

EMMA J. CASTILLO, COMPLAINANT, VS. JUDGE MANUEL M. CALANOG, JR., RESPONDENT.

A.M. No. RTJ-90-447. July 12, 1991

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/ef9e2c8cabe5/>

PER CURIAM:

In a sworn complaint dated January 17, 1990, docketed as Adm. Matter No. RTJ-90-447, Emma J. Castillo charged Judge Manuel M. Calanog, Jr., Presiding Judge of the Regional Trial Court of Quezon City, Branch 76, with immorality and conduct unbecoming of a public official. The sworn complaint is copied in full:

January 17, 1990

The Honorable Justice

Supreme Court of the Philippines

Padre Faura, Manila

Attn: Hon. Marcelo B. Fernan

Chief Justice, Supreme Court

Your Honors:

I would like to register this letter-complaint against the Presiding Judge of the Regional Trial Court of Quezon City, Branch 76 who is likewise the incumbent President of the Philippine Judges Association, Judge Manuel M. Calanog, Jr., for immorality and conduct unbecoming of a public official.

Sometime in 1987, when I intervened in the case for (sic) intestate estate of my late common-law husband which was then pending before the RTC, Branch 94, Quezon City, where incidentally Judge Manuel M. Calanog, Jr. was temporarily holding office at that time, the latter was referred to me by an acquaintance of mine as a person who could assist me and help facilitate for (sic) the early termination of the case in my favor. Subsequently, I personally met Judge Manuel M. Calanog, Jr. in his office located at the 11th floor of the Quezon City Hall where he transferred. At the said meeting, he advised me to see him at his law office located in Mandaluyong, Metro Manila which I did. When I met him at noon, he invited me to eat in a restaurant and even asked me to ride with him in his car but instead, to my surprise, he took me to a motel where he made sexual advances on me. As he did not succeed in his evil design, he asked me if I will (sic) agree to the proposition that he be my sub-husband (sic) and promised to give me his condominium unit located at Pagasa Bliss Condominium, Quezon City, as well as to provide financial support for my two (2) minor children and place them in an exclusive school for girls. Due to confusion because of the untimely death of my common-law husband coupled with the persistent pleadings of Judge Manuel M. Calanog, Jr., he was able to convince me. Upon giving my consent, he immediately gave his condominium unit no. 19-22 at Pagasa Bliss Condominium, Quezon City, where I and my two (2) minor daughters reside up to the present. On May 27, 1989, as a result of our relationship, I gave birth to a baby boy which (sic) we named Jerome Christopher Calanog.

Judge Manuel M. Calanog, Jr. is very well-known to my two (2) minor daughters as they fondly called him as

"Tito Nonong".

From the time I gave birth to our son Jerome Christopher Calanog, said Judge Manuel M. Calanog, Jr. has refused to provide us financial support nor placed my two (2) minor daughters to an exclusive school as he had promised. Worst, to the present, he fails and refuses to pay the monthly installments of the condominium unit he gave to me despite being informed by the National Housing Authority that we will be evicted from the said place for failure to pay the same. Despite my repeated verbal demands for him to give us, or at least his son Jerome Christopher Calanog; financial support, Judge Manuel M. Calanog, Jr. just ignored my pleas.

May I then ask and pray that justice be given to me and my children or at least for my son Jerome Christopher Calanog? May I further request that the proper sanction be meted against Judge Manuel M. Calanog, Jr. for his conduct unbecoming of a public official and immorality?

Very truly yours,

(Sgd.) EMMA J. CASTILLO

Bldg. 19-22 Bliss Pagasa, Q.C.

SUBSCRIBED AND SWORN to before me this Jan. 25, 1990, at Quezon City, Metro Manila, affiant exhibited to me her Res. Cert. No. 500827K issued at Quezon City, Metro Manila, on January 19, 1990.

(Sgd.) JOSE L. MA SANTOS

Notary Public

Comm. until Dec. 31, 1991

PTR No. 8016341-Q.C.

Jan. 2, 1990

TAN: 1525-203-4

Doc. No. 89;

Page No. 19;

Book No. 238;

Series of 1990.

Copy furnished:

All SC Justices

Ombudsman

NBI, Manila[1]

Acting on the complaint filed by Castillo, the Court required the respondent to answer. The respondent took time in answering the complaint. It was only after two motions for extension of time to file answer did he file on April 10, 1990 his two-paragraph Answer dated April 5, 1990 followed by another two-paragraph pleading entitled "Supplemental Answer" dated May 30, 1990. In both answers he simply averred that the complainant "has expressly stated that she is no longer interested in pursuing the same (complaint) and therefore, pray that the said complaint be considered withdrawn." The respondent prayed "that the instant case be considered Withdrawn and/or Dismissed." In his Supplemental Answer he "vehemently denies for being untrue the material allegations

of complainant in her letter-complaint dated January 17, 1990." He reiterated his prayer "that the instant case be dismissed." Later, on February 5, 1990, the complainant filed a sworn letter-request dated February 1, 1990, praying that her complaint be considered withdrawn "because I (she) am no longer interested in pursuing it." [2] Just like that.

Notwithstanding the turn of events, the Court, as a matter of procedure in cases of this serious nature, on September 6, 1990, issued a Resolution referring the case to Associate Justice Gloria C. Paras of the Court of Appeals for investigation, report, and recommendation.

In her investigation, Justice Paras heard the testimonies of Ernesto Bustamante and Jose Javier, both employees in the sala of the respondent.

On October 19, 1990, the complainant submitted a formal "Affidavit of Desistance" in which she denied totally the allegations of her complaint:

2. That after I have filed the above-complaint, I began to be bothered by my own conscience inasmuch as what I have narrated therein are not true, especially the fact that I had an amorous relationship with him and that my child namely Jerome Christopher is his son and also the fact that I was given by him a condominium unit located at my above address;

3. That after filing, however, the above-mentioned letter-complaint with the Supreme Court, I have come to my right senses and realized the injustice I have committed against Judge Manuel M. Calanog, Jr., so that as an evidence of repentance and desire on my part to straighten everything I executed that letter addressed to the Honorable Justices of the Supreme Court which I filed with the Office of the Chief Justice on January 26, 1990 manifesting therein that I am considering my subject complaint against Judge Manuel M. Calanog, Jr. as withdrawn and that I am no longer interested in further pursuing it and that recently I asked the forgiveness of Judge Manuel M. Calanog, Jr. for the dishonor I have done to him as a consequence of the subject complaint and I was forgiven by him; [3]

The other witnesses, namely Ernesto Bustamante and Jose Javier, however, stood firm on their testimonies.

Jose Javier, who had worked as court interpreter in the sala of the respondent for almost ten years, testified on the circumstances mentioned in the following affidavit:

1. During my stay with Branch 76, Quezon City, my extra work given to me by Honorable Manuel M. Calanog, Jr. is to bring the weekly allowance of Ms. Emma J. Castillo and to pay the monthly electric and water bills or the said Bliss located at Blg. 19-22 Apartment, Pag-asa, Quezon City where Ms. Emma J. Castillo is residing and also instructed me last May 25, 1989 to bring Ms. Emma J. Castillo to the Chinese General Hospital to give birth and further instructed me to fetch from the hospital Ms. Emma J. Castillo after having given birth to a Baby Boy named JEROME CHRISTOPHER CALANOG and also on February 1990 instructed me to secure educational plan for JEROME CHRISTOPHER CALANOG in the amount of P534.00 for first payment only.

2. In view of being a lay minister of Mary Immaculate Concepcion Parish Church at Pasig, Metro Manila who distributes Holy Communion during Holy Mass on Sundays, I considered to (sic) revolting to my conscience to be an errand boy by doing every now and then. [4]

xxx xxx xxx

In addition, the National Bureau of Investigation Intelligence Service, upon the instruction of this Court, carried out a discreet verification of the facts raised in the testimonies and furnished the following information:

xxx xxx xxx

On June 29, 1990 initial discreet verification disclosed that indeed EMMA J. CASTILLO resides at #19-22 Bliss Condominium, Pag-Asa, Q.C.,

xxx xxx xxx

It was further discreetly gathered at that time that EMMA J. CASTILLO, is the mistress of a Judge of a Quezon City Court; about 50 plus years old; always wearing long sleeve shirt.

Further initial discreet verification also revealed that EMMA J. CASTILLO has three children and that the youngest is still a baby.

On June 30, 1990, it was discreetly gathered from Judge CALANOG's staff at Branch 76, RTC, Q.C., that subject CALANOG is scheduled to leave the country for China on a vacation.

On same day, from another source who is familiar with EMMA J. CASTILLO, it was discreetly gathered that EMMA J. CASTILLO is the mistress of a Judge of a Quezon City Court and has three children. Accordingly, this Judge has been frequently seen at EMMA J. CASTILLO's unit, especially during the afternoon and that when they go out, they walk separately, pretending not to know each other.

xxx xxx xxx

On the same day, it was discreetly verified from the National Housing Authority (NHA) that a Bliss Condominium #19-22 was originally awarded to one EVANGELINE JACINTO, who is an employee of NHA. JACINTO sold her rights to the said condominium unit to one Atty. CAMAYA who happens to be a close friend of subject CALANOG. Atty. CAMAYA's wife, MELY CAMAYA is also familiar with Subject CALANOG because she used to work at the RTC where Subject CALANOG is the judge. Atty. CAMAYA sold his Bliss Condominium unit #19-22 to Subject CALANOG. However, monthly amortization payments were made still under the name of EVANGELINE JACINTO. About a month ago, EMMA J. CASTILLO approached EVANGELINE JACINTO and requested the latter to sign an Absolute Deed of Sale for the said condominium unit #19-22 in her (Emma J. Castillo) favor. All the copies of said Absolute Deed of Sale are with EMMA J. CASTILLO. Per NHA records, Emm J. Castillo has not yet presented the said absolute deed of sale with NHA.

On 2 July 1990, a Barangay Census record (attached) was discreetly obtained where EMMA J. CASTILLO, in her own handwriting, listed the names of all her co-occupants in the said condominium unit. At the bottom of said list, Emma listed the names of her children, including JEROME CHRISTOPHER, born 27 May 1989. An opportunity arose where the child JEROME CHRISTOPHER was personally seen inside the said condominium unit.

On 2 July 1990, a Certified True Copy of the BIRTH CERTIFICATE of the child JEROME CHRISTOPHER was discreetly obtained from the National Statistics Office (attached). In this Birth Certificate, the surname of the child JEROME CHRISTOPHER is listed as CALANOG. Furthermore, in this Birth Certificate, the listed parents of the child JEROME CHRISTOPHER are EMMA J. CASTILLO as mother, and MANUEL M. CALANOG as father. EMMA J. CASTILLO gave birth at the Chinese General Hospital.[5]

xxx xxx xxx

Among the issues raised for our determination are:

- 1) Whether or not the "Affidavit of Desistance" has any effect on the continuation of the administrative case; and
- 2) Whether or not the circumstances shown are sufficient to convict the respondent judge for immorality and conduct unbecoming of a public official.

Generally, the Court attaches no persuasive value to affidavits of desistance, especially when executed as an

afterthought, as in the case at bar.[6] As held in *People v. Obina*:

It would be a dangerous rule for courts to reject testimonies solemnly taken before the courts of justice simply because the witnesses who had given them later on changed their mind for one reason or another; for such rule would make solemn trials a mockery and place the investigation of truth at the mercy of unscrupulous witness.[7]

Even if Emma Castillo had not filed her "Affidavit of Desistance," we would not have been swayed solely by her allegations, and we find from the testimony of Jose Javier that the former's charges, indeed, rest on sufficient grounds.

As alleged by the complainant, verified by Justice Gloria C. Paras, and confirmed by Jose Javier and agents of the National Bureau of Investigation, Judge Calanog did establish an intimate, albeit immoral, relationship with complainant Emma Castillo although he, Judge Calanog, is a married man. Out of that liaison Emma Castillo gave birth to Judge Calanog's child, Jerome Christopher, whom he housed in a condominium unit together with his (Jerome's) mother and her two older children.

Judge Calanog has behaved in a manner not becoming of his robes and as a model of rectitude, betrayed the people's high expectations, and diminished the esteem in which they hold the judiciary in general.

It is of no import that the evidence on record is not sufficient to prove beyond reasonable doubt the facts of concubinage having indeed existed and been committed. This is not a criminal case for concubinage but an administrative matter that invokes the power of supervision of this Court over the members of the judiciary.

The circumstances show a lack of circumspection and delicadeza on the part of the respondent judge by failing to avoid situations that make him suspect to committing immorality and worse, having that suspicion confirmed.

Canon I states:

xxx xxx xxx

Rule 1.01 -- A judge should be the embodiment of competence, integrity, probity and independence.

The Court's Commentary on this Rule states:

The integrity and independence of the judiciary can be reduced to one common denominator: the judge--the individual who dispenses justice, and upon whose attributes depend the public perception of the judiciary.

Independence of the judiciary requires that the judge should be independent-minded, imbued with a sense of mission, a person of honor, integrity, courage and conviction.[8]

Under Rule 140, Immorality is classified under "Serious Charges". This means that the following sanction may be imposed:

Dismissal from the service with forfeiture of benefits (except accrued leaves) and disqualification from reinstatement or appointment to any public office including a government-owned or controlled corporation;[9]

The Code of Judicial Ethics mandates that the conduct of a judge must be free of a whiff of impropriety not only with respect to his performance of his judicial duties, but also to his behavior outside his sala and as a private individual. There is no dichotomy of morality: a public official is also judged by his private morals. The Code dictates that a judge, in order to promote public confidence in the integrity and impartiality of the judiciary, must behave with propriety at all times. As we have very recently explained, a judge's official life can not simply be detached or separated from his personal existence. Thus:

Being the subject of constant public scrutiny, a judge should freely and willingly accept restrictions on conduct that might be viewed as burdensome by the ordinary citizen.

A judge should personify judicial integrity and exemplify honest public service. The personal behavior of a judge, both in the performance of official duties and in private life should be above suspicion.[10]

Justice Gloria C. Paras of the Court of Appeals, the assigned investigator of this case, submitted on November 19, 1990 her report and recommendation the ultimate portions of which state:

xxx xxx xxx

The statements of the aforesaid witnesses, Ernesto Bustamante and Jose Javier confirm the amorous relationship between the respondent and the complainant. The Investigator is of the view that the respondent who is a married man, and a member of the judiciary and the incumbent President of the Philippine Judges Association, had committed immorality.

Exacting standards of morality and decency have been strictly adhered to and laid down by the Highest Court of the land in regard to those in the service of the judiciary and more specifically so when the malefactor is a judge (Sicat vs. Alcantara, 161 SCRA 284 [1988]). It need not be stated that the personal and official actuations of every member of the bench must be beyond reproach and above suspicion for the faith and confidence of the public in the administration of justice can not be maintained if a Judge who dispenses it is not equipped with the cardinal judicial virtue of moral integrity, and if he obtusely continues to commit an affront to public decency. The Supreme Court, in the case of Leynes vs. Veloso, 82 SCRA (1978), has also said: "A Judge suffers from moral obtuseness or has a weird notion of morality in public office when he labors under the delusion that he can be a judge and at the same time have a mistress in defiance of the mores and sense of morality of the community. The absence of criminal liability does not preclude disciplinary action by reason of his highly unconventional and censurable behaviour."

Concluding, the undersigned Investigator respectfully recommends that:

- (1) The "Motion to Strike Out Testimony From The Records", filed by counsel for the complainant be DENIED; and
- (2) respondent Judge Manuel M. Calanog, Jr. be found guilty of immorality and be meted out the severest disciplinary action of Dismissal from the service with prejudice to appointment to any government position and forfeiture of retirement benefits, if any.

We have examined the entire record of the case vis-a-vis this report and recommendation and we are in full accord with them.

It is worth noting here that the respondent judge, in violating a judicial precept, has also committed a grave injustice upon the complainant, who had sought his assistance in expediting the intestate estate proceedings of her deceased common-law husband. The judge, who was in the first place, prohibited by the Code of Judicial Conduct[11] from intervening in a case in any court, took advantage of the complainant's helplessness and state of material deprivation and persuaded her to become his mistress. The exploitation of women becomes even more reprehensible when the offender commits the injustice by the brute force of his position of power and authority, as in this case.

WHEREFORE, the respondent Judge, the Hon. Manuel M. Calanog, Jr., is found guilty of IMMORALITY and is hereby DISMISSED from the roll of judges, with prejudice to his reinstatement or appointment to any public office including a government-owned or controlled corporation, and forfeiture of retirement benefits, if any. Let a copy of this resolution be included in his record and be served on all courts throughout the land.

SO ORDERED.

Melencio-Herrera, Feliciano, Padilla, Bidin, Sarmiento, Griño-Aquino, and Regalado, JJ., concur.

Gutierrez, Jr., J., please see dissent.

Fernan, C.J., Narvasa, Cruz, and Medialdea, JJ., join Justice Gutierrez, Jr. in his dissent.

Paras and Davide, Jr., JJ., no part.

Gancayco, J., on leave.

[1] Rollo, 1.

[2] Id., 4.

[3] id., at 43.

[4] Id., at 48.

[5] Confidential Report of the NBI, Department of Justice, addressed to the Hon. Chief Justice Marcelo B. Fernan, dated July 5, 1990.

[6] PLDT v. NLRC, No. 74562, July 31, 1987, 152 SCRA 707; People v. Royo, No. 52038, May 31, 1982, 114 SCRA 309. See Bais v. Tugaoen, Adm. Matter No. 1294-MJ, March 23, 1979, 89 SCRA 109.

[7] 97 Phil. 515 cited in PLDT v. NLRC, supra, and People v. Galicia, No. L-39235, July 25, 1983, 123 SCRA 556.

[8] Code of Judicial Conduct, 1989

[9] Approved by the Resolution of the Court En Banc dated November 22, 1990.

[10] Commentaries on Canon 2.01, Code of Judicial Conduct, supra note 7.

[11] Canon 2, Rules 2.01, 2.03, 2.04.

Castillo vs Calanog, Jr : rtj-90-447 : July 12, 1991 : J. Gutierrez, Jr : En Banc : Dissent as to the Penalty Clean
Clean 6 pt 6 pt 0 3 MicrosoftInternetExplorer4 /* Style Definitions */ table.MsoNormalTable
{mso-style-name:"Table Normal"; mso-tstyle-rowband-size:0; mso-tstyle-colband-size:0; mso-style-noshow:yes;
mso-style-parent:""; mso-padding-alt:0in 5.4pt 0in 5.4pt; mso-para-margin:0in; mso-para-margin-bottom:.0001pt;
mso-pagination:widow-orphan; font-size:10.0pt; font-family:"Times New Roman";}

DISSENT AS TO THE PENALTY**GUTIERREZ, JR., J.:**

I must state at the outset that this dissent is not a brief for immorality. It is a plea for fairness and compassion. Respondent Judge Manuel M. Calanog, Jr. has been found guilty of the charges filed against him. I believe that there is enough basis for the administrative finding that, being a married man, he had sexual liaisons with the complainant.

The respondent has erred. He has sinned. His conduct in this instance has fallen short of the highest standards of morality and virtue expected of all who serve in the judiciary. However, the penalty of virtually capital punishment meted upon him is too severe considering the circumstances surrounding the offense and the offender.

No infraction should go unpunished but the punishment should also fit the offense. I believe that the Court should also take into account the fact that fault should not automatically and entirely be attributed solely to the respondent. Judge Calanog's record of excellent public service, his dedication to the welfare of the members of the bench, his involvement in civic and national affairs, the leadership traits acknowledged by his peers, and the respect and unstinted cooperation he has always given to this Court should also be considered.

I am aware of the cases brought before this Court where immorality is cited as a reason for the dismissal, suspension or disbarment of a member of the Bar or Bench (Rule 138, Section 27) It is a course of conduct inconsistent with the requirement of good moral character that is required for the continued practice of law. (Cordova vs. Cordova, Adm. Case No. 3249, Nov. 29, 1982) If good moral character is required of a lawyer, with more reason is the requirement exacted of a member of the judiciary who at all times is expected to observe irreproachable behavior and is bound not to outrage public decency. (Leynes v. Veloso, 82 SCRA 325 [1978]) Members of the judiciary are admonished to so conduct themselves as to be beyond reproach and suspicion, and to be free from any appearance of impropriety in their personal behavior, not only in the discharge of their official duties but also in their everyday, life. (Association of Court Employees of Panabo v. Tupas, Adm. Matter No. MTJ-87-141, July 12, 1989; Sicat V. Judge Alcantara, Adm. Matter No. R-006-RTJ, May 11, 1988) In cases where the charges, of immorality have been sufficiently established and where public decency has been outraged; the Court has not hesitated to impose the penalty of removal from office.

The penalty in the instant case, however, deserves to be treated in a different light. As aptly stated by former Chief Justice Fernando in *Garcia v. Comelec* (105 SCRA 250 [1981]), "There can be a diversity of result in the decision-making process in cases which apparently are not dissimilar. This perspective allows for individualization of justice." Thus, I believe that justice would be better served if we were to view the present controversy with equity and compassion.

It should be emphasized that all the evidence against the respondent has been taken from the allegations of the complaint an ex-parte "discreet" investigation by agents of the National Bureau of Investigation, and statements from two subordinate personnel of the respondent's court. But while the silence of the respondent may be taken as proof that indeed there was a sexual relationship with the complainant, it does not necessarily follow that the various details in the Investigator's Report must be taken as unvarnished truth and that the implications may not be negated or minimized by contrary considerations.

The present case arose from a complaint filed by a woman who sought help from the respondent regarding the settlement of the intestate estate of her common-law husband. It was alleged, although the allegation was later withdrawn, that the complainant initially refused the respondent's amorous advances during their first meetings but she later agreed to be the respondent's mistress after promises of financial stability were given to her; i.e. the purchase of a condominium unit, schooling for the complainant's two minor daughters at an exclusive girl's school and because of the "confusion" arising from the death of her common-law-husband.

The case may be considered peculiar in the sense that the complainant is not the offended, abandoned or neglected wife nor is she a person with only the best of intentions in mind. It would have been easy for us to give total credence to a complaint filed by one who has no ill-motive or cause to complain against the respondent. (See *Dela. Paz v. Inutan*, 64 SCRA 540 [1975]) But here, the other party is a liberated woman who appears to have no compunctions about living in illicit relations with men. There is, of course, no proof that, Judge Calanog was the one seduced but I will not also swallow hook, line, and sinker the picture of an aggressive middle-aged man importuning a reluctant woman, whose common-law-husband had just died, and practically forcing or inducing her to submit to his advances.

What I see from the scanty records of this administrative case is a woman who was willing, if she did not actually inveigle, to enter, into a sexual relationship. When the financial expectations were not forthcoming and a life of relative ease and comfort could not be assured, she struck out with the administrative complaint. Realizing perhaps that he had sinned and should sin no more, the respondent had assumed what to the other party was a sudden, cold, and security-threatening attitude. The complainant's intentions are indeed suspect, if not motivated by revenge and bad faith. (See *Lim v. Antonio*, 125 SCRA 273 [1983]) The case, especially the punishment imposed, deserves to be examined more carefully.

The complainant is obviously a woman of experience, wise in the ways of the world, with two (2) children from an earlier common-law relationship. She appears to be sufficiently, mature and intelligent, enough to know what she was entering into. She certainly was aware of the consequences of an illicit arrangement with the respondent. Her consent to the illicit relationship with the respondent is without question. From all indications, this was a voluntary act of indiscretion between two (2) consenting adults who were fully aware of the consequences of their deed and for which only they should ordinarily be held responsible. (*Abaigar v. Paz*, 93 SCRA 91 [1979])

The liaison was a most discreet affair. If the other party had only remained quiet, it would not have been discovered. In other words, the affair was not characterized by scandalous behavior or a public flaunting, of decency and morals. It was wrong to be sure but not outrageously so.

The majority considers the promise of a dwelling place and education for the children as financial helplessness taken advantage of by the respondent. I have a different view. Instead of concluding that the complainant is a helpless woman wronged by a predatory profligate, I prefer to think that the complainant and the respondent alike are both offenders and victims.

I can not, therefore, agree that the respondent should be made to suffer the most severe penalty we can impose when the immorality committed by him was made possible by the rather equivocal conduct of the complainant herself. The ruling in *Viojan v. Duran*, (4 SCRA 390 [1962]) could very well apply to this case before us:

"The respondent has committed an act of immorality. The flesh is weak. But man should possess that consciousness to do the right and avoid the wrong. And one who has taken the oath of public service to dispense with justice, should be more possessed of the courage and the will to overcome the weakness of the flesh. Since the dispensation of justice has to originate from sound moral consciousness, one who lacks it, or has shown to be wanting of it, cannot offer the guaranty required for the performance of a just dispensation. A magistrate has to live by the example of his precepts. He cannot judge the conduct of others when his own needs judgment. It should not be 'do as I say and not what I do.' For then the court over which he is called to preside will be a mockery, one devoid of respect. Hence, the necessity for the magistrate to possess enough fortitude to subdue his passion for wrong.

There is, therefore, no question that for the immorality he committed within the territory of his jurisdiction as a Justice of the Peace, the respondent should be punished. But, considering the tempting circumstances which surrounded him for that length of time, which circumstances, were indirect invitations, his falling to sin should not be dealt with severity. Few men, and very few indeed, could have resisted that temptation; could have the moral strength, the spiritual energy to impose on his weaker self the will to ignore such enticement. Although we want to count the respondent among these few, yet it would be too much wishing to expect him to be among them before he learns the hard lesson brought about by repentance. This misstep, the first that he committed, should not be taken as the measure of his whole conduct. He should be given the chance after now to benefit himself out of his stumble. For after all, it was rightly said that 'without an element of the obscene, there can be no true and deep aesthetic or moral conception to life.'" (at p. 392; Emphasis supplied)

True, the respondent is a Judge. But he is also human. Regrettably, yielding to the cravings of the flesh is a most

common human failing. There is ample literature to show that Presidents, Prime Ministers, Generals, high ranking members of the clergy, and other representatives of the powerful and famous all over the world pave unfortunately engaged in sexual escapades. As so succinctly stated by Henry Kissinger, "Power is the greatest aphrodisiac." If such publications like the Kinsey Report are to be trusted, the incidence of infidelity and immorality in polite society is unbelievably if not shockingly high. A Judge who falls into the trap of this altogether human and common failing should be disciplined. The Court cannot be indulgently permissive. At the same time, the above nature of the offense requires that we should take into account all relevant circumstances and, where warranted, mitigate the severity of the punishment for a few who somehow failed to summon the moral fiber needed to resist this all too human failing.

If a public officer, on his or her own initiative or through the enticements of the other party, is involved in an illicit relationship, he or she should be allowed and encouraged to get out of that situation. However, if instant and automatic dismissal is always the punishment, a scheming paramour would have a weapon to keep the erring officer going deeper and deeper into the mess instead of rectifying the unfortunate error. It would be a sword of Damocles keeping a Judge who has stumbled from rising up, correcting the error, and terminating the unfortunate relationship.

Judge Calanog has positive accomplishments in his favor. We are not aware of any other shortcoming or offense committed by him. As a member of the Judiciary Planning Development and Implementation Office (JPDIO), he has with talent and resourcefulness represented judges all over the country, bringing their problems to the JPDIO and the Courts attention. Judicial reforms are more readily implemented because of close coordination between the Office of the Court Administrator and the Philippine Judges Association (PJA) which the respondent headed until recently. The respondent initiated the College Assurance Plan for children of Judges and a modest insurance plan which gives death benefits to qualified members. He has tried his best these past few years to push through a housing development for members of the bench and apparently his efforts are about to bear fruit. He and the other officers of the PJA have shown unfailing respect for and cooperation with this Court. Respondent Calanog has rallied all Judges to stand behind the Court when we were unfairly charged or subjected to senseless vituperation. The respect which members of the bench and bar have accorded to the respondent is shown by the warm receptions extended to him in Cebu, Bacolod, Davao, and other parts of the country when the PJA officers visit their fellow Judges or attend judicial conferences and conventions.

Ours is not only a court of law but also a court of equity. Mindful of the circumstances surrounding a case, this Court has shown compassion and exercised prudent restraint in dealing with errant members of the Bar or Bench especially when the offenses committed is the subject's first offense. To illustrate a few:

- 1) In re: Petition for the Dismissal from Service and/or Disbarment of Judge Baltazar R. Dizon (173 SCRA 719 [1989] - This is a case where reinstatement was ordered after Judge Baltazar Dizon had, in our view, sincerely evinced humble repentance. He admitted that he committed an error in interpreting the law but we considered the mistake as not so grave as to warrant the penalty of "virtually capital punishment." The Court also considered Judge Dizon's long years of dedicated and devoted, service to the government.
- 2) In Tolentino v. Mangapit (124 SCRA 741 (1983)) - Examining the lawyer's failure to give notice of an adverse decision to her client, the court found that such error may be traced to the lawyer's inexperience. Considering that this was the first error committed by the respondent, the court resolved to merely admonish her instead of suspending her for one month as recommended by the Solicitor General, the same being too harsh and severe.
- 3) Munar v. Flores (122 SCRA 448 [1983]) - Respondent, through his malpractice and gross misconduct in office committed a most serious breach of public trust which under other circumstances could well result in the

forfeiture of his privilege and license as a member of the Philippine Bar. Taking into consideration, however, the respondent's submission in effect to the report and recommendation of the Solicitor General and his manifestations of remorse and finally, considering that this happened to be his first offense, the Court was inclined to extend to the respondent a measure of liberality and approved the Solicitor General's recommendation for only six (6) months suspension.

There, are likewise instances such as those involving Judges entitled to full retirement benefits, where the Court has acted with compassion for the sake of the wife or widow and the children of the respondent.

I submit that we should apply the reformatory and not the punitive principle in the instant case. For the sake of the respondent's obviously bright future, the fair name and honor of his family and the prospective service that he could render to the judiciary and the nation, the Court should help the respondent redeem himself.

CONSIDERING THE FOREGOING, I vote to impose a penalty of FORTY THOUSAND PESOS (P40,000.00) fine and a most severe warning that a repetition of the same offense shall be accorded the highest, penalty within the Court's power to impose.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.