



Republic of the Philippines  
Supreme Court  
Manila

EN BANC

OFFICE OF THE COURT  
ADMINISTRATOR,

A.M. No. RTJ-20-2579  
[Formerly A.M. No. 20-06-75 RTC]

Complainant, Present:

-versus-

GESMUNDO, C.J.,  
LEONEN,  
CAGUIOA,  
HERNANDO,  
LAZARO-JAVIER,\*  
INTING,  
ZALAMEDA,  
LOPEZ, M.,  
GAERLAN,  
ROSARIO,  
LOPEZ, J.,  
DIMAAMPAO,  
MARQUEZ,\*\*  
KHO, JR., and  
SINGH, JJ.

JUDGE EDRALIN C. REYES,  
Presiding Judge, Branch 43,  
Regional Trial Court, Roxas City,  
Oriental Mindoro,

Respondent. Promulgated:

October 10, 2023

X ----- *[Signature]* ----- X  
DECISION

PER CURIAM:

The instant administrative case arose from a judicial audit conducted by the Office Court Administrator (OCA) on Branches 39, 41, and 43 of the

\* No part and on Official Leave.  
\*\* No part.

Regional Trial Court (RTC) of Pinamalayan, Oriental Mindoro.

### Antecedents

On August 8, 2018, the Supreme Court assigned a laptop, HP 240 G6 with serial number 5CD7525ZNo (subject laptop) to respondent Judge Edralin C. Reyes (Judge Reyes), then Acting Presiding Judge of Branch 39, RTC, Roxas City, Oriental Mindoro, Branch 39. The subject laptop was transferred to Judge Josephine C. Caranzo (Judge Caranzo) upon her appointment to Branch 39. On December 27, 2019, Judge Carranzo returned the subject laptop to the Supreme Court's Management Information Systems Office (MISO) for repair or replacement.<sup>1</sup>

As part of their standard operating procedure, the MISO examined the laptop on January 3, 2020 and found a backup of iPhone messages. After downloading iBackup Viewer, the MISO uncovered a series of messages showing that Judge Reyes was engaged in corrupt practices. It then immediately reported the same to the Office of the Court Administrator (OCA), which, on January 20, 2020, hired a private digital forensic expert, Dexter De Laggui (De Laggui) to extract data from the subject laptop and verify the MISO's findings. SMS/iMessage conversations, contact information, photos, videos, and iPhone notes were recovered from the subject laptop.<sup>2</sup>

Chief Justice Diosdado M. Peralta (CJ Peralta) then issued Office Order No. 05-2020 which ordered the OCA to investigate and audit Branch 39, Roxas City, Oriental Mindoro.<sup>3</sup>

In its Memorandum dated March 12, 2020, the OCA Investigating team (investigating team) found that Judge Reyes was the user of the subject laptop and the owner of the iPhone 6s plus from which the iMessages came from. Judge Reyes used the said phone to communicate and ask for bribes from several lawyers and private individuals, in exchange for favorable action on cases pending before him. Apparently, Judge Reyes frequently conversed with Atty. Eduardo M. Magsino (Atty. Magsino),<sup>4</sup> Atty. Marlo E. Masangkay (Atty. Masangkay), Atty. Lysander Lascano Fetizanan (Atty. Fetizanan),<sup>5</sup> Mayor Joselito Malabanan (Mayor Malabanan). Specifically, the investigating team discovered that Judge Reyes: 1) borrowed money and asked for "*pabaon*" or pocket money from Atty. Magsino whenever Judge

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<sup>1</sup> Rollo, pp. 902.

<sup>2</sup> *Id.* at 902-903.

<sup>3</sup> *Id.* at 903.

<sup>4</sup> Also referred to as Ed.

<sup>5</sup> Also referred to as Lloyd in other parts of the records.

Reyes attends seminars or trainings; 2) asked Atty. Masangkay to be his “dummy” in a transaction involving a 900 square meter lot Judge Reyes owns; and 3) received money, a car, and guns from private practitioners in exchange for favorable action.<sup>6</sup>

Also mentioned in the messages are a certain Ringgo, possibly Rodrigo Dimaandal, Sheriff IV, Branch 43, RTC, Roxas, Oriental Mindoro, Branch 43; a certain Roberto, possibly Roberto F. Fallaria, Process Server, Branch 43, RTC, Roxas, Oriental Mindoro; Mel Silva (Silva), Judge Reyes’s representative who receives seminar “*pabaon*” on his behalf, and Atty. Crisalyn B. Lumanglas, who drafted Judge Reyes’ decisions in the following cases: (1) *Sanz*, (2) *People v. Delmo*, (3) *Caballes*, (4) *Alday*, (5) *Malicsi*, and (6) *Barcelona*.<sup>7</sup>

Thus, the OCA recommended that:

1. [T]he [I]nstant Memorandum be considered as a formal complaint against Judge Edralin C. Reyes, Presiding Judge, Branch 43, Roxas City, Oriental Mindoro and the same be DOCKETED as REGULAR ADMINISTRATIVE MATTER;
2. Judge Reyes be PREVENTIVELY SUSPENDED pending the outcome of this administrative matter;
3. The Office of the Court Administrator be authorized to CONDUCT A JUDICIAL AUDIT of Branch 43, RTC, Roxas City, Oriental Mindoro, Branch 39, RTC, Calapan City, Oriental Mindoro, and Branch 41, RTC, Pinamalayan, Oriental Mindoro; and
4. The Office of the Court Administrator be authorized to COORDINATE WITH THE ANTI-MONEY LAUNDERING COUNCIL for the preservation and production of the bank and money transfer transactions and the possible prosecution of Judge Reyes and his cohorts for money laundering.<sup>8</sup>

On June 2, 2020, the OCA submitted to then CJ Peralta a Memorandum<sup>9</sup> which narrated the discovery of the information on the subject laptop and recommended that an audit be conducted on the cases mentioned in the conversations recovered therein.<sup>10</sup>

On June 9, 2020, the Supreme Court *En Banc* issued a Resolution,<sup>11</sup> largely adopting the recommendations of the OCA, *viz.*:

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<sup>6</sup> *Rollo*, p. 904.

<sup>7</sup> *Id.*

<sup>8</sup> *Id.*

<sup>9</sup> *Id.* at 1–6.

<sup>10</sup> *Id.* at 902.

<sup>11</sup> *Id.* at 34–36.

A.M. No. 20-06-75-RTC (Re: Data Discovered from the HP 240 G6 Laptop, Computer, with Serial Number 5CD7525ZNo, Previously Assigned to and Used by Judge Edralin C. Reyes, Presiding Judge, Branch 43, Regional Trial Court, Roxas City, Oriental Mindoro). – The Court Resolved, upon the recommendation of the Office of the Administrator (OCA), to

- (a) CONSIDER the Memorandum dated June 2, 2020 of the OCA as a formal complaint against Judge Edralin C. Reyes, Presiding Judge, Branch 43, Regional Trial Court (RTC), Roxas City, Oriental Mindoro and RE-DOCKET the same as regular administrative matter, to wit: A.M. No. RTJ-20-2579 [Formerly 20-06-75-RTC] (Office of the Court Administrator vs. Judge Edralin C. Reyes, Presiding Judge, Branch 43, Regional Trial Court, Roxas City); and
- (b) PREVENTIVELY SUSPEND Judge Reyes pending the resolution of this administrative matter. (For release)

The Court further Resolved to DIRECT the OCA to

- (a) SECURE the premises of (a) Branch 43, RTC, Roxas City, Oriental Mindoro, (b) Branch 39, RTC, Calapan City, Oriental Mindoro, and (c) Branch 41, RTC, Pinamalayan, Oriental Mindoro by (i) assigning security guards thereat on a twenty-four (24)-hour basis; (ii) directing all court personnel to hold in abeyance any action on the records including stitching; and (iii) prohibiting the bringing of court records outside the court premises;
- (b) CONDUCT a judicial audit of the foresaid [sic] courts, and if necessary, to bring the pertinent records of cases to the Office of the Court Administrator here in Manila for the continuation of the audit; and
- (c) COORDINATE with the Anti-Money Laundering Council for the (i) preservation and production of the bank and money transfer transactions and (ii) possible prosecution of Judge Reyes and his cohorts for money laundering.<sup>12</sup>

Meanwhile, in a Resolution<sup>13</sup> dated June 16, 2020, this Court required Globe Telecom, Inc., to provide pertinent information on the owners of the mobile phone numbers recovered from the subject laptop.<sup>14</sup>

Three Judicial Audit teams were organized to investigate Branches 39, 41, and 43 of RTC of Oriental Mindoro. The judicial audit teams investigated 20 cases pending in Branches 43 and 39 to verify whether Judge Reyes is engaged in corrupt activities as ostensibly shown in the SMS/iMessage conversations obtained from the subject laptop.<sup>15</sup>

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<sup>12</sup> *Id.* at 34-35.

<sup>13</sup> *Id.* at 49-50.

<sup>14</sup> *Id.* at 49.

<sup>15</sup> *Id.* at 906-907.

In their Memorandum<sup>16</sup> dated December 10, 2020, the judicial audit teams confirmed that Judge Reyes demanded and asked for bribes in exchange for orders or resolutions granting motions or petitions for bail or its reduction, decisions acquitting the accused, order granting a motion to travel abroad, and orders allowing plea to a lesser offense.<sup>17</sup>

Likewise, the judicial audit teams found Judge Reyes's disposal of cases suspicious. For criminal cases, it observed that out of 76 criminal cases which were randomly examined, 50 were dismissed due to failure to prosecute, or the offended party's execution of an affidavit of desistance, 14 decisions on plea bargaining; six dismissals on account of a demurrer to evidence, four dismissals after trial on the merits, and two dismissal due to lack of probable cause and death of the accused, respectively.<sup>18</sup>

It also reported irregularities or errors committed by Judge Reyes in the following cases:

1. In *Maloles v. Aquino*, where the petition for annulment of marriage was granted without a hearing on the merits;
2. In *Gara-Cruz v. Cruz*, where the decision was issued by Judge Reyes nine months from the filing of the petition;
3. In *Dy v. Dimapilis et al*, where Judge Reyes zealously participated in the mediation by proposing the amount for the parties' settlement of the case;
4. In *People v. Cabral*, where Judge Reyes allegedly committed an error in allowing the accused to travel abroad; and
5. In *People v. Sode*, where Judge Reyes resolved a petition for bail without providing an exhaustive summary and evaluation of the evidence presented by the parties.<sup>19</sup>

The audit also revealed that the firearms subject of nine decided cases for violation of Republic Act No. 10591, or the "Comprehensive Firearms and Ammunition Regulation Act," decided by Judge Reyes, were not turned over to the Philippine National Police (PNP), viz.:

No.	Case Number	Title	Nature	Decision

<sup>16</sup> *Id.* at 392-430.

<sup>17</sup> *Id.* at 421-428.

<sup>18</sup> *Id.* at 400.

<sup>19</sup> *Rollo*, pp. 426-427.

1	CR-15-12, 119	Pp v. Michael Mercado	Violation of Section 28(a) of Republic Act No. 10591	Decision August 16, 2019
2	CR-15-12,131	Pp v. Lolito Rodriguez	Violation of Section 28(a) of Republic Act No. 10591	Decision July 29, 2019
3	CR-15-12,559	Pp v. Hilario Ballesteros	Violation of Section 28(a) of Republic Act No. 10591	Decision November 22, 2019
4	CR-19-14 567	Pp v. Gilbert Aguillon	Violation of Section 28(a) of Republic Act No. 10591	Decision August 16, 2019
5	CR-18-14, 1145	Pp v. Danilo Patingga	Violation of Section 28(a) of Republic Act No. 10591	Decision July 29, 2019
6 7 8	CR-18-14,247 to 14, 249	Pp v. Francisco Malibiran and Franklin Malibiran	Violation of Section 28(a), (e)(l), (f), and (h) of Republic Act No. 10591	Decision July 12, 2019
9	CR-15 12,150	Pp v. Michael Aceremo and Stephen Joseph Sta. Maria	Violation of Republic Act No. 10591	Decision April 26, 2019
10 11 12 13	CR-16 12,877 12,878 12,879 12, 880	Pp vs. Angelito Aseros Cielo, Teodolo Magadia and Arcangel Cielo	Violation of Section 28(a) of Republic Act No. 10591 and violation of Sec. 3, Presidential Decree No. 1866 as amended	ORDERS of Dismissal granting Demurrer to Evidence August 2, 2019 and July 5, 2019 <sup>20</sup>

There were also missing firearms per the inventory conducted by

<sup>20</sup> *Id.* at 417.

Judge Carranzo when she assumed her office in Branch 39, viz.:

<i>No.</i>	<i>Case</i>	<i>Title</i>	<i>Firearms Involved</i>	<i>Last Action Taken</i>
1	CR-12-10,554	Pp v. Carlito Aldovino and Rodel Bermoy	Cal .45 Armscor SN 1076319	Order July 26, 2019 - Pros. directed to comment on the motion to plea bargain; Pros. filed comment on October 7, 2019; Order January 16, 2020 recusal of Judge Caranzo
2	CR-14-11,959	Pp v. Gilbert Manibo	Daewoo 9mm SN BA010923	Order July 19, 2019 on bail; release; re-arraignment cancelled due to counsel's withdrawal of motion to plea bargain
3	CR-17-13,869	Pp v. Rodolfo Evangelio	Cal .38 revolver Detective Chief Special SN 1021338	Order July 11, 2018 - APJ Goco inhibited
4	CR-15-12,119	Pp v. Michael Mercado	Cal. 445 SN001149	Decision August 16, 2019
5	CR-15-12,131	Pp v. Lolito Rodriguez	Cal .45 Thompson SN 46379	Decision July 29, 2019
6	CR-15-12,559	Pp v. Hilario Ballesteros	Cal .45 Llama Max-1 SN 07-04-07339-99	Decision November 22, 2019
7	CR-19-14,567	Pp v. Gilbert Aguillon	9mm Armscor SN 1153208	Decision August 16, 2019
8	CR-15-12,445	Pp v. Rodel Mangarin	Glock Cal 9mm PNP41357	Decision May 13, 2019 <sup>21</sup>

The judicial audit team surmised that Judge Reyes and the lawyers he frequently conversed with may have kept these missing firearms after their cases are dismissed.<sup>22</sup>

Likewise, the judicial audit team also submitted a copy of Silva's statement<sup>23</sup> dated July 17, 2020 in response to this Court's Resolution dated June 16, 2020, which required him to comment on his supposed participation

<sup>21</sup> *Id.* at 417-418.

<sup>22</sup> *Id.* at 418.

<sup>23</sup> *Id.* at 51-52.

in the incidents of bribery involving Judge Reyes.<sup>24</sup> In his statement, Silva claimed that:

- 1) *Inutusan po ako ni Judge Reyes na kuhanin sa Palawan Pawnshop ang pera na nakapangalan sa akin na nagkakahalaga ng P5,000.00 na ipinadala ng isang Atty. Magsino, sapagkat noong panahong yon, siya ay nasa Maynila para dumalo ng seminar.*
- 2) *Hindi ko po alam ang usapan sa pagitan ni [sic] Atty. Magsino at Judge Reyes nasa akin [sic] po ipinangalan ang padalang pera sa Palawan Pawnshop. Pagkakuha ko po ng pera sa Palawan Pawnshop ay inihatid ko po sa bahay ni Judge Reyes ang pera.*
- 3) *Wala po ako maalala kung mayroon po akong pera na nakuha pa sa Palawan Pawnshop.*<sup>25</sup>

Further, the judicial audit team attached a Report<sup>26</sup> dated September 14, 2020 from the Philippine National Police (PNP) Criminal Investigation & Detection Group (CIDG)-Regional Field Unit 4B (CIDG-RFU4B) entitled, "Investigation Report re-Alleged Irregularities in the Performance of Official Duties and Corruption of Judge EDRALIN C. REYES" (PNP Report). The PNP Report narrated that CIDG-RFU4B conducted a routine follow-up from all RTCs of Mindoro with respect to cases filed in violation of the firearms law pursuant to a Memorandum<sup>27</sup> dated April 8, 2019 from the CIDG Director. Due to their initial discovery from Branch 39 that there were missing firearms, the PNP decided to investigate further by conducting interviews with litigants and securing copies of court documents. The PNP report concluded that Judge Reyes was engaged in corrupt activities, earning money from cases raffled to his *sala*. The PNP also found that Judge Reyes took several firearms which are object evidence in various cases pending and/or decided by him. Thus, it recommended the filing of the criminal and administrative charges against Judge Reyes.<sup>28</sup>

Based on the results of their probe, the judicial audit team recommended that Judge Reyes be held liable for gross misconduct and gross ignorance of the law. Further, it also recommended that Atty. Crisalyn B. Lumanglas, former Branch Clerk of the RTC of Branch 39, and Amor D. Macahilos-Fajardo, former Branch Clerk of Court from June 14, 2019 to June 13, 2020, be ordered to explain the failure to turn over some of the firearms in their custody and to locate or explain the missing exhibits.<sup>29</sup>

In a Memorandum<sup>30</sup> to the JIB dated November 4, 2021, the OCA

<sup>24</sup> *Id.* at 49.

<sup>25</sup> *Id.* at 51–52.

<sup>26</sup> *Id.* at 522-525.

<sup>27</sup> *Id.* at 526.

<sup>28</sup> *Id.* at 524–528.

<sup>29</sup> *Id.* at 429–430.

<sup>30</sup> *Id.* at 388–391.



endorsed the judicial audit's report, and also relayed Globe Telecom, Inc.'s compliance with the Resolution dated June 16, 2021. It confirmed that the owners of the Globe mobile phone numbers retrieved from the subject laptop belongs to Judge Reyes, Attys. Magsino, Masangkay, and Fetizanan, and Mayor Malabanan. The OCA also explained that after evaluation, it was recommended that the judicial audit conducted in Branch 41 of RTC in Pinamalayan, be considered a separate investigation. In addition, the OCA also informed and submitted to the JIB copies of two anonymous complaints, requesting Judge Reyes be investigated on account of corruption.<sup>31</sup> Thus, the OCA recommended that Judge Reyes be directed to comment on why he should not be held liable for grave misconduct and gross ignorance of the law, *viz.*:

1. GRAVE MISCONDUCT for engaging in corrupt activities by demanding monies from litigants, fraternizing with the counsels who handle cases and/ or appearing before his court, maintaining connections and engaging in transactions with persons who have pending cases, referring counsels to parties in cases pending before his court, and showing bias and partiality; and
2. GROSS IGNORANCE OF THE LAW for dismissing criminal cases by reason of mere affidavits of desistance from the private complainants, even in cases where the informations were already filed and without conducting a hearing; the apparent irregularities in annulment of marriage proceedings; in arrogating upon himself the conduct of mediation proceedings in the case Jackson Dy v. Sps. Dimapilis; allowing an accused to travel abroad on the ground that his travel can only be restricted on the basis of national security, public health and public security; and resolving a petition for bail without discussing the evidence presented by the prosecution.

Judge Reyes may likewise be DIRECTED to COMMENT on the 31 January 2019 Decision of the Court of Appeals in Maloles v. Aquino, CA-G.R. CV No. 109071, finding that the proceedings before Branch 43 show grave irregularities, blatant mockery of the rules, and shameless violation of the sanctity of marriage; and the 14 September 2020 Investigation Report re-Alleged Irregularities in the Performance of Official Duties and Corruption of Judge EDRALIN C. REYES of the Criminal Investigation & Detection Group-Regional Field Unit 4B, Philippine National Police (PNP).

It is further recommended that JUDGE REYES and ATTY. CRISALYN B. LUMANGLAS, former Branch Clerk of Court, and now Clerk of Court, Office of the Clerk of Court, RTC, Calapan City, Oriental Mindoro, and MS. AMOR D. MACAHILOS-FAJARDO, Legal Researcher II, former OIC-BCC, be DIRECTED to EXPLAIN why they should not be held administratively liable for their failure to turn-over confiscated firearms and ammunitions in terminated cases

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<sup>31</sup> *Id.* at 389-390.

(Table 4) to the PNP, and for the loss of reported missing firearm exhibits (Tables 5 and 6, and in *People v. Pepito Perez*).

Finally, PRESIDING JUDGE JOCELYN C. CARANZO, Branch 39, RTC, Calapan City, Oriental Mindoro, and ATTY. JUNO KORINNA G. CONCEPCION-MIRINDATO, Branch Clerk of Court, same court, may be DIRECTED to IDENTIFY confiscated firearms and ammunitions in terminated cases which are no longer needed as evidence, IMMEDIATELY TURN-OVER these exhibits to the PNP, and SUBMIT a report on the matter.<sup>32</sup>

Based on the Judicial Audit Team's Report, the Acting Executive Director of the Judicial Integrity Board (JIB), James D.V. Navarrete, in a Report<sup>33</sup> dated June 22, 2022 summarized the irregularities committed by Judge Reyes, viz.:

1. Receiving "advance payment" in the case of *People v. Marion Job Adap, et al*, in exchange for a favorable resolution on the accused's petition for bail;
2. Exchanging SMS/iMessages with Atty. Magsino and later asking him to prepare the "draft reso" in two (2) drug cases (Criminal Cases Nos. R-10-1704 and R-10-1705 titled, *People v. Raul Dizon*) which were dismissed in February 2017;
3. Asking Atty. Magsino to prepare the resolution [dismissing] Criminal Case No. R-1452, titled *People v. Saligumba*, for estafa and later informing Atty. Magsino that "Ok na yung dismissal orders ni Saligumba, FYI."
4. Negotiating with Atty. Magsino for Carlo Magno Sison's petition for bail with respect to charges for violation of Republic Act (RA) No. 9165;
5. Discussing with Attys. Magsino and Fetizanan the consolidated criminal cases against accused Pamfilo Adan Castillo, and receiving money in exchange for the motion to dismiss;
6. Receiving money in exchange for the dismissal of the criminal cases against John Mark Aliparo;

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<sup>32</sup> *Id.* at 390-391.

<sup>33</sup> *Id.* at 747-754.

7. Receiving money in criminal cases involving Romy Mangao and Aljon Gamido;
8. Ordering the release of Sammy Daog, accused in a murder case;
9. Negotiating with Atty. Fetizanan with respect to the case of Segio Glori upon payment of PHP 50,000.00 to be taken from the cash bail bond;
10. Receiving money in exchange for the issuance of an order reducing the bail of the accused in *People v. Visco*;
11. Referring a case involving Dennis Yaco to Atty. Masangkay, and advising him to cause the removal of *lis pendens* on the property to facilitate its sale at a higher price;
12. Coordinating with Atty. Masangkay for the grant of the motion for leave to travel abroad of his client;
13. Directing Atty. Masangkay on what to do in *People v. Emerson Soriano*, resulting in the dismissal of the case;
14. Acquitting the accused in *People v. Alday, et al.*, for murder, upon the instruction of Mayor Malabanan;
15. Failure to transmit firearms to the Philippine National Police (PNP) in nine (9) illegal possession of firearms cases.<sup>34</sup>

The JIB then recommended that Judge Reyes be directed to comment on the OCA Memoranda dated June 2, 2020 and November 4, 2021, and the Audit Team Memorandum dated December 10, 2020 within (30) days from notice.<sup>35</sup>

### Comment of Judge Reyes

In his Comment<sup>36</sup> dated December 15, 2022, Judge Reyes argued

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<sup>34</sup> *Id.* at 749–750.

<sup>35</sup> *Id.* at 753.

<sup>36</sup> *Id.* at 782–793.

that the retrieval of his private mobile phone data from the subject laptop is a brazen violation of his constitutional right to privacy of communication and correspondence, and thus, should not be considered by the Court for being “fruit of the poisonous tree.” He alleged that the supposed conversations from his mobile phone were fake, altered, tampered, and unreliable because Judge Carranzo, who had an axe to grind against him, was in possession of the subject laptop before it was handed over to the MISO.<sup>37</sup>

In his supplemental comment,<sup>38</sup> Judge Reyes also asserted that the messages recovered from the laptop cannot be used because they were obtained without his permission and in his absence.<sup>39</sup>

As to his actions in the cases he decided, he contended that any error of law or grave abuse of discretion should have been raised in an appeal or petition for *certiorari* to the Court of Appeals and Supreme Court by the proper party.<sup>40</sup>

Anent the failure to turn over the firearms and the missing exhibits, Judge Reyes maintained that the branch clerk of court is responsible for their custody and safekeeping. He claimed that some of the missing exhibits of Branch 39 of RTC Calapan City pertain to the ones he brought to Branch 43, which he used to accurately cite details in drafting orders and resolutions. He alleged that these missing exhibits were “left unnoticed” in his chamber/vault at Branch 43 until his recall as Acting Presiding Judge on September 19, 2019. He further reasoned that he was prevented from returning the exhibits due to the imposition of lockdowns during the onset of the pandemic in early 2020.<sup>41</sup>

### **JIB Report and Recommendation**

In its Report<sup>42</sup> dated June 8, 2023, the JIB found that there was substantial evidence to hold the Judge Reyes administratively liable. It noted that in the cases where Judge Reyes received money, he acted favorably in favor of the party who has given him the bribe, *viz.*:

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<sup>37</sup> *Id.* at 787–790.

<sup>38</sup> *Id.* at 845–878.

<sup>39</sup> *Id.* at 847–854.

<sup>40</sup> *Id.* at 858–862.

<sup>41</sup> *Id.* at 864–867.

<sup>42</sup> *Id.* at 902–974. Penned by Vice Chairperson Justice Angelina Sandoval-Gutierrez and concurred in by Justices Romeo J. Callejo, Sr., Sesinando E. Villon, Rodolfo A. Ponferrada, and Cielito N. Mindaro-Grulla.

<i>Docket number</i>	<i>Conversation with counsel/litigant</i>	<i>Judge Reyes's action</i>
1. Criminal Case No. R-16-2623, <i>People v. Marion Job Adap, Henry Morris, Eduard Tolentino, Kim Macod and Aris Solitario</i> <sup>43</sup>	<p>In their November 2, 2017 conversation, Judge Reyes and Atty. Magsino discussed the case of Bok Adap so that “<i>makapagbail man lang daw po</i> [before] Christmas.” Judge Reyes asked how much is the budget and Atty. Magsino replied, “[<i>P100k</i>] <i>po para sa inyo na ni fiscal yon. Para makabail lang. ok po ba sa inyo ay 60k at kay fiscal ay 40k?</i>”<sup>44</sup></p> <p>On December 20, 2017, Judge Reyes informed Atty. Magsino of the resolution but instructed the latter to post bail the following day instead,. . . [P]<i>apadala ko reso at rollo today. Will be in Roxas tom. Bukas na lang sya magpyansa para hindi obvious na may insider kayo. Thanks.</i>” Atty. Magsino also informed Judge Reyes that he will give the balance the following day for the release order of Bok.<sup>45</sup></p>	<p>On December 20, 2017, Judge Reyes granted the bail.<sup>46</sup></p> <p>On August 1, 2019, the case was dismissed upon the demurrer to evidence filed by accused Adap.<sup>47</sup></p>
2. Criminal Case No. M-16-2544 and M-16-2545, <i>People of the Philippines v. Carlo Magsino Sison and Kenneth Flores Calinog</i> for Violation of Republic Act No. 9165. <sup>48</sup>	<p>Judge Reyes inquired from Atty. Magsino if accused Carlo Magno Sison has “budget” for his bail and if one half (1/2) could be paid to him for his expenses in Manila.<sup>49</sup></p> <p>After follow-up it turned out that the accused had no money for bail. Judge Reyes replied, “<i>Ganun ba, Deny ko na lang.</i>”<sup>50</sup></p>	<p>In a Resolution dated June 19, 2018, the petition for bail was denied.</p> <p>The accused was later on acquitted upon the defense’s demurrer to evidence.<sup>51</sup></p>
3. Criminal Case No. R-17-2796, <i>People of the Philippines v. Pamfilo Adan</i>	<p>On March 6, 2018, Judge Reyes sent a message to Atty. Magsino saying “Good pm ed. Am planning to promulgate the decision in 3 cases of [P]amfilo [A]dan Castillo. Any</p>	<p>In a Decision dated March 6, 2018, accused Pamfilo Adan Castillo was</p>

<sup>43</sup> *Id.* at 913–916.<sup>44</sup> *Id.* at 913.<sup>45</sup> *Id.* at 915.<sup>46</sup> *Id.* at 916.<sup>47</sup> *Id.*<sup>48</sup> *Id.* at 917–918.<sup>49</sup> *Id.* at 918.<sup>50</sup> *Id.*<sup>51</sup> *Id.*

<p><i>Castillo</i> for Violation of Section 28(a) in relation to Section 28 (e), Republic Act No. 10591.</p> <p>Criminal Case No. R-17-2797, <i>People of the Philippines v. Pamfilo Adan Castillo</i> for Violation of Section 11, Article II, Republic Act No. 9165.</p> <p>Criminal Case No. R-17-2798, <i>People of the Philippines v. Pamfilo Adan Castillo</i> for Violation of Section 12, Article II, Republic Act No. 9165.<sup>52</sup></p>	<p>development in your negotiation?”<sup>53</sup></p> <p>He also asked counsel of accused in Criminal Case No. R-17-2798, Atty. Fetizanan, to draft a decision acquitting the accused. He also asked that the budget of PHP 50,000.00 be increased to PHP 75,000.00 and eventually to PHP 100,000.00 as “<i>baon</i>” for his vacation to Pagudpud.<sup>54</sup></p> <p>On March 15, 2018, Judge Reyes asked Atty. Fetizanan to delete all his files on the cases as he has his own copy.<sup>55</sup></p> <p>On March 22, 2018, Atty. Fetizanan told Judge Reyes that the envelope is already in his drawers and Judge Reyes thanked for the “<i>pabaon</i>”<sup>56</sup></p>	<p>acquitted.<sup>57</sup></p>
<p>4. Criminal Case No. M-17-2751, <i>People of the Philippines v. John Mark Aliparo</i> for Acts of Lasciviousness.</p> <p>Criminal Case Nos. M-17-2752 and M-17-2753, <i>People of the Philippines v. John Mark Aliparo</i> for Rape.<sup>58</sup></p>	<p>Judge Reyes asked Atty. Magsino if there is money “for the boys?” The latter answered “<i>meron po.</i>” Judge Reyes thanked him.</p> <p>On June 7, 2018, Judge Reyes asked Atty. Magsino whether he has a share in the bail money.<sup>59</sup></p>	<p>The cases were dismissed.<sup>60</sup></p>

<sup>52</sup> *Id.* at 918–923.

<sup>53</sup> *Id.* at 919.

<sup>54</sup> *Id.*

<sup>55</sup> *Id.* at 922.

<sup>56</sup> *Id.*

<sup>57</sup> *Id.* at 923.

<sup>58</sup> *Id.* at 924–925.

<sup>59</sup> *Id.* at 925.

<sup>60</sup> *Id.*

<p>5. Criminal Case No. B-18-2932, <i>People of the Philippines v. Romy Pakiding Mangao</i> for Violation of Section 28(a) in relation to 28(e) of Republic Act No. 10591 (An Act Providing for a Comprehensive Law on Firearms and Ammunition and Providing Penalties for Violations thereof).</p>	<p>On June 28, 2018, Judge Reyes asked Atty. Magsino if he was able to file a motion to quash in the cases of Mangao and Gamino, to which the latter replied in the affirmative.<sup>62</sup></p> <p>On July 17, 2018, Judge Reyes asked Atty. Magsino if the accused can give him <i>pambaon</i> for his seminar in Tagaytay. Atty. Magsino replied in the affirmative. Judge Reyes thanked him.<sup>63</sup></p> <p>On July 24, 2018, after reiterating his request for <i>pambaon</i>, Judge Reyes gave Atty. Magsino his bank account number.</p> <p>On July 26, 2018, Atty. Magsino asked Judge Reyes if he can send the money through Palawan or Cebuana Pawnshop. Judge Reyes opted for Palawan Pawnshop and instructed Atty. Magsino to send it to one Mel Silva.</p>	<p>On August 9, 2018, Judge Reyes issued a Resolution granting the motion to suppress evidence and to quash information with respect to accused Gamido, but denied it with respect to accused Mangao.</p> <p>Accused Mangao pleaded guilty in both cases to a lesser offense of violation of Section 40, Republic Act No. 10591. In his Decision, respondent sentenced the accused to pay a fine of PHP 10,000.00.</p>
<p>Criminal Case No. B-18-2933, <i>People of the Philippines v. Romy Pakiding Mangao and Aljon Pagabil Gamido</i> for Violation of COMELEC Resolution and Omnibus Election Code.<sup>61</sup></p>	<p>Later on, Atty. Magsino sent a notice that the amount can then be claimed. Judge Reyes thanked him.</p> <p>On August 1, 2018, Atty. Magsino asked Judge Reyes if accused Mangao can plead to Sec. 40 of Republic Act No. 10591 (failure to notify lost or stolen firearm), and just pay the fine of PHP 10,000. Judge Reyes replied that he was unsure because four firearms were recovered. Atty. Magsino reiterated the request, saying that the fiscal may agree to the proposed plea to a lesser offense. Judge Reyes replied in the affirmative, saying that it constitutes as disposal of a case, and would mean that the latter can get a baby armalite.<sup>64</sup></p> <p>On August 8, 2018, Atty. Magsino asked if he can get the baby armalite. Judge Reyes replied that an M16 is available in Branch 39.<sup>65</sup></p> <p>On August 10, 2018, Judge Reyes informed Atty. Magsino that the “baby” is at his house, and that the M16 is being prepared[.]<sup>66</sup></p>	

<sup>61</sup> *Id.* at 926–933.

<sup>62</sup> *Id.* at 926.

<sup>63</sup> *Id.*

<sup>64</sup> *Id.* at 927–928.

<sup>65</sup> *Id.* at 928.

<sup>66</sup> *Id.* at 929.

	On September 27, 2018, Atty. Magsino commented that the baby armalite he gave was beautiful. Judge Reyes later on inquired whether he can have his own gun customized. <sup>67</sup>	
6. Criminal Case No. B-18-2908, <i>People of the Philippines v. Sammy Daog, John Doe and Peter Doe</i> for Murder. <sup>68</sup>	On August 30, 2018, Judge Reyes asked Atty. Magsino if accused Daog could post a bail that moment and if so, he would get the money and deposit it to fund his check. Atty. Magsino replied that only PHP 40,000 was given. <sup>69</sup>	On August 28, 2018, the petition for bail of the accused was granted and the amount of bail was fixed at PHP 100,000. <sup>70</sup>  On August 30, 2018 accused Daog posted a bail of PHP 100,000, and he was immediately released. <sup>71</sup>
7. Criminal Case No. M-18-2922, <i>People of the Philippines v. Sergio Pastor Glori, Jr.</i> for Violation of Section 28(a) in relation to Section 28(e) of Republic Act No. 10591 (An Act Providing for a Comprehensive Law on Firearms and Ammunition and Providing Penalties for Violations thereof). <sup>72</sup>	On January 11, 2019, Atty. Fetizanan asked judge to prioritize his motion for quashal informing Judge Reyes that he would be paid PHP 50,000.00. <sup>73</sup>  On January 14, 2019, Judge Reyes asked if the bribe can be increased since the quashal is for three cases. <sup>74</sup>	On January 14, 2019, Judge Reyes issued a joint resolution granting the consolidated motion to quash the three cases. <sup>75</sup>

<sup>67</sup> *Id.* at 930–931.<sup>68</sup> *Id.* at 933–934.<sup>69</sup> *Id.* at 933.<sup>70</sup> *Id.* at 934.<sup>71</sup> *Id.*<sup>72</sup> *Id.* at 934–936.<sup>73</sup> *Id.* at 935.<sup>74</sup> *Id.*<sup>75</sup> *Id.* at 936.



<p>Criminal Case No. M-18-2923, <i>People of the Philippines v. Roser Amancio Glori</i> for Violation of Section 28(a) in relation to Section 28(e) of Republic Act No. 10591.</p> <p>Criminal Case No. M-18-2924, <i>People of the Philippines v. Ericson Amancio Glori</i> for Violation of Section 28(a) in relation to Section 28(e) to Republic Act No. 10591.</p>		
<p>8. Criminal Case No. R-1452, <i>People of the Philippines v. Manuelito Saligumba</i> for Estafa.<sup>76</sup></p>	<p>On October 22, 2016, Judge Reyes informed Atty. Magsino that the case of Saligumba is already settled, and that a resolution dismissing the case is being prepared.<sup>77</sup></p> <p>On October 27, 2016, Judge Reyes informed Atty. Magsino that he has finished drafting the Resolution dismissing the case. In turn, Atty. Magsino replied he will give Judge Reyes the money later.<sup>78</sup></p>	<p>Judge Reyes, in an Order dated October 20, 2016, granted the motion to dismiss the case, and ordered release of the bail bond.<sup>79</sup></p>
<p>9. Criminal Case No. CR-12-10316, <i>People of the Philippines v. Edgardo Gozar</i> for Murder.<sup>80</sup></p>	<p>On February 1, 2019, Atty. Magsino told Judge Reyes that a certain mayor is asking for help on a murder case pending in Branch 39. He stated that the parties already agreed to settle and that there is a pending motion to dismiss the case already filed. Atty. Magsino also informed the Judge that they would</p>	<p>In an Order dated February 8, 2019, Judge Reyes granted the motion to dismiss and directed the release of the accused without conducting a</p>

<sup>76</sup> *Id.* at 936–937.

<sup>77</sup> *Id.*

<sup>78</sup> *Id.* at 937.

<sup>79</sup> *Id.*

<sup>80</sup> *Id.* at 937–940.

	<p>advance the payment of bribe.<sup>81</sup> On February 8, 2019, Judge Reyes asked Atty. Magsino if the mayor can give him cement and gravel for the construction of his fence. On 12 February 2019, Atty. Magsino replied in the affirmative.<sup>82</sup></p> <p>On February 13, 2019, Judge Reyes informed Atty. Magsino that the gravel and sand have been delivered. He thanked the latter and the mayor.<sup>83</sup></p>	hearing. <sup>84</sup>
10. Criminal Case No: CR-14-11,991, People of the Philippines v. Ganan, et al. <sup>85</sup>	<p>On February 8, 2019, Atty. Magsino asked Judge Reyes to reconsider an earlier order in the case which forfeited the bail bond of the accused and ordered the arrest of the accused. He stated that it was the mayor who informed him about the case, and that the Judge Reyes could have the bail money (PHP 25,000 for each accused) in exchange.<sup>86</sup></p> <p>On March 12, 2019, Judge Reyes followed-up with Atty. Magsino about the bail money, and the latter replied that it would be delivered to him on March 18, 2019.<sup>87</sup></p>	Each of the accused posted bond in PHP25,000.00, and on March 4, 2019, the cash bail was released. <sup>88</sup>
11. Criminal Cases No. CR-15-12,632, CR-15-12,633 and CR15,634 all titled <i>People of the Philippines v. Visco</i> for Violation of Sections 5, 11 and 12, Article 11, Republic Act No. 9165. <sup>89</sup>	<p>On December 12, 2018, Judge Reyes asked Atty. Fetizanan whether the accused is willing to give a bribe.<sup>90</sup></p> <p>On January 22, 2019, Atty. Fetizanan informed Judge Reyes that he would deliver the money and that he would file a motion to reduce bail.<sup>91</sup></p>	On January 23, 2018, Atty. Fetizanan filed a motion for reduction of bail. Judge Reyes granted the motion by reducing the bail from PHP 400,000 to PHP 360,000. <sup>92</sup>

<sup>81</sup> *Id.* at 938.<sup>82</sup> *Id.*<sup>83</sup> *Id.* at 939.<sup>84</sup> *Id.* at 940.<sup>85</sup> *Id.* at 940-942.<sup>86</sup> *Id.* at 940.<sup>87</sup> *Id.* at 941.<sup>88</sup> *Id.*<sup>89</sup> *Id.* at 942-944.<sup>90</sup> *Id.* at 942.<sup>91</sup> *Id.* at 943.<sup>92</sup> *Id.* at 944.

<p>12. Civil Case No. CV-14-6738, RAB <i>Development Corporation v. Estanislao Yaco et al.</i> for Annulment of Deed of Sale, Specific Performance and Damages.<sup>93</sup></p>	<p>On May 26, 2017, Judge Reyes told Atty. Masangkay that he will refer a client.<sup>94</sup></p> <p>On June 20, 2017, Judge Reyes instructed Atty. Masangkay to cause removal of the notice of lis pendens on the property, so that he can act on it.<sup>95</sup></p> <p>On a separate message, he asked Atty. Masangkay if his 900 sqm lots can be registered under his name.<sup>96</sup></p> <p>On June 21, 2017, Judge Reyes asked Atty. Masangkay to give him a commission should the property be sold. The latter agreed.<sup>97</sup></p>	<p>After the counsels of the defendants withdrew from the case, Atty. Masangkay entered his appearance on August 25, 2017.<sup>98</sup></p>
<p>13. Criminal Case No. CR-11-10147 <i>People of the Philippines v. Dr. Ronald Cabral</i> for Violation of Republic Act No. 9262.<sup>99</sup></p>	<p>On October 10, 2018, Judge Reyes asked Atty. Masangkay about the plan of the accused to travel abroad. He instructed Atty. Masangkay to have his client designate Atty. Masangkay as his agent. He teased Atty. Masangkay to remind his client to bring them pasalubong upon his return.</p>	<p>Over the prosecutor's objection, Judge Reyes issued an order allowing the accused to travel abroad.</p>
<p>14. Criminal Case No. CR-16-13133, <i>People of the Philippines v. Emerson Soriano</i> for Violation of Section 5, Article 11, Republic Act No. 9165.<sup>100</sup></p>	<p>On October 10, 2018, Judge Reyes asked Atty. Masangkay if he can file a demurrer for the accused. He narrated that the statements of the police were conflicting and that he hopes to decide the case before he leaves.</p> <p>On November 23, 2018, Judge Reyes asked Atty. Masangkay if the demurrer to evidence has been filed.</p>	<p>Judge Reyes granted the demurrer to evidence filed by Atty. Masangkay on December 13, 2018, resulting in the dismissal of the case.</p>
<p>15. Civil Case No. CV-17-7078, <i>Naturalization of Willie Sy Kaw.</i><sup>101</sup></p>	<p>Judge Reyes told Atty. Masangkay that witness Willie Abas requested to set the hearing earlier. He then asked to be informed</p>	

<sup>93</sup> *Id.* at 944-947.

<sup>94</sup> *Id.* at 944.

<sup>95</sup> *Id.* at 945.

<sup>96</sup> *Id.* at 948.

<sup>97</sup> *Id.*

<sup>98</sup> *Id.* at 948.

<sup>99</sup> *Id.* at 947-949.

<sup>100</sup> *Id.* at 949-950.

<sup>101</sup> *Id.* at 951.

	of the earliest possible setting of the hearing. <sup>102</sup>	
16. Criminal Case No. CR-16-12,98, <i>People of the Philippines v. Alday, et al.</i> for Murder. <sup>103</sup>	<p>After one Mayor Malabanan asked Judge Reyes to help the accused Hermes and Belmor Alday, Judge Reyes, on July 17, 2017, informed the mayor that they can petition for bail. The mayor thanked Judge Reyes.</p> <p>On July 24, 2017, Judge Reyes informed the mayor that the accused already posted bail and the order for their release has already been signed.</p> <p>On February 18, 2019, Judge Reyes informed the mayor that the accused had already been acquitted.</p>	<p>On July 10, 2017, Judge Reyes granted the petition for bail.</p> <p>On January 21, 2019, both of the accused were acquitted.<sup>104</sup></p>
17. Criminal Case No. CR-15-12,402, <i>People of the Philippines v. Veridiano</i> for Illegal Exploration under Republic Act No. 7942 (Philippine Mining Act of 1995). <sup>105</sup>	On August 14, 2017, Mayor Malabanan requested Judge Reyes's help in having the case against his supposed employee dismissed. Judge Reyes agreed to help. <sup>106</sup>	
18. Criminal Case No. CR-15-12,402, titled, <i>People of the Philippines v. Oplencia et al</i> for violation of Section 77 of Presidential Decree No. 705. <sup>107</sup>	<p>On September 13, 2017, Judge Reyes told Mayor Malabanan that he would look for the case files after the latter informed him that the accused is his supporter.</p> <p>On April 6, 2018, Mayor Malabanan reminded Judge Reyes not to entertain one Mayor Ortega. Judge Reyes acceded to the request.<sup>108</sup></p>	The case was archived during these exchanges. The case was only revived on September 24, 2019, after Oplencia's arrest.
19. Civil Case No. CV-3428, <i>People of the Philippines v.</i>	On October 12, 2018, Mayor Lito Malaban requested Judge Reyes to assist one Engr. Pat	On November 26, 2018, Judge Reyes inhibited himself from

<sup>102</sup> *Id.*<sup>103</sup> *Id.* at 951-953.<sup>104</sup> *Id.* at 953.<sup>105</sup> *Id.* at 953.<sup>106</sup> *Id.*<sup>107</sup> *Id.* at 954-955.<sup>108</sup> *Id.*

Dela Cruz, et al. for Annulment of Ormeco Board Resolution with Damages and Prayer for Issuance of TRO and Preliminary Injunction and Statues Quo Ante Order. <sup>109</sup>	regarding a case involving a temporary restraining order. <sup>110</sup>	trying the case because he had previously discussed the case with the parties when it was still pending with the RTC of Pinamalayan.
20. Criminal Case No. CR-18-14,356, People of the Philippines v. De Ocampo for Violation of Section 28(a) of Republic Act No. 10591. <sup>111</sup>	On October 11, 2018, Judge Reyes assured Mayor Malabanan that he will make things difficult for the accused, after the mayor informed Judge Reyes that the accused is a political adversary. <sup>112</sup>  On October 22, 2018, after confirming the case is assigned to him, Judge Reyes agreed to Mayor Malabanan's request to make sure that the accused would be disqualified as <i>barangay captain</i> . <sup>113</sup>	The presentation of evidence was postponed several times. <sup>114</sup>

From the aforesaid exchanges, the JIB concluded that Judge Reyes fraternized and connived with lawyers and local elective officials, and kept firearms that were supposed to be turned over to the PNP.<sup>115</sup>

The dispositive portion of the JIB's recommendation reads:

**ACCORDINGLY**, we respectfully recommend, for the consideration of the Honorable Court, that respondent Presiding Judge Edralin C. Reyes, Branch 43, Regional Trial Court, Roxas City, Oriental Mindoro, be found **GUILTY** of the following offenses:

- a. Gross Misconduct constituting violations of the New Code of Judicial Conduct;
- b. Bribery direct and indirect and violations of the Anti-Graft and Corrupt Practices Act (R.A. No. 3019);
- c. Serious Dishonesty; and
- d. Gross Immorality

<sup>109</sup> *Id.* at 955-956.

<sup>110</sup> *Id.*

<sup>111</sup> *Id.* at 956-958.

<sup>112</sup> *Id.* at 956.

<sup>113</sup> *Id.* at 957.

<sup>114</sup> *Id.* at 958.

<sup>115</sup> *Id.* at 968.

and be meted the following sanction for each offense:

**DISMISSAL FROM THE SERVICE**, forfeiture of all or part of the benefits as the Court may determine, and disqualification from reinstatement or appointment to any public office, including government-owned or controlled corporations. Provided, however, that the forfeiture of benefits shall in no case include accrued leave credits.<sup>116</sup>

### Issue

This Court is tasked to determine whether the Judge Reyes should be held administratively liable for the charges against him.

### Ruling of the Court

We affirm the factual findings of the OCA and the JIB but modify their findings on Judge Reyes's administrative liability.

One of the nuances of the law on judicial ethics is the significance of public perception. Compared to other proceedings, courts examine and weigh evidence not merely to determine actual culpability, but also consider the effects of the case to the public's perception of the judiciary. Thus, in disciplinary proceedings, the rigid evidentiary requirements in criminal cases do not apply. Only substantial evidence is required. Substantial evidence is defined as that amount of relevant evidence that a reasonable mind might accept as adequate to support a conclusion. The standard of substantial evidence is satisfied when there is reasonable ground to believe that respondent is responsible for the misconduct complained of, even if such evidence might not be overwhelming or even preponderant.<sup>117</sup>

Likewise, this Court recognizes that corruption is an offense that is done in secrecy.<sup>118</sup> It would be inconsistent with logic and human experience to fit a square peg in a round hole and nitpick technicalities on pieces of evidence of corruption, that by its nature, are hard to obtain.

In this case, Judge Reyes assails the evidence presented against him for they were allegedly obtained in violation of his right to privacy. Invoking the exclusionary rule, he claims that the text messages obtained from the

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<sup>116</sup> *Id.* at 974.

<sup>117</sup> *Anonymous Complaint Against Judge Edmundo P. Pintac*, 886 Phil. 1, 14 (2020) [Per Curiam, *En Banc*].

<sup>118</sup> *Department of Justice v. Nuqui*, G.R. No. 237521, November 10, 2021 [Per J. Leonen, *Third Division*].

subject laptop be disregarded. Further, since the judicial audit was conducted as a result of transgression of his constitutional right, he contends that the evidence and information obtained by the judicial audit teams should likewise be excluded as it is a fruit of a poisonous tree.

Considering the foregoing, this Court is presented with the delicate task of weighing various compelling considerations in order to arrive at a just resolution of this controversy. Put on balance is judicial integrity, on one hand, and Judge Reyes's claim of transgression of constitutional right on the other. This Court, thus, deems it crucial to discuss relevant constitutional and evidentiary principles to properly lay the basis for this Court's resolution on Judge Reyes's administrative liability.

*1. Judge Reyes's claim of transgression of constitutional right*

*A. Right to privacy and the exclusionary rule*

The right to privacy is a fundamental right against the State's intrusion into personal matters. To implement the right, our Constitution guarantees every person the right to due process, to be secure against unreasonable searches and seizures, and to the privacy of their communication and correspondence.<sup>119</sup>

Our Constitutional provision on unreasonable search and seizure traces its roots from English and American experience on general and oppressive warrants which granted government authorities broad power to enter various places, search and seize a variety of personal properties. The Fourth Amendment of the United States Constitution, ratified in 1791, which provides that “[t]he right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized,” is said to have echoed the earlier ruling of an English court in the 1765 case of *Entick v. Carrington*.<sup>120</sup> In that case, it was held that general warrants are “wholly illegal and void” for being too broad and for lacking probable cause.<sup>121</sup>

<sup>119</sup> See *Sanchez v. Darroca*, G.R. No. 242257, June 15, 2021 [Per J. Leonen, *En Banc*].

<sup>120</sup> [1765] EWHC KB J98.

<sup>121</sup> YALE KAMISAR, WAYNE R. LAFAVE, JEROLD H. ISRAEL, NANCY J. KING, ORIN S. KERR AND EVE BRENSIKE PRIMUS, *MODERN CRIMINAL PROCEDURE CASES, COMMENTS AND QUESTIONS* page (15<sup>th</sup> Ed. 2019).

Over the years, the meaning and scope of the Fourth Amendment have greatly evolved through the development of jurisprudence on the matter. One important contribution of American jurisprudence in implementing the Fourth Amendment is its creation of the exclusionary rule. In *Wolf v. Colorado*,<sup>122</sup> the Supreme Court of the United States (SCOTUS) observed that:

In *Weeks v. United States*, supra, this Court held that, in a federal prosecution the Fourth Amendment barred the use of evidence secured through an illegal search and seizure. This ruling was made for the first time in 1914. **It was not derived from the explicit requirements of the Fourth Amendment; it was not based on legislation expressing Congressional policy in the enforcement of the Constitution. The decision was a matter of judicial implication.** Since then, it has been frequently applied, and we stoutly adhere to it.<sup>123</sup> (Emphasis supplied)

The creation and use of the exclusionary rule is an acknowledgment of its indispensability and effectiveness in effectuating the Fourth Amendment.—Possible alternatives such as administrative or criminal prosecution against erring police officers, civil suits for damages, or even self-discipline may not be as effective as applying the exclusionary rule. Justice Murphy, in his separate opinion in *Wolf v. Colorado*,<sup>124</sup> has put it aptly:

Alternatives are deceptive. Their very statement conveys the impression that one possibility is as effective as the next. In this case, their statement is blinding. For there is but one alternative to the rule of exclusion. That is no sanction at all.

This has been perfectly clear since 1914, when a unanimous Court decided *Weeks v. United States*, 232 U. S. 383, 232 U. S. 393. “If letters and private documents can thus be seized and held and used in evidence against a citizen accused of an offense,” we said,

“the protection of the Fourth Amendment declaring his right to be secure against such searches and seizures is of no value, and, so far as those thus placed are concerned, might as well be stricken from the Constitution.”

“It reduces the Fourth Amendment to a form of words.”  
Holmes, J., for the Court, in *Silverthorne Lumber Co. v. United States*, 251 U. S. 385, 251 U. S. 392.

Today, the Court wipes those statements from the books with its bland citation of “other remedies.” Little need be said concerning the possibilities of criminal prosecution. Self-scrutiny is a lofty ideal, but its

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<sup>122</sup> 338 U.S. 25 (1949) [Per J. Frankfurter].

<sup>123</sup> *Id.*

<sup>124</sup> *Id.*



exaltation reaches new heights if we expect a District Attorney to prosecute himself or his associates for well meaning violations of the search and seizure clause during a raid the District Attorney or his associates have ordered. But there is an appealing ring in another alternative. A trespass action for damages is a venerable means of securing reparation for unauthorized invasion of the home. Why not put the old writ to a new use? When the Court cites cases permitting the action, the remedy seems complete.

But what an illusory remedy this is if, by "remedy," we mean a positive deterrent to police and prosecutors tempted to violate the Fourth Amendment. The appealing ring softens when we recall that, in a trespass action, the measure of damages is simply the extent of the injury to physical property. If the officer searches with care, he can avoid all but nominal damages -- a penny, or a dollar. Are punitive damages possible? Perhaps. But a few states permit none, whatever the circumstances. In those that do, the plaintiff must show the real ill will or malice of the defendant, and surely it is not unreasonable to assume that one in honest pursuit of crime bears no malice toward the search victim. If that burden is carried, recovery may yet be defeated by the rule that there must be physical damages before punitive damages may be awarded. In addition, some states limit punitive damages to the actual expenses of litigation. See 61 Harv.L.Rev. 113, 119-120. Others demand some arbitrary ratio between actual and punitive damages before a verdict may stand. See Morris, Punitive Damages in Tort Cases, 44 Harv.L.Rev. 1173, 1180-1181. Even assuming the ill will of the officer, his reasonable grounds for belief that the home he searched harbored evidence of crime is admissible in mitigation of punitive damages. *Gamble v. Keyes*, 35 S.D. 644, 153 N.W. 888; *Simpson v. McCaffrey*, 13 Ohio 508. The bad reputation of the plaintiff is likewise admissible. *Banfill v. Byrd*, 122 Miss. 288, 84 So. 227. If the evidence seized was actually used at a trial, that fact has been held a complete justification of the search, and a defense against the trespass action. *Elias v. Pasmore* [1934] 2 K.B. 164. And even if the plaintiff hurdles all these obstacles and gains a substantial verdict, the individual officer's finances may well make the judgment useless -- for the municipality, of course, is not liable without its consent. Is it surprising that there is so little in the books concerning trespass actions for violation of the search and seizure clause?

The conclusion is inescapable that but one remedy exists to deter violations of the search and seizure clause. That is the rule which excludes illegally obtained evidence. Only by exclusion can we impress upon the zealous prosecutor that violation of the Constitution will do him no good.<sup>125</sup>

A cursory examination of American law reveals that the exclusionary rule is generally applicable only in criminal proceedings as a tool of deterrence directed against police conduct.<sup>126</sup> In *Arizona v. Evans*,<sup>127</sup> the

<sup>125</sup> *Id.*

<sup>126</sup> See *United States v. Janis*, 428 U.S. 433, 96 S. Ct. 3021 (1976) [Per J. Blackmun].

<sup>127</sup> *Arizona v. Evans*, 514 U.S. 1, 115 S. Ct. 1185 (1995) [Per J. Rehnquist].

SCOTUS explained that the exclusionary rule could not be made to apply to address the blunders of non-police government employees. In that case, the defendant was arrested after being stopped for a traffic violation because the policeman discovered from his computer that the defendant had an outstanding warrant of arrest. Later on, it was discovered that the arrest warrant had already been quashed but the court clerk had not notified the sheriff's department of the quashal as to cause its removal from the computer records.

Compared to that of the United States', our Constitution is emphatic and detailed on what the protection against unreasonable search and seizure entails, *viz.*:

**SECTION 2.** The right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures of whatever nature and for any purpose shall be inviolable, and no search warrant or warrant of arrest shall issue except upon probable cause to be determined personally by the judge after examination under oath or affirmation of the complainant and the witnesses he may produce, and particularly describing the place to be searched and the persons or things to be seized.<sup>128</sup>

Further, our fundamental law expressly provides for the exclusionary rule, *viz.*:

**SECTION 3.** . . .

(2) Any evidence obtained in violation of this or the preceding section shall be inadmissible for any purpose in any proceeding.<sup>129</sup>

The exclusionary rule is a protection against erring officers who deliberately or negligently disregard the proper procedure in effecting searches, and would so recklessly trample on one's right to privacy. By negating the admissibility in evidence of items seized in illegal searches and seizures, the Constitution declines to validate the law enforcers' illicit conduct.<sup>130</sup> The exclusionary rule, however, admits several exceptions.

In Our jurisdiction, the exclusionary rule does not apply to **evidence obtained under the recognized exceptions to the rule against warrantless search and seizure**, i.e., (1) search incidental to a lawful arrest, (2) search of moving vehicles, (3) seizure in plain view, (4) customs search, (5) waiver by the accused themselves of their right against unreasonable search and seizure, (6) stop-and-frisk search, and (7) exigent and emergency

<sup>128</sup> CONST., art. III, sec. 2.

<sup>129</sup> CONST., art. III, sec. 3(2).

<sup>130</sup> *People v. Yanson*, 858 Phil. 642, 667 (2019) [Per J. Leonen, Third Division].

circumstance.<sup>131</sup> The warrantless search and seizure under said circumstances are considered permissible, thus, evidence confiscated therein is not treated as fruit of the poisonous tree.

The Court also found the exclusionary rule inapplicable in an administrative case against a judge, where the private messages sought to be excluded were retrieved from the recipient of said messages who granted access thereto.<sup>132</sup>

Case law also provides that items seized pursuant to a reasonable search conducted by private persons are not covered by the exclusionary rule.<sup>133</sup>

#### *B. Fruit of the poisonous tree doctrine*

The right to privacy is further strengthened through the extension of the exclusionary rule to secondary or derivative evidence that flows from illegal searches and seizures or from admissions made by accused individuals under conditions proscribed by the Constitution. This rule is what is known as the fruit of the poisonous tree doctrine. The “fruit of the poisonous tree” is at least once removed from the illegally seized evidence, but it is equally inadmissible. The rule is based on the principle that evidence illegally obtained by the State should not be used to gain other evidence because the originally illegally obtained evidence taints all evidence subsequently obtained.<sup>134</sup> Thus, if the police made an illegal arrest, or obtained a confession in violation of the suspect’s rights while under custodial investigation, and as a result, the police were directed to another physical evidence. The fruit of the poisonous doctrine requires that such derivative evidence be also excluded in any criminal prosecution that may arise on account of such evidence.<sup>135</sup>

##### ***a.i.1. Exception: Independent Source***

Similar to other evidentiary rules, the fruit of the poisonous tree admits of exceptions. In the case of *In re: Special Report on the Arrest of Rogelio M. Salazar, Jr., Sheriff IV, RTC-OCC, Boac, Marinduque*<sup>136</sup> (*In re:*

<sup>131</sup> *People v. Rangaig*, G.R. No. 240447, April 28, 2021 [Per J. Leonen, Third Division].

<sup>132</sup> *See Office of the Court Administrator v. Judge Yu*, 800 Phil. 307, 410 (2016) [*Per Curiam, En Banc*].

<sup>133</sup> *Dela Cruz v. People*, 776 Phil. 653, 676 (2016) [Per J. Leonen, Second Division], *citing People v. Marti*, 271 Phil. 51, 58 (1991) [Per J. Bidin, Third Division].

<sup>134</sup> *People v. Alicando*, 321 Phil. 656 (1995) [Per J. Puno, *En Banc*].

<sup>135</sup> KAMISAR, MODERN CRIMINAL PROCEDURE CASES, COMMENTS AND QUESTIONS 811 (15<sup>th</sup> Ed., 2019).

<sup>136</sup> 844 Phil. 369 (2018) [*Per Curiam, En Banc*].

*Salazar*), the Court refused to consider a piece of evidence as a fruit of the poisonous tree under the “**independent source exception.**” *In re: Salazar* involves administrative charges against their respondent sheriff for grave misconduct and conduct prejudicial to the best interest of the service, which stemmed from criminal cases filed against respondent sheriff for illegal sale, possession, and use of dangerous drugs. Respondent sheriff sought the dismissal of the administrative cases upon dismissal of his criminal cases due to quashal of the search warrant and the suppression of the evidence taken by virtue of the said warrant. In ruling that there exists substantial evidence to hold respondent sheriff administratively liable, the Court ruled that respondent sheriff’s admission of drug use during inquest cannot be considered as a fruit of the poisonous tree considering that such admission was already far removed from the illegal search warrant. The Court elucidated:

The lapse of time from the illegal search and the admission itself sufficiently “attenuate[s] the link.” It should be stressed that the adjudged irregularity in the application and implementation of the search warrant does not have any clear causal relation between the evidence which was illegally obtained by virtue of such quashed warrant and respondent’s admission before a separate and distinct proceeding and authority. . .

In the same vein, it would also be not logical nor legal to find nexus between the arrest which resulted from the illegal search and seizure and the admission during the preliminary investigation. **The admission was made by respondent during the preliminary investigation stage which is a source independent from the illegal search,** seizure, and arrest, and is presumed to have been regularly performed. While the search, seizure, arrest and preliminary investigation may be sequential, the admission made during the preliminary investigation was not a necessary, logical, and automatic consequence of the search, seizure and resulting arrest. We must consider that respondent may, or may not have made such admission despite the search and the arrest. Notably, respondent never questioned the voluntariness of such admission as well as the regularity of the preliminary investigation.

In *Wong Sun v. United States*, the U.S. Supreme Court, under the “independent source exception” — admits **evidence that was discovered through an independent source sufficiently distinguishable to be purged of the primary taint.** If the evidence is not obtained directly from the violation, it is freed from the initial taint of the violation.

In addition, the admission was made before the Prosecutor (and not before the erring police agents) who, concededly, had no participation in the illegal search and arrest. The Prosecutor, during the preliminary investigation, was regularly performing his duty, relying upon the validity of the search warrant and respondent’s arrest. Hence, respondent’s drug use was discovered by the Prosecutor independently and in good faith.<sup>137</sup> (Emphasis supplied.)

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<sup>137</sup> *Id.* at 393–395.

***a.i.2. Exception: Inevitable Discovery***

**Evidence that would have been inevitably discovered** is another exception to the exclusionary rule as discussed in the dissenting opinion of former Associate Justice Santiago M. Kapunan in the case of *People v. Alicando*,<sup>138</sup> to wit:

The 1987 Constitution's exclusionary rules absolutely forbid evidence obtained from illegal searches and seizures or evidence resulting from uncounseled custodial investigations of accused individuals. The fruit of the poisonous tree doctrine extends these prohibitions to pieces of evidence derivatively flowing from illegal searches and seizures or from admissions made by accused individuals under conditions proscribed by the Constitution. However, the doctrine is not without its exceptions, and the evidence in dispute in the instant case falls within those exceptions.

The discovery of the victim's body near the house of the accused would have naturally led law enforcement authorities to undertake a more thorough investigation of the site, particularly in those areas where the victim was last seen. Assuming local police had enough logistical capabilities to form two teams to undertake two separate searches, one for physical evidence and other clues and one for the possible suspects, the evidence objected to would have been inevitably discovered with a thorough search of the site. Under the circumstances of this case where only one search was initially conducted (obviously because of logistical reasons), primarily for a suspect, it would have logically followed had a suspect not been found at the time, or, had the accused not made his voluntary, though uncounseled confession, that a search for evidence would have been undertaken, under conditions which would have validated a warrantless search, where the same physical evidence would have been inevitably discovered. In other words, with or without appellant's volunteered information, the pieces of evidence objected to — the blood-stained pillow, the T-shirt and the victim's earring — would have fallen into police hands by legal means which would have normally been undertaken by the authorities in any case.

Courts have generally approved the view that it is not necessary to hold that all evidence is fruit of the poisonous tree. Under one of the recognized exceptions, the more appropriate question in such cases is whether the evidence to which the objection is made would not have been discovered at all but for the illegality or would have been discovered anyway by sources or procedures independent of the illegality. **Another exception refuses to treat the doctrine as absolutely sacred if the evidence in question would have been inevitably discovered under normal conditions.**

... In a long line of cases, courts have recognized that evidence derived from *information obtained illegally is not absolutely inadmissible under the fruit of the poisonous tree doctrine where it is shown that such evidence would have been inevitably gained even without the unlawful*

<sup>138</sup> 321 Phil. 656 (1995) [Per J. Puno, *En Banc*].

*act.* The case of *U.S. vs. Seohnlein*, for instance, held the view that a confession by the accused in a bank robbery case was not fruit of the poisonous tree for the reason that the information which led to his confession, though the product of an illegal search would have been discovered in the absence of such illegality. The Court in *Lockridge vs. Superior Court* was of the opinion that where a witness is discovered as a result of illegal police conduct, his testimony is admissible if he would have been discovered in the normal course of a normally conducted investigation. These and other recognized limitations to the fruit of the poisonous tree doctrine do not have the effect of diluting the effect of our exclusionary rules. Rather, they serve the purpose of the rule well by maintaining a reasonable balance between the need to deny evidence come by through the exploitation of an illegality on one hand and the need to minimize opportunity for the defendant in a criminal case to reap an undeserved and socially undesirable bonanza. Certainly it could not be argued that with nothing in their hands, the police would not have gone back to the site for a better inspection.<sup>139</sup> (Italics in the original; Emphasis supplied.)

C. *Right to privacy of government employees*

Jurisprudence dictates that a government-issued computer, even if privately controlled, is subject to **absolute regulation and monitoring by the government employer.**

In the 2011 *En Banc* case of *Pollo v. Chairperson Constantino-David*,<sup>140</sup> We affirmed the validity of the investigation made by the Civil Service Commission (CSC) when it used as evidence in a case for misconduct against a government employee the personal files stored in a government-issued computer. Said files were copied from his computer without his knowledge and consent, and without securing a search warrant. We ruled that the search of the employee's computer was justified there being reasonable ground for suspecting that the files stored therein would yield incriminating evidence relevant to the investigation being conducted by the CSC.<sup>141</sup>

We distinguish *Pollo* from the earlier case of *Anonymous Letter-Complaint against Atty. Miguel Morales, Clerk of Court, Metropolitan Trial Court of Manila*,<sup>142</sup> which involves a branch clerk who was investigated based on an anonymous letter alleging that he was consuming his working hours filing and attending to personal cases, using office supplies, equipment, and utilities. The investigating team used the branch clerk's personal

<sup>139</sup> *Id.* at 711-713.

<sup>140</sup> 675 Phil. 225 (2011) [Per J. Villarama, Jr., *En Banc*].

<sup>141</sup> *See Id.* at 263.

<sup>142</sup> 592 Phil. 102 (2008) [Per J. Austria-Martinez, *En Banc*].

computer and printed two documents stored on its hard drive. We emphasize that what is involved in *Morales* was a *personal* computer, while in *Pollo*, a government-issued computer, hence government property, the use of which the government employer has absolute right to regulate and monitor.<sup>143</sup>

Relevantly, in coming up with the *Pollo* ruling, We cited the 1987 US case of *O'Connor v. Ortega*<sup>144</sup> where the balancing test under which the government interests are weighed against the employee's reasonable expectation of privacy was explained, to wit:

. . . In the case of searches conducted by a public employer, we must balance the invasion of the employees' legitimate expectations of privacy against the government's need for supervision, control, and the efficient operation of the workplace.

....

Public employers have an interest in ensuring that their agencies operate in an effective and efficient manner, and the work of these agencies inevitably suffers from the inefficiency, incompetence, mismanagement, or other work-related misfeasance of its employees. Indeed, in many cases, public employees are entrusted with tremendous responsibility, and the consequences of their misconduct or incompetence to both the agency and the public interest can be severe. In contrast to law enforcement officials, therefore, public employers are not enforcers of the criminal law; instead, public employers have a direct and overriding interest in ensuring that the work of the agency is conducted in a proper and efficient manner. In our view, therefore, **a probable cause requirement for searches of the type at issue here would impose intolerable burdens on public employers. The delay in correcting the employee misconduct caused by the need for probable cause rather than reasonable suspicion will be translated into tangible and often irreparable damage to the agency's work, and ultimately to the public interest.** (Emphasis supplied.)

We also referred to the 2000 case of *US v. Mark L. Simons*,<sup>145</sup> viz.:

[W]e conclude that the remote searches of Simons' computer did not violate his Fourth Amendment rights because, in light of the Internet policy, Simons lacked a legitimate expectation of privacy in the files downloaded from the Internet. Additionally, we conclude that Simons' Fourth Amendment rights were not violated by FBIS' retrieval of Simons' hard drive from his office.

Simons did not have a legitimate expectation of privacy with regard to the record or fruits of his Internet use in light of the FBIS Internet policy. The policy clearly stated that FBIS would "audit, inspect, and/or

<sup>143</sup> See *Pollo v. Chairperson Constantino-David*, 675 Phil. 225 (2011) [Per J. Villarama, Jr., *En Banc*].

<sup>144</sup> 480 U.S. 709 (1987).

<sup>145</sup> 206 F.3d 392 (4th Cir. 2000)

monitor” employees’ use of the Internet, including all file transfers, all websites visited, and all e-mail messages, “as deemed appropriate.” . . . This policy placed employees on notice that they could not reasonably expect that their Internet activity would be private. Therefore, **regardless of whether Simons subjectively believed that the files he transferred from the Internet were private, such a belief was not objectively reasonable after FBIS notified him that it would be overseeing his Internet use. . . . Accordingly, FBIS’ actions in remotely searching and seizing the computer files Simons downloaded from the Internet did not violate the Fourth Amendment.** (Emphasis supplied.)

This Court thus resolved the following questions based on *O’Connor* and *Simons*: (1) whether a government employee has a reasonable expectation of privacy in his office and computer files; and (2) whether a search authorized by the government employer—and the copying of the contents of the hard drive on a government employee’s computer are reasonable in its inception and scope.

We considered the following as the relevant factors to be considered in this inquiry: (1) the employee’s relationship to the item seized; (2) whether the item was in the immediate control of the employee when it was seized; and (3) whether the employee took actions to maintain his privacy in the item.

Applying the foregoing concepts to the instant case, this Court finds that the SMS/iMessage exchanges and the findings of the judicial audit team are not excludable. There is no violation of Judge Reyes’s right to privacy.

*1. Judge Reyes has no expectation of privacy for electronic communications stored in the subject laptop*

The Supreme Court’s policy<sup>146</sup> is clear that there should be no expectation of privacy in court-issued computers, *viz.*:

Section IX.3. *No Privacy in Electronic Communications.*

**Users must never consider electronic communications to be private or secure.** E-mail and other electronic communications may be stored indefinitely on any number of computers other than the recipient’s.

The Supreme Court reserves **the right to monitor and/or log all network-based activities.** The user is responsible for surrendering all passwords, files, and/or other required resources if requested to do so in

<sup>146</sup> Computer Guidelines and Policies, A.M. No. 05-3-08-SC, March 15, 2005.



the presence of his/her Office Head, or persons properly authorized by the Court. (Emphasis supplied)

Verily, supplies and computers are issued by the government to aid it in the performance of its functions. For judges and court employees, laptops and computers are provided in order to facilitate the courts' function of adjudicating cases. It was not meant to be used for private purposes. In his separate concurring opinion in *Pollo*,<sup>147</sup> Justice Antonio T. Carpio noted that policies allowing access to government-issued computers are supported by Section 4(2) of the Government Auditing Code of the Philippines which mandates that "[g]overnment ... property shall be ... used solely for public purposes." Thus, he opined that "any **private use** of a government property, like a government-owned computer, is prohibited by law. Necessarily, a government employee cannot expect any privacy when he uses a government-owned computer because he knows he cannot use the computer for *any private purpose*."<sup>148</sup> This rule is consistent with the constitutional principles that a public office is a public trust, of ensuring full disclosure of all government transactions involving public interest, maintaining honesty and integrity in the public service, and preventing graft and corruption.<sup>149</sup>

In the instant case, the SMS/iMessage correspondence were stored in the subject laptop, and not in Judge Reyes's private computer. Further, it does not appear that this subject laptop was forcibly taken from him, as the records reveal that the subject laptop was endorsed to Judge Carranzo when she was appointed as presiding judge of Branch 39. These circumstances convince this Court that Judge Reyes cannot successfully claim that the State unduly intruded into a personal matter.

Likewise, based on the features of Apple's iCloud Backup, the backup "**includes a copy of the Messages** in iCloud. . ." <sup>150</sup> and data stored in iCloud "can only be accessed on **devices you trust**."<sup>151</sup> According to Apple, "[t]rusted computers can sync with your device and access your device's photos, videos, contacts, and other content. These computers remain trusted **unless you change which computers you trust or erase your device. xxx If you choose not to trust a computer, you block its access to content on your device.**"<sup>152</sup> Hence, anyone who has or gains access to this "trusted device" with the iCloud backup could see the contents of the backed-up data, including a copy of the backed-up messages. For this reason, mobile security entities and advocates have warned that if you backup your phone then

<sup>147</sup> 675 Phil. 225 (2011) [Per J. Villarama, Jr., *En Banc*].

<sup>148</sup> *Id.* at 272. Emphasis supplied.

<sup>149</sup> *Id.* at 272-273; CONST., art. XI, sec. 1, art. II, secs. 28 & 27.

<sup>150</sup> Apple, *iCloud data security overview*, available at <https://support.apple.com/en-us/HT202303>. (last accessed on July 23, 2023). Emphasis supplied.

<sup>151</sup> Apple, *iCloud User Guide*, available at <https://support.apple.com/en-ph/guide/icloud/mm74e822f6de/1.0/icloud/1.0>. (last accessed on July 23, 2023). Emphasis supplied.

<sup>152</sup> Apple, *About the 'Trust This Computer' alert message on your iPhone, iPad, or iPod touch*, available at <https://support.apple.com/en-ph/HT202778>. (last accessed on July 23, 2023). Emphasis supplied.

anybody who has the details for that account could potentially see your personal messages.<sup>153</sup>

In this case, Judge Reyes likewise failed to prove that he had an actual expectation of privacy in the subject laptop computer which contained a backup of his personal iPhone. He failed to allege that he adopted any means to prevent other persons from accessing his personal files in the subject laptop, such as deleting his iPhone backup and other personal files in said laptop or erasing said laptop as his “trusted device” in his Apple account, before turning it over to Judge Caranzo.

*2. Information obtained  
from the judicial audit is  
not fruit of the poisonous  
tree and should not be  
excluded from evidence*

Having found that there is no violation of Judge Reyes’s right to privacy, it follows that the information obtained through the judicial audit cannot be considered fruit of the poisonous tree.

Further, even if the Court considers the MISO and the OCA’s retrieval of the iPhone messages as a violation of Judge Reyes’s right to privacy, this Court finds that the information obtained by the judicial audit team should be treated as an exception, as it is an inevitable discovery. Indeed, an administrative investigation would have been conducted, and the judicial audit team would have found the incriminating information even without the SMS/iMessage exchanges from the laptop. The PNP Report would have been forwarded to the Court and would have instigated an investigation against Judge Reyes. It bears to emphasize that the PNP Report stemmed from the PNP CIDG investigation conducted pursuant to a Memorandum from the CIDG Director dated April 2019, and even before the arrival of the judicial audit teams in the area.<sup>154</sup> Thus, in the natural course of events, the evidence and information contained in the judicial audit team report would have reached this Court.

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<sup>153</sup> Zack Doffman, Forbes, *New Report Warns Apple Users About iMessage Privacy Risks*, December 4, 2021 available at <https://www.forbes.com/sites/zakdoffman/2021/12/04/apple-iphone-ipad-mac-icloud-warning-as-dangerous-settings-exposed/?sh=6d4bd2>; Russell Kent-Payne, Certo, *How to Stop Someone from Reading Your Text Messages on iPhone*, January 4, 2023 available at <https://www.certosoftware.com/insights/how-to-stop-someone-from-reading-your-text-messages-on-iphone/#:~:text=If%20you%20backup%20or%20synchronize,see%20your%20personal%20text%20messages;Chris Hoffman, How-To Geek, Apple's iMessage Is Secure . . . Unless You Have iCloud Enabled, January 27, 2021, available at https://www.howtogeek.com/710509/apples-imessage-is-secure...-unless-you-have-icloud-enabled/>. (last accessed on July 23, 2023).

<sup>154</sup> *Rollo*, p. 522.

## *II. Judge Reyes's administrative liability*

### *A. Judge Reyes is liable for gross misconduct*

This Court agrees with the JIB that Judge Reyes is liable for engaging in corrupt activities. The SMS/iMessage exchanges recovered from the subject laptop clearly show that Judge Reyes directly solicited bribes from lawyers, litigants, and even local elective officials. In Criminal Case No. M-17-2751 and Criminal Case Nos. M-17-2752 and M-17-2753 involving John Mark Aliparo, Judge Reyes specifically asked whether there is money “for the boys?” In other cases, Judge Reyes requested the lawyers to give him “*pabaon*” for his seminars and trainings. In Criminal Case No. CR-12-10316, Judge Reyes even asked for gravel and sand for the construction of his fence.

The findings of the judicial audit team corroborate the messages found in the subject laptop. In Criminal Case No. R-16-2623 for example, Judge Reyes granted bail after he demanded a bribe from Atty. Magsino. Likewise, in Criminal Case No. B-18-2932, the plea of the accused Romy Pakiding Mangao to a lesser offense and the court’s imposition of fine in the amount of PHP 10,000.00 is consistent with the Judge Reyes’s conversation on 01 August 2018. Verily, these circumstances show that Judge Reyes illegally profited from the cases assigned to him, in exchange of a favorable action or decision.

Likewise, even if this Court disregards the SMS/iMessage exchanges found in the subject laptop and the judicial audit team’s findings, Judge Reyes’s culpability is manifest from the PNP Report which also concluded that Judge Reyes is engaged in corrupt activities, *viz.*:

#### IV. DISCUSSION:

9. From the interviews conducted and from the documents gathered by the CIDG, it appears that Judge Edralin C. Reyes did not only commit irregularities in the performance of his duties as the Presiding Judge of RTC 43 and as Acting Presiding Judge of RTC 39 but also resorted to corrupt activities, which are conduct unbecoming of a judge.
10. Judge Reyes seemed to have earned money from cases involving guns and drugs, just like in the case of Sergio Pastor Glori, Roser Amancio Glori and Ericson Amancio Glori (who recounted to CIDG that they were able to give huge sums of money to Judge Reyes but who did not want to execute affidavit as they were barangay officials). In the Glori

case, although the Search Warrant was quashed, the case itself has not yet been dismissed by the Court and yet Judge Reyes ordered for the release of the cash bond. Likewise, the basis for the Search Warrant to be quashed was the absence of the Firearms Verification from FEO when the same exists in the record of the case and was part of the list of exhibits in the Information. (Refer to Exhibit N). The allegation of some people that Judge Reyes is in the modus of releasing cash bond and appropriating the proceeds thereof to himself as per agreement with the accused seemed to have a basis in fact.

11. Judge Reyes seemed to be deciding the matters in his court not based on merits but based on monetary consideration as can be deduced from the experience of the Bautistas and it looks like he is conniving with practicing lawyers in making money out of the cases pending in his court/s. Something fishy can also be said in the Aceremo case for it involved 9.893 grams of Methamphetamine Hydrochloride locally known as Shabu and yet Judge Reyes allowed plea bargaining in said case in violation of the framework laid down by the Supreme Court. That he was really making profits from the cases is bolstered by the affidavit of Diane Jean Alcoba, the court staff whom he sent out to deposit his monies.
12. Judge Reyes abused the trust reposed in him by his office when he appropriated unto himself several firearms which are object evidence in cases pending in his court/s. When CIDG received from RTC 39 a Reply to its inquiry, stating that there are missing firearms, it initially thought that they were just simply missing and could still be found. But when CIDG was able to get the written statements of court personnel, then, it was able to establish with certainty that indeed Judge Reyes was taking away from the premises of the court these guns which were already confiscated in favor of government and should have been turned over to the Firearms and Explosives Office. It is alarming to think that these firearms are now in the hands of unscrupulous [persons] engaged in hired killings or other nefarious activities.

The New Code of Judicial Conduct<sup>155</sup> mandates that judges embody the values of integrity, impartiality, and propriety, viz.:

CANON 2  
Integrity

Integrity is essential not only to the proper discharge of the judicial office but also to the personal demeanor of judges.

**SECTION 1.** Judges shall ensure that not only is their conduct above reproach, but that it is perceived to be so in the view of a reasonable observer.

<sup>155</sup> A.M. No. 03-05-01-SC, April 27, 2004.

**SECTION 2.** The behavior and conduct of judges must reaffirm the people's faith in the integrity of the judiciary. Justice must not merely be done but must also be seen to be done.

.....

CANON 3  
Impartiality

Impartiality is essential to the proper discharge of the judicial office. It applies not only to the decision itself, but also to the process by which the decision is made.

**SECTION 1.** Judges shall perform their judicial duties without favor, bias or prejudice.

**SECTION 2.** Judges 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.

**SECTION 3.** Judges shall, so far as is reasonable, so conduct themselves as to minimize the occasions on which it will be necessary for them to be disqualified from hearing or deciding cases.

.....

CANON 4  
Propriety

Propriety and the appearance of propriety are essential to the performance of all the activities of a judge.

**SECTION 1.** Judges shall avoid impropriety and the appearance of impropriety in all of their activities.

In the case at bar, even without evidence of his receipt of the bribes, Judge Reyes's solicitation of money and even his mere fraternizing with lawyers, are already consummated violations of the New Code of Judicial Conduct, and constitute gross misconduct.<sup>156</sup> His casual interactions with lawyers and litigants who have pending cases in his *sala*, even if there be no evidence of a pay-off, only serve to heighten the public's doubts on the credibility of the judiciary to discharge its mandate.<sup>157</sup> His unethical behavior does not only damage his reputation and qualifications but also tarnishes the image of the judiciary as it sends the message that justice can be bought for a price. He thus lost and should be stripped of the honor of

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<sup>156</sup> See *Re: Investigation Report on the Alleged Extortion Activities of Presiding Judge*, 861 Phil. 167 (2019) [*Per Curiam, En Banc*].

<sup>157</sup> See *Re: Allegations Made Under Oath at the Senate Blue Ribbon Committee Hearing*, 743 Phil. 622 (2014) [*Per Curiam, En Banc*].

wearing the judicial robe. If this Court had dismissed a sheriff for asking a bribe of PHP 1,500.00, there is no reason to give a different penalty to a judge who engages in bribery and extortion.<sup>158</sup>

*B. Judge Reyes is also liable for simple misconduct*

Judge Reyes is also liable for the missing firearms and exhibits. His attempt to question the findings of the audit team and attribution of blame solely to the branch clerks of court does not erase the fact that he was negligent in supervising his court staff and ensuring that there is a proper and safe record and evidence-keeping system in his courts.

A judge is not merely tasked to dispense justice. He is also a manager of the court he is assigned to, and a supervising authority to the staff and personnel therein. Section 2 of Canon 6 of the New Code of Judicial Conduct provides that judges shall devote their professional activity to judicial duties, which include not only the performance of judicial functions and responsibilities in court and the making of decisions, but also other tasks relevant to the judicial office or the court's operation. Further, Rule 3.08 and Rule 3.09 of the Code of Judicial Conduct also requires that:

Rule 3.08. A judge should diligently discharge administrative responsibilities, maintain professional competence in court management, and facilitate the performance of the administrative functions of other judges and court personnel.

Rule 3.09. A judge should organize and supervise the court personnel to ensure the prompt and efficient dispatch of business, and require at all times the observance of high standards of public service and fidelity.

In this case, it is clear that Judge Reyes has failed to ensure that the records, exhibits and pieces of evidence are properly and safely held in court custody. Moreover, it does not appear that he notified the branch clerks of Branch 39 and 43 that he will be taking some of the exhibits. His act of bringing exhibits is irregular, to say the least, and highlights his indifference to his administrative responsibilities. Although clerks of court are the designated custodians of the court's funds, revenues, records, properties and premises, judges, as the administrative head of the courts, are expected to direct them to be diligent in the performance of their duties.<sup>159</sup> In *Atty. Jacinto v. Judge Layosa*<sup>160</sup> and *Office of the Court Administrator v.*

<sup>158</sup> See *Magarang v. Jardin, Sr.*, 386 Phil. 273 (2000) [*Per Curiam, En Banc*].

<sup>159</sup> See *Atty. Jacinto v. Judge Layosa*, 527 Phil. 35, 44 (2006) [*Per J. Sandoval-Gutierrez, Second Division*].

<sup>160</sup> *Id.*

*Ramirez*,<sup>161</sup> this Court held that judges who were complicit in the loss of exhibits and records guilty of simple misconduct. This Court finds the same applicable in the instant case.

*C. Judge Reyes is not liable for gross ignorance of the law*

The OCA submitted that Judge Reyes should be held liable for gross ignorance of the law due to the following acts: 1) dismissing various criminal cases on account of failure to prosecute or because of the execution of affidavit of desistance; 2) in the case of *Maloles v. Aquino*, where, upon appeal, the Court of Appeals noted that the decision granting the petition for annulment was issued without a hearing; 3) his grant of authority to travel in *People v. Cabral*; and 4) his failure to provide an exhaustive summary and evaluation of evidence when he granted the petition for bail in *People v. Sode*.<sup>162</sup>

As for *Maloles v. Aquino*, the judicial audit team report noted<sup>163</sup> that it was former Acting Presiding Judge Recto Calabocal who heard the case and promulgated the decision.<sup>164</sup> This Court fails to see how Judge Reyes can be held liable for incidents occurring prior to his assumption of office.

As to the other cases where respondent supposedly committed judicial blunders, this Court agrees with Judge Reyes that they are proper subjects of an appeal or petition for *certiorari*. To recall, the OCA reported that Judge Reyes: 1) in *Gara-Cruz v. Cruz*, issued the decision nine months from the filing of the petition; 2) in *Dy v. Dimapilis et al*, zealously participated in the mediation by proposing the amount for the parties' settlement of the case; 3) in *People v. Cabral*, granted motion of the accused to travel abroad; and 4) in *People v. Sode*, resolved a petition for bail without providing an exhaustive summary and evaluation of the evidence presented by the parties.

These actions, even if erroneous, are judicial in nature and are generally not correctible through an administrative action. Jurisprudence teaches that official acts of a magistrate that are done in the course of his or her judicial function cannot be subject to a disciplinary action, no matter how erroneous they may be, unless it is proven that they are tainted with bad faith, fraud, malice, or dishonesty.<sup>165</sup> In the instant case, while it may be argued that Judge Reyes's culpability for corruption supplies the element of

<sup>161</sup> 489 Phil. 262 (2005) [Per J. Tinga, Second Division].

<sup>162</sup> *Rollo*, pp. 424-428.

<sup>163</sup> *Id.* at 487.

<sup>164</sup> *Id.* at 426.

<sup>165</sup> See *Tallado v. Dating*, A.M. No. RTJ-20-2602, September 6, 2022 [ Per J. Caguioa, *En Banc*].

bad faith or dishonesty, the OCA's charges, without further substantiation, do not convince this Court that his orders were blatantly erroneous.

*D. The Judge Reyes cannot be held liable for serious dishonesty and gross immorality*

This Court disagrees with the JIB's recommendation that the Judge Reyes be held liable for serious dishonesty and gross immorality. Dishonesty is defined in jurisprudence as "a disposition to lie, cheat, deceive, or defraud; untrustworthiness; lack of integrity; lack of honesty, probity or integrity in principle; lack of fairness and straightforwardness; disposition to defraud, deceive or betray."<sup>166</sup> Meanwhile, for an immoral conduct to warrant disciplinary action, it must be grossly immoral, i.e., "so corrupt and false as to constitute a criminal act or so unprincipled as to be reprehensible to a high degree." Immorality is not limited only sexual matters but also "conduct inconsistent with rectitude, or indicative of corruption, indecency, depravity, and dissoluteness; or is willful, flagrant or shameless conduct showing moral indifference to opinions of respectable members of the community, and an inconsiderate attitude toward good order and public welfare."<sup>167</sup> In the case at bar, the OCA Memoranda dated June 2, 2020 and November 4, 2021, and even the JIB Report failed to substantiate the charges of serious dishonesty and gross immorality.

*E. Impossible Penalties*

Under the amended Rule 140, Section 17 of the Rules of Court,<sup>168</sup> gross misconduct, and simple misconduct are considered serious and less serious charges, respectively, and punished as follows:

**SECTION 17. Sanctions.**—

(1) If the respondent is guilty of a serious charge, any of the following sanctions shall be imposed:

(a) Dismissal from service, forfeiture of all or part of the benefits as the Supreme Court may determine, and disqualification from reinstatement or appointment to any public office, including government-owned or -controlled corporations. *Provided, however,* that the forfeiture of benefits shall in no case include

<sup>166</sup> *Provincial Prosecutor Baculi v. Belen*, 870 Phil. 565, 570 (2020) [Per J. Lazaro-Javier, First Division].

<sup>167</sup> *Galit-Inoy v. Inoy*, A.M. No. P-22-051, July 20, 2022 [Per J. Inting, Third Division].

<sup>168</sup> A.M. No. 21-08-09-SC, February 22, 2022.



accrued leave credits;

(b) Suspension from office without salary and other benefits for more than six (6) months but not exceeding one (1) year; or

(c) A fine of more than [PHP] 100,000.00 but not exceeding [PHP] 200,000.00.

(2) If the respondent is guilty of a less serious charge, any of the following sanctions shall be imposed:

(a) Suspension from office without salary and other benefits for not less than one (1) month nor more than six (6) months; or

(b) A fine of more than [PHP] 35,000.00 but not exceeding [PHP] 100,000.00

Relatedly, Rule 140, Section 21 as amended, provides the rule on imposition of penalties in case of multiple offenses:

**SECTION 21. *Penalty for Multiple Offenses.*** — If the respondent is found liable for more than one (1) offense arising from separate acts or omissions in a single administrative proceeding, the Court shall impose separate penalties for each offense. Should the aggregate of the imposed penalties exceed five (5) years of suspension or [PHP] 1,000,000.00 in fines, the respondent may, in the discretion of the Supreme Court, be meted with the penalty of dismissal from service, forfeiture of all or part of the benefits as may be determined, and disqualification from reinstatement or appointment to any public office, including government-owned or -controlled corporations. *Provided, however,* that the forfeiture of benefits shall in no case include accrued leave benefits.

Considering the frequency of solicitation of bribes from litigants, this Court dismisses Judge Reyes from service, consistent with prevailing jurisprudence.<sup>169</sup>

As for Judge Reyes's liability for simple misconduct, the penalty of fine in the amount of PHP 35,000.00 may be imposed. Nonetheless, considering that the instant case appears to be Judge Reyes's first administrative case, this Court deems the same as a mitigating factor and therefore imposes a fine of PHP 17,500.00. Section 20 of Rule 140, as amended, provides that if one or more mitigating circumstances and no aggravating circumstances are present, the Supreme Court may impose the penalties of suspension or fine for a period or amount not less than half of the minimum prescribed under this Rule.

<sup>169</sup> See *Office of the Court Administrator v. Reyes*, 889 Phil. 622 (2020) [*Per Curiam, En Banc*].

*Judge Reyes should be ordered to explain why he should not likewise be disbarred*

Considering that Judge Reyes's unethical conduct also puts into question his fitness to continue in the practice of law, this Court, pursuant to A.M. No. 02-9-02-SC,<sup>170</sup> accords Judge Reyes with due process and orders him to show cause why he should not likewise be stricken off the Roll of Attorneys. Notably, in numerous occasions, this Court had ruled that the same act which led to the imposition of disciplinary action against members of the judiciary can likewise be the basis of imposing disciplinary action against them both as officials and as members of the Philippine Bar.<sup>171</sup>

*Judge Glenn Paul D. Armamento should explain why no administrative case should be filed against him*

This Court notes that one of the many personalities cited in the reports from the OCA is a certain fiscal "Glen"/ "Armamento", who is later identified as Judge Glenn Paul D. Armamento (Judge Glen),<sup>172</sup> currently the Municipal Trial Court (MTC) of Roxas, Oriental, Mindoro.<sup>173</sup> Judge "Glen" was mentioned in the conversations between Judge Reyes and Atty. Magsino as among those who receive guns from him in exchange for leniency in the prosecution of annulment cases.<sup>174</sup> Mayor Malabanan also signified, at one point, his intent to have "Glen" appointed as a judge in the MTC.<sup>175</sup> While this Court acknowledges that the aforesaid statements do not amount to direct proof of Judge Glen's culpability, this Court deems it prudent to further investigate the matter in vigilant pursuance to this Court's policy of cleansing its ranks of undesirable members and personnel.

**ACCORDINGLY**, Judge Edralin C. Reyes, Presiding Judge, Branch

<sup>170</sup> Entitled "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," dated September 17, 2002 and took effect on October 1, 2002.

<sup>171</sup> Re: *Decision dated April 23, 2010 in Consolidated Administrative Cases OCA IPI No. 07-2630-RTJ, A.M. No. RTJ-07-2049; A.M. No. RTJ-08-2141; and A.M. No. RTJ-07-2093, Against Former Judge Evelyn S. Arcaya-Chua, A.C. No. 8616, March 8, 2023 [Per Curiam, En Banc].*

<sup>172</sup> *Rollo*, pp. 3, 77, 435.

<sup>173</sup> See <<https://sc.judiciary.gov.ph/mindoro-oriental-municipal-trial-court-in-cities-mtc-roxas>> (last accessed on October 4, 2023).

<sup>174</sup> *Rollo*, pp. 511, 515

<sup>175</sup> *Id.* at 451.

43, Regional Trial Court of Roxas City Oriental Mindoro, is hereby declared administratively **GUILTY** of Gross Misconduct and Simple Misconduct.

For Gross Misconduct, this Court **IMPOSES** upon him the penalty of **DISMISSAL** from service, forfeiture of retirement and other benefits except accrued leave credits, and perpetual disqualification from holding public office and re-employment in the government service, including government-owned and controlled corporations.

For Simple Misconduct, this Court hereby **ORDERS** Judge Edralin C. Reyes to pay a **FINE** in the amount of PHP 17,500.00.

Let a copy of this Decision be furnished the following offices:

- a. Office of the Ombudsman, insofar as Judge Edralin C. Reyes, Mayor Joselito Malabanan, and Atty. Eduardo Magsino are concerned, for investigation and/or commencement of proper action;
- b. Department of Justice, insofar as Attys. Eduardo Magsino, Marlo Masangkay, and Lysander Lascano Fetizanan are concerned, for investigation and/or commencement of criminal action; and
- c. Integrated Bar of the Philippines, insofar as Judge Edralin C. Reyes and Attys. Eduardo Magsino, Marlo Masangkay, Lysander Lascano Fetizanan are concerned, for the institution of the appropriate disciplinary or disbarment proceeding.

In addition, this Court also **ORDERS** Atty. Crisalyn B. Lumanglas, former Branch Clerk of Court, Regional Trial Court Calapan City, Oriental Mindoro, and Amor D. Macahilos-Fajardo, Legal Researcher II, former Officer in Charge – Branch Clerk of Court to explain why they should not be held administratively liable for the failure to turn over confiscated firearms and ammunitions, as well as for the loss of the missing firearm exhibits.

Finally, this Court **ORDERS** Judge Glenn Paul D. Armamento of the Municipal Trial Court of Roxas, Oriental Mindoro to show cause why no disciplinary proceedings should be initiated against him for his alleged participation in the corruption scheme discussed herein.

**SO ORDERED.**

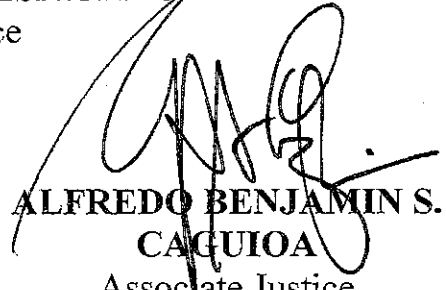


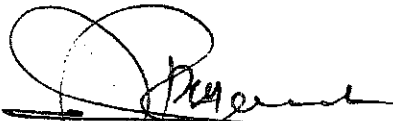
**WE CONCUR:**

  
**ALEXANDER G. GESMUNDO**  
Chief Justice

*See separate concurring opinion*

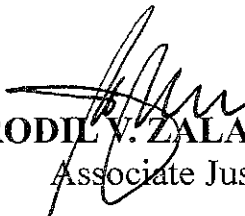
  
**MARVIC M.V.F. LEONEN**  
Associate Justice

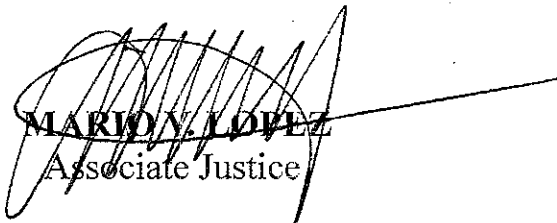
  
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Associate Justice

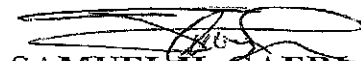
  
~~**RAMON PAUL L. HERNANDO**~~  
Associate Justice

(No Part and On Official Leave)  
**AMY C. LAZARO-JAVIER**  
Associate Justice

  
**HENRI JEAN PAUL B. INTING**  
Associate Justice

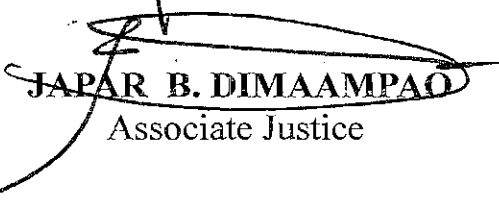
  
**RODIL V. ZALAMEDA**  
Associate Justice

  
~~**MARIO V. LOPEZ**~~  
Associate Justice


  
**SAMUEL H. GAERLAN**  
Associate Justice

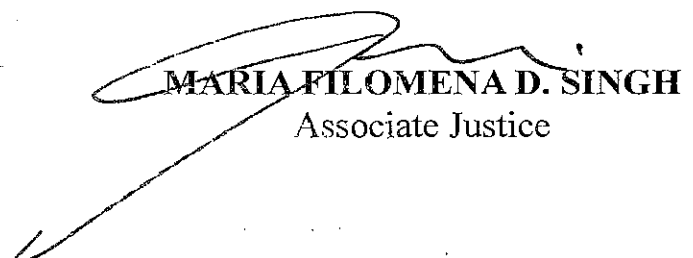
  
**RICARDO R. ROSARIO**  
Associate Justice

  
**JHOSEP V. LOPEZ**  
Associate Justice

  
~~**JAPAR B. DIMAAMPAO**~~  
Associate Justice

(No part)  
**JOSE MIDAS P. MARQUEZ**  
Associate Justice

  
**ANTONIO T. KHO, JR.**  
Associate Justice

  
**MARIA FILOMENA D. SINGH**  
Associate Justice