

EN BANC

[A.M. No. RTJ-17-2506, November 10, 2020]

**OFFICE OF THE COURT ADMINISTRATOR, COMPLAINANT, V.
JUDGE ANTONIO C. REYES, REGIONAL TRIAL COURT, BRANCH
61, BAGUIO CITY, BENGUET, RESPONDENT.**

D E C I S I O N

This resolves the administrative charge for gross ignorance of the law, gross misconduct and flagrant violation of the Canons of the New Code of Judicial Conduct against Judge Antonio C. Reyes (respondent judge), Presiding Judge of the Regional Trial Court (RTC) of Baguio City, Branch 61.

Factual Antecedents

On August 7, 2016, President Rodrigo Roa Duterte (President Duterte) publicly named seven (7) judges who were allegedly involved in illegal drugs. Only four (4) of the named judges were sitting judges at the time of the announcement, Judge Exequil L. Dagala, Judge Adriano S. Savillo, Judge Domingo L. Casiple, Jr., and herein respondent Judge.^[1]

Due to the public announcement of President Duterte, this Court designated Retired Justice Roberto A. Abad (Justice Abad) as the sole investigator of the fact-finding investigation against the four (4) judges.^[2] On November 7, 2016, Justice Abad rendered a report regarding Judges Dagala, Casiple and Savillo finding no evidence linking them to illegal drugs. Thus, this Court on December 6, 2016, issued a Resolution terminating the fact-finding investigation against the three (3) judges because there is no evidence linking them to the use, proliferation, trade or involvement in illegal drugs.^[3]

As regards the respondent judge, Justice Abad submitted his report on February 16, 2017, recommending the institution of an administrative case against the respondent judge.^[4] On February 21, 2017, this Court issued a Resolution accepting the report of Justice Abad and directing the Office of the Court Administrator (OCA) to proceed with the inventory of cases decided by the respondent judge, to investigate the driver of the respondent judge and to request the National Bureau of Investigation to locate the witnesses identified in the report of Justice Abad.^[5]

In a Memorandum^[6] dated August 14, 2017, the OCA submitted its report and praying that the same be considered as its formal charge for gross ignorance of the law, gross misconduct and flagrant violation of the Canons of the New Code of Judicial Conduct against the respondent judge.^[7]

Upon investigation, at the instance of the OCA, the office secured the affidavit of the

following persons, namely, Paul Black, Melchora Nagen (Melchora), Charito Zsa Zsa Valbuena Oliva (Oliva), Edmar Buscagan (Buscagan), and Atty. Lourdes Maita Cascolan Andres (Atty. Andres). Further, there are anonymous letter and interviews from a BJMP personnel, court employees as well as practicing lawyers based in Baguio City who requested anonymity.^[8]

It was found that a certain Paul Black submitted an Affidavit dated October 26, 2007 stating that he gave Norma Domingo (Norma) P50,000.00 for the respondent judge in exchange for the acquittal of the charge against his wife, Marina Black. Also, Melchora executed an Affidavit dated December 10, 2007 stating that Norma visited her offering to work for her release for P100,000.00 to be paid to the respondent judge. Melchora's family bargained for P50,000.00 and gave the said amount to Norma. Thereafter, Melchora was acquitted from her criminal charge. Norma requested Melchora to accompany her in delivering to the respondent judge the amount of P300,000.00 paid by Richard Lagunilla in consideration of the acquittal of the criminal charge of the wife. An anonymous letter was also sent to Justice Abad stating that four (4) lawyers who are close with the respondent judge obtained acquittals for their client. These allegations were confirmed by the judicial audit since cases of Marina Black, Norma Domingo, Melchora Nagen and Wilhelmina Lagunilla were all acquitted of their criminal charges.^[9]

Another former staff, Charito Oliva also executed an Affidavit that sometime 2008, the respondent judge pointed to her a woman, later known to be Norma, who was standing across the street in front of the Justice Hall Building. Respondent judge ordered her to get something from Norma. On the way back, Oliva glanced inside the paper bag given by Norma and saw an Iphone cellular phone. Thereafter, Oliva handed the same to respondent judge.^[10]

Edmar Buscagan y Camarillo (Buscagan), the accused in Criminal Case Nos. 33559-R and 33560-R charged for violation of Sections 11 and 12 of Republic Act No. (R.A.) 9165, also executed an Affidavit. He stated that he was convicted by respondent judge. Sometime in 2014, after the hearing on the presentation of the prosecution evidence, a certain "Jun Alejandro" a staff of the RTC of Baguio City, Branch 61 approached him and asked Buscagan if he wanted to fix his case. The latter replied in the affirmative. Thereafter, Jun Alejandro then asked P150,000.00. When Buscagan said that the amount was too high, Jun Alejandro replied "Sandali, kausapin ko si judge."^[11] When Jun Alejandro returned, the amount was lowered to P100,000.00. Buscagan still considered the same as too high. Jun Alejandro went inside the judge's chambers. The amount was then further lowered to P70,000.00. Since Buscagan refused to pay the fee, he was convicted by the respondent judge. Thereafter, a certain Pastora "Paz" Putungan, a bondswoman and known fixer in RTC of Baguio City, Branch 61 demanded P300,000.00 in exchange for reversal of his conviction. Buscagan failed to pay the amount. Then, when he saw Putungan last February 2017, the latter chided "*Kung binigay mo nalang sana kay judge yung bail mo e di sana naayos na yan. Wala namang ibang makakapag reverse niyan kung Hindi si Judge Reyes..*"^[12]

Atty. Lourdes Maita Cascolan-Andres (Atty. Andres) executed her Affidavit attesting to that fact that she was approached by Edward Fangonil asking her if she was willing to have the decision reversed. When she asked if it was possible, Edward Fangonil replied yes so long as P300,000.00 was given to the respondent judge. As

her clients were not able to raise the said money, their convictions were not reversed.^[13]

Apparently, it is well-known in the legal circle in Baguio City the corrupt dealings of the respondent judge. The price of acquittals and dismissal of drug cases ranges from P200,000.00 to P300,000.00. The alleged modus operandi of respondent judge was that he will prepare two (2) decisions - one for acquittal and one for conviction. Norma would then approach the family of the accused to ask for money in exchange for an acquittal. If payment was given on time, the decision for acquittal will be the one rendered. If the accused was not able to give the money before the decision was promulgated, the accused will be convicted. However, if the accused will file a motion for reconsideration together with the money, the conviction will be reversed and the accused will be acquitted.

The judicial audit conducted by the OCA found questionable acquittals and dismissals of the cases against the accused. One such questionable acquittal was the case of accused Jericho Cedo in Criminal Case No. 32499-R where the accused was acquitted on his second motion for reconsideration.^[14]

There were also numerous motu proprio dismissals even before the prosecution rested its case. In Criminal Case No. 37928-R, in spite of an order resetting the direct testimony of Agent Karizze Joy Carino on April 20, 2016 because the public prosecutor was not feeling well, respondent judge hastily dismissed the case on April 18, 2016 for the reason that "even if they have yet to testify, this court thinks that the evidence for [these] cases' dismissal cannot be reversed after the testimony of Agent Bansag x x x."^[15] Also, in Criminal Case No. 36973-R, despite the issuance of an Order dated October 26, 2015 ordering the prosecution to file its Formal Offer of Evidence, respondent judge on the same date issued an Order dismissing the case by virtue of Section 23, Rule 119 of the Rules of Court on the ground of insufficiency of evidence.^[16] Further, in Criminal Case No. 33790-R, where respondent judge issued an Order dated January 12, 2015 setting the continuation of the presentation of the prosecution's evidence on March 2, 2015, but suddenly the next day, respondent judge issued an Order dismissing the case.^[17] The same happened in Criminal Case Nos. 33246-R and 33209-R.^[18]

Further, years before this Court in *Estipona v. Lobrigo*^[19] declared Section 23 of R.A. 9165 unconstitutional, respondent judge had the propensity in accommodating plea bargaining in drug cases in numerous cases to the effect that the accused was only rehabilitated in a government facility.^[20]

Investigation with the BJMP and PDEA who agreed to be interviewed but requested not to be named, claimed that Norma served as the "bag woman" of respondent judge and frequently visits detainees who had pending cases in the RTC of Baguio City, Branch 61 and asked money in exchange for acquittal. It was also learned that respondent judge used numerous "bag men" and one of them was his driver.^[21]

In his Comment,^[22] respondent judge denied all the charges against him, that there is no factual or legal basis for any administrative charge against him. On the charge of gross ignorance of the law, he claimed that the prohibition on plea bargaining has already been declared unconstitutional by this Court in *Estipona Jr. v. Hon. Lobrigo*.

He alleged that he only entertained plea bargaining and allowed the amendment of the criminal charge from Illegal possession of dangerous drugs to use of dangerous drugs considering that first, the confiscated drugs were miniscule. As such, it may be inferred that the same was only for personal consumption. Second, the accused tested positive after drug testing. Third, the motion to amend information is a matter of right before arraignment. Fourth, it was the prosecution who filed the motion to amend information after finding good grounds to rehabilitate the accused. Lastly, respondent judge conducted his own independent evaluation and assessment of the records.^[23]

As to the alleged violation of Section 23, Rule 119^[24] of the Rules of Court, respondent judge claimed that he did not violate such rule. The motu proprio dismissals were made after the prosecution had rested its case and after the prosecution was given the opportunity to be heard. Even if the prosecution had not formally offered its documentary and object evidence, the testimonial evidence of the prosecution were completed and all fell short of the required quantum of evidence for conviction.^[25]

As to his violation on granting a second motion for reconsideration, he claimed that the greater interest of justice was the driving force and the compelling reason why he granted the second motion for reconsideration. He alleged that he took a second hard look on the case and discovered that the arrest of the accused in Criminal Case No. 32499-R was a mere afterthought when the police officers failed to arrest the main target of the operation.^[26]

On the charge of gross misconduct, respondent judge stated that the same were merely sweeping statements which are mere conjectures and surmises. He claimed that he is steadfastly against any form of corruption and even filed an administrative case against a former staff when he learned that the latter was using respondent judge's name to extort money. Respondent judge claimed that there is no evidence whatsoever that showed that he received monetary considerations in exchange of his alleged repeated disregard of the rules and the law.^[27]

As to the affidavits executed by numerous persons as to the alleged demand of money in exchange for acquittals, respondent judge denied in the strongest terms the allegations stated in their affidavits.^[28]

In a Memorandum dated June 14, 2019, the OCA found that all the allegations levelled against respondent judge constitutes gross ignorance of the law, gross misconduct and violation of Canons 1, 2, and 3 of the New Code of Judicial Conduct. Since respondent judge compulsorily retired on November 27, 2017, the OCA recommended forfeiture of all his benefits, except accrued leave credits, with perpetual disqualification from employment to any public office, including government-owned and controlled corporations.

Issue

Whether respondent judge is administratively liable for gross ignorance of the law, gross misconduct and violation of Canons 1, 2, and 3 of the New Code of Judicial Conduct.

Ruling of the Court

In administrative proceedings for disciplinary sanctions against judges, the quantum of proof necessary is substantial evidence or such relevant evidence as a reasonable mind might accept as adequate to support a conclusion.^[29] A review of the records of this case leads Us to rule that there is substantial evidence in holding respondent judge administratively liable. As such, this Court see no compelling reason to deviate from the findings of the OCA.

Gross ignorance of the law is the disregard of basic rules and settled jurisprudence. To be administratively liable, it must be shown that the judge had been motivated by bad faith, fraud, dishonesty or corruption in ignoring, contradicting or failing to apply settled law and jurisprudence. Where the law is straightforward and the facts so evident, failure to know it or to act as if one does not know it constitutes gross ignorance of the law.^[30]

Respondent judge has been designated as the presiding judge of RTC of Baguio City, Branch 61, which handles drug cases. It is presumed, even expected that he is well-versed and well-informed of the rules of procedure and the provisions of the law, especially R.A. 9165. Thus, his penchant for disregarding rules show that he was motivated by bad faith and corruption.

Section 23^[31] of R.A. 9165 prohibits plea bargaining regardless of the imposable penalty. The provision is so straightforward such that violation of the same is inexcusable. Respondent judge reasoned that this Court already declared such provision as unconstitutional. Notwithstanding the ruling of this Court in *Estipona, Jr., v. Hon. Lobrigo*, does not shield respondent judge for his numerous violation of the law. Be it noted that the ruling of Estipona was promulgated only on August 15, 2017. While the Orders executed by respondent judge allowing and entertaining plea bargaining were issued years before Estipona. It is well-settled that laws are presumed constitutional until declared by the court as unconstitutional. Abidance with the law is mandatory and a judge is expected to abide by the same regardless of their personal conviction or opinion.

Section 23, Rule 119 of the Rules of Court allows the judge, after the prosecution rested its case, to *motu proprio* dismiss the case on the ground of insufficiency of evidence, provided that the prosecution was given the opportunity to be heard.

In Criminal Case No. 37928-R, despite issuing an order resetting the direct testimony of Agent Karizze Joy Carino on April 20, 2016 because the public prosecutor was not feeling well, the respondent judge hastily dismissed the case on April 18, 2016 for the reason that "even if they have yet to testify, this court thinks that the evidence for [these] cases' dismissal cannot be reversed after the testimony of Agent Bansag x x x." Clearly, the prosecution has not rested its case since the direct testimony of the prosecution witness was still ongoing. Also, in Criminal Case No. 36973-R, despite the issuance of an Order dated October 26, 2015 ordering the prosecution to file its Formal Offer of Evidence, the respondent judge on the same date issued an Order dismissing the case. Further, in Criminal Case No. 33790-R, where the respondent judge issued an Order dated January 12, 2015 setting the continuation of the presentation of the prosecution's evidence on March 2, 2015, but suddenly the next day, respondent judge issued an Order