

### Title:

**Office of the Court Administrator v. Hon. Romeo M. Atillo, Jr.**

### Facts:

- **Initiation (January 28, 2020)**: The Office of the Court Administrator (OCA) receives printed copies of Judge Romeo M. Atillo, Jr.'s Facebook pictures showing him half-dressed and revealing tattoos, potentially violating the New Code of Judicial Conduct and OCA Circular No. 173-2017. OCA requires Judge Atillo, Jr. to comment on the matter.

- **Judge's Response (February 11, 2020)**: Judge Atillo, Jr. submits his Comment, asserting his Facebook account was hacked on August 11, 2019, changing its privacy settings from private to public. He argues the photos were meant for personal viewing only, not public. He further claims the photos were illegally obtained, violating his constitutional right to privacy of communication.

- **OCA's Report (July 14, 2020)**: OCA finds Judge Atillo, Jr. guilty of violating Sections 1 and 2 of Canon 4 of the New Code of Judicial Conduct and OCA Circular No. 173-2017. It recommends re-docketing the matter as a regular administrative case, a P15,000 fine, and a reprimand along with a strong warning for future conduct.

### Issues:

1. **Impropriety and Judicial Misconduct**:

- Whether Judge Atillo, Jr. committed acts constituting Conduct Unbecoming of a Judge by posting the subject pictures on his Facebook account.

- Applicability of Section 3(2), Article III of the Constitution regarding the exclusionary rule given the alleged illegal retrieval of the photos.

### Court's Decision:

- **Adoption of OCA's Findings**: The Supreme Court adopts the findings of the OCA concerning Judge Atillo, Jr. violating judicial conduct codes but modifies the penalties imposed.

1. **Conduct Unbecoming of a Judge**:

- **Impropriety in Social Media Use**: The Court reiterates that judges are required to maintain propriety in all activities, including on social media. By posting the pictures publicly, Judge Atillo, Jr. risked compromising the dignity and integrity expected of a judicial officer. The public's negative perception impacts the Judiciary's image.

- **Exclusionary Rule Inapplicable**: The Court finds Judge Atillo, Jr.'s claim that the photos

were illegally obtained irrelevant. The exclusionary rule applies to state actions, not private acts. Here, the state was not involved in obtaining the pictures.

- **Privacy Defense**: Judge Atillo, Jr.'s defense based on privacy settings is dismissed. The Court refers to **Vivares v. St. Theresa's College**, explaining how privacy settings can be bypassed through social media interactions, making content accessible to unintended audiences.

### ### Doctrine:

#### 1. **Judicial Conduct on Social Media**:

- Judges need to exercise restraint and maintain propriety on social media, preserving the Judiciary's dignity.

#### 2. **Exclusionary Rule**:

- The exclusionary rule under the Philippine Constitution applies to state actions, not to actions by private individuals.

### ### Class Notes:

- **Key Elements and Concepts**:

- **Canon 2, Section 1-2**: Judges must ensure their conduct is above reproach.

- **Canon 4, Section 1-2 & 6**: Judges must avoid impropriety and conduct themselves consistently with the dignity of the judicial office, even on social media.

- **Section 3(2), Article III of the Constitution**: Exclusionary rule applicable to state actions.

- **Principles**:

- **Judicial Integrity**: Judges, visible personification of law and justice, are held to higher standards in personal and professional conduct.

- **Privacy in Social Media**: Content shared on social media, even with stringent privacy settings, can be accessed and shared by unintended audiences, affecting judicial propriety.

### ### Historical Background:

- This case highlights the growing interaction between judicial conduct and social media usage. It underscores the critical balance judges must maintain between personal freedom and their professional obligations to preserve judicial integrity. The ruling reinforces existing guidelines and ethical expectations for judges in an era increasingly dominated by digital and social media platforms.