



Republic of the Philippines
Supreme Court
Baguio City

EN BANC

RE: VERIFIED COMPLAINT OF
FERNANDO CASTILLO AGAINST
ASSOCIATE JUSTICE MARIFLOR
PUNZALAN-CASTILLO, COURT OF
APPEALS, MANILA.

IPI No. 17-267-CA-J

Present:

SERENO, *C.J.*,*
CARPIO,**
VELASCO, JR.,
LEONARDO-DE CASTRO,
PERALTA,
BERSAMIN,
DEL CASTILLO,
PERLAS-BERNABE,***,
LEONEN,
JARDELEZA,
CAGUIOA,
MARTIRES,
TIJAM,
REYES,***,** and
GESMUNDO, *JJ.*

Promulgated:

April 24, 2018

X-----X

DECISION

MARTIRES, *J.*:

As the saying goes, do not wash your dirty linen in public.

It is quite unfortunate that the unduly publicized case stemming from a family misunderstanding now needs the intervention of this Court.

* On Leave.

** Acting Chief Justice per Special Order No. 2539 dated 28 February 2018.

*** No Part.

In his Verified Complaint,¹ Fernando Castillo (*complainant*) accuses Court of Appeals (CA) Associate Justice Mariflor Punzalan-Castillo (*Justice Punzalan-Castillo*) of allegedly committing acts of misfeasance or malfeasance and thus seeks her disbarment and/or removal as justice of the appellate court.

Complainant is Justice Punzalan-Castillo's brother-in-law, the latter being married to Elpidio Castillo (*Elpidio*), who imputes the following charges against her as bases for his complaint:

1. Publicly maligning complainant as a fraud sans proof

Complainant notes that during Justice Punzalan-Castillo's public interview before the Judicial and Bar Council (*JBC*) in January 2016 as an applicant for the position of associate justice, the latter accused him of falsifying documents. He laments that he had no opportunity to defend himself after his character was put into question. In addition, complainant assails that Justice Punzalan-Castillo lied when she said then that she intended to file falsification charges because, until today, no such charges had been filed against him. Thus, he believes that she is guilty of grave slander in violation of Section 20(f), Rule 138² of the Rules of Court.

2. Lying under oath

Complainant further points out that during the same JBC interview, Justice Punzalan-Castillo misrepresented her involvement in the land dispute between complainant and his siblings and in the circumstances surrounding the said controversy. He avers that while she claimed to have no personal involvement in the case because it was her husband's family's case, she actually was one of the plaintiffs in the case pending before the Regional Trial Court, Branch 81, Malolos (*RTC-Malolos*).

In addition, complainant highlights that Justice Punzalan-Castillo lied when she said that efforts to resolve the case pending among the Castillo siblings had been futile in view of him rejecting any compromise; because the truth of the matter is that it was Justice Punzalan-Castillo who did not want to amicably settle the case. He relies on a CA resolution stating that she declined the suggestion to refer the case to mediation. Thus, complainant



¹ *Rollo*, (no proper pagination).

² To abstain from all offensive personality and to advance no fact prejudicial to the honor or reputation of a party or witness, unless required by the justice of the cause with which he is charged.

believes that Justice Punzalan-Castillo committed perjury and violated Rule 2.03, Canon 2³ of the Code of Judicial Conduct (*Code*).

***3. Taking advantage of
her position as
associate justice of the
CA***

Complainant alleges that some pleadings submitted before the RTC-Malolos had originated from the CA. As such, he theorizes that the same were drafted, prepared, and finalized by Justice Punzalan-Castillo using CA personnel and facilities. Complainant highlights that in one of the pleadings, there was a note that read “dina.justice.motion for execution;” and that upon verification with the CA website, found that she had an employee with “Dina” as a first name. Hence, he imputed that Justice Punzalan-Castillo had violated Rule 1.01, Canon 1⁴ of the Code.

***4. Failing to inhibit in a
case in spite of conflict
of interest***

Complainant states that Justice Punzalan-Castillo did not inhibit herself in the petition for certiorari filed before the CA by Bangko Sentral ng Pilipinas assailing the writ of injunction issued by the Manila RTC in favor of Celso delos Angeles (*Delos Angeles*). He explains that while she was not the ponente, her vote along with the other members of the division upheld the resolution affirming the injunction—the Court eventually reversed the CA resolution. Complainant laments that Justice Punzalan-Castillo should have inhibited herself in the said case because her husband and Delos Angeles’ group were partners in the Rural Bank of Calumpit. Consequently, he posits that she violated Rule 3.12, Canon 3⁵ of the Code.

***5. Conspiring to secure
false testimony against
him***

Complainant narrates that: the plaintiffs, in the case pending before the RTC-Malolos including Justice Punzalan-Castillo, impleaded a certain Atanacio Paulino (*Paulino*) and his spouse as co-defendants along with complainant; therein plaintiffs alleged that complainant used Paulino in a

³ A judge shall not allow family, social, or other relationships to influence conduct or judgment. The prestige of judicial office shall not be used or lent to advance the private interests of others, nor convey or permit others to convey the impression that they are in a special position to influence the judge.

⁴ A judge shall be the embodiment of competence, integrity, and independence.

⁵ A judge should take no part in a proceeding where the judge’s impartiality might be reasonably be questioned. x x x.

scheme enabling him to acquire 57 parcels of land in Bulacan formerly owned by their father; and that Paulino, as transferee of the properties from the father of the Castillo siblings, sold the same to complainant.

Complainant assails that due to his advanced age, Paulino did not want to file an Answer in spite of receipt of summons. As such, Justice Punzalan-Castillo's husband Elpidio, in connivance with his wife, secured the services of Atty. Rolando Dazzle E. Ty (*Atty. Ty*) of the Public Attorney's Office (*PAO*) to make it appear that Atty. Ty was Paulino's counsel. He points out that Paulino filed a letter before the RTC-Malolos disavowing Atty. Ty as his lawyer and that he only signed the verified answer due to Elpidio's prodding. Hence, complainant surmises that the irregularities Justice Punzalan-Castillo had committed constituted grave misconduct.

***6. Falsifying pleadings
filed before the RTC-
Malolos***

Moreover, complainant avers that the entries in Paulino's purported answer and verification were fictitious. He said that upon examination by a handwriting expert from the National Bureau of Investigation, it was discovered that a single person had written the entries in the answer and verification, and in the complaint filed by Elpidio and Justice Punzalan-Castillo. The handwritten entries pertained to the title number, date, and place of issue of the titles involved in the case pending before the RTC-Malolos.

***7. Committing Forgery in
notarizing a deed of
mortgage executed by
complainant's mother***

Finally, complainant recounts that in 1979, when Justice Punzalan-Castillo was a new lawyer and a commissioned notary public of Bulacan, she notarized a real estate mortgage involving properties of his father and mother. The said document was for one of his sisters to secure a loan from the Republic Planters Bank. In 2011, complainant was able to obtain a copy of the said document from the National Archives of the Philippines. Upon inspection, he noticed that Justice Punzalan-Castillo's name appeared to have been mysteriously erased and only her Professional Tax Receipt and Tax Account Number were indicated. Complainant also had his mother's signature on the document compared with a specimen which, upon examination by the handwriting expert, revealed that the signature on the real estate mortgage did not match the specimen provided.



Position of Justice Punzalan-Castillo

In her Comment⁶ dated 5 February 2018, Justice Punzalan-Castillo brushes aside complainant's allegations against her as malicious and baseless. She explains that the genesis of the present complaint against her was the case filed by complainant's siblings against him. Justice Punzalan-Castillo said that after the death of the Castillo siblings' father, complainant was able to fraudulently transfer to his name the titles of 67 lots previously registered under the name of their father. The Castillo siblings tried to settle the controversy privately through family meetings; however, due to complainant's unreasonable demands, the other siblings decided to file a case for declaration of nullity of title against complainant.

Justice Punzalan-Castillo refutes complainant's maligning of her answer to a query of the JBC regarding their relationship as in-laws. She explains that the JBC is not a court where she could offer evidence to support complainant's alleged falsification; and that if she were given a chance, she could have provided the same. Likewise, Justice Punzalan-Castillo points out that the complaint filed before the RTC-Malolos was anchored mainly on complainant's falsification of various documents that enabled him to transfer land titles from his father to his name. She expounds that the only reason why no criminal charges were filed against him was because his siblings were hesitant to file criminal charges against their own brother.

Further, Justice Punzalan-Castillo denies that she lied under oath in stating that complainant was not amenable to a compromise. She explains what she meant by her answer to the JBC that complainant rejected any amicable settlement in: the meetings between relatives; mediation sessions conducted by a mediator in Malolos; pre-trial proceedings before the RTC-Malolos; and in the Judicial Dispute Resolution resorted to by the RTC-Malolos. Justice Punzalan-Castillo further clarifies that her refusal to be referred to the Philippine Mediation Center was due to the fact that they grew tired of trying to compromise with an unreasonable person.

Moreover, Justice Punzalan-Castillo rebuts that she did utilize CA employees and facilities in preparing pleadings in connection with the case against complainant. She avers that she merely copied the template from one of her employees so she would no longer format the document; and that the file name was merely to help her locate the file in the computer for future reference. She states that she herself made the motion for execution to help ease their private lawyer's caseload; and that their private counsel prepared all the other pleadings.



⁶ *Rollo*, pp. (no proper pagination).

As regards her not inhibiting from the case involving Delos Angeles, Justice Punzalan-Castillo bewails that when the case was assigned to her division, neither the name “Legacy” nor “Celso delos Angeles” appeared in the pleadings. Had she known, she would have inhibited because she might not be able to restrain herself and dissent from the majority. Justice Punzalan-Castillo laments that she was likewise a victim of Delos Angeles’ scams and as such had no reason to favor him.

Meanwhile, Justice Punzalan-Castillo denies that she cunningly had Atty. Ty represent Paulino without the latter’s consent. She claims that the RTC-Malolos did not expunge Paulino’s answer despite complainant’s allegations. Further, the PAO dismissed the administrative case complainant filed against Atty. Ty for being misleading and based on conjectures.

With regard to the allegations that she made falsified entries in the pleadings filed before the RTC-Malolos, Justice Punzalan-Castillo assails that complainant misunderstood matters. She points out that while it may be true that the title number, date, and place of issue of the said title in the complaint and in the answer were written by the same person, the fact remains that the information indicated are genuine. Moreover, Justice Punzalan-Castillo explains that writing entries is a mechanical act that can be done by anybody who can read and write. In addition, she notes that the handwriting expert merely stated that the handwriting belonged to the same person but did not name her as the one who made them. Further, Justice Punzalan-Castillo finds the examination doubtful because it was unclear whether the said expert studied the original documents.

Finally, Justice Punzalan-Castillo laments that it was unclear what specimen was used to compare the signature of complainant’s mother with the real estate mortgage she had notarized a long time ago. She adds that the conclusion was unreliable because only photocopies of the documents were used and not the original. She also notes that both her sister-in-law and father-in-law admitted that they had signed the real estate mortgage documents together with her mother-in-law.

THE COURT’S RULING

The complaint has no merit.

In *Concerned Citizen v. Divina*,⁷ the Court reminds how members of the judiciary, from the magistrates to the staff, are burdened by great expectations, to wit:



⁷ 676 Phil. 166 (2011).

The Court has always stressed that the behavior of all employees and officials involved in the administration of justice, from judges to the most junior clerks, is circumscribed with a heavy burden of responsibility. All court personnel must observe strict propriety and decorum to preserve and maintain the public's respect for and trust in the judiciary. Needless to say, every act and word of all court personnel should be characterized by prudence, restraint, courtesy, and diligence.⁸

Thus, the Court does not take lightly any accusation or imputation of wrongdoing against members of the judiciary, especially against magistrates of the appellate court. After all, a single member in disrepute will effectively tarnish the image of the judiciary as the bastion of justice and protector of the voiceless and oppressed. The Court will not hesitate to mete out the appropriate penalty to those who fail to uphold the high standards and expectations of the judiciary, even if it means handing out the harshest punishment possible. Neither will the Court blindly castigate erring judiciary officials and personnel without sufficient evidence or proof.

In *Monticalbo v. Maraya, Jr.*,⁹ the Court ruled that it is incumbent on the complainant in administrative cases to present substantial evidence to support the accusations, to wit:

Well-established is the rule in administrative proceedings that the burden of proof rests on the complainant, who must be able to support and prove by substantial evidence his accusations against respondent. x x x Failure of the complainant to substantiate his claims will lead to the dismissal of the administrative complaint for lack of merit because, in the absence of evidence to the contrary, the presumption that a judge has regularly performed his duties will prevail.¹⁰

On the other hand, parties seeking to disbar members of the bar must prove with clearly preponderant evidence that disbarment is necessary due to the gravity of the said punishment.¹¹ It is settled that lawyers enjoy the legal presumption that they are innocent of the charges against them until proven otherwise—as officers of the court, they are presumed to have performed their duties in accordance with their oath.¹² It is only when such presumption is overcome by convincing proof of the lawyer's misconduct that the serious consequences of disbarment or suspension should follow.¹³

Thus, in the present case, complainant must present sufficient and concrete evidence to substantiate his accusations against Justice Punzalan-Castillo; otherwise, there will be no basis to disbar, suspend or remove

⁸ Id. at 177.

⁹ 664 Phil. 1 (2011).

¹⁰ Id. at 9-10.

¹¹ *Tabang v. Gacott*, 713 Phil. 578, 588 (2013).

¹² *Aba v. De Guzman, Jr.*, 678 Phil. 588, 599-600 (201).

¹³ *Segovia v. Sardaña*, 165 Phil. 684, 689 (1976).



Justice Punzalan-Castillo from her position as associate justice. After all, basic is the rule that mere allegation is not equivalent to proof and charges based on mere suspicion, speculation or conclusion cannot be given credence.¹⁴

After an assiduous review of the records, the Court finds that complainant miserably failed to sufficiently substantiate his grave accusations against Justice Punzalan-Castillo. The Court shall carefully address each of complainant's charges and illustrate why they are all groundless.

First, complainant mistakenly imputes that Justice Punzalan-Castillo lied when she said that she intended to file falsification charges against him. A reading of the complaint filed against complainant before the RTC-Malolos reveals that the same is principally based on his falsification of various documents to effect the transfer of titles from his father to his name. *Second*, complainant misunderstood Justice Punzalan-Castillo's participation in the civil case filed against him. He believed that the appellate court justice lied when she said she was not involved in the said case because she was, in fact, one of the party-plaintiffs.

It is elementary in procedural rules that spouses shall sue or be sued jointly, except in cases provided for by law.¹⁵ As pointed out by Justice Punzalan-Castillo, she was included as party-plaintiff because her husband Elpidio was among the plaintiffs in the case. It could be reasonably expected that complainant, a layman, would not be well-versed in traversing the nuances of procedural rules.

As to the accusation that Justice Punzalan-Castillo utilized CA personnel and facilities to draft pleadings in connection with the case before the RTC-Malolos, the Court finds the same also based on conjectures and speculations. Complainant's only basis was that in one of numerous pleadings filed, there was an annotation on one of the pages that read "dina.justice.motion for execution" and that Justice Punzalan-Castillo had a staff named "Dina"; after which he hastily concluded that Justice Punzalan-Castillo was using her staff for her personal and private affairs.

Justice Punzalan-Castillo explained that she merely used a template of a motion for execution from one of her employees so that she would no longer format the same; and that the document was only titled as such so that she could easily trace it in her files for future reference. Even without a rebuttal, complainant's purported evidence fails to concretely establish that the associate justice took advantage of her staff for personal reasons. It is

¹⁴ *De Jesus v. Guerrero III*, 614 Phil. 520, 529 (2009).

¹⁵ Rules of Court, Rule 3, Section 4.

clear that the alleged evidence are merely assumptions and haphazard conclusions that could not convince any reasonable person that Justice Punzalan-Castillo indeed used her CA staff for personal gains. To stress—out of numerous pleadings filed before the RTC-Malolos, only a single page from one of the pleadings bore the said marking.

Meanwhile, the accusation that Justice Punzalan-Castillo failed to inhibit herself in spite of conflict of interest suffers the same fate as complainant's other accusations. Again, it is nothing but groundless accusation devoid of proof. Justice Punzalan-Castillo and her husband Elpidio were never partners with Delos Angeles in the Rural Bank of Calumpit, Bulacan, because, in fact, they bought the shares of the latter in the said bank.¹⁶ Such lends credence to her explanation that it would be absurd for her to favor Delos Angeles because they were also victims of his scams.

Likewise, complainant's claims that Justice Punzalan-Castillo nefariously procured the services of PAO lawyer Atty. Ty to serve as Paulino's counsel are without merit. It is noteworthy that the RTC-Malolos did not expunge Paulino's answer despite his allegations that he did not secure the services of Atty. Ty. In addition, the administrative case complainant filed against Atty. Ty before the PAO in connection with the said matter had been dismissed for being baseless and premised on misleading conjectures.

Similarly complainant's last two charges both impute that Justice Punzalan-Castillo committed falsification in executing and/or solemnizing documents. He relied on the examination made by a handwriting expert from the NBI. In both charges, however, only photocopies of documents were examined. For the results of handwriting examinations to be credible and deserving of consideration, the specimen signature must be sourced from the original document and not merely from photocopies.¹⁷

In addition, even if the conclusions of the NBI expert are considered, they are still insufficient to charge Justice Punzalan-Castillo of falsification. *First*, the fact that the same person had written the title number, date, and place of issue does not contradict the genuineness of the said title. *Second*, the NBI expert merely concluded that a single person had made the entries but did not name Justice Punzalan-Castillo as the author. Thus, it is readily apparent that complainant again resorted to unwarranted conclusions and assumptions. *Third*, complainant's own father and sister both attested that they jointly executed the real estate mortgage with their mother, negating his claim that her mother's signature was forged.



¹⁶ Rollo, p. (no proper pagination).

¹⁷ *Security Bank & Trust Company v. Triumph Lumber and Construction Corporation*, 361 Phil. 463, 478 (1999).

A reading of the complaint filed against Justice Punzalan-Castillo shows that complainant is inclined to make baseless conjectures and speculations that lead him to specious conclusions. He paints the associate justice as someone who abuses her power and authority for her personal gain. Yet, it is worth noting that the case against complainant before the RTC-Malolos has been pending for more than a decade. Surely, individuals who are truly conniving, scrupulous, and abusive, and so placed, could easily flex their authority to expedite proceedings in their favor.

In the same manner that the Court takes seriously any accusations of wrongdoing within its ranks, so does it not take lightly false and baseless accusations against members of the Judiciary. Complainants filing needless and unfounded suits against sitting judges and justices need to explain why they should not be held accountable for their capriciousness; thus, to encourage complainants with sufficient evidence to come forward and shed light on the misgivings of some members of the Judiciary and at the same time dissuade those who merely intend to harass or embarrass them.

The Court reminds that unfounded administrative charges against members of the bench degrade the judicial office and greatly interfere with the due performance of their functions in the Judiciary.¹⁸ They not only needlessly drain the resources of the Court in resolving them but, more importantly, they sow the seeds of distrust of the public against members of the Judiciary.

WHEREFORE, the Verified Complaint against Associate Justice Mariflor Punzalan-Castillo is **DISMISSED** for lack of merit. Complainant Fernando Castillo is **ORDERED** to show cause in writing within ten (10) days from notice why he should not be punished for indirect contempt of court for degrading the judicial office of Associate Justice Mirafior Punzalan-Castillo, and for interfering with the due performance of her work for the Judiciary.

SO ORDERED.


SAMUEL R. MARTIRES
Associate Justice

¹⁸ *Re: Complaint of Atty. Mariano R. Pefianco against Justices Sempio Diy, Hernando, and Salandan-Manahan, of the Court of Appeals Cebu*, 781 Phil. 363, 374 (2016).

WE CONCUR:

(On Leave)

MARIA LOURDES P. A. SERENO
Chief Justice

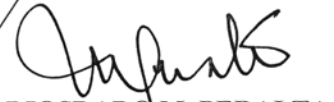
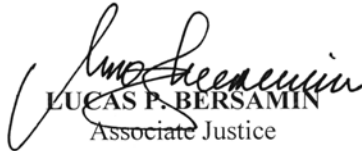


ANTONIO T. CARIPIO
Acting Chief Justice

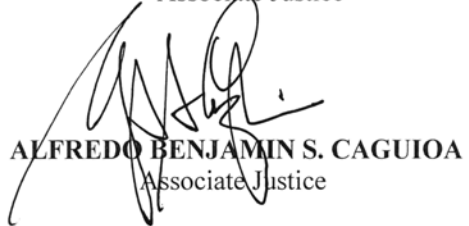



PRESBITERO J. VELASCO, JR.
Associate Justice

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