

EN BANC

[A.M. NO. RTJ-15-2413, September 25, 2018]

**OFFICE OF THE COURT ADMINISTRATOR, COMPLAINANT, VS.
JUDGE LYLIHA AQUINO, REGIONAL COURT OF MANILA, BRANCH
24, RESPONDENT.**

A.M. NO. RTJ-15-2414

**OFFICE OF THE COURT ADMINISTRATOR, COMPLAINANT, VS.
JUDGE RALPH LEE, REGIONAL TRIAL COURT OF QUEZON CITY,
BRANCH 83, RESPONDENT.**

A.M. NO. RTJ-15-2415

**OFFICE OF THE COURT ADMINISTRATOR, COMPLAINANT, VS.
JUDGE ROMMEL BAYBAY, REGIONAL TRIAL COURT OF MAKATI
CITY, BRANCH 132, RESPONDENT.**

A.M. NO. RTJ-15-2416

**OFFICE OF THE COURT ADMINISTRATOR, COMPLAINANT, VS.
JUDGE MARINO RUBIA, REGIONAL TRIAL COURT OF OF BIÑAN,
LAGUNA, BRANCH 24, RESPONDENT.**

DECISION

PER CURIAM:

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FACTUAL ANTECEDENTS

These cases arose from several news reports concerning a fixer in the Judiciary by the name of "*Arlene*" and an alleged controversy in the 2013 Philippine Judges Association (PJA) elections.

For his regular column *Blurbal Thrusts* in the Daily Tribune, Louie Logarta wrote an article for September 12, 2013 entitled, "*CJ Sereno Should Probe High-Flying Court Fixer*," in which he reported that a certain person named *Arlene* was a well-known fixer among judges of the Regional Trial Courts (RTCs) and Justices of the Court of Appeals. *Arlene* was characterized as a "high-flying influence peddler or fixer" with an impressive array of unassailable contacts listed in her "pink book"; and alleged as a close relative of a Filipino-Chinese flour importer who wielded influence over the Bureau of Customs and the Department of Agriculture. At one of the conventions of the RTC judges, *Arlene* was reported to have bragged about her considerable influence over the members of the Judiciary and her success rate in fixing cases pending before the courts. This was reinforced by the fact that *Arlene* paid for lavish

affairs or parties for her "assets" in the Judiciary.

The name *Arlene* resurfaced in the article dated September 27, 2013 of Ramon Tulfo (Tulfo) entitled, "*Godino v. Godino*"^[1] in his regular column On Target posted on the Philippine Daily Inquirer website. In his article, Tulfo referred to "*Arlene L.*" who was widely known among employees and judges in Metro Manila courts and even Justices of the Court of Appeals. *Arlene L.* was known for her high connections in the Judiciary and her high-flying lifestyle. Tulfo explicitly described her as a "fixer" of high-profile cases in Metro Manila courts. Tulfo posted a version of the same article in Filipino, this time entitled, "*Mr. Godino v. Mrs. Godino*,"^[2] on the website of Bandera on September 28, 2013.

Jarius Bondoc (Bondoc), in his regular column Gotcha in Philippine Star, authored an article entitled, "*Just call her Ma'am Arlene, the Judiciary's Napoles*," published on October 17, 2013 about the existence of a certain "*Ma'am Arlene*," who allegedly wielded considerable influence in the Judiciary. Bondoc equated *Ma'am Arlene* to the notorious Janet Lim-Napoles (Napoles), the perpetrator of the Priority Development Assistance Fund scam. Bondoc narrated that this *Ma'am Arlene* sponsored birthday bashes, junkets abroad, and expensive gifts for appellate court Justices and trial court Judges; *Ma'am Arlene's* connections went beyond the courts and extended all the way to the Department of Justice and the Office of the Ombudsman; *Ma'am Arlene* was notorious as a fixer of cases, with investigators, prosecutors, and magistrates, mostly in Metro Manila; *Ma'am Arlene* always gets what she wants because "court bigwigs and key personnel are in her secret payroll"; *Ma'am Arlene* owned the Judiciary just like Napoles owned Congress; and *Ma'am Arlene* was not a lawyer but she was lawyering inside chambers, for such dishonorable clients as a flour importer who allegedly brought in banned substances.

Court Administrator Jose Midas P. Marquez (Marquez) deduced that the write-ups regarding *Ma'am Arlene* resulted from the controversial 2013 PJA elections. The Office of the Court Administrator (OCA) received reports from several judges of intense campaigning for positions in the said election, and *Ma'am Arlene* allegedly supported one of the candidates therein.

Given the aforementioned circumstances, the OCA conducted an investigation into the reports on *Ma'am Arlene*. In a letter dated October 8, 2013, the OCA required the candidates vying for the position of President in the 2013 PJA elections to comment on said reports.

Then Presiding Justice Andres B. Reyes, Jr.^[3] of the Court of Appeals conducted his own inquiry into the matter based on the allegations that a clerk in the Court of Appeals was one of the three women suspected to be *Ma'am Arlene*.

In the meantime, the Court *en banc* issued a Resolution dated October 17, 2013 in A.M. No. 13-10-07-SC,^[4] creating an *ad hoc* committee to investigate Bondoc's report on *Ma'am Arlene*, thus:

In view of all these developments, the Court RESOLVED to CREATE an AD HOC INVESTIGATING COMMITTEE composed of Associate Justice Marvic Mario Victor F. Leonen as Chair, and retired Associate Justices Ma. Alicia

Austria-Martinez and Romeo J. Callejo, Sr. as Members, to:

- (a) conduct an investigation into the above matter and coordinate with any and all relevant offices and agencies for such purpose;
- (b) access, receive, and evaluate information from any source; and
- (c) provide recommendations to the Supreme Court En Banc.

The Investigating Committee is vested with all necessary powers, including the power to designate its own resource persons, call upon witnesses to give testimony, and avail itself of whatever assistance the Court can provide to perform its functions.

The same Resolution mandated that "all other investigations shall cease."

The Ad Hoc Investigating Committee eventually submitted its undated report citing four RTC judges, namely, Judge Rommel O. Baybay (Baybay) of RTC-Makati, Branch 132; Judge Ralph S. Lee (Lee) of RTC-Quezon City, Branch 83; Judge Marino E. Rubia (Rubia) of RTC-Bifian, Laguna, Branch 24; and Judge Lyliha A. Aquino (Aquino) of RTC-Manila, Branch 24, all candidates in the 2013 PJA elections, for probable violations of the Guidelines on the Conduct of Elections of Judges' Associations and the New Code of Judicial Conduct, to wit:

Based on its investigation, there were findings of acts that might constitute violations of the rules of the Supreme Court in the conduct of the elections of the officers of the Philippine Judges Association (PJA), particularly this court's resolution on the Guidelines of the Conduct of Elections of Judges Association dated May 3, 2007. The acts were committed by the following:

1. Judge Rommel Baybay, Regional Trial Court of Makati, Branch 132;
2. Judge Ralph Lee, Regional Trial Court of Quezon City, Branch 83;
3. Judge Marino Rubia, Regional Trial Court of Biñan, Laguna, Branch 24; and
4. Judge Lyliha Aquino of the Regional Trial Court of Manila, Branch 24.

a. Probable Violations of Supreme Court En Banc Resolution Prescribing Guideline in the Conduct of Elections of Judges' Association dated May 3, 2007.

- i. Section 4(a) on prohibited acts, such as provision of campaign materials other than flyers and curricula vitae**

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Probable Violations of Judge Rubia

Judge Rubia provided campaign materials such as kits containing a collared t-shirt and a cap with the seal of the PJA. The collared t-shirts and cap had Judge Rubia's name sewn on them, and the position he was running for, which was Executive Vice President of the PJA, with the tagline "Unity=Strength." More than 200 kits were given away and distributed to Regional Trial Court judges throughout the country. As early as 2011, Judge Rubia had already been giving away caps and other campaign paraphernalia during golf tournaments.

The Rotary Club of Makati Southwest and several private donors allegedly bankrolled the purchase of campaign materials, including the caps, t-shirts, and kits.

Probable Violations of Judge Baybay

Judge Baybay provided cellular phones to be given away as raffle prizes in events where judges of the Regional Trial Courts were participants. The raffle prizes were allegedly given in order to promote Judge Baybay as a candidate for the presidency of the PJA.

Probable Violations of Judge Lee

Judge Lee provided cellular phones to be given away as raffle prizes for events where judges of the Regional Trial Court were participants. The raffle prizes were allegedly given in order to promote Judge Lee as a candidate for the presidency of the PJA.

A day after the PJA elections, Judge Lee distributed mugs to judges who participated in the elections. The mugs had his name printed on it, showing him as President of the PJA. Judge Lee bought these mugs prior to the election, and the budget came from the campaign funds.

ii. Section 4 (d) on prohibited acts, such as providing free transportation or free hotel accommodations to members of judges' associations

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Probable violations of Judge Rubia

During the 2013 PJA elections, Judge Rubia offered free hotel accommodations in the Heritage Hotel for certain judges. These offers took place in meetings within regional chapters of the PJA and through informal means such as verbal offers or social media.

Probable Violations of Judge Baybay

Judge Baybay offered discounted hotel rooms in the Pearl Manila, a hotel within the vicinity of the venue of The 2013 PJA Elections. These rooms were given for free or at a discounted rate allegedly as a means of securing votes in order to ensure his victory as a candidate for the presidency of the PJA. Judge Baybay also reserved rooms in Resorts World Manila for purposes of securing votes for the 2013 PJA Elections.

Probable Violations of Judge Lee

Judge Lee allegedly reserved 180 rooms of the Century Park Hotel in Manila for the accommodations of judges during the 2013 PJA Elections. When certain judges were about to pay for their rooms at the check-out counter, they were informed that the rooms were already paid for. Judge Lee facilitated the reservation of these rooms allegedly as a means of securing votes for the 2013 PJA Elections.

Probable violations of Judge Aquino

Judge Aquino booked the hotel rooms in Century Park Hotel, Judge Aquino is the incumbent Secretary-General of the PJA. During the 2013 elections, Judge Aquino was running for re-election for the same position. The accommodations booked by Judge Aquino were said to be paid for by only one person.

Judge Aquino also asked some judges why they were booked in other hotel rooms, when they could have availed of accommodations at the Century Park Hotel.

iii. Section 4(h) on prohibited acts, such as the use of court personnel in the distribution of campaign materials and paraphernalia

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Judge Rubia used the clerk of court of the Regional Trial Court of Dumaguete in the distribution of his campaign materials. During the 2013 PJA elections, Judge Rubia used certain employees of Biñan courts to serve as poll watchers. The court employees were stationed in the Century Park Hotel wearing vests bearing the words "Rotary Club."

b. Probable Violations of the New Code of Judicial Conduct

All the enumerated probable violations of Judges Rubia, Lee and Baybay may amount to actions that violate the New Code of Judicial Conduct. However, the Committee found that Judge Aquino may have committed actions that are probable direct breaches of the