EN BANC

A.M. No. RTJ-15-2438 [Formerly OCA I.P.I. No. 11-3681-RTJ] SHARON FLORES-CONCEPCION, *Complainant* v. **JUDGE LIBERTY O. CASTAÑEDA, Regional Trial Court, Branch 67, Paniqui, Tarlac,** *Respondent.*

Promulgated:

September 15, 2020

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DISSENTING OPINION

REYES, J. JR. *J.*:

I dissent.

"Never is the truism that a public office is a public trust of more relevance than in the case of judges."[1]

An allegation of "annulment-fixing" was imputed against Judge Liberty O. Castañeda (respondent) by Sharon Flores-Concepcion (complainant), who was surprised to discover, without due notice of any proceeding relative thereto, that her marriage with her husband was declared null in Civil Case No. 450-09, entitled "*Vergel Castillo Concepcion v. Sharon Flores Concepcion.*"

In her Complaint-Affidavit,[2] complainant alleged that in November 2010, she was confounded upon learning that her marriage with her husband, Vergel Castillo Concepcion (Vergel), was declared null and void following a proceeding for declaration of nullity of marriage between them before the Regional Trial Court of Paniqui, Tarlac, Branch 67 (RTC), presided by

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1 *Macabasa v. Banaag,* 156 Phil. 474-478 (1974).
2 *Rollo,* pp. 2-16.

herein respondent. Complainant insisted that she had no knowledge of such proceeding nor the filing of said action in any court.[3] Said decision attained finality as evidenced by a Certification[4] dated September 30, 2010.

In delving into the incidents which led to the nullification of her marriage with her husband, complainant highlighted the following irregularities:

(a) The petition was filed in Paniqui, Tarlac, but neither she nor her husband resides therein;

(b) The complainant was neither furnished a copy of the petition for declaration of nullity of marriage nor notified of the proceedings relating to said petition;

(c) Summons was served upon the complainant by publication despite failure to show that attempts were made to serve the same by personal or substituted service;

(d) The Office of the Solicitor General (OSG) was likewise neither furnished a copy of the petition nor notified of the proceedings. There was likewise no proof that the provincial prosecutor was deputized to represent the State in the annulment proceeding;

(e) No report submitted as to the non-existence of collusion between the parties;

(f) There was no proof that hearings were indeed conducted as the only proof available to the court is the entry of appearances of Vergel's counsel every hearing date;

(g) The short amount of time that the case was decided upon; and

(h) As shown by the records of the case, the markings done during the pre-trial and offered by the counsel for plaintiff is different from what were actually marked in the records.[5]

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3 Id. at 3.
4 Id. at 121.
5 Id. at 3-14.

Respondent was required by the Office of the Court Administrator (OCA) to file her comment in the 1st Indorsement[6] dated June 29, 2011. However, respondent failed to comply with said directive. Thus, a 1st Tracer,[7] reiterating its earlier directive, was sent by the OCA to respondent. Still, respondent ignored the order.

Meanwhile, in 2012, respondent was dismissed from service with forfeiture of her retirement benefits except accrued leave benefits and disqualified from holding any public office after she was found guilty of dishonesty, gross ignorance of the law and procedure, gross misconduct, and incompetency in *Office of the Court Administrator v. Judge Liberty O. Castañeda.*[8] Thus, in a Report[9] dated February 20, 2014, the OCA dismissed the instant complaint for having been rendered moot and academic.

However, this Court, in a Resolution[10] dated June 25, 2014, resolved to return the administrative matter to the OCA for re-evaluation of the case on the merits.

Following said order of this Court, the OCA issued its Memorandum[11] dated July 7, 2015, which found that respondent, as a member of the bench, willfully disregarded the laws intended to preserve marriage as an inviolable social institution as it was clear from the records that: (a) complainant and the OSG were not furnished copies of the petition; (b) only the psychologist's report was presented but the psychologist who prepared the same did not testify before the court; and (c) the case was decided with undue haste. Also, the OCA noted respondent's indifference when she was required to comment on the complaint but failed to do so. With this, the OCA recommended respondent's dismissal from service. Noting the previous ruling of this Court in the 2012 *Judge Castañeda* case, the OCA nonetheless recommended said penalty as the complaint was filed long before the rendition of said decision.

Furthermore, the OCA observed that the infractions committed by respondent constitute violations of the provisions of the Code of Professional Responsibility (CPR). Thus, the imposition of the penalty of disbarment was deemed proper.

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6 Id. at 151.
7 Id. at 152.
8 696 Phil. 202, 229 (2012).
9 Id. at 153-155.
10 Id. at 156.
11 Id. at 158-166.

The OCA recommended the following:

> RECOMMENDATION: It is respectfully recommended for the consideration of the Honorable Court that:
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> 1. the instant administrative complaint be **RE-DOCKETED** as a regular administrative matter against Judge Liberty O. Castañeda, former Presiding Judge, Branch 67, RTC, Paniqui, Tarlac;
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> 2. respondent Judge Castañeda be found **GUILTY** of gross ignorance of the law for which 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, branch or instrumentality of the government, including government-owned or controlled corporations had she not been previously dismissed from the service in a Decision dated 9 October 2012 in A.M. No. RTJ-12-2316; and
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> 3. respondent Judge Castañeda be likewise **DISBARRED** for violations of Canons 1 and 11 and Rules 1.01 and 10.01 of the Code of Professional Responsibility and her name be **ORDERED STRICKEN** from the Roll of Attorneys.

During the pendency of the case, the demise of respondent was reported to the Court. Thus, in a Resolution dated September 24, 2019, the Court directed the OCA to verify such fact. In compliance thereto, the OCA submitted respondent's Certificate of Death, stating that respondent expired on April 10, 2018 by reason of acute respiratory failure.

In the main, the issue is whether or not respondent should be held administratively liable for gross ignorance of the law for rendering a fraudulent decision in Civil Case No. 450-09, entitled "*Vergel Castillo Concepcion v. Sharon Flores Concepcion.*"

Well settled is the rule that jurisdiction over the subject matter of the case is not lost by mere fact that the respondent public official ceases to hold office during the pendency of the case. In other words, jurisdiction, once acquired, continues to exist until final resolution of the case.[12] However, this rule is not iron-clad as certain exceptions are recognized by the Court in *Gonzales*:

> The above rule is not without exceptions, as we explained in the case of *Limliman v. Judge Ulat-Marrero,* where we said that death of the respondent necessitates the dismissal of the administrative case upon a consideration of any of the following factors: *first*, the observance of respondent's right to due process; *second*, the presence of exceptional

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[12] *Report on the Financial Audit Conducted in the Municipal Trial Court in Cities, Tagum City, Davao del Norte,* 720 Phil. 23 (2013), citing *Gonzales v. Escalona*, A.M. No. P-03-1715, September 19, 2008, 566 SCRA 1.

> circumstances in the case on the grounds of equitable and humanitarian reasons; and *third*, it may also depend on the kind of penalty imposed.[13]

As none of the exceptions finds application in this case, the general rule applies.

It is clear from the records that respondent was afforded every opportunity to refute the allegations against her. To recall, the administrative complaint was filed in 2010 and respondent was asked to file a comment *twice* in 2011. Ignoring the directives of the Court, respondent did not file any comment. In 2014, the OCA concluded its investigation and submitted its recommendation. From 2010 until 2014, respondent still failed to respond. Indeed, respondent was aware of the conduct of proceedings against her but she remained silent. Then on April 10, 2018, four years after the OCA concluded its investigation, respondent passed away.

In administrative proceedings, the essence of due process is simply the opportunity to explain one's side or to be heard, either through oral arguments or pleadings.[14] Thus, the filing of charges and giving reasonable opportunity for the person so charged to answer the accusations against him or her constitute the ***minimum requirements*** of due process.[15]

In *Limliman v. Judge Ulat-Marrero*,[16] the Court recognized that the death of the respondent during the pendency of the administrative case warrants the dismissal of the case on the ground of violation of due process only if the respondent died while the investigation was not yet completed:

> Concluding, the Court dismissed the complaint against Judge Rendon, holding that to "allow the investigation to proceed against [the judge] who could no longer be in any position to defend himself would be a denial of his right to be heard, our most basic understanding of due process." The outcome in *Rendon* might have, of course, been different had the investigation therein been completed prior to the demise of the respondent.

Notably, the Court cited *Baikong Akang Camsa v. Judge Rendon*[19] to support its disposition that death of the respondent *before* the completion of any investigation merits the dismissal of the case. To support its declaration, the Court cited *Hermosa v. Paraiso*[20] and *Apiag v. Judge Cantero,*[21] wherein the Court deemed it proper to resolve the administrative case against the respondents notwithstanding their death as the respective investigation

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13 Id.
14 *See Lumiqued v. Exevea,* 346 Phil. 807-830 (1997).
15 *Vivo v. Philippine Amusement and Gaming Corp.,* 721 Phil. 34-44 (2013), citing *Ledesma v. Court of Appeals,* G.R. No. 166780, December 27, 2007.
16 443 Phil. 732 (2003).
17 Id. at 736.
18 Id.
19 A.M. No. MTJ-02-1395, February 19, 2002; id. at 734.
20 159 Phil. 417 (1975); id. at 734.
21 335 Phil. 511 (1997); id.

against them were concluded before their demise. Likewise, the Court cited *Mañozca v. Judge Domagas,*[22] which ruled on the administrative liability of the respondent as he was given the opportunity to rebut the claims against him.

Based on the facts of this case, respondent was afforded due process. It was because of her own volition that the Court received no comment on the complaint against her. From the time of the filing of the complaint until the conclusion of the investigation conducted by the OCA, respondent was in the position to defend herself and refute the charge against her, but remained silent. Despite the window of opportunities, respondent obviously opted to evade the case against her. Emphatically, the constitutional requirement of due process in administrative cases is thus satisfied.

Moreover, there was likewise no manifestation whatsoever that respondent was in poor health or under difficult circumstances, necessitating the operation of the second factor, that is, humanitarian and equitable consideration. Lastly, if the imposable penalty is to be considered to determine if the instant cases against her should still continue, a fine may still be imposed or even a forfeiture of their retirement benefits if deemed proper.[23]

At this juncture, **I respectfully submit that the doctrine enunciated in *Gonzales v. Escalona*, *i.e.*, death of respondent does not automatically preclude a finding of administrative liability save for certain exceptions, is more in line with our laws and our Constitution.**

In *Gonzales,* the Court was undeterred in imposing administrative liability despite death of the respondent by reason of law and public interest. In ruling so, the Court made a delineation between **criminal cases and administrative cases**. That while the death of the accused in a criminal case extinguishes criminal liability, the same is not so in administrative cases. To echo the Court's rationale:

> [A] public office is a public trust that needs to be protected and safeguarded at all cost and even beyond the death of the public officer who has tarnished its integrity. Accordingly, we rule that the administrative proceedings is, by its very nature, not strictly personal so that the proceedings can proceed beyond the employee's death.[24]

On this note, the Court acknowledged that administrative cases are imbued with public interest.[25]

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22 318 Phil. 744 (1995); id.

23 *See Re: Report on the Judicial Audit in RTC-Branch 15, Ozamiz City (Judge Pedro L. Suan; Judge Resurrection T. Inting of Branch 16, Tangub City),* 481 Phil. 710, (2004).

24 *Gonzales v. Escalona,* 587 Phil. 448, 465 (2008).

25 Id.

In fact, the Court was emphatic in *In re: Rogelio M. Salazar, Jr.*[26] when we elucidated that "[t]he paramount interest sought to be protected in an administrative case is the preservation of the Constitutional mandate that a public office is a public trust."

Being recipients of this trust, public officers must at all times be accountable to the people. This is rightfully so because the people, as true holders of sovereignty, merely delegated the same to the government. Ultimately, sovereignty lies with the people: "[s]overeignty itself remains with the people, by whom and for whom all government exists and acts." **Thus, in surrendering their sovereign powers to the government for the promotion of the common good, the members of the body politic strongly expect the government to perform its duty to protect them, promote their welfare and advance national interest.**[27] In the US case of *Yick Wo v. Hopkins*,[28] the United States Supreme Court explained:

> Sovereignty itself is, of course, not subject to law, for it is the author and source of law; but in our system, while sovereign powers are delegated to the agencies of the government, sovereignty itself remains with the people, by whom and for whom all government exists and acts. And the law is the definition and limitation of power.[29]

Thus, the correlative obligation on the part of public officials to faithfully comply with laws to serve the people with utmost fidelity is mandatory. For this purpose, no less than the fundamental law of the land necessitates the highest degree of public accountability:

> Section 1. Public office is a public trust. Public officers and employees must at all times be accountable to the people, serve them with utmost responsibility, integrity, loyalty, and efficiency, act with patriotism and justice, and lead modest lives.[30]

Unlike in criminal law in which the basis of categorizing an act as a "crime" or an "offense" is its being inherently immoral or its being regulated by State for the promotion of common good, in administrative law, an act which is violative of such sacrosanct duty of public officials offends the people's delegated sovereignty. It is a violation of their oath of duty.

Moreover, in criminal cases, the death of the accused before the rendition of final judgment extinguishes criminal liability precisely because the juridical condition of a penalty is that it is personal.[31] The penalties imposable upon persons convicted of crimes affect one's right to life and liberty, consisting of deprivation or restriction of their freedom or deprivation of rights or even death. Thus, the gravity and severance of such

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26 A.M. Nos. 15-05-136-RTC & P-16-3450, December 4, 2018.
27 *See Marcos v. Manglapus*, 258 Phil. 479 (1989).
28 118 U.S. 356 (1886).
29 Id.
30 Section 1, Article IX, 1987 CONSTITUTION.
31 JUDGE LUIS B. REYES, THE REVISED PENAL CODE, Book One, 18th Ed. 2012, p. 861.

penalties, thus, exacts the highest degree of proof, that is, proof beyond reasonable doubt, for the conviction of the accused. Such high legal standard required in criminal cases must be understood in relation to the constitutional presumption of innocence afforded to the accused. In the landmark case of *Commonwealth v. Webster*,[32] the Massachusetts Supreme Court, speaking through Justice Lemuel Shaw explained in this wise:

> Then, what is reasonable doubt? It is a term often used, probably pretty well understood, but not easily defined. It is not mere possible doubt. It is that state of the case which, after the entire comparison and consideration of all the evidence, leaves the minds of jurors in that condition that they cannot say they feel an abiding conviction, to a moral certainty, of the truth of the charge. The burden of proof is upon the prosecutor. All the presumptions of law independent of evidence are in favor of innocence and every person is presumed to be innocent until he is proved guilty. If upon such proof there is reasonable doubt remaining, the accused is entitled to the benefit of it by an acquittal. For it is not sufficient to establish a probability, though a strong one arising from the doctrine of chances, that the fact charged is more likely to be true than the contrary; but the evidence must establish the truth of the fact to a reasonable and moral certainty - a certainty that convinces and directs the understanding, and satisfies the reason and judgment, of those who are bound to act conscientiously upon it. This we take to be proof beyond reasonable doubt; because if the law, which mostly depends upon considerations of a moral nature, should go further than this and require absolute certainty, it would exclude circumstantial evidence altogether.[33]

Alternatively put, the highest degree of proof is required because the constitutional presumption of innocence is tilted in favor of the accused, which must be overcome by the prosecution before the court renders a verdict of conviction.

In administrative cases, there exists no such presumption in favor of the respondent. That being so, only substantial proof is required. In consonance with the constitutional adage that public office is a public trust, any defiance therefor, which could be proven by such relevant evidence as a reasonable mind may accept as adequate to support a conclusion, exacts a penalty.[34]

To underline, administrative cases are entirely different from criminal cases. To treat them in parallel insofar as it concerns the extinguishment of liability by reason of death has no legal basis.

In view of the propriety of discussing the merits of the administrative case, it is my submission that the respondent committed gross ignorance of the law.

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32 5 Cush. (Mass) 295, 52 Am. Dec. 711 (1850).
33 Id.
34 *National Labor Relations Board v. Thompson Products, Inc.*, 97 F. (2d), 13, 15 (C.C.A. 6th, 1938).

Essentially, there are two conspicuous irregularities which surrounded Civil Case No. 450-09 — improper service of summons and improper venue.

Service of summons by publication in a newspaper of general circulation is allowed when the defendant or respondent is designated as an unknown owner or if his or her whereabouts are unknown and cannot be ascertained by diligent inquiry.[35] "It may only be effected after unsuccessful attempts to serve the summons personally, and after diligent inquiry as to the defendant's or respondent's whereabouts."[36] "The diligence requirement means that there must be prior resort to personal service under Section 7 and substituted service under Section 8, and proof that these modes were ineffective before summons by publication may be allowed."[37]

Here, there was neither any showing that attempts were actually made to serve the summons personally. Nor was there any proof that the whereabouts of complainant was ascertained with diligence. The records also are barren of any proof that personal service or substituted service was ineffective, necessitating the resort to summons by publication. To this Court, it is clear that there was a deliberate effort to keep the complainant in the dark as to the petition filed affecting her personal status. As there was improper service of summons, the RTC failed to acquire jurisdiction over the person of complainant as defendant in the case.[38]

As to the second irregularity, the Court adopts the factual findings of the OCA in that it found that complainant demonstrated with clear and convincing evidence to prove that neither she nor her husband resides or has been residing in Paniqui, Tarlac.[39]

It must be noted that venue in cases for declaration of nullity and annulment of marriage is provided under A.M. No. 02-11-10-SC (Rule on Declaration of Absolute Nullity of Void Marriages and Annulment of Voidable Marriages), 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 filing, or in the case of a non-resident respondent, where he may be found in the Philippines at the election of the petitioner.

In deliberately and willfully disregarding the rules and settled jurisprudence, respondent committed gross ignorance of the law.[40]

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35 RULES OF COURT, Section 14, Rule 14.
36 *De Pedro v. Romasan Development Corporation*, 748 Phil. 706, 728 (2014).
37 *Express Padala (Italia) SPA v. Ocampo*, G.R. No. 202505, September 6, 2017.
38 Id.
39 *Rollo*, p. 161.
40 *Office of the Court Administrator v. Judge Dumayas*, A.M. No. RTJ-15-2435, March 10, 2018.

As a matter of fact, this finding against respondent is not novel. In the 2012 *Judge Castañeda* case, respondent was found administratively liable as she was found to be involved in "annulment-fixing" cases, among others. To specify, the Court found that respondent, in "the most disturbing and scandalous" manner, decided with haste 410 petitions for nullity, annulment of marriage, and legal separation in a year. Among these cases, the Court took note of one case wherein the respondent ordered the severance of marriage between two parties when there were obvious and blatant irregularities.

Finding respondent's display of utter lack of competence and probity, which can be translated as grave abuse of authority, the Court dismissed her from service with forfeiture of all retirement benefits except accrued leave credits and held disqualified from re-employment in any branch or instrumentality of the government, including government-owned or controlled corporations.[41]

Clearly, respondent's deportment as a member of the bench is in defiance of the mandate of the Canon of Judicial Ethics, particularly Canons 22 and 31, to wit:

> 22. Infractions of law
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> The judge should be studiously careful himself to avoid even the slightest infraction of the law, lest it be a demoralizing example to others.
>
> 31. A summary of judicial obligations
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> A judge's conduct should be above reproach and in the discharge of his judicial duties he should be conscientious, studious, thorough, courteous, patient, punctual, just, impartial, fearless of public clamour, and regardless of private influence should administer justice according to law and should deal with the patronage of the position as a public trust; and he should not allow outside matters or his private interests to interfere with the prompt and proper performance of his office.

Moreover, I likewise submit that respondent's firm stance to ignore our order when she was required to file a comment on this administrative complaint cannot be considered as mere indifference. To all intents, it is a clear disrespect to the constitutional power of this Court to exercise disciplinary authority over judges.[42]

Based on the foregoing, it is my submission that respondent committed gross ignorance of the law, which is classified as a serious charge, is punishable by: (a) dismissal from service with forfeiture of all or part of the benefits as the Court may determine; (b) disqualification from

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41 Supra note 6, at 225.

42 Article VIII. Section 11. x x x The Supreme Court *en banc* shall have the power to discipline judges of lower courts, or order their dismissal by a vote of a majority of the Members who actually took part in the deliberations on the issues in the case and voted thereon.

reinstatement or appointment to any public office; (c) suspension from office for more than three but not exceeding six months, without salary and other benefits; or (c) imposition of the penalty of a fine of more than ₱20,000.00 but not exceeding ₱40,000.00.[43]

While the respondent has earlier been dismissed from the service in the 2012 *Judge Castañeda* case, she can still be fined for gross ignorance of the law and violation of the Canons of Judicial Ethics committed while in office because of her commission of the aforementioned infractions. According to the rules, the imposition of the maximum fine of ₱40,000.00 is proper.[44]

In several cases wherein the respondent judges were meted out with the penalty of dismissal with forfeiture of retirement benefits except accrued benefits, the Court nevertheless imposed the penalty of fine, but ordered that it be deducted from the accrued leave benefits.

In the 2013 case of *Leonidas v. Judge Supnet,*[45] the Court categorically ordered the respondent to pay fine to be deducted from accrued leave benefits despite his previous dismissal from service and the forfeiture of his retirement benefits except accrued credits after finding him guilty of gross ignorance of the law. In the 2010 case of *Bernas v. Judge Reyes,*[46] the Court found the respondent guilty of manifest bias, partiality, and grave abuse of authority which merited her dismissal from service. However, during the pendency of the administrative case, she was meted the penalty of dismissal and forfeiture of benefits except her accrued leaves in another case. Nevertheless, the Court imposed the penalty of fine to be deducted from the respondent's accrued leave benefits. In the 2012 case of *Valdez v. Judge Torres,*[47] the Court held the respondent liable for undue delay in resolving a civil case and correspondingly ordered the payment of fine to be deducted from accrued leave credits, instead of suspension from service, because of the respondent's previous dismissal from service and forfeiture of her retirement benefits except her accrued leave credits. In the 2015 case of *Cañada v. Judge Suerte,*[48] notwithstanding the respondent's earlier dismissal from service and forfeiture of retirement benefits, the Court nonetheless ordered the payment of fine to be deducted from accrued leave benefits.

In these cases, the Court did not hesitate to impose a sanction upon an erring judge and exercise the constitutionally granted authority to discipline the members of the bench.

Such imposition of penalty may pose this thought: that the death of the respondent necessarily implies that she would no longer bear the

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43 RULES OF COURT, Sections 8 and 11, Rule 140 as amended by A.M. No. 01-8-10-SC.
44 *Cañada v. Judge Suerte*, 511 Phil. 28, 38-39 (2015).
45 446 Phil. 53 (2003);
46 639 Phil. 202 (2010).
47 687 Phil. 80 (2012).
48 511 Phil. 28 (2015).

consequences of her actions due to her passing. It is her heirs who would actually be affected should a penalty of fine be imposed against her.

On this note, it must be emphasized that **entitlement to benefits arising from employment in the government service presupposes the proper discharge of the public officers' duties, for the grant of such benefits are afforded only to employees who rightfully fulfilled their duties and obligations.** In cases where the public officers were found liable therefor, the grant of benefits is unwarranted.

As it was found in this case that respondent is liable of violating her duty, her entitlement to benefits is not established. Likewise, the entitlement of her heirs thereto is not justified. Corollary, the imposition of fine despite the death of the respondent should not be considered as depriving the heirs of their right to the proceeds of respondent's benefits.

As to the recommendation of respondent's disbarment, it is my submission that the same improper.

While A.M. No. 02-9-02-SC (*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)* relevantly states that some administrative cases against judges may be considered as disciplinary actions against them as members of the bar, it is still indispensable that the respondent be required to file a comment on the latter in observance of the constitutional right to due process, to wit:

> 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 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.
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> 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 disciplinarily sanctioned as member of the Bar. Judgment in both respects may be incorporated in one decision or resolution.

In this case, the administrative case against respondent was considered by the OCA as a disbarment case. However, respondent was not required to comment on the latter case; thus, due process was not afforded to her. In view of her death, the dismissal of the disbarment case is warranted.

Final note. While uneventful and unfortunate, death does not eradicate the consequences of our actions. Certainly, the effects of which leave traces of our mortality. Let it be emphasized that respondent's worldly imprint consisted of: In 2012, she was adjudged administratively liable anent irregularities following the OCA's conduct of judicial audit. Most of these cases involved severance of marriages. In fact, from such audit, the Court ordered the OCA to conduct further investigation on each particular case decided by the respondent during the period of her preventive suspension (from January 12, 2010 until her dismissal from service on October 9, 2012) in a Resolution dated January 27, 2015. Thus, an administrative case was re-docketed as **A.M. No. RTJ-15-2404**. On June 6, 2017, the Court resolved to refer the report of the Audit-Legal Team of the OCA to the Office of the Bar Confidant for the conduct of appropriate disbarment proceedings against the respondent.

Despite the Court's pronouncement of liability in 2012, respondent still committed several infractions, still relating to severance of a marriage, as discussed in this case. Notably too, the complainant was deprived of due process, astonished by the fact that her marriage was simply declared null without having to fight for it.

What was also reprehensible was respondent's reception of this present complaint. Adamant as she was, respondent even ignored the directives of the Court as she obstinately refused to refute the allegations against her.

For emphasis, the subject of the OCA's judicial audit, as well as this present case, involves severance of marriages which are protected by the Civil Code. It would not go amiss to state in this disquisition that marriage is a sacrament in which the Divine grace is imprinted upon. Such primacy given to marriages is likewise explicit in our Constitution which stated that "[m]arriage, as an inviolable social institution, is the foundation of the family and **shall be protected by the State.**" Recognized as the foundation of the family, to which the Constitution devoted the entire Article XV, the importance of marriages cannot simply be disregarded. Against the dictates of our framework, respondent repeatedly and consciously caused the disintegration of marital relations in our country. In the face of such, there was no self-reproach or even slightest remorse on the part of the respondent.

With all these infractions, how can this case be simply dismissed? To automatically dismiss an administrative case filed against the respondent would only conceal under a cloak, but definitely would not address, the effects of his/her actions to the detriment of judiciary's image as well as of the public. It would also undermine the constitutional truism that public office is a public trust. Also, respondent's absolution from liability would

unnecessarily benefit her heirs, in the form of retirement benefits notwithstanding her gross misconduct.

Verily, respondent's misconduct should compel the Court to hold respondent administratively liable, not only to uphold a constitutional policy of accountability, but to impart among the members of the bench that this Court does not and will not sanction any form of impropriety. Such declaration of liability and the imposition of the appropriate penalty would not only serve as an acknowledgement of the misery of respondent's victims whose marriages were *instantly* dissolved, but would also reinforce and strengthen the public's faith in the judiciary.

FOR ALL THE REASONS STATED, I vote that respondent Judge Liberty O. Castañeda be declared administratively liable for gross ignorance of the law with the imposition of fine in the amount of Forty Thousand Pesos (₱40,000.00) to be deducted from her accrued leave benefits, if sufficient. The disbarment complaint, however, must be dismissed.

JOSE C. REYES, JR.
Associate Justice