THIRD DIVISION

[A.M. No. RTJ-25-092 [Formerly OCA IPI No. 17-4755-RTJ]. April 07, 2025]

EDRALYN PANGILINAN, COMPLAINANT, VS. HON. LELU P. CONTRERAS, PRESIDING JUDGE, REGIONAL TRIAL COURT OF VIRAC, CATANDUANES, BRANCH 43, RESPONDENT.

R E S O L U T I O N

SINGH, J.:

For the Court's resolution is Complaint-Affidavit[1] filed by Edralyn Pangilinan (**Pangilinan**), who claims to be a concerned citizen of Codon, San Andres, Catanduanes, charging the respondent Honorable Lelu P. Contreras (**Judge Contreras**), former Presiding Judge of Branch 43, Regional Trial Court (**RTC**), Virac, Catanduanes, with Gross Ignorance of the Law, Conduct Unbecoming a Judge, Gross Misconduct, and violation of Canons 2 (Integrity), 4 (Impropriety), and 5 (Equality) of the New Code of Judicial Conduct (**NCJC**), relative to the alleged delay in the issuance of a search warrant on a clandestine "*shabu* laboratory" discovered in Virac, Catanduanes.

In its Report,[2] the Judicial Integrity Board (**JIB**) recommended that this administrative case against Judge Contreras be dismissed for lack of merit.

The Facts

Due to certain reports regarding the alleged existence of a *shabu* laboratory in Barangay Palta, Virac, Catanduanes, Regional Director Senior Chief Superintendent Melvin Ramon Buenafe directed the PROS RAIDSTOF and the Virac Municipal Police Station (**VMPS**) to conduct a validation thereof. To gain initial access to the warehouse, which is suspected to be the *shabu* laboratory, Police Superintendent Alex Pederio (**P/Supt. Pederio**), Officer in Charge of the Regional Intelligence Division, utilized the Bureau of Fire Protection (**BFP**) as a front, under the pretense of inspecting the premises for compliance with permit requirements.[3]

The attempts of the team to enter the warehouse on November 24 and 25, 2016, however, were unsuccessful because they were refused entry by one Paulo Uy (**Uy**)[4] and caretaker Lorenzo Pinera (**Pinera**).[5]

When P/Supt. Pederio was convinced that the warehouse was a *shabu* laboratory, he

asked BFP Chief Danilo Tayobana (**BFP Chief Tayobana**)[6] if he could be the deponent in their search warrant application, but he refused. The police then subsequently sought the advice of Judge Contreras about their intention to apply for the search warrant. Judge Contreras suggested that, since they needed to gain access to the warehouse before applying for the warrant, it is best to first check with Virac Mayor Samuel Laynes (**Mayor Laynes**) whether the property has a building or business permit. Judge Contreras then accompanied P/Supt. Pederio and his companions to Mayor Laynes because she personally knows him. Mayor Laynes committed that he would update them the following morning.[7]

In the morning, the police were informed that the warehouse was leased to a certain Angelica Balmadrid (**Ms. Balmadrid**) who then subleased it to Uy. They were also told that the property had no building permit and the sublease contract contained a proviso that the lessor can inspect the premises anytime if there is a violation of the law.[8]

At around 9:45 a.m. of November 26, 2016, PROS RAIDSTOF, VMPS and PNP Crime Laboratory personnel, together with Mayor Laynes and Ms. Balmadrid, went to the property to inspect it. There, they discovered that the warehouse was indeed a clandestine *shabu* laboratory with all the apparatus and chemicals inside. By mid-afternoon that same day, the police applied for a search warrant as they wanted to search the entirety of the warehouse. After due proceedings, Judge Contreras issued the search warrant at around 5:50 p.m.[9]

Armed with the search warrant, the team of police raided the warehouse and arrested several persons, including Pinera. Consequently, a Complaint for Violation of Article II, Section 8 of the Republic Act No. 9165 was filed by the Provincial Prosecutor's Office against the arrested individuals and other John Does who were identified as Chinese nationals.[10]

Because of the discovery of this *shabu* laboratory, Representative Cesar V. Sarmiento, of the Lone District of Catanduanes, sponsored House Resolution No. 585, asking government transportation agencies to intensify and coordinate efforts to suppress the trafficking of illegal drugs. The Sangguniang Panlalawigan (**SP**) of Catanduanes, on one hand, issued Resolution No. 351-2016, urging for a thorough investigation of the drug laboratory. Catanduanes Governor Joseph Cua (**Governor Cua**) also requested for the conduct of a parallel investigation from the Department of Justice (**DOJ**) to identify the personalities behind the establishment of the laboratory and its operation.[11]

The House of Representatives Committee on Dangerous Drugs (**Committee on Dangerous Drugs**) chaired by Representative Robert Ace Barbers of the 2nd District of Surigao del Norte, conducted a public hearing on February 23, 2017, at the Catanduanes State University Auditorium (**CatSU Auditorium**). Several law enforcement personalities and other resource speakers were invited to shed light on the circumstances that led to the discovery of the *shabu* laboratory.[12]

There, Police Senior Superintendent Jeffrey Fernandez (**P/SSupt. Fernandez**) reported that he, together with Judge Contreras, the police, Mayor Laynes and Ms. Balmadrid, went and inspected the warehouse in the morning of November 26, 2016. A member of the Committee then asked whether there was already a search warrant when they made the ocular, to which P/SSupt. Fernandez replied in the negative. He, nonetheless, explained that a search warrant was subsequently issued in the afternoon of the same day. Another member asked P/SSupt. Fernandez if the act of Judge Contreras in entering the subject property without a search warrant made her liable for trespassing, and if so, the Committee on Dangerous Drugs will have to invite her to explain.[13]

Meanwhile, when Governor Cua was asked to give his statement, he mentioned that he heard about the alleged delay in the issuance of the search warrant, and that he also received information that the involved Chinese nationals have already fled the area the day before the warrant was even issued.[14]

P/Supt. Pederio also testified that in the course of conducting surveillance on the warehouse as early as July 2016, they noticed that its electric bill shot up to an average of PHP 50,000.00 monthly and that a noxious smell emanated from the property. He mentioned that he consulted Judge Contreras on what he needed to do to secure a warrant. He continued that, on the evening of November 25, 2016, he tried to convince several personnel of the BFP to be the deponents in the application for a search warrant, but no one agreed.[15]

Mayor Laynes, for his part, disclosed that he could not recall whether Judge Contreras was with them when they went inside the warehouse. He admitted that it was he who authorized the inspection, by virtue of his power as the local chief executive, when it was confirmed that the property had no building permit.[16]

While the Committee on Dangerous Drugs hearing was ongoing, Judge Contreras unexpectedly arrived. She explained that she was compelled to appear because she learned that her name was mentioned by P/SSupt. Fernandez as among those who went in the premises of the subject property in the morning of November 26, 2016 and wanted to clarify what really took place on November 25 and 26, 2016.[17]

Judge Contreras insisted that it should be BFP Chief Tayobana who should be made liable for the escape of the Chinese nationals. Additionally, she insisted that had BFP Chief Tayobana insisted on his authority to inspect the building when he confronted Uy on their second attempt to enter the premises, then the result would have been different – they could have entered the warehouse sooner and discovered what was being kept inside.[18] She also emphasized that it was unfair to blame the police for the failure to apprehend the real culprits behind the operation of the *shabu* laboratory.[19]

Several members of the Committee on Dangerous Drugs then inquired from Judge Contreras whether it was normal for a sitting judge to accompany law enforcement officers to the premises while in the process of applying for a search warrant. Judge

Contreras answered in the negative, and claimed that the purpose of her visit there was to have a better grasp of the place which she knew will be the subject matter for a search warrant anytime soon.[20] She went to explain that as early as 7 p.m. of November 25, 2016, police officers were already asking her whether they could already apply for a warrant. But at that time, she knew that the pieces of evidence presented by the police were insufficient. Thus, she went to the area fully aware that a search warrant application would be forthcoming.[21]

The foregoing events prompted Pangilinan to file the present administrative complaint against Judge Contreras.

In her Complaint, Pangilinan alleged that after the enforcement of the search warrant, Judge Contreras had been sharing her story to various media outlets. She also added that Judge Contreras even called for a press conference on March 15, 2017 at 4:00 p.m., supposedly in response to SP Resolution No. 129-2017 of Catanduanes, urging the Supreme Court to immediately relieve her from her position as Executive Judge and Presiding Judge, RTC Branches 42 & 43, respectively, for Loss of Trust and Confidence. The said SP Resolution was prepared due to numerous reports received by the SP showing Judge Contreras' partiality and her act of furnishing copies of hers Orders to the media.[22]

Thus, Pangilinan prayed that Judge Contreras be held administratively liable for the infractions she committed.

In her Comment,[23] Judge Contreras stressed that powerful people were behind the filing of the administrative case against her and they merely used Pangilinan in their desperate attempt to oust her from her office. She pointed out that Pangilinan was the live-in partner of one Larry Que, one of the primary suspects in the operations of the shabu laboratory, but was gunned down a month after the discovery of the laboratory. Thus, it baffled her why someone related to a primary suspect in such a high-profile drug case would complain about the delay in the issuance of the subject search warrant. [24]

She also alluded that the allegations against her are mere rehash of the issues previously raised against her by the alleged concerned citizens of Bicol, which was also used as the basis of the aforementioned SP Resolution No. 129-2017.[25]

Ultimately, Judge Contreras vehemently denied that she deliberately delayed the issuance of the search warrant. She recalled that the application was submitted by the PNP to her on November 26, 2016 at around 3:00 p.m. and she granted the same at around 5:55 p.m. While it was true that the police consulted her about the warrant the night before, they did not submit any application because they did not have sufficient evidence at that time. And, in fact, on November 26, 2016 they still lacked proof to show probable cause. P/Supt. Pederio even had to draft and execute an affidavit in her office to support their search warrant application. She also explained that she still made searching questions and assessed whether she will issue the warrant, hence, the three-

hour window from the application to its issuance.[26]

Judge Contreras also made it clear in her Comment that she played no role in the escape of the persons behind the operations of the drug laboratory. She maintained that she had yet to receive an application for a search warrant when she went to the location of the laboratory. Also, based on the affidavit of Pinera, Uy and the other involved individuals allegedly left the property in the evening of November 25, 2016. Thus, she claimed that the time that the search warrant was issued is already irrelevant.[27]

Moreover, Judge Contreras insisted that she had no ill motive or malicious intent when she highlighted the negligence BFP Chief Tayobana during the Committee on Dangerous Drugs hearing. She clarified that she was merely telling the truth on what happened on November 25, 2016, and had BFP Chief Tayobana verified from his office that the building had no Fire Safety Inspection Certification, he could have easily entered the property despite Uy's objections.[28]

With respect to her presence during the Committee on Dangerous Drugs hearing, she emphasized that it was a public hearing, which meant that it was open to all. Thus, it should not be construed as a sign of arrogance or disrespect to the authority of the legislators. For her, she needed to clarify her presence at the premises of the shabu laboratory on November 26, 2016 since P/SSupt. Fernandez wrongfully included her as one of those who actually entered the warehouse or the laboratory.[29]

Judge Contreras, meanwhile, admitted that she, together with her stenographer, went to the premises where the laboratory was located in the afternoon of November 26, 2016 before she issued the warrant. She clarified that she did not go inside the laboratory per se. She justified her presence there by saying that since an application for a search warrant was forthcoming, she might as well go there to get a clearer picture of the area. She also added that when the warrant application was submitted to her, she no longer asked for the sketch of the area to be searched, which is usually one of her requirements to those applying for one. Finally, she asserted that there was nothing wrong nor illegal in what she did as there was no rule prohibiting her from personally visiting the subject area.[30]

As regards her conduct during the Committee on Dangerous Drugs hearing, Judge Contreras averred that it was not improper for her to quote statements made by Pinera in his affidavit. She explained that this affidavit was submitted by Pinera as support to his Petition for Bail and that this Petition had been resolved prior to her appearance in the hearing, thus, this removes Pinera's affidavit from the ambit of confidential records. Further, she expressed that she was officially on travel at the time of the hearing as she had just finished her speaking engagement when she went to the CatSU Auditorium to attend the hearing.[31]

Judge Contreras also admitted that she called for a press conference on March 15, 2017, but she did so on her free time. She mentioned that she was on official business that day and had also just finished her speaking engagement in a seminar organized by the

Philippine Judicial Academy. She reasoned out that her decision to hold the press conference was the best way to defend her reputation and the image of the judiciary that was so tarnished by the baseless SP Resolution as well as the deluge of criticisms thrown against her on social media. She claimed that she attempted to defend herself before the SP, but they refused to act on her request to be given the opportunity to do so.[32]

The Report and Recommendation of the Acting Executive Director of the JIB

Atty. James D.V. Navarrete (**Atty. Navarrete**), then Acting Executive Director of the JIB, recommended the dismissal of the administrative complaint against Judge Contreras on the ground of insufficiency of evidence.[33]

In arriving at such recommendation, Atty. Navarrete ratiocinated that Pangilinan failed to adduce any evidence that would support her allegation that Judge Contreras deliberately delayed the issuance of the search warrant. Henceforth, the presumption that she regularly performed her duties as a judge should prevail.[34]

As to Judge Contreras' presence in the premises of the laboratory, Atty. Navarrete stressed that there is no rule that prohibits a judge from doing so. He gave credence to Judge Contreras' explanation that she still asked searching questions as required by the rules and her decision to visit the area was driven by her desire to have a clearer grasp of the situation since she knew that an application for a search warrant would be made soon.[35]

Judge Contreras' participation on the Committee on Dangerous Drugs hearing and her act of calling for a press conference were also both justified. Aside from the fact that she was still on official travel or official business during those events, she was only trying to clear her name and defend herself from the accusations against her.[36]

The Report of the JIB

The JIB adopted the factual findings and conclusion of Atty. Navarrete that Pangilinan indeed failed to present any substantial evidence to support any of her allegations against Judge Contreras, which were all based on the information that were disclosed during the Committee on Dangerous Drugs hearing and the events that transpired there.[37]

The JIB noted that Pangilinan complained of the following acts during the hearing: 1) Judge Contreras' act of appearing on the Committee on Dangerous Drugs hearing on a work day without securing the permission from the Office of the Court Administrator (**OCA**); 2) lying under oath during the hearing; 3) disregarding the authority of a co-equal branch of the government; 4) disclosing information from a pending case; 5) being partial against BFP Chief Tayobana; and 6) having a disruptive behavior during the hearing.[38]

With respect to Judge Contreras' act of appearing on the Committee on Dangerous Drugs hearing on a workday without securing the permission from the OCA and even a formal invitation from the Committee, the JIB ruled that her attendance was acknowledged and appreciated by the members. Moreover, the hearing was open to the public and Judge Contreras' appearance did not disrupt the proceedings. Other than the fact that the hearing was on a weekday, the JIB held that Pangilinan did not present any proof that would legally prohibit Judge Contreras from being there. Thus, her attendance there should not be construed as a sign of arrogance or disobedience to the directives of the OCA.[39]

As to her conduct during the hearing, the JIB explained that it was a natural reaction by one who had to defend her honor from the accusations, particularly her presence in the premises of the drug laboratory, being hurled against her. And with respect to Pangilinan's allegation that Judge Contreras lied under oath during the hearing, the latter admitted that she misunderstood the questions asked of her as she thought that she was being asked about her presence inside the warehouse, which she repeatedly denied to the members of the Committee on Dangerous Drugs. Later, she clarified that she was within the vicinity of the warehouse at around 2:00 p.m. of November 26, 2016, but at no point did she enter the warehouse. The JIB clarified that Pangilinan conveniently skipped the part where Judge Contreras apologized for the misunderstanding and her conduct, which the members accepted.[40]

With regard to the disclosure of the alleged confidential information from Pinera's affidavit, the JIB ruled that Pangilinan failed to present any proof showing that such alleged information was culled from another case, and not for the Petition for Bail of Pinera, which was already resolved, as claimed by Judge Contreras.[41]

As to the repeated calling out of BFP Chief Tayobana, the JIB clarified that while Judge Contreras indeed should maintain and enhance the confidence of the public, the legal profession and litigants, in the impartiality of the judge and the judiciary, her act of calling him out should not be construed as a sign of partiality against him. The JIB continued that a review of the records would show that Judge Contreras was not blaming BFP Chief Tayobana, but rather was explaining to the Committee members that he should have been called as a resource speaker as well. There was nothing wrong in giving the Committee a lead on who could give more information, since BFP Chief Tayobana was apparently about to investigate the warehouse for possible fire code violations.[42]

Pangilinan also accused Judge Contreras of delaying the issuance of the search warrant. The JIB, however, held that Pangilinan did not present any proof to substantiate the claim of delay. According to the records, it was only at 3:00 p.m. of November 26, 2016 that the police filed an application for the warrant. Given that the police needed time to strengthen their case and Judge Contreras had to conduct searching questions on the applicant, there was nothing irregular about the issuance of the warrant at approximately 6:00 p.m. of the same day.[43]

Finally, Pangilinan charged Judge Contreras with violations of the NCJC constituting Gross Misconduct for her actions after the discovery of the drug laboratory and after the passing of SP Resolution No. 129-2017, i.e., publishing letters in the media and calling for or attending press conferences on official time.[44]

The JIB was convinced of Judge Contreras' explanation for holding a press conference. This was merely in response to the Resolution of the SP, which refused to hear her side. To the JIB, there was nothing improper in her efforts to defend her name and reputation, especially since the SP refused to give her any opportunity to do so.[45]

With respect to the letter published through the media outlets, Pangilinan asserted that it tainted the dignity of the judicial office. The JIB brushed this aside and found that Judge Contreras' act of publishing said letter was appropriate and necessary considering that both her person and her office were being questioned by the public and the local provincial officials, who again did not give her the chance to explain her actions.[46]

Ultimately, due to lack of evidence, the JIB recommended the dismissal of the case against Judge Contreras. Thus:

> **ACCORDINGLY**, it is respectfully **RECOMMENDED** for the consideration of the Honorable Court that the instant administrative case against respondent **HON. LELU P. CONTRERAS**, former Presiding Judge, [Branch 43, Regional Trial Court, Virac, Catanduanes,] be **DISMISSED** for lack of merit.[47] (Emphasis in the original)

The Issue

Should Judge Contreras be held administratively liable?

The Ruling of the Court

It is settled that in administrative proceedings for disciplinary actions against judges, the quantum of proof necessary is substantial evidence or such relevant evidence as a reasonable mind might accept as adequate to support a conclusion.[48] The complainants have the burden of proving their allegations in their complaints with this quantum of proof.

In this case, while the Court agrees that Pangilinan failed to support by substantial proof her allegations in her Complaint, the Court, nonetheless, deems it proper to modify the JIB's ruling.

Judge Contreras is not guilty of Gross Ignorance of the Law and/or Conduct Unbecoming of a Judge, and Grave Abuse

of Authority with respect to her issuance of the search warrant

Pangilinan charged Judge Contreras with Gross Ignorance of the Law and/or Conduct Unbecoming of a Judge for the alleged delay in the issuance of the subject warrant, and that because of this delay, the individuals who may be responsible for the drug laboratory were able to escape. Additionally, Pangilinan also accused Judge Contreras of committing Grave Abuse of Authority when she went to the laboratory to personally inspect and see the place to be searched, instead of immediately issuing the warrant.[49]

The Court does not agree.

The right of every individual against unreasonable searches and seizures in our jurisdiction is inviolable. This is clearly defined under Article III, Section 2 of our Constitution, which reads:

> SEC. 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.

The requisites for the issuance of a search warrant are: (1) probable cause is present; (2) such probable cause must be determined personally by the judge; (3) the judge must examine, in writing and under oath or affirmation, the complainant and the witnesses he or she may produce; (4) the applicant and the witnesses testify on the facts personally known to them; and (5) the warrant specifically describes the place to be searched and the things to be seized.[50] In determining the existence of probable cause for the issuance of a search warrant, the examining judge must make probing and exhaustive, not merely routine or *pro forma* examination of the applicant and the witnesses.

It is elementary that "probable cause" for a valid search warrant is defined as such facts and circumstances which would lead a reasonably discreet and prudent man to believe that an offense has been committed, and that objects sought in connection with the offense are in the place sought to be searched. This probable cause must be shown to be within the personal knowledge of the complainant or the witnesses he may produce and not based on mere hearsay. In determining its existence, the examining judge must make a probing and exhaustive, not merely routine or *pro forma* examination of the applicant and the witnesses. Probable cause must be shown by the best evidence that could be obtained under the circumstances.[51]

Interestingly, Pangilinan admitted that all the requisites for the issuance of a search warrant are present here.[52] Thus, on this ground alone, the Court finds that there is no basis, in fact or in law, for Judge Contreras to be adjudged guilty of Gross Ignorance of

the Law. It should be emphasized that to constitute Gross Ignorance of the Law, the acts complained of must not only be contrary to existing law and jurisprudence, but were also *motivated by bad faith, fraud, dishonesty, and corruption*.[53]

The Court agrees with the JIB's finding that there is nothing irregular in the issuance of the search warrant.[54] Here, the facts and records of the case bear that Judge Contreras followed to the letter all the requisites before she issued the warrant. The pertinent portions of the Minutes of the Committee Meeting[55] relating to the circumstances of the issuance of the warrant are worth noting:

> REP. BATOCABE: So what time did they apply for a search warrant?
>
> MS. CONTRERAS: At three o'clock that afternoon, Saturday.
>
> REP. BATOCABE: Okay, three p.m. So they presented how many witnesses?
>
> MS. CONTRERAS: Initially, only the application of PCI Ronatay, without any witness. So when I read the affidavit, sabi ko wala kang witness. I cannot issue a search warrant without a witness.
>
> REP. BATOCABE: Sino po iyong nag-affidavit lang?
>
> MS. CONTRERAS: Si PCI Ronatay because he was also the applicant. Sabi ko, I read through the affidavit you mentioned Pederio. So why don't you ask Pederio to execute an affidavit as your witness because I cannot issue a search warrant without the affidavit of the applicant and the witness.
>
> So while they were inside my chamber, I was even conducting already the searching question on PCI Ronatay, Mr. Pederio just used the computer of my staff to prepare his affidavit and it took him a while. That is why naka-issue ako ng warrant at 5:55 already.[56]

Based on the foregoing, and despite the apparent urgency of the matter as it pertains to the anti-illegal drug operations of the government, Judge Contreras did not hastily issue the warrant. Instead, she ensured that there was probable cause before she issued the same. She conducted searching questions on PCI Ronatay and even allowed P/Supt. Pederio to use the resources of her office to prepare his affidavit in support of the search warrant application. Clearly, this act of Judge Contreras cannot, in any way, be construed as Gross Ignorance of the Law, let alone Conduct Unbecoming of a Judge. Pangilinan likewise failed to present any proof that Judge Contreras' actions were motivated by bad faith, fraud, dishonesty, and corruption.

Further, contrary to Pangilinan, the Court is not convinced that Judge Contreras deliberately delayed the issuance of the search warrant. In the Court's view, the three-hour window from the time the application was filed up to the time the warrant was issued was reasonable, considering that P/Supt. Pederio took his time to complete his

affidavit. Additionally, Pangilinan's assertion that it was because of this alleged delay that allowed the responsible individuals of the drug den to flee is nothing short of a conjecture or speculation. She presented no conclusive proof that Judge Contreras had a hand in their escape.

Lastly, the Court rules that Judge Contreras did not commit Grave Abuse of Authority, even if she admittedly went to the premises before she issued the search warrant.

Grave Abuse of Authority is defined as a misdemeanor committed by a public officer, who under the color of his office, wrongfully inflicts upon any person any bodily harm, imprisonment or other injury constituting an act of cruelty, severity, or excessive use of authority.[57] The Court in *Balutan v. Villarosa*,[58] pronounced that such abuse can be shown when the inefficiency springs from a failure to recognize such a basic and fundamental rule, law or principle.

As discussed, it should be underscored here that the requisites for the issuance thereof have been complied with. These are the only requisites of the law for a search warrant to be valid. Arguably, it may be even said that Judge Contreras went above and beyond her mandate as a judge when she went to personally see the place to be searched. The Court thus agrees with the observation of Atty. Navarrete that Judge Contreras' decision to visit the area was precipitated not only by her curiosity, but more importantly, by her desire to have a clearer grasp of the situation since she knows that the application for a search warrant was already forthcoming.[59]

On this note, it bears emphasis that judges enjoy the presumption of regularity in the performance of their duty. Sanctioning judges for being thorough and meticulous in the performance of their duty equates to punishing them for complying with even the most basic or fundamental requirements of the law. Absent any proof or evidence that they were remiss in their duty, as in this case, this presumption of regularity shall prevail.

Judge Contreras is guilty of Simple Misconduct for (1) her deportment during the Committee on Dangerous Drugs hearing, and for (2) holding an unauthorized press conference and publishing a letter in the media

i. Deportment during the Committee on Dangerous Drugs hearing

The Court, nevertheless, finds Judge Contreras administratively liable for Simple

Misconduct under Section 15 of Rule 140,[60] as amended, for violating the provisions on propriety found in Canon 4, Sections 1, 2, and 6 of the NCJC, which reads:

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.
>
> SECTION 2. As a subject of constant public scrutiny, judges must accept personal restrictions that might be viewed as burdensome by the ordinary citizen and should do so freely and willingly. In particular, judges conduct themselves in a way that is consistent with the dignity of the judicial office.
>
> . . . .
>
> SECTION 6. Judges, like any other citizen, are entitled to freedom of expression, belief, association and assembly, but in exercising such rights, they shall always conduct themselves in such a manner as to preserve the dignity of the judicial office and the impartiality and independence of the judiciary.[61]

Misconduct refers to any unlawful behavior by public officers in relation to the duties of their office, willful in character. It embraces acts which the office holder had no right to perform, acts performed improperly, and failure to act in the face of an affirmative duty to act.[62]

In administrative cases, misconduct can be classified as either simple or grave. Simple misconduct has been defined as an unacceptable behavior which transgresses the established rules of conduct for public officers, work-related or not. To be considered grave, the elements of corruption, clear intent to violate the law, or flagrant disregard of an established rule must be manifest.[63]

Meanwhile, in *Bloomberry Resorts and Hotels, Inc. v. Hon. Luna II*,[64] the Court pronounced that judges are enjoined to strictly comply with the provisions of the NCJC. The same case emphasized the importance of propriety and the appearance thereof in all the activities of our judges:

> The [NCJC] mandates judges to avoid impropriety and the appearance of impropriety in all their activities. The foregoing provision emphasizes *that judges should always exhibit conduct that would preserve the dignity, independence, and respect for their own person, the Court, and the*

Judiciary as a whole. Judges must choose their words with the utmost caution and control in expressing themselves.[65]

Further, judges are always admonished to adhere to the highest tenets of judicial conduct. The standards of conduct demanded from judges are designed to promote public confidence in the judiciary because the people's confidence in the judicial system is based not only in the legal knowledge of the members of the bench, but also on the highest standard of integrity and moral uprightness they are expected to possess. A judge's transgression of any law or rule encourages disrespect for the law, and erodes public confidence in the integrity and impartiality of the judiciary itself. Thus, it is imperative that the behavior of judges, both in the performance of their official duties and personal life, be free from impropriety or any appearance thereof.[66]

Here, Judge Contreras' uninvited appearance during the hearing of the Committee on Dangerous Drugs, along with her statements shifting the blame on BFP Chief Tayobana, effectively eroded public confidence in the judiciary. These actions signal two things to the public: (1) judges have no qualms invading the official proceedings of a co-equal branch of the government, which is an indication of disrespect; and (2) they are quick to pass verdict and put blame on a person in a public forum even without a proper charge, and definitely without a fair trial or due process of law. In this regard, the Court disagrees with the findings of the JIB that Judge Contreras was not blaming BFP Chief Tayobana, but was rather explaining to the Committee members that he should have been called as a resource speaker as well. The Minutes of the hearing Committee on Dangerous Drugs tells otherwise:

> MS. CONTRERAS: So nag-usap ito si Tayobana and Jayson Uy telling Jayson Uy that there is a need for him, being the chief o (sic) the Fire in Catanduanes, to inspect the building. Ang sabi daw ni Jayson Uy, wala iyong kapatid niya, wala daw susi. Iyon and kwento. So ang ginagawa naman ni Tayobana, walang ginawa siyang ano. He never insisted na tingnan kung may building permit man lang iyong warehouse na iyon. Otherwise, if he insisted on the building permit, he would have known that there was no such building permit. Eh di sana si Tayobana ang unang makakapasok doon to enforce the Fire Code because he is the chief of the BFP.
>
> Pero wala siyang ginawa, pina-snack pa siya ng Coke saka biscuit kasi nagpabili pa nga si Jayson Uy. Nasa affidavit iyan. Nakapa-snack sa kanya, umalis na and left a piece of paper which was being held by Jayson Uy when the group of those three persons left. *Iyon ang ginawa ni Tayobana. I believe, unfair naman na 'yung PNP ang ating ibe-blame na nakatakas iyong mga Intisk na yon.*
>
> Tayobana could have been the hero at that time. Kung nag-insist siya, eh di sana napigilan 'yung... si Jayson Uy. Kung ayaw siya papasukin, di sinabi ni Tayobana, ayaw niya kong papasukin, hindi rin kayo makakalabas dito sa... napostehan na sana yung iyong premises na iyon. Kung hindi kaya ni

> Tayobana, he could have asked reinforcement because the PNP was already, I think, in the vicinity. Ready naman sila noon.
>
> *So sa akin lang, it should be Tayobana who should be made to answer to the people of Catanduanes kung bakit pinabayaan niya.* And in the afternoon, ayun pumasok 'yung mga taong armado. After a few minutes, lumabas na yung Montero sakay 'yung apat na Intsik. Meaning to say, may tatlong Chinese sa loob ng warehouse at maliban kay Jayson Uy na nakausap ni Tayobana nung umagang iyon.
>
> So this is just to set things straight based on the affidavit of Lawrence Piñera. Okay po. Iyon lang po. But that is the gist of my presence here, Your Honors. I will take that up later.[67] (Emphasis supplied)

From the foregoing, it is clear that Judge Contreras is putting the entire blame on BFP Chief Tayobana for the escape of the occupants of the warehouse, to the extent that she even wanted the latter to be held accountable to the people of Catanduanes. Evidently, her statements against BFP Chief Tayobana were not intended merely as a suggestion to invite him as a resource person.

A stringent standard of behavior is expected from Judge Contreras since people look upon courts with a high degree of respect. A judge's misconduct inevitably diminishes the judiciary's dignity. Consequently, judges are reminded to always keep their passion guarded. They must not allow it to run loose and overcome by reason.[68] Indeed, the manner Judge Contreras intruded without any invitation and conducted herself during the Committee on Dangerous Drugs hearing, including her attempt to put the blame on BFP Chief Tayobana, were highly improper. The behavior she exhibited during the public hearing undermined the judiciary's dignity, independence and impartiality.

ii. Unauthorized holding of a press conference and publishing of a letter in the media

Finally, as regards Judge Contreras' act of publishing a letter in the media and calling for a press conference on official time, these acts would have been proper if conducted in coordination with the Judiciary's Public Information Office (**PIO**), or at the very least, with the consent of the OCA.

The Court's PIO has the following functions:

a) Provides the information needs of the Court's internal and external policies.
b) Prepares and distributes information about newsworthy events in the Judiciary;
c) Articulates, through the various media, the judiciary's vision and mission; and

d) Performs all other functions aimed at increasing public awareness on the systems and procedures of the court with the end in view of creating positive and objective public perception of the judiciary.[69]

From the foregoing, the PIO is the office that is primarily responsible for disseminating information or news relating to the Judiciary and its personnel, including judges and lawyers alike, to the public.

Meanwhile, the OCA is tasked to assist the Court in the exercise of administrative supervision over all the courts and personnel thereof.[70]

Accordingly, Judge Contreras, a trial court judge under the supervision of the OCA, should have sought the assistance of the PIO through the OCA before sending a letter to the media or holding a press conference.

The case of *Lorenzana v. Austria*[71] is likewise instructive as it addressed similar allegations of impropriety against a judge. The Court emphasized:

> [A]s the visible personification of law and justice, however, judges are held to higher standards of conduct and thus must accordingly comport themselves.
>
> This exacting standard applies both to acts involving the judicial office and personal matters. The very nature of their functions requires behavior under exacting standards of morality, decency and propriety; both in the performance of their duties and their daily personal lives, they should be beyond reproach. Judges necessarily accept this standard of conduct when they take their oath of office as magistrates.[72]

The Court thus declares that judges could not, on their own accord, even with the noble intention of defending themselves and reputation from baseless accusations from erring litigants, call for a press conference or release public statements lest they risk eroding the public's confidence in the Judiciary. These are acts that judges could not unilaterally do or bestow upon themselves in complete disregard of the appropriate offices of the Court.

The proper penalty

Simple misconduct constituting violations of the Code of Judicial Conduct is classified under Rule 140, Section 15, as amended, as a less serious charge, which is punishable with the following: (a) suspension from office without salary and other benefits for not less than one month nor more than six months; or (b) a fine of more than PHP 35,000.00 but not exceeding PHP 100,000.00.[73]

The Court notes that Judge Contreras was previously adjudged administratively liable several times, particularly with the penalties of suspension, fine, and reprimand.[74]

Accordingly, these would be appreciated as aggravating circumstances against her.[75] Under Section 20 of the same Rule, if one or more aggravating circumstances and no mitigating circumstances are present, the Court may impose the penalties of suspension or fine for a period or amount not exceeding double of the maximum prescribed. Additionally, Section 21 of the Rule provides that if the respondent is found liable for more than one offense arising from separate acts in a single proceeding, the Court shall impose separate penalties for each offense.

Based on the foregoing, the Court deems it proper to impose upon Judge Contreras the fine of PHP50,000.00 for her deportment during the Committee on Dangerous Drugs hearing, and another PHP50,000.00 for holding an unauthorized press conference and publishing of a letter to the media, or a total of PHPl00,000.00. Considering that she is already retired from service,[76] the imposed fine shall be deducted from the retirement benefits she is entitled to receive.

As a final word, the judicial service demands the best possible men and women from the service. The Court will not hesitate to discipline its members who taint its image in the eyes of the public.[77]

ACCORDINGLY, respondent Judge Lelu P. Contreras is found **GUILTY** of two counts of Simple Misconduct. She is fined the total amount of PHP 100,000.00 payable within three months from the finality of this Resolution. This amount shall be deducted from the retirement benefits she is entitled to receive, if not yet released.

SO ORDERED.

Caguioa (Chairperson), Gaerlan, and *Dimaampao, JJ.*, concur.
Inting,* *J.*, on official business.

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* On official business.

[1] *Rollo*, pp. 2-29.

[2] *Id.* at 213-226. Penned by Justice Sesinando E. Villon (Ret.) and concurred in by Justices Angelina Sandoval-Gutierrez (Ret.), Rodolfo A. Ponferrada (Ret.) and Cielito N. Mindaro-Grulla (Ret.).

[3] *Id.* at 202.

[4] Also referred to as Jason Uy in the Comment of Hon. Lelu Contreras.

[5] *Rollo*, p. 202, Report and Recommendation. Lorenzo Pinera is also referred to as Lorenzo Flores Pinera II a.k.a. "Kidot" in some parts of the *rollo*.

[6] Also referred to as SFO4 Tayobana in some parts of the *rollo*.

[7] *Rollo*, pp. 202-203, Report and Recommendation.

[8] *Id.* at 203.

[9] *Id.*

[10] *Id.* at 213, Report.

[11] *Id.* at 214, Report.

[12] *Id.*

[13] *Id.* at 203-204, Report and Recommendation.

[14] *Id.* at 204, Report and Recommendation.

[15] *Id.* at 215, Report.

[16] *Id.*

[17] *Id.* at 204, Report and Recommendation.

[18] *Id.* at 204, Report and Recommendation; p. 216, Report.

[19] *Id.* at 216, Report.

[20] *Id.* at 204, Report and Recommendation.

[21] *Id.* at 216, Report.

[22] *Id.* at 217, Report.

[23] *Id.* at 181-201.

[24] *Id.* at 217, Report.

[25] *Id.*

[26] *Id.* at 217-218, Report.

[27] *Id.* at 218.

[28] *Id.*

[29] *Id.* at 218-219, Report.

[30] *Id.* at 192, Comment.

[31] *Id.*

[32] *Id.* at 219-220, Report.

[33] *Id.* at 211-212, Report and Recommendation.

[34] *Id.* at 211, Report and Recommendation.

[35] *Id.*

[36] *Id.*

[37] *Id.* at 221, Report.

[38] *Id.*

[39] *Id.* at 222.

[40] *Id.* at 222-223.

[41] *Id.* at 223.

[42] *Id.*

[43] *Id.* at 223-224.

[44] *Id.* at 224.

[45] *Id.*

[46] *Id.*

[47] *Id.* at 225, Report.

[48] **Office of the Court Administrator v. Reyes**, 889 Phil. 622, 634 (2020) [*Per Curiam, En Banc*]. *See also* **Umali, Jr. v. Hernandez**, 781 Phil. 375, 387 (2016) [Per J. Brion, *En Banc*]; **Office of the Court Administrator v. Lopez**, 654 Phil. 602, 604 and 607 (2011) [Per Curiam, *En Banc*].

[49] *Rollo*, pp. 17-18.

[50] **People v. Castillo**, 798 Phil. 77, 88 (2016) [Per J. Peralta, Third Division]; **People v. Francisco**, 436 Phil. 383, 390 (2002) [Per J. Ynares-Santiago, First Division].

[51] *See* **Nala v. Barroso**, 455 Phil. 999, 1008-1009 (2003) [Per J. Ynares-Santiago, First Division]; *See also* **People v. Tee**, 443 Phil. 521, 538 (2003) [Per J. Quisumbing, *En Banc*], *citing* the CONST., art. III, sec. 2; 2000 RULES ON CRIMINAL PROCEDURE, Rule 126, secs. 4 and 5; **Prudente v. Dayrit**, 259 Phil. 541 (1989) [Per J. Padilla, *En Banc*]. (Emphasis supplied)

[52] *Rollo*, p. 17, Complaint-Affidavit.

[53] **Philippine National Construction Corp. v. Mupas**, 889 Phil. 641, 649-650 (2020) [*Per Curiam, En Banc*]. (Emphasis supplied)

[54] *Rollo*, p. 224.

[55] *Id.* at 36-178.

[56] *Id.* at 139.

[57] **Purisima v. Ricafranca**, 916 Phil. 690, 715 (2021) [Per J. Inting, Second Division]. *See also* **Ochoa, Jr. v. Dy Buco**, 888 Phil. 117, 136 (2020) [Per J. Inting, Second Division], *citing* **Office of the Ombudsman v. Caberoy**, 746 Phil. 111, 119 (2014).

[58] **A.M. No. RTJ-24-055 (Formerly OCA IPI No. 18-4800-RTC)**, February 27, 2024 [*Per Curiam, En Banc*], *citing* **Office of the Court Administrator v. Dumayas**, 827 Phil. 173, 187-190 (2018) [Per Curiam, *En Banc*].

[59] *Rollo*, p. 211.

[60] A.M. No. 21-08-09-SC, approved on February 22, 2022.

[61] A.M. No. 03-05-01-SC, approved on April 27, 2004.

[62] **Gonzales v. Geronimo, A.M. No. P-24-140**, July 30, 2024 [Per J. Gaerlan, *En Banc*] at 4. This pinpoint citation refers to the copy of the Decision uploaded to the Supreme Court website.

[63] **Besmonte v. NAPOLCOM, G.R. No. 260148**, April 3, 2024 [Per J. Gaerlan, Third Division] at 8. This pinpoint citation refers to the copy of the Decision uploaded to the Supreme Court website.

[64] **A.M. No. RTJ-24-071**, July 23, 2024 [Per J. Hernando, *En Banc*].

[65] *Id.* at 14. This pinpoint citation refers to the copy of the Decision uploaded to the Supreme Court website.

[66] *See* **Magaoay v. Hon. Bacale, A.M. No. MTJ-23-017**, July 23, 2024 [*Per Curiam, En Banc*] at 18. This pinpoint citation refers to the copy of the Decision uploaded to the Supreme Court website.

[67] *Rollo*, pp. 115-116.

[68] **Paga v. Hon. Paderanga**, 902 Phil. 45, 51 (2021) [Per J. Gaerlan, First Division].

[69] The 2002 Revised Manual for Clerks of Court, Chapter 02.

[70] Presidential Decree No. 828, as amended by Presidential Decree No. 842 (1975).

[71] 731 Phil. 82 (2014) [Per J. Brion, Second Division].

[72] *Id.* at 105-107.

[73] A.M. No. 21-08-09-SC, sec. 17(2).

[74] *See* **Re: Office of the Solicitor General v. Judge Lelu P. Contreras, Presiding Judge, Branch 43, Regional Trial Court, Virac, Catanduanes, and Acting Presiding Judge, Branch 42, Regional Trial Court, Virac, Catanduanes, A.M. No. RTJ-24-059**, December 5, 2023; **Judge Genie G. Gapas-Agbada v. Judge Lelu P. Contreras, A.M. No. RTJ-18-2531**, July 11, 2023; **Benito B. Nate v. Judge Lelu P. Contreras**, 754 Phil. 73 (2015) [Per C.J. Sereno, First Division].

[75] SECTION 19. *Modifying Circumstances*. — In determining the appropriate penalty to be imposed, the Court may, in its discretion, appreciate the following mitigating and aggravating circumstances: . . .

(2) Aggravating Circumstances:

(a) Finding of previous administrative liability where a penalty is imposed, regardless of nature and/or gravity;

[. . . .]

[76] *Rollo*, p. 242. *See* Letter, dated July 29, 2024, of Judge Lelu P. Contreras.

[77] **Uy v. Lorredo, A.M. No. MTJ-24-023**, August 6, 2024 [*Per Curiam, En Banc*] at 2. This pinpoint citation refers to the copy of the Decision uploaded to the Supreme Court website. (Citation omitted)

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