

EN BANC

[IPI No. 17-267-CA-J, April 24, 2018]

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

D E C I S I O N

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.

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 138^[2] 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 believes that Justice Punzalan-Castillo committed perjury and violated Rule 2.03, Canon 2^[3] 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 1^[4] 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 3^[5] 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 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 Comment^[6] 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.

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