored on the claim that Atty. Rullyn Garcia's report submitted was falsified.¹⁰⁷ Respondent claims that Atty. Rullyn Garcia intimidated the court employees and caused them to "admit whatever allegations he brought up during the investigation."¹⁰⁸ She prays that the case be dismissed for lack of substantial evidence since Plaza's and Dela Cerna's affidavits were not personally attested to by the affiants.¹⁰⁹

The Office of the Bar Confidant, after conducting the proceedings and considering the memoranda of the parties, recommended that the disbarment case against respondent be dismissed for insufficiency of evidence.¹¹⁰ It emphasized that formal investigation is indispensable in disbarment proceedings:

For the charge of gross misconduct for the irregularities in the solemnization of marriages as the basis for this disbarment proceedings.

⁹⁹ Id. at 618.

¹⁰⁰ Id.

¹⁰¹ Id.

¹⁰² Id. at 111-129.

¹⁰³ Id. at 127.

¹⁰⁴ Id.

¹⁰⁵ Id. at 128.

¹⁰⁶ Id. at 130-137.

¹⁰⁷ Id. at 136.

¹⁰⁸ Id. at 135.

¹⁰⁹ Id. at 136.

¹¹⁰ Id. at 625.

Atty. Rullyn Garcia

This case was set for hearing. During the scheduled hearing, the representative from OCA manifested that they are presenting two (2) witnesses in the persons of Celerina Plaza and Crisanto Dela Cerna. The purposes of their testimonies are for them to substantiate the allegations against former Judge Tormis, identify and authenticate the existence and veracity of their respective affidavits submitted to the Court. However, the two witnesses failed to appear during the proceedings of this case. Thus, their affidavits are considered hearsay and inadmissible in evidence . . . in this proceeding. The affidavits are [sic] not entirely reliable evidence in court due to their incompleteness and inaccuracies that may have attended in their formulation. The affidavit does not purport to contain a complete narration of facts and that court testimonies are generally viewed as more reliable as they are subjected to cross examination from the opposing party. . . . Likewise, Atty. Rullyn Garcia, the OCA audit team head, failed to appear. The purpose of his testimony would be to shed light more on whether the alleged affidavits executed by Celerina Plaza and Crisanto Dela Cerna were actually and voluntarily submitted to the Court and, if so, who required them to execute and submit the same to the Court.

....

The determination of the merit of th[ese] disbarment proceedings may not be relied upon solely on the premise of the dismissal from the service of former Judge Tormis. As earlier discussed, the grounds for dismissal from the service of former Judge Tormis, in her capacity as presiding judge, in administrative matter is different from this disbarment proceedings against her. Otherwise, the Court would have ruled on the disbarment aspect, which shall be incorporated in the decision of dismissal from the service of former Judge Tormis in one decision only. As provided for under the constitutional right to due process, former Judge Tormis should be given full opportunity to be heard and confront witnesses against her in th[ese] disbarment proceedings. This constitutional right should not be denied to former Judge Tormis, who cried for due process since her dismissal from the service.

....

For the dismissal from the service, in her capacity as judge, for gross inefficiency or neglect of duty and of gross ignorance of the law in performance of her duties as presiding judge.

Former Judge Tormis cried for justice in dismissing her from service, as presiding judge, without according her due process. She was not given the opportunity to be heard but the only basis of her dismissal from the service was the testimonies/allegations against her of some courts [sic] personnel, who were allegedly intimidated by the judicial audit team, during the judicial audit. She was not given the chance to confront nor furnished copies of the said court personnel's testimonies. She was denied her constitutional right against searches and seizures of documents from her sala when the audit team obtained documents and records, as evidence against her, when they conducted the investigation in her sala, since she was not informed of the said audit.

In A.M. No P-08-2519 and A.M. No. P-08-2520, the Court held that the rights against unreasonable searches and seizures as provided

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under Section 2, Article III in the Constitution may be invoked even in administrative proceedings. The exclusionary rule under Section 3 (2), Art. III of the Constitution also bars the admission of evidence obtained in violation of such right. The fact that the present case is administrative in nature, does not render the above principle inoperative. As expounded in *Zulueta vs C.A.*, any violation of the aforestated constitutional right renders the evidence inadmissible for any purpose in any proceedings.

....

Records show that all the administrative sanctions against former Judge Tormis were all for simple gross inefficiency or neglect of duties and gross ignorance of the law in the discharge of her duties and responsibilities as the presiding judge of the MTCC, Br. 4, Cebu City. Neither of these findings held her for gross misconduct, which constitute immoral conduct, that would tend to affect her standing and moral character as an officer of the court and as a member of the Bar. Further, she has never been found guilty for graft and corruption during her entire service in the judiciary as a member of the bench in the lower court that would cause her automatically disbarred from the practice of law.

Finally, the counter-charges of former Judge Tormis against Atty. Rullyn Garcia may not be given due course in th[ese] proceedings for lack of jurisdiction.

WHEREFORE, in the light of the foregoing premises, it is respectfully recommended that the disbarment case against former **JUDGE ROSABELLA M. TORMIS** be **DISMISSED** for insufficiency of evidence.¹¹¹ (Emphasis in the original, citations omitted)

The issues for resolution are as follows:

First, whether the alleged irregularities committed by respondent in the solemnization of marriages, where she was found guilty of gross inefficiency or neglect of duty and of gross ignorance of the law, constitute gross misconduct warranting her disbarment;

Second, whether Plaza's and Dela Cerna's affidavits are indispensable in finding that respondent's acts constitute gross misconduct and merit the penalty of disbarment; and

Lastly, whether respondent's long line of administrative sanctions should affect her standing as a member of the bar.

Although this Court recognizes the indispensability of the appearance of Plaza and Dela Cerna in the proceedings before the Office of the Bar Confidant, the disbarment case cannot be dismissed solely based on this.

¹¹¹ Id. at 624-625.

7/2/10
Plaza - Dela Cerna

An affidavit is commonly recognized as hearsay evidence.¹¹² Since it is often prepared not by the affiant but by another person who makes use of his or her own language in writing the statements, it is generally rejected unless the affiant is placed on the witness stand to testify.¹¹³ “Courts take judicial notice of the fact that an affidavit does not purport to contain a complete narration of facts.”¹¹⁴ Court testimonies, therefore, are favored because these can be subjected to cross examination.¹¹⁵

Plaza and Dela Cerna failed to appear in the proceedings before the Office of the Bar Confidant. The Office of the Bar Confidant noted that their testimonies would have supposedly confirmed the charge against respondent regarding the alleged irregularities in the solemnization of marriages.¹¹⁶ Plaza’s and Dela Cerna’s testimonies would have likewise verified the existence and veracity of their affidavits.¹¹⁷

Similarly, Atty. Rullyn Garcia failed to appear in the proceedings. His purported testimony would have disproved the accusation that Plaza’s and Dela Cerna’s testimonies were executed with his intimidation.¹¹⁸ Due to their absence, Plaza’s and Dela Cerna’s allegations in their affidavits were rendered inadmissible.¹¹⁹

Nevertheless, despite the inadmissibility of the affidavits, this Court in *Judge Necessario, et al.* upheld the finding of the judicial audit team that respondent committed irregularities in the solemnization of marriages. This Court ruled that these findings had sufficient basis and were supported by evidence, pertinent laws, and jurisprudence.¹²⁰ Respondent was held guilty of gross inefficiency or neglect of duty and gross ignorance of the law warranting her dismissal, had she not been previously dismissed from service in another case.¹²¹

The administrative case against respondent in *Judge Necessario, et al.* should likewise be considered as a disciplinary proceeding against her under A.M. No. 02-9-02-SC, which provides:

Some administrative cases against Justices of the Court of Appeals

¹¹² *Flores, et al. v. Lofranco*, 576 Phil. 25, 31 (2008) [Per J. Carpio Morales, Second Division], citing *People’s Bank and Trust Co. v. Judge Leonidas*, 283 Phil. 991, 994 (1992) [Per J. Nocon, Second Division].

¹¹³ *Id.*

¹¹⁴ *People v. Villena*, 439 Phil. 509, 526 (2002) [Per Curiam, En Banc].

¹¹⁵ *Id.*

¹¹⁶ *Rollo*, p. 624.

¹¹⁷ *Id.*

¹¹⁸ *Id.*

¹¹⁹ *Id.*

¹²⁰ *Office of the Court Administrator v. Judge Necessario, et al.*, 707 Phil. 328, 357 (2013) [Per Curiam, En Banc].

¹²¹ *Id.*

J. Nocon

and the Sandiganbayan; judges of regular and special courts; and court officials who are *lawyers are based on grounds which are likewise grounds for the disciplinary action of members of the Bar for violation of the Lawyer's Oath, the Code of Professional Responsibility, and the Canons of Professional Ethics, or for such other forms of breaches of conduct that have been traditionally recognized as grounds for the discipline of lawyers.*

In any of the foregoing instances, the administrative case shall *also be considered a disciplinary action against the respondent Justice, judge or court official concerned as a member of the Bar.* The respondent may forthwith be required to comment on the complaint and show cause why he should not also be suspended, disbarred or otherwise disciplinary sanctioned as a member of the Bar. Judgment in both respects may be incorporated in one decision or resolution. (Emphasis supplied)

While respondent blatantly violated particular Canons of Judicial Ethics with her participation in the alleged marriage scam, she similarly breached the following Canons on the Code of Professional Responsibility:

CANON 1 – A lawyer shall uphold the constitution, obey the laws of the land and promote respect for law and for legal processes.

Rule 1.01. - A lawyer shall not engage in unlawful, dishonest, immoral or deceitful conduct.

....

CANON 7 – A lawyer shall at all times uphold the integrity and dignity of the legal profession. . . .

....

Rule 7.03. - A lawyer shall not engage in conduct that adversely reflects on his fitness to practice law[.]

Membership in the bar is an essential requirement for membership in the bench.¹²² “[T]he moral fitness of a judge also reflects his [or her] moral fitness as a lawyer.”¹²³ Consequently, a judge who violates the code of judicial conduct similarly violates his or her lawyer’s oath.¹²⁴

Respondent’s act of heedlessly solemnizing marriages in utter disregard of the law and jurisprudence clearly constitutes gross misconduct. The repetitiveness of her act shows her clear intent to violate the law. She disregarded the lawyer’s oath, which mandates lawyers to support the Constitution and obey the laws. In view of this, either the penalty of suspension or disbarment is warranted. Rule 138, Section 27 provides:

¹²² *Samson v. Caballero*, 612 Phil. 737, 748 (2009) [Per Curiam, En Banc].

¹²³ Id.

¹²⁴ Id.

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Section 27. *Disbarment or suspension of attorneys by Supreme Court; grounds therefor.* — A member of the bar may be disbarred or suspended from his office as attorney by the Supreme Court for any deceit, malpractice, or other *gross misconduct in such office*, grossly immoral conduct, or by reason of his conviction of a crime involving moral turpitude, or for any *violation of the oath which he is required to take before admission to practice*, or for a wilful disobedience of any lawful order of a superior court, or for corruptly or wilfully appearing as an attorney for a party to a case without authority so to do. The practice of soliciting cases at law for the purpose of gain, either personally or through paid agents or brokers, constitutes malpractice. (Emphasis supplied)

Gross misconduct is an “improper or wrong conduct, the transgression of some established and definite rule of action, a forbidden act, a dereliction of duty, willful in character, and implies a wrongful intent and not mere error in judgment.”¹²⁵ To consider gross misconduct “the elements of corruption, *clear intent to violate the law*, or flagrant disregard of established rule must be manifest[.]”¹²⁶

The Supplemental Report of the Office of the Court Administrator made the following findings:

III. On Judge Rosabella M. Tormis

1. Based on the documents, i.e., marriage certificates and other supporting documents, actually examined, she solemnized a total of one hundred eighty-one (181) marriages from 2003 to 2007, while the monthly reports of cases reflected a total of three hundred and five (305) marriages she solemnized from 2004 to 2007.

2. It was only last July that her court started using a logbook to record the marriages she solemnized, which, as of the date of the judicial audit and investigation, reflected a total of sixty-three (63) marriages for that month.

3. Of the 181 marriages she solemnized, one hundred thirty-one (131), or 72.38% were solemnized under Article 34 of the Family Code, while fifty (50), or 27.62% were with marriage licenses.

4. Of the 50 marriages with marriage license, forty (40), or 80% marriage licenses were obtained from the local civil registrar of Barili, Cebu, while the remaining ten (10), or 20%, were obtained from other local civil registrars.

5. The following marriages were solemnized by her with no or incomplete supporting documents:

¹²⁵ *Spouses Whitson v. Atienza*, 457 Phil. 11, 18 (2003) [Per J. Puno, Third Division], *citing Osop v. Fontanilla*, A.C. No. 5043, September 19, 2001, 365 SCRA 398 (2001) [Per J. Buena, Second Division].

¹²⁶ *Lagado v. Leonido*, A.M. No. P-14-3222, August 12, 2014, 732 SCRA 579, 584 [Per J. Perlas-Bernabe, En Banc].

J. Perlas-Bernabe

.....

6. The following marriages were solemnized by her even if the validity of the supporting documents, especially the marriage licenses presented, appear to be questionable[.]

.....

7. The authenticity of the requirements for the following marriages under Article 34 of the Family Code, by reason of the (a) circumstances of the cohabitation, (b) minority during the period of cohabitation, and (c) given address of the contracting parties, appears to be questionable:

.....

8. In almost all of the marriages solemnized by her, there was no proof that the solemnization fee of P300,000, as required under Rule 141 of the Rules of Court, was paid by the contacting parties.¹²⁷

The act of solemnizing marriages without the required marriage license constitutes misconduct.¹²⁸ The positive testimonies substantiate that respondent solemnized marriages without previously issued licenses; hence, respondent's act deviates from the established rule.¹²⁹ In *Arañes v. Occiano*:¹³⁰

[A] marriage which preceded the issuance of the marriage license is void, and that the subsequent issuance of such license cannot render valid or even add an iota of validity to the marriage. Except in cases provided by law, it is the marriage license that gives the solemnizing officer the authority to solemnize a marriage.¹³¹

*Tupal v. Rojo*¹³² explained the role of a judge as a solemnizing officer:

Before performing the marriage ceremony, the judge must *personally interview the contracting parties and examine the requirements they submitted. The parties must have complied with all the essential and formal requisites of marriage. Among these formal requisites is a marriage license.*

A marriage license is issued by the local civil registrar to parties who have all the qualifications and none of the legal disqualifications to contract marriage. *Before performing the marriage ceremony, the judge must personally examine the marriage license presented.*

¹²⁷ *Rollo*, pp. 518–544.

¹²⁸ *Moreno v. Bernabe*, 316 Phil. 161, 166–167 (1995) [Per J. Kapunan, First Division].

¹²⁹ *Office of the Court Administrator v. Judge Necessario, et al.*, 707 Phil. 328, 352–353 (2013) [Per Curiam, En Banc].

¹³⁰ 430 Phil. 197 (2002) [Per J. Puno, First Division].

¹³¹ *Id.* at 203, citing *People v. Lara*, C.A. O.G. 4079.

¹³² A.M. No. MTJ-14-1842, February 24, 2014, 717 SCRA 236 [Per J. Leonen, Third Division].

pp. 518-544

If the contracting parties have *cohabited as husband and wife for at least five years and have no legal impediment to marry, they are exempt from the marriage license requirement.* Instead, the parties must present an *affidavit of cohabitation sworn to before any person authorized by law to administer oaths. The judge, as solemnizing officer, must personally examine the affidavit of cohabitation as to the parties having lived together as husband and wife for at least five years and the absence of any legal impediment to marry each other. The judge must also execute a sworn statement that he personally ascertained the parties' qualifications to marry and found no legal impediment to the marriage.* Article 34 of the Family Code of the Philippines provides:

Art. 34. No license shall be necessary for the marriage of a man and a woman who have lived together as husband and wife for at least five years and without any legal impediment to marry each other. The contracting parties shall state the foregoing facts in an affidavit before any person authorized by law to administer oaths. The solemnizing officer shall also state under oath that he ascertained the qualifications of the contracting parties and found no legal impediment to the marriage.¹³³ (Emphasis supplied, citations omitted)

Although it is true that marriages under Article 34 of the Family Code merit exemption from a marriage license, respondent should have complied with the mandate of personally ascertaining the circumstances of cohabitation of the parties. Records reveal that the declarations embodied in the required joint affidavit of cohabitation of the parties do not actually represent the accurate circumstances of their alleged cohabitation.¹³⁴

In addition, there were marriages solemnized by respondent involving foreigners who only submitted affidavits in lieu of a certificate of legal capacity to marry.¹³⁵ In cases where one or both of the contracting parties are foreigners, Article 21¹³⁶ of the Family Code provides that a certificate of legal capacity to marry is necessary before the acquisition of a marriage license. As the solemnizing officer, respondent should have ensured that pertinent requirements were secured before the issuance of the marriage license. Thus, the absence of a certificate of legal capacity to marry should have prompted her to question the propriety of the issuance.

¹³³ Id. at 245–246.

¹³⁴ *Rollo*, p. 614.

¹³⁵ 707 Phil. 328, 352 (2013) [Per Curiam, En Banc].

¹³⁶ FAMILY CODE, art. 21 provides:

Art. 21. When either or both of the contracting parties are citizens of a foreign country, it shall be necessary for them before a marriage license can be obtained, to submit a certificate of legal capacity to contract marriage, issued by their respective diplomatic or consular officials.

Stateless persons or refugees from other countries shall, in lieu of the certificate of legal capacity herein required, submit an affidavit stating the circumstances showing such capacity to contract marriage. (Emphasis supplied)

J. B. Reyes

The connivance between respondent and the court employees is settled. The court employees acted as “fixers’ and ‘facilitators’”¹³⁷ that mediated between the judges and the contacting parties. Apparent are the superimpositions and erasures in the addresses of the contracting parties so they would appear to be residents of either Barili or Liloan, Cebu.¹³⁸ For the contracting parties to easily obtain their marriage license, discrepancies between their true addresses as declared in their marriage certificates and their addresses in their marriage licenses were made. The contracting parties were able to get married despite incomplete requirements. Thus, the handwritten marginal notes of monetary figures attached to the marriage certificates show the presence of consideration.¹³⁹

Marriage is recognized under the law as an inviolable social institution, which is the foundation of the family.¹⁴⁰ In *Beso v. Daguman*.¹⁴¹

[M]arriage in this country is an institution in which the community is deeply interested. The state has surrounded it with safeguards to maintain its purity, continuity and permanence. The security and stability of the state are largely dependent upon it. It is the interest and duty of each and every member of the community to prevent the bringing about of a condition that would shake its foundation and ultimately lead to its destruction.¹⁴²

Respondent used her authority as a judge to make a mockery of marriage. As a judicial officer, she is expected to know the law on solemnization of marriages.¹⁴³ “A judge is not only bound by oath to apply the law; he [or she] must also be conscientious and thorough in doing so. Certainly, judges, by the very delicate nature of their office[,] should be more circumspect in the performance of their duties.”¹⁴⁴

Similarly, as a lawyer who is an officer of the court, respondent should have not permitted herself to be an instrument of any violation of law. Her careless attention in dispensing with the necessary requirements of marriage and in conniving with court employees to further monetary interests underscores her utter disregard of the sanctity of marriage.

¹³⁷ *Rollo*, p. 493.

¹³⁸ *Id.*

¹³⁹ *Id.* at 496.

¹⁴⁰ FAMILY CODE, art. 1 provides:

Art. 1. Marriage is a special contract of permanent union between a man and a woman entered into in accordance with law for the establishment of conjugal and family life. It is the foundation of the family and an inviolable social institution whose nature, consequences, and incidents are governed by law and not subject to stipulation, except that marriage settlements may fix the property relations during the marriage within the limits provided by this Code.

¹⁴¹ 380 Phil. 544 (2000) [Per J. Ynares-Santiago, First Division].

¹⁴² *Id.* at 551.

¹⁴³ *Seguisabal v. Cabrera*, 193 Phil. 809, 813 (1981) [Per J. Melencio-Herrera, First Division].

¹⁴⁴ *Beso v. Daguman*, 380 Phil. 544, 552 (2000) [Per J. Ynares-Santiago, First Division].

J. Ynares-Santiago

Any gross misconduct of a lawyer, whether in his or her professional dealings or in a private capacity, is basis for suspension or disbarment.¹⁴⁵ Possession of good character is a fundamental requirement not only for admission to the bar but also for the continuance of exercising the privilege to practice law.¹⁴⁶ However, as a rule, disbarment is only warranted in cases of misconduct that “seriously affect the standing and character of the lawyer as an officer of the court.”¹⁴⁷

Respondent’s undue haste in repeatedly solemnizing marriages despite incomplete and irregular requirements shows indifference to her role as an officer of the court. The repetitiveness of her acts shows her proclivity in transgressing the law and protecting these violations with her authority. A lawyer, as an officer and an essential partner of the court in the solemn task of giving justice, is given the grave obligation of maintaining the integrity of the courts.¹⁴⁸ This is especially so with judges. A judge is “the visible representation of law and justice from whom the people draw their will and awareness to obey the law. For the judge to return that regard, the latter must be the first to abide by the law and weave an example for the others to follow.”¹⁴⁹ In *Samson v. Caballero*:¹⁵⁰

The first step towards the successful implementation of the Court’s relentless drive to purge the judiciary of morally unfit members, officials and personnel necessitates the imposition of a rigid set of rules of conduct on judges. The Court is extraordinarily strict with judges because, being the visible representation of the law, they should set a good example to the bench, bar and students of the law. The standard of integrity imposed on them is — and should be — higher than that of the average person for it is their integrity that gives them the right to judge.¹⁵¹

Respondent was involved in infractions that warranted her prior administrative sanctions. Her long line of cases shows her depravity of character, in that she remained undeterred by the past penalties she had incurred. Considering that she was repeatedly involved in administrative charges, the severe penalty of disbarment should be meted against her.

Disbarment does not equate to a sanction stripping a lawyer of his or her source of living.¹⁵² It is intended to “protect the administration of justice that those who exercise this function should be competent, honorable

¹⁴⁵ *Spouses Donato v. Asuncion, Sr.*, 468 Phil. 329, 337 (2004) [Per J. Sandoval-Gutierrez, Third Division].

¹⁴⁶ *Id.*

¹⁴⁷ *Spouses Saburnido v. Madroño*, 418 Phil. 241, 247–248 (2001) [Per J. Quisumbing, Second Division].

¹⁴⁸ *Bantolo v. Castillon Jr.*, 514 Phil. 628, 633 (2005) [Per J. Tinga, Second Division].

¹⁴⁹ *Moreno v. Bernabe*, 316 Phil. 161, 166 (1995) [Per J. Kapunan, First Division].

¹⁵⁰ 612 Phil. 737 (2009) [Per Curiam, En Banc].

¹⁵¹ *Id.* at 752.

¹⁵² *Avancena v. Liwanag*, 454 Phil. 20, 27 (2003) [Per Curiam, En Banc], citing *Noriega v. Sison*, 210 Phil. 236, 240 (1983) [Per J. Guerrero, Second Division].

Spouses Liwanag-Arana

and reliable in order that the courts and clients may rightly repose confidence in them.”¹⁵³ As held in *Foronda v. Guerrero*:¹⁵⁴

[T]he practice of law is a privilege burdened with conditions. Adherence to the rigid standards of mental fitness, maintenance of the highest degree of morality and faithful compliance with the rules of legal profession are the conditions required for remaining a member of good standing of the bar and for enjoying the privilege to practice law.¹⁵⁵

Respondent’s conduct has fallen short of the strict standards required by the legal profession. Hence, her repeated failure to live up to the values expected of her as an officer of the court renders her unfit to be a member of the bar.

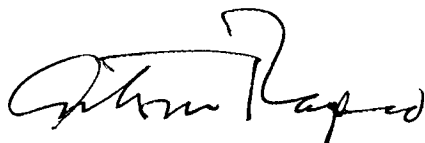
WHEREFORE, respondent former Judge Rosabella M. Tormis is **DISBARRED** from the practice of law and her name stricken from the Roll of Attorneys.

Let copies of this Resolution be furnished to the Office of the Bar Confidant to be attached to respondent’s personal records, to the Integrated Bar of the Philippines for dissemination to its chapters and members and all administrative and quasi-judicial agencies, and to the Office of the Court Administrator for circulation to all courts in the Philippines.

SO ORDERED.



MARIA LOURDES P. A. SERENO
Chief Justice



ANTONIO T. CARPIO
Associate Justice



PRESBITERO J. VELASCO, JR.
Associate Justice



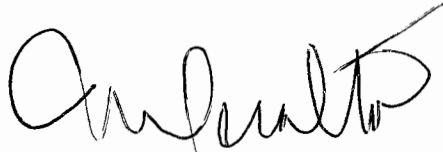
TERESITA J. LEONARDO-DE CASTRO
Associate Justice

On leave
ARTURO D. BRION
Associate Justice

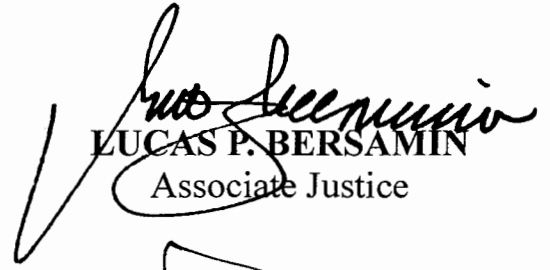
¹⁵³ Id.

¹⁵⁴ 516 Phil. 1 (2006) [Per J. Callejo, Sr., En Banc].

¹⁵⁵ Id. at 3.



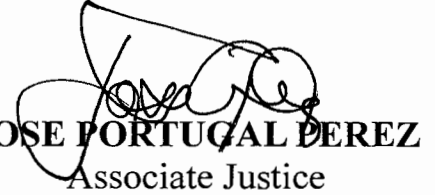
DIOSDADO M. PERALTA
Associate Justice



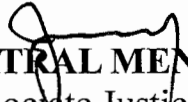
LUCAS P. BERSAMIN
Associate Justice



MARIANO C. DEL CASTILLO
Associate Justice



JOSE PORTUGAL PEREZ
Associate Justice



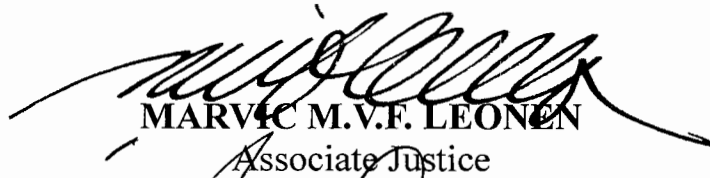
JOSE CATRAL MENDOZA
Associate Justice



BIENVENIDO L. REYES
Associate Justice



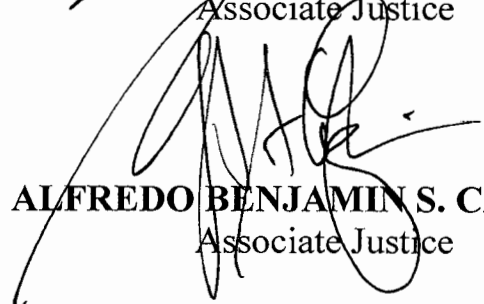
ESTELA M. BERLAS-BERNABE
Associate Justice



MARVIC M.V.F. LEONEN
Associate Justice

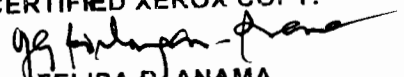


FRANCIS H. JARDELEZA
Associate Justice



ALFREDO BENJAMIN S. CAGUIOA
Associate Justice

CERTIFIED XEROX COPY:



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