

## **EN BANC**

**[ A.M. No. RTJ-15-2437 (Formerly OCA IPI No. 14-4351-RTJ), December 09, 2020 ]**

**JAEL JOY C. BALLARAN, COMPLAINANT, VS. JUDGE JAIME E. CONTRERAS, REGIONAL TRIAL COURT, BR. 25, NAGA CITY, CAMARINES SUR, RESPONDENT.**

### **D E C I S I O N**

#### **PER CURIAM:**

A judge is not above the law.<sup>[1]</sup> When a magistrate refuses to submit to judicial processes by becoming a fugitive from justice, he disrespects the law he is sworn to uphold and protect. By turning into a transgressor of the law, he brings disrepute to his office and impairs public confidence in the Judiciary.

#### **Antecedents**

This administrative case stemmed from a complaint-affidavit dated 24 November 2014, filed by Jael Joy Contreras Ballaran (complainant) before the Office of the Court Administrator (OCA). Complainant accused Judge Jaime E. Contreras (respondent), Presiding Judge of Branch 25, Regional Trial Court (RTC) of Naga City, Camarines Sur of sexual molestation and rape that allegedly occurred from 1994 to 2014.<sup>[2]</sup>

Complainant averred that she is the acknowledged illegitimate daughter of respondent, having been born out of wedlock on 01 September 1980. Through the intervention of relatives, complainant first met her father, herein respondent, in the summer of 1994. He invited her to live with him and his family in Naga City, and offered to send her to school.<sup>[3]</sup>

During the early months of her stay with respondent and his family, complainant observed that he was very affectionate towards her. Soon thereafter, however, the affection turned into sexual molestation.

One afternoon in 1994, after complainant arrived from school, and while her younger half-brothers were playing outside, respondent asked their housemaid to buy something from the store, leaving the two of them alone in the house. Respondent then started touching her private parts. She protested, but he explained that what he was doing was alright and told her to just trust him.<sup>[4]</sup> In another incident, while her stepmother was working overtime and their maid was watching over her half-brothers, respondent insisted on going inside the bathroom with complainant while she bathed.<sup>[5]</sup>

By 1995, incidents of respondent's inappropriate behavior became worse and more frequent, especially whenever complainant's stepmother was not around. One time, respondent asked complainant to show him her vagina. When she refused, he told

her it was normal for a father to inspect his daughter's genitals and urged her to just trust him. Eventually, respondent judge succeeded on many occasions to inspect her genitals.<sup>[6]</sup>

When complainant turned sixteen (16) years old, respondent taught her how to kiss so that she would not be ignorant of kissing if she were to have a boyfriend. While kissing her, he would also touch her private parts. These incidents of kissing and touching would soon become a normal occurrence and were repeated by respondent through the years.<sup>[7]</sup>

In September 2004, respondent brought complainant to Moraville Hotel. When he noticed that complainant looked frightened, he asked her if she no longer trusted her father. Respondent ordered her to undress and complainant timidly obeyed. Eventually, respondent inserted his penis into her vagina. Thereafter, he told her not to tell anyone lest she wanted to bring shame to their entire family.<sup>[8]</sup>

Years later, complainant would go on to take up nursing at the Naga College Foundation. Respondent would often fetch her from school in the guise of bringing her out to eat. He would even use a secret code in the vernacular, *magkakan*, meaning to eat, to refer to these encounters.<sup>[9]</sup> In truth, he would bring her to a motel for sex. After one such incident, respondent took pictures of the complainant while she was naked. He then warned her that if she told anyone of their sexual relations, he would print and spread these naked pictures.<sup>[10]</sup>

After another encounter at a motel sometime in 2013, complainant told respondent she wanted to put an end to their illicit relationship. Respondent refused and warned complainant that he would kill himself if she told anyone about their relationship.<sup>[11]</sup>

In January 2014, complainant received a text message from an unknown sender, asking why her naked pictures are saved in respondent's cellular phone. When she confronted respondent, he told her they were both victims of the housemaid's meddling with his belongings. Respondent assured her that he already warned the housemaid not to tell anyone about the pictures; otherwise, he would send the housemaid to jail.<sup>[12]</sup>

On 30 July 2014, respondent brought complainant to the Moraville Hotel again to have sex. On their way home, they had a heated argument about the naked pictures. Subsequently, complainant finally decided to end respondent judge's control over her. <sup>[13]</sup>

Based on the foregoing allegations, complainant filed criminal complaints against respondent for seven (7) counts of acts of lasciviousness and violation of Republic Act No. 7610, two (2) counts of rape, and one (1) count of attempted rape before the Office of the City Prosecutor of Naga City. She also filed a complaint for one (1) count of acts of lasciviousness with the Office of the Provincial Prosecutor of Camarines Sur, and one (1) count of rape with the Office of the City Prosecutor of Legazpi City.<sup>[14]</sup> In addition, complainant also filed the present administrative case.

In his comment dated 25 February 2015, respondent denied complainant's accusations. He maintains that the cases are all based on vicious lies fabricated by his 34-year old illegitimate daughter and her drug-user extortionist husband, who conspired with other disgruntled lawyers.<sup>[15]</sup>

Respondent argued that from the time the alleged sexual abuse started in 1994, complainant never left his care and relied on him for all her educational and financial needs. When the first rape incident supposedly occurred in September 2004, complainant was already 24 years old, married, and over the age of discernment. If her accusations were true, complainant should have protested because she was mature enough to know that having sex with her father was wrong.<sup>[16]</sup> Respondent further claimed that the filing of cases against him was motivated by money, as well as complainant's extreme hatred and jealousy towards his wife, their housemaid, and her half brothers.<sup>[17]</sup>

### **Findings and Recommendations of the OCA**

In its Report and Recommendation dated 28 July 2015, the OCA found the charges, if proven, may warrant respondent's dismissal from service. However, since the criminal cases were still pending at that time, further evaluation of this administrative case was held in abeyance until the same were decided. In the meantime, respondent was preventively suspended, without salary and other benefits.<sup>[18]</sup>

On 20 November 2019, this Court directed the OCA to submit a status report on the present administrative matter.<sup>[19]</sup> Upon verification, the OCA reported that the criminal cases filed against respondent were all transferred to Branch 41, RTC of Daet, Camarines Norte, a designated Family Court.

The OCA also found that the trial court had already issued orders of arrest against respondent. However, these orders of arrest were returned unserved because respondent could no longer be located or his whereabouts were unknown. Thus, the trial court was constrained to send to the archives the criminal cases since respondent managed to successfully evade arrest for several years.<sup>[20]</sup>

In its Report and Recommendation, the OCA recommended the dismissal of respondent from service, forfeiture of his retirement benefits, except accrued leave credits, cancellation of his civil service eligibility, and perpetual disqualification from holding public office. By becoming a fugitive from justice, respondent exhibited deliberate and continuous refusal to comply with lawful orders of the court, the OCA said.<sup>[21]</sup>

### **Ruling of the Court**

We are fully in accord with the OCA's recommendation. Dismissal from service is an appropriate penalty for a judge who becomes a fugitive from justice.

A judge who deliberately and continuously fails and refuses to comply with lawful orders or resolutions is guilty of grave misconduct. Misconduct has been defined as an intentional wrongdoing or a deliberate violation of a rule of law or standard of behavior, especially by a government official. Misconduct is considered grave where the elements of corruption, clear intent to violate the law, or flagrant disregard of established rules are present.<sup>[22]</sup>

By becoming a fugitive from justice, respondent committed grave misconduct. Moreover, his clear intent to violate the law and flagrant disregard of the legal processes are not merely indicative of his reprehensible conduct; worse, his