

EN BANC

[A.M. No. RTJ-11-2290 [Formerly OCA IPI No. 08-2954-RTJ], November 18, 2014]

MARILOU T. RIVERA, COMPLAINANT, VS. JUDGE JAIME C. BLANCAFLOR, REGIONAL TRIAL COURT, BRANCH 26, STA. CRUZ, LAGUNA, RESPONDENT.

DECISION

PER CURIAM:

Before the Court is the administrative matter that stemmed from the complaint-affidavit^[1] filed on July 16, 2008 by Marilou T. Rivera (*Rivera*) with the Office of the Court Administrator (OCA), charging Judge Jaime C. Blancaflor [Judge Blancaflor, Regional Trial Court (RTC), Branch 26, Sta. Cruz, Laguna] with *Bribery, Gross Misconduct, Immorality and violation of the Anti-Graft and Corrupt Practices Act* [Republic Act (R.A.) No. 3019].

The Antecedents

The facts — as set out in the final report and recommendation^[2] of Associate Justice Remedios A. Salazar-Fernando (*Justice Fernando*) of the Court of Appeals — are summarized below.^[3]

Rivera alleged that she had been engaged in assisting litigants to obtain judicial bonds since year 2000. Sometime in February 2008, she asked her daughter Shiela T. De Mata (*De Mata*), who was also a bondsman, to help her secure a bail bond for accused Ricardo Catuday (*Catuday*). Catuday was charged of violating Section 11 of R. A. No. 9165 (*the Comprehensive Dangerous Drugs Act of 2002*) by the Office of the Provincial Prosecutor (OPP) of Laguna.

On February 27, 2008, Assistant Provincial Prosecutor Dan B. Rodrigo (*Prosecutor Rodrigo*) recommended a bail of P200,000.00 for Catuday who moved to reduce his bail to P120,000.00 before the Office of the Executive Judge, RTC, Sta. Cruz, Laguna. De Mata brought a copy of the motion to Prosecutor Rodrigo who did not object to the motion and who signified his conformity by writing “no objection” and affixing his signature and the date “4/14/08” on the face of the motion.^[4]

De Mata thereafter brought the document to the Office of the Clerk of Court (OCC), RTC, Sta. Cruz, Laguna for the approval of Judge Blancaflor who was then the Executive Judge. De Mata failed to see Judge Blancaflor; she was told by Dennis Trinidad (*Trinidad*), a member of the OCC staff, that Judge Blancaflor was not in the court. Trinidad volunteered to bring the motion to Judge Blancaflor at *Tagpuan Restaurant* (in Pila, Laguna that the judge allegedly owned) for the judge’s approval. Trinidad, however, returned without securing the requested approval. De Mata was told to come back the next day.

De Mata went back to the OCC the following morning and was advised this time by Gemma Gallardo (*Gemma*), another OCC personnel, to personally approach Judge Blancaflor about Catuday's motion. De Mata acted as advised, but Judge Blancaflor simply told De Mata that it was not her job to ask for the motion's approval and that she should return it to the OCC.

De Mata at that point approached a *Kuya* Moring, the process server of Branch 27, about her predicament. *Kuya* Moring introduced her to Judge Blancaflor's driver who tried to help, but the judge still refused to act on the motion. De Mata next approached Manuel Bugain (*Bugain*), a court employee at Branch 26. Bugain offered to bring the motion to Judge Blancaflor who was then in *Barangay* Layugan, Pagsanjan, Laguna. When Bugain returned, he told De Mata that Judge Blancaflor refused to sign the motion because it did not bear the signature of Prosecutor Rodrigo.

De Mata went back to Branch 26, together with Councilor Cecil Magana (*Magana*), whose assistance she sought upon Bugain's advice, to secure the requested approval. While the motion was being handed to Judge Blancaflor, he blurted out: "*Hindi granted yan! Magbayad siya ng P200,000.00. Ayaw ko ng drugs! Hindi granted yan!*" Frustrated by the turn of events, De Mata returned the unapproved motion to Rivera.

On May 27, 2008, Rivera brought the motion to Branch 91, RTC, Sta. Cruz, Laguna as Judge Blancaflor was then out on a seminar. The following day, Judge Divinagracia Ongkeko (*Judge Ongkeko*), the Presiding Judge of Branch 91 and Vice-Executive Judge of RTC, Sta. Cruz, Laguna, issued an order granting Catuday's motion to reduce bond. Rivera immediately secured a bail bond for Catuday from the Industrial Insurance Company and presented it to Branch 26 for Catuday's provisional release.

Still, Judge Blancaflor refused to issue a release order, saying that he never approved Catuday's reduced bail bond of P120,000.00. Rivera then learned from one Teresa Mirasol (*Mirasol*) that Judge Blancaflor refused to approve Catuday's motion because it was Rivera who was working for it. According to Mirasol, the information was given to her over the phone by Noralyn Villamar (*Villamar*), *a.k.a.* Macky, allegedly Judge Blancaflor's live-in partner.

Rivera further alleged that she experienced the same treatment from Judge Blancaflor when she worked for the approval of the bail of Roel Namplata (*Namplata*) who was charged with violation of Section 15 of R.A. No. 9165, also by the OPP, Laguna. Namplata's recommended bail was P60,000.00. After securing Prosecutor Rodrigo's consent and with the help of Gemma, she succeeded in securing Judge Blancaflor's approval with the handwritten notation: "Approved P40,000.00 for surety bond. 3-27-08 (SGD.) Judge Blancaflor."

After obtaining a bail bond for Namplata, Rivera tried to secure a release order from Judge Blancaflor who refused to honor the bond as it had been belatedly filed. He even brought back the cost of the bond to P60,000.00. In the afternoon of June 12, 2008, Rivera learned that Judge Blancaflor declared that he would not release Namplata unless a criminal case is filed against her by Rina Tranilla (*Tranilla*), a sister of Namplata. True enough, Tranilla filed a complaint for estafa^[5] against

Rivera at around 4:00 o'clock that afternoon. The following day, Judge Blancaflor's order^[6] was issued, dated June 10, 2008, for Namplata's release.

Explaining her difficulties with Judge Blancaflor in relation with her work as a bondsman, Rivera claimed that the judge harbored ill will against her because of her involvement in Special Proceeding No. 4605 entitled *Arsenio S. Leron, et al. v. Benjamin S. Leron, et al.*, then pending before Judge Blancaflor's sala. Rivera alleged that she was the attorney-in-fact of one of the defendants in the case, Dr. Emelita R. Leron (*Dr. Leron*) who filed on March 2, 2007 a motion for inhibition against Judge Blancaflor.^[7] The motion allegedly recited in detail Judge Blancaflor's misdeeds and gross misconduct, manifest partiality and indiscretion in fraternizing with clients and litigants in connection with the case.

Rivera further alleged that Judge Blancaflor inhibited himself from the case after she executed an affidavit attesting to (1) the judge's recommendation to the plaintiff, Normita Leron, to secure the services of Atty. Ricardo Pilares, Jr. (*Atty. Pilares*); (2) the rigging of the raffle of the case to Judge Blancaflor; and (3) the irregular service of summons to the defendants in the case. Moreover, her son Byron Torres (*Byron*) and son-in-law Ricel De Mata (*Ricel*) also executed a joint affidavit^[8] stating that Judge Blancaflor "bribed" them not to testify in connection with the motion for inhibition.

Lastly, Rivera maintained that Judge Blancaflor should be charged with immorality for maintaining an illicit relationship with Villamar, who is not his wife.

In a Supplemental Affidavit,^[9] dated July 29, 2008, Rivera reiterated her charge that Judge Blancaflor committed gross misconduct in (1) fraternizing with litigants; (2) maintaining an illicit affair with a woman not his wife; and (3) exhibiting personal bias and prejudice against her in her efforts to obtain bail bonds for Catuday and Namplata.

Judge Blancaflor's Comment

In his Comment^[10] dated August 26, 2008, Judge Blancaflor denied Rivera's accusations and dismissed them as "mere concoctions" of her "fertile imagination."

Judge Blancaflor claimed that neither Rivera nor her daughter approached him regarding Catuday's and Namplata's bail bonds. Even assuming that they did, he refused their requests because they were not

authorized bondsmen or agents of any duly accredited surety company. They were acting as fixers, he explained; thus, he was justified in denying their requests.

Further, Judge Blancaflor claimed that he strictly observes a policy of refusing to reduce the required bail in drug-related cases even if approval is recommended by the investigating prosecutor. He could not also order Catuday's release because it was Judge Ongkeko who granted his motion to reduce bail; in his view, Judge Ongkeko should also order Catuday's release.

Judge Blancaflor considered as "fantastic" Rivera's account that she and De Mata brought the motions to reduce bail of Catuday and Namplata to *Tagpuan Restaurant*

in Pila, Laguna for his approval. He maintained that Rivera's account was simply untrue because as a matter of policy, he does not allow court personnel or any other person for that matter, to bring the case records or any part thereof outside the court premises. Moreover, he does not own a restaurant in Pila, Laguna, nor a house, chapel and resort in Pagsanjan, Laguna.

In the *Leron* case, Judge Blancaflor recalled that Rivera asked him to extend assistance to her boss, Dr. Leron, a defendant in the case. He denied her request and since then, she started harassing and blackmailing him and even filed an administrative case against him.

Shortly thereafter, the Lerons (defendants in Special Proceeding No. 4605), with Rivera's active participation, started circulating stories against him, which culminated in the filing of a letter-complaint before Executive Judge Mary Ann E. Corpus-Mañalac (*Judge Corpus-Mañalac*) accusing him of bias, partiality and bribery. The Lerons however eventually withdrew the complaint after being enlightened about the raffle of cases. Also, he had absolutely no involvement in the engagement of Atty. Pilares as a lawyer in the case as he does not entertain fixers.

Judge Blancaflor brushed off the immorality charge against him. He branded it as malicious and a mere fabrication of Rivera. He alleged that Rivera even hired a Solomon Ondevilla (*Ondevilla*) to execute an affidavit against him,^[11] but Ondevilla subsequently denied that he executed and signed the affidavit.^[12]

Judge Blancaflor questioned Rivera's credibility, claiming that she is known for filing fabricated charges and malicious complaints against lawyers, judges and other public officials, among them, an Atty. Cayetano Santos.^[13] Further, she has also been charged with numerous criminal offenses, mostly swindling or *estafa* cases and violations of Batas Pambansa Blg. 22, and is known to have an illicit relationship with different men.

In his Comment^[14] to Rivera's supplemental affidavit,^[15] Judge Blancaflor reiterated his denial of Rivera's charges against him. In particular, he took exception to Annex "B"^[16] of the supplemental affidavit, which referred to Namplata's motion to reduce bail bond and which allegedly carried his marginal note of approval. Judge Blancaflor claimed that the document was manufactured and was not on file with the court. He added that the marginal note approving a reduced bail of P40,000.00 was forged; even assuming that it was genuine, it was not a formal order and he still had the discretion on whether to reduce the P60,000.00 recommended bail.

By way of a reply-affidavit,^[17] Rivera countered that she is a legitimate bondsman as she is an agent of *Genric Insurance* and that she is also a swimming instructor and in business through her "Rivera Swimming Lessons." With respect to *Tagpuan Restaurant*, she clarified that the property is registered in the name of Villamar, Judge Blancaflor's live-in partner, and that the two also purchased and co-owned several parcels of land in Layugan, Pagsanjan, Laguna.

Rivera also claimed that Ondevilla withdrew his affidavit relating Judge Blancaflor's illicit relationship with Villamar because the two of them threatened to file a case against him and would have him imprisoned. She stressed that Judge Blancaflor's

attack on her person has nothing to do with the case she filed against him.

Justice Fernando's Investigation/Findings/Recommendation

In compliance with the Court's resolution of August 17, 2011,^[18] Justice Fernando conducted a thorough investigation of the complaint, in the course of which, she conducted several hearings, received affidavits and documentary evidence, heard testimonies of witnesses, and even conducted an ocular inspection.^[19]

Justice Fernando found Judge Blancaflor guilty of (1) *bribery, gross misconduct and violation of R.A. 3019*; and (2) *immorality*. She recommended that the judge be **dismissed from the service**, with prejudice to his reinstatement or appointment to any public office, and likewise recommended the forfeiture of the judge's retirement benefits, if any.

The OCA Report and Recommendation

On July 24, 2013, the Court referred Justice Fernando's final report to the OCA for evaluation, report and recommendation.^[20] In its memorandum^[21] of February 25, 2014, the OCA submitted its report to the Court, **adopting the findings and recommendations of Justice Fernando**.

The Court's Ruling

After considering Justice Fernando's report and the records of the case, we note that she conducted a very thorough investigation. We uphold her findings and recommendation as we find sufficient basis to dismiss respondent Judge Blancaflor from the service.

Re: charge of bribery, gross misconduct and violation of R.A. No. 3019

The first count against Judge Blancaflor regarding this charge involved his alleged: (1) refusal to approve Catuday's motion to reduce bail bond, despite a "no objection" from the prosecutor; (2) refusal to order Catuday's release, despite Judge Ongkeko's grant of the motion; (3) refusal to order Namplata's release, despite his own approval of the motion to reduce bail bond; and (4) offer of money to Byron and Ricel to prevent them from testifying in the motion for his inhibition in the *Leron* case.

While Judge Blancaflor has the discretion to approve or disapprove a motion to reduce bail, ***it appears from the records that he abused this prerogative in the cases of Catuday and Namplata***. Through Judge Blancaflor's inaccessibility (he was usually not in the court in the afternoon)^[22] and refusal to take action on their pleas for provisional liberty, Catuday and Namplata and the people working for the approval of their motions (Rivera and De Mata) suffered inordinate delay and frustrations in securing the motions' approval. In more ways than one, Judge Blancaflor gave De Mata and Rivera a run-around in Catuday's and Namplata's cases for no plausible reason other than the judge's strong antipathy towards Rivera.

This is serious misconduct and a violation of the *New Code of Judicial Conduct* for