



Republic of the Philippines
Supreme Court
Manila

EN BANC

MARILOU T. RIVERA,
Complainant,

A.M. No. RTJ-11-2290
[Formerly OCA IPI No. 08-2954-RTJ]

Present:

- versus -

SERENO, C.J.,
CARPIO,
VELASCO, JR.,
LEONARDO-DE CASTRO,
BRION,
PERALTA,*
BERSAMIN,*
DEL CASTILLO,
VILLARAMA, JR.,
PEREZ,
MENDOZA,
REYES,
PERLAS-BERNABE,
LEONEN, and
JARDELEZA, JJ.

JUDGE JAIME C. BLANCAFLOR,
REGIONAL TRIAL COURT, BRANCH
26, STA. CRUZ, LAGUNA,
Respondent.

Promulgated:

November 18, 2014

X ----- X

DECISION

PER CURIAM:

Before the Court is the administrative matter that stemmed from the complaint-affidavit¹ filed on July 16, 2008 by Marilou T. Rivera (*Rivera*)

* On leave.

* On leave.

¹ *Rollo*, Vol. I, pp. 1-21.

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 recommendation² 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 ₱200,000.00 for Catuday who moved to reduce his bail to ₱120,000.00 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.

² *Rollo*, Vol. II, pp. 1423-1459.

³ *Rollo*, Vol. I, pp. 266-267; Resolution dated August 17, 2011.

⁴ *Id.* at 31.

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 ₱200,000.00. 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 ₱120,000.00. 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 ₱60,000.00. 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 ₱40,000.00 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 ₱60,000.00. 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 estafa⁵ against Rivera at around

⁵ Id. at 34-37.

4:00 o'clock that afternoon. The following day, Judge Blancaflor's order⁶ 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 affidavit⁸ 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 Comment¹⁰ 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

⁶ Id. at 41.

⁷ Id. at 57-73.

⁸ Id. at 121-123.

⁹ Id. at 138-142; p. 137 not stamped.

¹⁰ Id. at 173-186.

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

¹¹ Id. at 182-183.

¹² Id. at 204.

¹³ Id. at 205-208; Atty. Cayetano Santos' affidavit stating that Rivera filed with this Court on September 13, 1996 a malicious case of forum-shopping, false narration under oath and misconduct against him.

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 Comment¹⁴ 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 ₱40,000.00 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 ₱60,000.00 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.

¹⁴ Id. at 173-186.

¹⁵ Id. at 507-512.

¹⁶ Id. at 145.

¹⁷ Id. at 540-555.

¹⁸ Id. at 266-267.

¹⁹ *Rollo*, Vol. II, p. 1469; OCA Memorandum dated February 25, 2014.

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 memorandum²¹ 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 the Philippine Judiciary*²³ which mandates that "judges shall perform their judicial duties without favor, bias or prejudice,"²⁴ and that they "shall ensure that his or her conduct, both in and out of court, maintains and enhances the confidence of the public, the legal profession and litigants in the impartiality of the judge and of the judiciary."²⁵

²⁰ Id. at 1460.

²¹ Id. at 1464-1495.

²² Id. at 1442.

²³ A.M. No. 03-05-01-SC.

²⁴ Id., Section 1, Canon 3.

²⁵ Id., Section 2, Canon 3.

For instance, when De Mata learned that Judge Blancaflor said that he did not approve Catuday's motion for reduction of his bail because Prosecutor Rodrigo was against the motion, she went to see the prosecutor about it. Prosecutor Rodrigo told her that there was no problem with the motion, so he signed it, but he did not know why Judge Blancaflor would not approve the motion. De Mata then asked the help of Magana, yet even with Magana's intercession, Judge Blancaflor refused to sign the motion, saying that he did not like drugs. Magana wondered why Catuday's motion was not approved when all the other surety bonds were approved. The following testimony of De Mata confirmed the difficulties De Mata and her mother experienced in their work as bondsmen in Judge Blancaflor's sala:

X X X X

Q: After Mr. Bugain told you that Judge Blancaflor refuses to sign for the reason that Fiscal Rodrigo also does not approve of the said motion, what did you do?

A: I went to Fiscal Rodrigo and asked him what was the problem with the motion?

Q: What did Fiscal Rodrigo [tell] you?

A: He said there was really no problem with the motion so he signed it. He did not know why the motion of Catuday was left pending.

X X X X

Q: During this time, this Mayora was also in branch 26?

A: Yes, ma'm, and she was also wondering why our application cannot be approved while all the other surety bonds were approved.

Q: Can you tell us who this Mayora is, what is her occupation?

A: She was a councilor, the wife of the previous mayor. If there are people who cannot afford to pay bail, they ask her for help and she helps people.²⁶

X X X X

Judge Blancaflor denied the allegations, contending that Catuday's motion was not filed with the OCC and never reached him.²⁷ Justice Fernando found otherwise, citing the Order²⁸ dated May 28, 2008 of Judge Ongkeko, Vice-Executive Judge of the RTC, Sta. Cruz, Laguna, granting the motion when Judge Blancaflor was attending a seminar in Tagaytay City. Judge Ongkeko could not have issued the order had it not been filed with the OCC. But what was more surprising was Judge Blancaflor's refusal to acknowledge and to act on the order of approval. This belies Judge

²⁶ TSN, July 31, 2012, pp.18-19 and 21.

²⁷ *Rollo*, Vol. II, p.1316; Judge Blancaflor's Memorandum, p. 7.

²⁸ *Rollo*, Vol. I, p. 395.

Blancaflor's excuses for not acting on Catuday's motion and lends credence to Rivera's submission that the judge's refusal was to spite her.

The same thing happened when Rivera processed Namplata's bail bond. As the records show, Judge Blancaflor approved Namplata's motion for reduction of bail. The judge admitted his approval during the investigation. When he was asked: "Do you clearly remember Judge that you reduced it as shown by your signature from ₱60,000.00 to ₱40,000.00 bail?" he answered: "That is correct sir, that day," referring to March 27, 2008.²⁹ Yet, he refused to approve Namplata's temporary release. In fact, in his Comment to Rivera's supplemental complaint,³⁰ he disowned the marginal note he made on a copy of Namplata's motion reducing his bail bond to ₱40,000.00.

The following exchanges during the investigation further indicate that Judge Blancaflor overstepped and abused his authority as a judge when he took time to release Namplata, despite his approval of Namplata's bail bond at its original amount which he earlier reduced to ₱40,000.00:

J. Fernando:

But you admit you issued a March 27 Order reducing it to ₱40,000.00?

Judge Blancaflor:

The marginal note I admit, Your Honor.

J. Fernando:

Yes, that's fine.

Atty. Aguirre (Rivera's, counsel):

Q: The reason Judge Blancaflor why you did not anymore honor your marginal note reducing the amount from 60 to 40 is that you came to know that it was Waling, the complainant, and her daughter Shiela who was (*sic*) following it up with you?

A: That is not correct, sir. What you claim that I did not honor the original marginal note is because I did not see it in the original file of the case.

Q: But the more important reason Judge is that you came to know that it was the complainant and her daughter who were following up this bail bond case and when you came to know that follow up of the complainant and her daughter, you wanted it returned back to 60 because you said it was too long in coming, the ₱40,000.00 bond, is that correct?

A: That is not correct sir:

²⁹ TSN (17-A), November 6, 2012, p. 18.

³⁰ *Rollo*, Vol. I, p. 254.

Q: And another condition of yours before the bail could be approved by you is that the sister or Namplata must file a case of estafa against the complainant which she did and one day after, the case against the complainant for estafa was filed before the Office of the City Prosecutor, you issued the Order of Release, is that correct?

A: That is not correct. That is your own language, sir.

Q: That is the testimony of the witnesses.³¹

In an effort to justify his errors and omissions in relation to Catuday's and Namplata's motions, Judge Blancaflor argued that he refused to act on the motions because he hates drugs and, in the case of Namplata, there was a delay in the processing of the bail bond.

We are not at all convinced by Judge Blancaflor's explanations. His excuses – which were marked by inconsistencies and typified by his initial denial that he approved Namplata's motion, only to admit the approval before Justice Fernando – cannot justify his failure to act. Action by the judge was clearly called for by the urgency of the matter before him – the plea for provisional liberty of Catuday and Namplata who enjoy the right to bail despite the serious offenses they were charged with. His unexplained refusal in these cases can only support Rivera's claim that his inaction was due to Rivera's intervention in the approval of the motions, a clear sign of his personal bias and prejudice against her. This, in our view, is **patently a gross misconduct on the part of Judge Blancaflor.**

It appears from the records that Judge Blancaflor's antipathy towards Rivera arose from her involvement in the *Leron* case when she testified against the judge in a motion for his inhibition from the case. The motion must have caused considerable anxiety and concern for the judge so that he even exerted efforts to neutralize Rivera, to the extent of offering cash to Byron (Rivera's son) and Ricel (Rivera's son-in-law) who executed a joint affidavit³² that Judge Blancaflor and Villamar offered them ₱10,000.00 each and even warned them not to testify at the hearing on the motion. The two showed the cash to Rivera and they had the incident entered in the police blotter.³³ In this regard, Torres and Ricel deposed:

X X X X

1. x x x Kami ay namamasukan kay Armando Q. Torres ("ARMANDO") na tatay ni BYRON at biyenang lalaki ni RICEL. Kami ay laging nagkakaroon ng komunikasyon kay Noralyn M. Villamar a.k.a. Macky ("Macky") dahil may mga transaksyon silang pinag-uusapan ng aming tatay na si Armando.

³¹ TSN 17-A, November 6, 2012, pp. 51-52.

³² *Rollo*, Vol. I, pp. 121-123.

³³ Exhibits "A-18-A" to "A-18-F," id. at 479-484.

2. Noong ika-02 Marso 2007, araw ng Biyernes, mga 5:00 – 5:30 ng hapon, tumawag si Macky kay Byron at sinabi na gusto daw siya makausap nito tungkol sa pagtetestigo nila laban kay Judge Jaime C. Blancaflor (“Judge Blancaflor”), at sinabihan na pumunta sa bahay nila.

3. Pagdating ni Byron sa bahay nila Macky at Judge Blancaflor sa Brgy. Layugan ng mga bandang 6:00 ng gabi, tinanong ni Macky si Byron **“Bakit natin kailangang maglaban?”** Nagkunwari akong walang alam at tumahimik na lang ako.

4. Nilapitan ako (Byron) ni Judge Blancaflor at sinabi na: **“Byron, ayaw ko tayong mag-kabanggaan. Kung lilitaw kayo sa hearing sa petsa 6 ay ipapakulong ko kayo. Ito ang ten thousand (₱10,000.00), ito ay hindi suhol. Wag ka lang tumistigo. Kung tetestigo ka, mapipilitan kaming lumaban. Kayang-kaya kitang gawan ng kaso tulad ng rape at anumang kaso na puwedeng isaksak sa iyo.**

5. Pinahabol pa ni Macky na: **“Kahit patayan pwede kami.”**

6. Noong 03 ng Marso 2007, araw ng Sabado, bandang 5:10 ng hapon, pumunta si Macky at si Guillen Almonte sa bahay ng tatay namin na si Armando sa Brgy. Duhat kung saan kami ay nagtratrabaho.

7. Galit na galit si Macky at sinabi nito kay Armando ngunit nakatingin sa amin: **“Pare, bakit ganito? Ano ang ginawa ng mga bata? Kayong dalawa, tinanggap namin kayo nang maayos sa Layugan.”**

8. Hindi na kami umimik at hinayaan naming magsalita na lamang si Macky.

9. Sinabi pa ni Macky na: **“Huwag na nating patagalin ito. Ayaw kong tayo ang magkabanggaan. Kung lalaban kayo, lalaban kami hanggang patayan.”**

10. Nagtangkang umalis si Byron kaya sumigaw si Macky na: **“Byron! Huwag kang umiwas. Problema natin to. Huwag kang umalis!”**

11. Nag-isip si Byron ng dahilan upang maka-alis. Bago siya nakaalis, pahabol na sinabi ni Macky na: **“Mag-aabot ako ng tulong, huwag lang kayong sumali.”**

12. Nang nakaalis na si Byron mga bandang 6:00 pm, naglabas ng pera si Macky at inaabot ito kay Ricel, ngunit hindi niya ito kinuha. Kaya ang ginawa ni Macky ay kinausap si Armando at inilagay ang pera sa mesa at sinabi na: **“Pare, kung ayaw magtiwala ng anak mo sa amin, ito ang ₱20,000.00 para kay Byron at para kay Ricel. Ikaw na ang bahala. Meron pang kasunod yan kung pipirma sila ng Affidavit of Desistance.”**³⁴

In his comment³⁵ on Rivera’s complaint, Judge Blancaflor denied the alleged offer, claiming that the alleged sums did not come from him but from Armando Torres (*Torres*) and were “given as support to his son Byron

³⁴ Id. at 121-123.

³⁵ Id. at 173-186.

and son-in-law Ricel.” When Rivera saw the ₱20,000.00, she grabbed it from Byron and proceeded to the police station and made a false story of bribery against him.³⁶ Judge Blancaflor offered in evidence two affidavits Armando executed³⁷ dated March 6, 2007 and August 22, 2008.

Again, the explanation fails to persuade us. Armando is Rivera’s estranged husband. Their union produced Byron and De Mata, the wife of Ricel. Rivera and Armando separated in 1983. It was a case of a marriage turned sour where the spouses filed cases against one another, as Armando himself stated in his affidavit of August 22, 2008.³⁸ We should not be too quick therefore to admit Armando’s statements as unvarnished truth, especially when he did not even appear during the investigation to affirm the statements attributed to him, despite several subpoenas for him to testify, the last one being on December 6, 2012.³⁹

On the other hand, Rivera and Byron reported the bribery incident to the police. The following exchanges on what transpired in the police station significantly shed light on this incident and bolstered Rivera’s claim that Judge Blancaflor committed a serious misconduct in relation with the *Leron* case, thus:

Q: Now, do you remember what this is all about, the incident reported by Byron Torres?

A: It was a threat.

Q: Will you please read it again to refresh your memory?

(Witness reading the blotter)

Q: What you read, the entry in the blotter is in your handwriting?

A: Yes sir.

Q: What do you remember about this ₱10,000.00?

J. Fernando: 10 or 20?

A: ₱10,000.00

J. Fernando: 10 lang?

A: Yes, ₱10,000.00.

Wag siyang aatend sa hearing sa a-sais kung hindi sila ang magkakabangga ni Judge Blancaflor.

Q: What is that ₱10,000.00 there?

³⁶ Id. at 179-180.

³⁷ Id. at 199-201.

³⁸ Id. at 201, pars. 9 and 10.

³⁹ *Rollo*, Vol. II, p. 1438.

A: Ang akin pong pagkakaintindi ito ay suhol dahil nakalagay dito hindi ito suhol. Wag kang tumestigo dahil kung tetestigo ka ay mapipilitan lumaban gawan ka ng kaso. Pag tumestigo siya gagawa siya ng kaso.

Translation:

If he testified, he would have a case filed against him.

X X X X

Q: But the signature here of Byron, did he sign it in your presence?

A: Yes sir.

Q: And the witness also signed it in your presence?

A: Yes, sir, in my presence.⁴⁰

The root cause of the *Leron* case, as Justice Fernando established and stressed, was the irregular assignment of the case which was directly brought to Judge Blancaflor's sala without going through a raffle. Atty. Arthur Trinidad, Jr. (*Atty. Trinidad*), then RTC Clerk of Court, Sta. Cruz, Laguna, testified that the case, Special Proceeding No. 4605, which was filed on November 15, 2006 was not included in the schedule of raffle of cases for the period November 10 to 30, 2006 and was brought to the judge's sala even before the case was supposed to be raffled on November 30, 2006 because he was made to understand, based on the judge's letter to him, that the case — a settlement of estate dispute — belonged to the Family Court then handled by Judge Blancaflor.⁴¹ Due to the judge's letter, he assumed that the case was within the jurisdiction of the Family Court so that it was his ministerial duty to forward the case to Judge Blancaflor's sala.⁴²

Not only does it appear that Judge Blancaflor intervened in the assignment of the *Leron* case, he also had a hand in ensuring who would represent the disputants, by suggesting, in the presence of and with the active participation of Villamar, that the lawyers for the parties would be Atty. Pilares for the plaintiffs⁴³ and Atty. Stephen David (*Atty. David*) for the defendants.⁴⁴ He even went to the extent of voicing out how the case should turn out.

Thus, Dr. Leron deposed: "*Tinanong ko si Judge Blancaflor kung matatalo ako kahit sabihin ko na wala naman talaga ang lahat ng hinahanap nila. Sagot ni Judge Blancaflor 'Pwede, depende sa presentasyon ng abogado mo.'* Tinanong ko kung sino yong abogado na sinasabi ni Macky. Sagot ni Judge Blancaflor[,] si [*Atty. David*] at dinagdag pa niya '*kumpare ko yan, magaling yan, at taga-Tektite, madali*

⁴⁰ TSN, November 27, 2012, pp. 46-48.

⁴¹ *Rollo*, Vol. I, p. 601.

⁴² TSN, February 27, 2012, pp. 67-82.

⁴³ *Rollo*, Vol. I, p. 445-446.

⁴⁴ *Id.* at 98.

nating maayos ang kaso.’ Nabanggit din niya na kumpare ni Atty. David si Atty. Pilares. Sinabi niya pa ‘mas lamang kayo kasi mas alam niyo nangyayari kaysa sa kabila.’”⁴⁵

Also, Ricel, Rivera’s son-in-law, stated under oath that he saw Judge Blancaflor and plaintiff Gilbert Leron (*Gilbert*) during the blessing of the chapel inside the compound of the judge’s house on January 16, 2007 and he overheard Judge Blancaflor assuring Gilbert not to worry about the case saying: “*Pare wag na kayo mag-alala, ayos na ang kaso nyo nina Dr. Leron,*” while they were drinking beer.⁴⁶

Judge Blancaflor argued that he had no interest whatsoever in the *Leron* case as it was forwarded to Branch 26 in the ordinary course of business since cases falling within the exclusive jurisdiction of the Family Court are directly forwarded to Branch 26, his branch. His letter to Atty. Trinidad should not be considered against him because he was then a new family court judge. He further argued that he did not refer Atty. Pilares to the plaintiffs; he even dismissed the case for prematurity and inhibited himself from the case after it was re-raffled.⁴⁷

We do not find Judge Blancaflor’s explanations convincing. The circumstances of the *Leron* case left Judge Blancaflor no other recourse but to inhibit. As Justice Fernando aptly observed, it was more prudent for the judge to inhibit than to be placed under a cloud of distrust by the parties. On the matter of the parties’ legal representation alone, we find credible the statements of Rivera, Dr. Leron and Ricel that not only did Judge Blancaflor refer lawyers to the parties but, more seriously, he gave them hints that they would prevail in the case.

Judge Blancaflor’s interference in the case in the way just described is not only gross misconduct; it also constitutes a violation of R.A. No. 3019, the *Anti-Graft and Corrupt Practices Act*, particularly Section 3(e) which provides: “*In addition to acts or omissions of public officers already penalized by existing law, the following shall constitute corrupt practices of any public officer and are hereby declared to be unlawful: x x x Causing any undue injury to any party, including the Government, or giving any private party any unwarranted benefits, advantage or preference in the discharge of his official administrative or judicial functions through manifest partiality, evident bad faith or gross inexcusable negligence x x x.*”

To be sure, even if Judge Blancaflor inhibited himself from the *Leron* case, he cannot extricate himself from the legal mess he brought upon himself. His interference in the case caused an undue injury to the party who should have prevailed had the case pushed through; and an unwarranted benefit to the party who should have lost had the case been decided on the

⁴⁵ Id.

⁴⁶ Id. at 452.

⁴⁷ *Rollo*, Vol. II, p.1448.

merits. Worse, he exhibited evident bad faith when he gave both parties expectations of winning the case. **Thus, there is every reason to find probable cause against him for violation of R.A. No. 3019.**

It is unfortunate that Judge Blancaflor lost sight of the exacting standards demanded of the office of a judge in the *Leron* case. Time and again, judges have been reminded that as magistrates, they must comport themselves in such a manner that their conduct, official or otherwise, can bear the most searching scrutiny of the public that looks up to them as the epitome of integrity and justice.⁴⁸ Sad to state, Judge Blancaflor failed to pass this “searching scrutiny.”

Re: charge of immorality

On the charge of immorality – for allegedly maintaining an illicit relationship with Villamar who is not his wife – Justice Fernando aptly observed that Judge Blancaflor offered no evidence, except general denials to disprove his moral indiscretion, which appeared to be widely known in the community at the time material to the case. As the records show, statements made here and there by witnesses and personalities drawn into the case confirm the special relationship between Judge Blancaflor and Villamar such that Villamar had no hesitation in speaking for the judge on matters concerning him and his work.

The community, it seemed, had accepted them as man and wife, given that they stayed in Layugan, Pagsanjan, Laguna and owned *Tagpuan Restaurant* in Pila, Laguna. This restaurant, incidentally, even became Judge Blancaflor’s extension office, usually in the afternoons, as deposed by Rivera, De Mata, Byron, Ricel and Judge Blancaflor’s staff whose assistance Rivera and De Mata sought in their effort to secure the provisional liberty for their clients Catuday and Namplata. The depositions were backed up by pictures of (1) the places where *Tagpuan Restaurant* used to stand and where the two were residing, and (2) the events in the life of the live-in partners. Notably, Exhs. “N,” “N-1,” and “N-2”⁴⁹ were separate camera shots of the place where *Tagpuan Restaurant* used to stand; Exh. “A-15-C”⁵⁰ was a picture of Gilbert, a party in the *Leron* case, attending the blessing of the chapel inside the compound of Judge Blancaflor’s house; Exh. “E”⁵¹ was a picture of Judge Blancaflor and Villamar together in a hut located inside the compound of their house in Layugan, Pagsanjan, Laguna, apparently relaxing; and Exhs. “F,” “G,” and “H” were pictures of Villamar picking up Judge Blancaflor from his office at the RTC, Sta. Cruz, Laguna, using her Pajero with plate no. XHF 887.⁵²

Judge Blancaflor belittled the immorality charge, dismissing it as merely a fabrication and a product of Rivera’s fertile imagination. To

⁴⁸ *Capco-Umali v. Acosta-Villarante*, 613 Phil. 603, 610-611 (2009).

⁴⁹ *Rollo*, Vol. I, p. 604.

⁵⁰ *Id.* at 352.

⁵¹ *Id.* at 595.

⁵² *Id.* at 596-597.

substantiate his claim, he cited the withdrawal of Ondevilla's affidavit confirming Rivera's charge that he was maintaining an illicit liaison with Villamar.⁵³

Again, **we are not persuaded by the judge's response.** Given the fact that Judge Blancaflor is a person of authority and his involvement in the "bribery" incident (as revealed by Byron and Ricel whom the judge even threatened if they would testify against him), we find more credibility in Rivera's submission that Ondevilla withdrew his affidavit on the immorality charge because the judge likewise threatened him.

The confluence of the statements of Rivera and the others (Byron, De Mata, Ricel and Mirasol), the information provided by Judge Blancaflor's staff, and the exhibits described above, constitute more than enough support for the immorality charge against Judge Blancaflor. These interwoven pieces of evidence pointing to the relationship between the judge and Villamar, several of which materialized over a period of time, could not conceivably have been the result of Rivera's fabrications. As De Mata testified during the investigation:

ATTY. SHALIM:

Q: Ms. Witness, you mentioned that Noralyn Villamar is the live-in partner of Judge Blancaflor. How do you know this?

A: Because Tita Macky herself was the one who told me that Judge Blancaflor is her live-in partner.

X X X X

J. FERNANDO:

Q: If you know, how long have Judge Blancaflor and Noralyn been living together as live-in partners?

A: 2006, your Honor.

Q: So they started as live-in partners since 2006?

A: June of 2006, Your Honor, because that was when I came back from Manila.

Q: As far as you are concerned, you only learned about it in 2006?

A: Yes, Your Honor.

Q: Have you seen them really living together as live-in partners?

A: No, Your Honor. It was my husband because they were still at Layugan because my husband was the driver of my father at that time.

X X X X

⁵³

Id. at 204.

Q: Are you saying that Judge and Macky are living in Layugan?

A: Yes, Your Honor.

x x x x

Q: Are you sure that Macky told you that Judge Blancaflor is her live-in partner?

A: Yes, Your Honor.

Q: How did she tell you?

A: It was just in a casual way that she told me that Judge is her current live-in partner because previously it was a Colonel.

Q: So despite the fact that you are not close to Macky, Macky intimidated (*sic*) to you that Judge Blancaflor is her live-in-partner?

A: Yes, Your Honor.⁵⁴

Justice Fernando stressed that Judge Blancaflor did not categorically deny the allegations of an illicit relationship with Villamar. While he stated that his marriage to his wife Nora Lopez was already annulled, the annulment became final only on July 18, 2012 by virtue of an entry of judgment from the RTC, Br. 199, Las Piñas City. Thus, he was still a married man at the time of his liaison with Villamar.⁵⁵

For maintaining a relationship with Villamar, Judge Blancaflor crossed the line of a proper and acceptable conduct as a magistrate and a private person. In *Re: Complaint of Mrs. Rotilla A. Marcos and her children against Judge Ferdinand J. Marcos*,⁵⁶ we said: “*x x x The Code of Judicial Ethics mandates that the conduct of a judge must be free of a whiff of impropriety not only with respect to his performance of his official duties, but also to his behavior outside his sala and as a private individual. There is no dichotomy of morality: a public official is also judged by his private morals. The code dictates that a judge, in order to promote public confidence in the integrity and impartiality of the judiciary, must behave with propriety at all times. x x x.*”

In sum, we find substantial evidence to hold Judge Blancaflor guilty as charged. This conclusion, as correctly observed by Justice Fernando:

x x x jibes with the affidavits and testimonies of complainant Rivera and her witnesses. His acts of fraternizing with lawyers and litigants, his partiality in the performance of his duties, his act of giving bribe money to two (2) witnesses to a case in order for them to withdraw, and maintaining an illicit affair with a woman not his wife tarnished the image of the judiciary. Respondent judge demonstrated himself to be

⁵⁴ TSN, July 31, 2012, pp. 28-30 and 33.

⁵⁵ *Rollo*, Vol. II, p. 1456.

⁵⁶ 413 Phil. 65 (2001).

*wanting of moral integrity x x x He is therefore unfit to remain in office and discharge his functions and duties as judge.*⁵⁷ (Emphasis supplied)

Indeed, as observed by the OCA, it has been established that “[t]he findings of investigating magistrates on the credibility of witnesses are given great weight by reason of their unmatched opportunity to see the deportment of the witnesses as they testified.”⁵⁸

Gross misconduct, bribery, violation of R.A. No. 3019 and immorality, all of them constituting violations of the Code of Judicial Conduct,⁵⁹ are serious charges under Section 8, Rule 140 of the Rules of Court punishable under Section 11 of the same Rule by any of the following: (1) **dismissal from the service**, forfeiture of the benefits as the Court may determine, and disqualification from reinstatement or appointment to any public office, including government-owned or controlled corporations; forfeiture of benefits shall in no case include accrued leave credits; (2) **suspension from office** without salary and other benefits for more than three (3) months but not exceeding six (6) months; or (3) a fine of more than ₱20,000.00 but not exceeding ₱40,000.00.

Considering the gravity of the offenses committed by Judge Blancaflor, we approve and adopt the recommendations of Justice Fernando and the OCA for his dismissal from the service, with the accessory penalties.

WHEREFORE, premises considered, Presiding Judge Jaime C. Blancaflor, Branch 26, Regional Trial Court, Sta. Cruz, Laguna, is found **GUILTY** of gross misconduct, violation of the Anti-Graft and Corrupt Practices Act (R.A. No. 3019) and immorality, constituting serious violations of the Code of Judicial Conduct under Section 8, Rule 140 of the Rules of Court.

Judge Blancaflor is **DISMISSED** from the service, with forfeiture of his retirement and other monetary benefits, except accrued leave credits. He is **DISQUALIFIED** from reinstatement or appointment to any public office, including government-owned or controlled corporations.

This ruling shall be **without prejudice** to any disciplinary action that may be brought against Judge Blancaflor as a lawyer under *A.M. No. 02-9-02-SC*.⁶⁰ Accordingly, Judge Blancaflor is directed to **COMMENT** within ten (10) days from receipt of this decision and to show cause why he should not also be suspended,

⁵⁷ *Rollo*, Vol. II, pp. 1458-1459.

⁵⁸ *Magarang v. Jardin, Sr.*, 386 Phil. 273, 283 (2000).

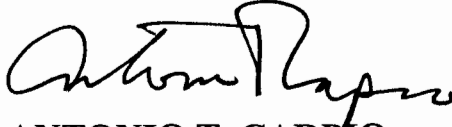
⁵⁹ Canons 1-3.

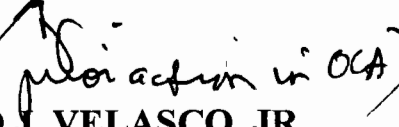
⁶⁰ September 17, 2002; Re: Automatic Conversion of Some Administrative Cases against Justices of the Court of Appeals and the Sandiganbayan; Judges of Regular and Special Courts; and Court Officials Who are Lawyers as Disciplinary Proceedings Against Them Both as Such Officials and as Members of the Philippine Bar.

disbarred or otherwise disciplinarily sanctioned as a member of the Philippine Bar.

SO ORDERED.


MARIA LOURDES P. A. SERENO
 Chief Justice


ANTONIO T. CARPIO
 Associate Justice

No part due to prior action in OCA

PRESBITERO J. VELASCO, JR.
 Associate Justice

Teresita Leonardo de Castro
TERESITA J. LEONARDO-DE CASTRO
 Associate Justice



ARTURO D. BRION
 Associate Justice

(On leave)
DIOSDADO M. PERALTA
 Associate Justice

(On leave)
LUCAS P. BERSAMIN
 Associate Justice


MARIANO C. DEL CASTILLO
 Associate Justice

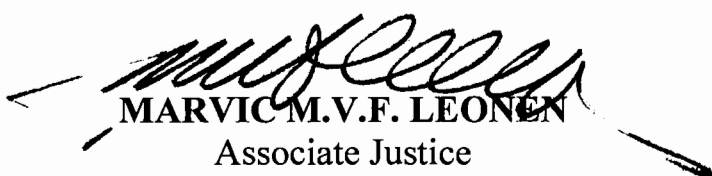

MARTIN S. VILLARAMA, JR.
 Associate Justice


No part due to prior action in matter at Dep. Ct. Admin.

JOSE PORTUGAL PEREZ
 Associate Justice


JOSE CATRAL MENDOZA
 Associate Justice


BIENVENIDO L. REYES
 Associate Justice

W. H. H. H.
ESTELA M. PERLAS-BERNABE
 Associate Justice


MARVIC M.V.F. LEONEN
 Associate Justice


FRANCIS H. JARDELEZA
 Associate Justice
NO part former colleague