

Republic of the Philippines
Supreme Court
Manila

EN BANC

ERNESTO CALLENA, JR.,
Complainant,

A.M. No. RTJ-24-075
[Formerly JIB FPI No. 22-135-RTJ]

Members:

-versus-

HON. CORPUS B. ALZATE,
PRESIDING JUDGE, BRANCH 2,
REGIONAL TRIAL COURT,
BANGUED, ABRA,

Respondent.

GESMUNDO, C.J.,
LEONEN,
CAGUIOA,
HERNANDO,*
LAZARO-JAVIER,
INTING,
ZALAMEDA,
LOPEZ, M.,
GAERLAN,**
ROSARIO,
LOPEZ, J.,
DIMAAMPAO,
MARQUEZ,
KHO, JR., and
SINGH, JJ.

Promulgated:

October 29, 2024

X-----X

DECISION

LAZARO-JAVIER, J.:

* On official business.

** On official leave.

The Case

Under a verified Affidavit-Complaint¹ dated May 18, 2021, complainant Ernesto Callena, Jr. (Callena) charged respondent Hon. Corpus B. Alzate (Judge Alzate), Presiding Judge, Branch 2, Regional Trial Court, Bangued, Abra with simple misconduct constituting a violation of the Code of Judicial Conduct.²

Antecedents

Callena claimed that from 2004 to 2021, Judge Alzate knowingly refused to pay his Integrated Bar of Philippines (IBP) dues. He asserts that said refusal cannot be excused simply because Judge Alzate is a judge. On the contrary, Judge Alzate should know the rules and his obligation to pay IBP dues.³

According to Callena, Judge Alzate sees himself as “untouchable” because of his connections in the Office of the Court Administrator (OCA). Too, Judge Alzate is known for his “arrogance and self-centeredness,” but lawyers are hesitant to complain because of their pending cases in his sala.⁴

In his Comment⁵ dated May 26, 2022, Judge Alzate admitted that his name was not included in the list of qualified voters in the IBP chapter elections held on February 27, 2021. However, upon knowledge of Callena’s complaint, he immediately secured an assessment of his arrears. Thereafter, he paid PHP 23,100.00 to the IBP Central Office for his IBP dues from 2004 to 2021 as evidenced by the IBP receipt dated May 24, 2022.⁶

Judge Alzate offered multiple reasons for his failure to pay his IBP dues. *First*. When he was a young lawyer, members of IBP Abra Chapter told him that one of the candidates in the IBP elections sponsored the payment of IBP dues for members of the chapter. *Second*. Whenever there were no “sponsors”, he would pay his IBP dues to the chapter. But there was a time the IBP Abra Chapter did not remit payments to the

¹ *Rollo*, pp. 6–10.

² *Id.* at 11, 59.

³ *Id.* at 60.

⁴ *Id.*

⁵ *Id.* at 12–15.

⁶ *Id.* at 12, 17.

IBP Central Office. When the non-remittance was discovered, he was told that the payment records would be reconciled. As years passed by, no reconciliation of accounts was made which resulted in him forgetting about his IBP dues. *Third*. One Judge Conrado Venus of Regional Trial Court, Narvacan advised him that when a lawyer employed in the government service fails to pay his IBP dues, the arrears would automatically be deducted from his or her retirement pay or from his or her earned leaves. Judge Alzate merely relied on said advice in utmost “good faith.”⁷

Judge Alzate also pointed out that he never received any notice of delinquency or any resolution to suspend his member’s privileges from the IBP Central Office.⁸ Lastly, Judge Alzate denied having strong connections to the OCA.⁹

In his Reply¹⁰ dated June 20, 2022, Callena disputed the “tall tales” of Judge Alzate. He asserted that Judge Alzate’s excuses were merely an attempt to justify his “deliberate [and] stubborn” refusal to pay IBP dues despite being a lawyer for 37 years and a judge for 22 years.¹¹ In any event, Judge Alzate admitted his non-payment of IBP dues. He also chided Judge Alzate for paying his dues only after receiving an administrative complaint.¹²

More, Judge Alzate has been found guilty in the following administrative cases: (1) OCA IPI No. 03-1745-RTJ; (2) OCA IPI No. 15-4479-RTJ; and (3) A.M. No. RTJ-19-2574. Callena averred that the Supreme Court had been “very compassionate with [Judge Alzate]” despite his repeated acts of misconduct since the latter had only ever been admonished and fined.¹³

Judge Alzate in his Rejoinder¹⁴ dated July 4, 2022 surmised that Callena’s reply may have been authored by Atty. Maria Saniata Liwliwa Gonzales-Alzate (Atty. Gonzales-Alzate), counsel of Callena and wife of dismissed Judge Raphael F. Alzate, a relative of his.¹⁵ He alleged that Atty. Gonzales-Alzate had become “ballistic” since the dismissal of her husband from the Judiciary.¹⁶

⁷ *Id.* at 13.

⁸ *Id.* at 61.

⁹ *Id.* at 12.

¹⁰ *Id.* at 18–31.

¹¹ *Id.* at 19.

¹² *Id.* at 61.

¹³ *Id.* at 19–20.

¹⁴ *Id.* at 44–47.

¹⁵ *Id.* at 44.

¹⁶ *Id.*

In a Letter¹⁷ dated June 16, 2022, the Judicial Integrity Board - Office of the Executive Director (JIB-OED) directed Judge Alzate to submit a verified comment “concerning the administrative case against [him] as a member of the Philippine Bar.”¹⁸ It cited Rule 140 of the Rules of Court, as amended, viz.:

Section 4. *Administrative Case Considered as Disciplinary Actions Against Members of the Philippine Bar.* – An administrative case against any of those mentioned in Section 1(1) of this Rule shall also be considered as a disciplinary action against [them] as a member of the Philippine Bar, *provided*, that the complaint specifically states that the imputed acts or omissions therein likewise constitute a violation of the Lawyer’s Oath, the Code of Professional Responsibility, the Canons of Professional Ethics, or such other forms of breaches of conduct that have been traditionally recognized as grounds for the discipline of lawyers.

In response, Judge Alzate filed his Manifestation¹⁹ dated July 5, 2022 where he: (1) averred that the administrative case against him should be dismissed for violation of the rule against forum shopping; and (2) adopted the contents of his Comment and Rejoinder.²⁰

Report and Recommendation of the JIB-OED

In his Report and Recommendation²¹ dated March 29, 2023 Acting Executive Director James D.V. Navarrete found Judge Alzate guilty of simple misconduct and violation of Canon 7 of the Code of Professional Responsibility, viz.:

IN VIEW OF THE FOREGOING, it is respectfully submitted for the consideration of the Honorable Board that the instant administrative matter be **REDOCKETED** and the following recommendations be made to the Supreme Court:

1. Respondent Judge Corpus B. Alzate, Branch 2, Regional Trial Court, Bangued, Abra be found **GUILTY** of Simple Misconduct constituting violation of the Code of Judicial Conduct and **FINED** in the amount of One Hundred Thousand Pesos (₱100,000.00), payable within three (3) months from the time the decision or resolution is promulgated; and

¹⁷ *Id.* at 48. Signed by Acting Executive Director James D.V. Navarrete.

¹⁸ *Id.*

¹⁹ *Id.* at 49–58.

²⁰ *Id.* at 49.

²¹ *Id.* at 59–65.

2. Respondent Judge Alzate be found **LIABLE** for violating Canon 7 of the Code of Professional Responsibility and **FINED** in the amount of Fifty Thousand Pesos (P50,000.00), payable within three (3) months from the time the decision or resolution is promulgated.²² (Emphasis in the original)

The JIB-OED held that sufficient grounds exist to hold Judge Alzate administratively liable.²³ He admitted failing to pay his IBP dues from 2004 to 2021, a period of 18 consecutive years.²⁴ Further, his excuses that his IBP dues were allegedly “sponsored” by an IBP chapter candidate and that another judge told him that his arrears would be deducted from his retirement and other monetary benefits, were untenable. As a judge, he should not have relied on another’s opinions and surmises. Good judges are those who have a mastery of the principles of law and discharge their duties in accordance with law. Thus, Judge Alzate should be held liable for simple misconduct constituting violation of the Code of Judicial Conduct.²⁵

Considering that Judge Alzate had previously been found administratively liable for impropriety and gambling in public in RTJ-19-5974, a fine in the maximum amount of PHP 100,000.00 is warranted.²⁶

As for the administrative case against him as a lawyer, the JIB-OED held that Judge Alzate clearly violated Canon 7 of the Code of Professional Responsibility which states that “a lawyer shall at all times uphold the integrity and dignity of the legal profession and support the activities of the Integrated Bar.”²⁷ Consequently, it recommended a fine in the amount of PHP 50,000.00.²⁸

Report of the JIB

In its Report²⁹ dated July 30, 2024, the JIB adopted the findings of the JIB-OED but modified the recommended penalty for the simple misconduct charge. It noted that both Rule 140 of the Rules of

²² *Id.* at 64–65.

²³ *Id.* at 62.

²⁴ *Id.* at 63.

²⁵ *Id.* at 63–64.

²⁶ *Id.* at 64.

²⁷ *Id.*

²⁸ *Id.*

²⁹ *Id.* at 66–76. Signed by Acting Chairperson Justice Angelina Sandoval-Gutierrez (Ret.) and concurred in by Third Regular Member Justice Cielito N. Mindaro-Grulla (Ret.).

Court, as further amended by A.M. No. 21-08-09-SC and the Code of Professional Responsibility and Accountability (CPRA)³⁰ consider the finding of previous administrative liability as an aggravating circumstance which allows the imposition of suspension or fine for a period or amount not exceeding double of the maximum prescribed.³¹ As such, it increased the penalty for simple misconduct to PHP 150,000.00.³²

Ruling

The Court resolves to adopt the findings of fact, conclusions of law, and recommendations of the JIB in its Report dated July 30, 2024.

In administrative proceedings, the quantum of proof necessary for a finding of guilt is substantial evidence or “that amount of relevant evidence that a reasonable mind might accept as adequate to support a conclusion.”³³ The burden of substantiating the charges in an administrative proceeding falls on the complainant, who must be able to prove the allegations in the complaint with substantial evidence.³⁴

Rule 139-A, Section 1 of the Rules of Court provides that all persons whose names appear or are included in the Roll of Attorneys compose an official body known as the Integrated Bar of the Philippines.³⁵ Membership in the IBP is automatic and without exception.³⁶ Every member of the Integrated Bar is required to pay annual dues for the ensuing fiscal year on or before the 31st day of December, as may be extended by the IBP Board of Governors.³⁷ There is nothing in the law or rules which allows the exemption of any person—much more for members of the bench such as Judge Alzate—from payment of IBP dues.³⁸

Here, Judge Alzate admitted in his various submissions to the JIB that he failed to pay his IBP dues from 2004-2021.³⁹ He stated that:

Immediately after I received the instant complaint, I have undertaken steps to secure an assessment of my arrears and have PAID the IBP Central Office the amount of [PHP 23,100.00] corresponding to my dues from 2004-2021. . .

³⁰ A.M. No. 22-09-01-SC, April 11, 2023.

³¹ *Id.* at 74.

³² *Id.* at 75.

³³ *Re: Letter of Rafael Dimaano*, 813 Phil. 510, 517 (2017) [Per J. Mendoza, *En Banc*].

³⁴ *Id.* at 517–518.

³⁵ rule 139-A, Sec. 1.

³⁶ IBP revised By-Laws, Section 18.

³⁷ IBP revised By-Laws, Section 23.

³⁸ *See Letter of Atty. Cecilio Y. Arevalo, Jr.*, 497 Phil. 435 (2005) [Per J. Chico-Nazario, *En Banc*].

³⁹ *Rollo*, pp. 50–52, 54–55, 58.

Admittedly, I have arrears with the IBP (which I have NOW PAID) but the non-payment is a mental lapse. I was under the belief that the advice of a senior judge was true. I relied on this belief in utmost good faith. Thus, the non-payment cannot be considered as a stubborn or arrogant refusal to pay[.]

Mr. Callena aver[s] that I only paid my delinquent dues when this complaint was filed. *This is admitted.* . .

Admittedly, I have been remiss in my duty to pay my dues on time. . .

....

To emphasize, the non-payment on my part was based on an honest belief; I may be mistaken in assuming that the dues will be paid with interest at the time of retirement but this mistake was done in good faith and not tainted with an evil scheme to defraud the IBP. (Emphasis supplied)

These statements are judicial admissions that require no further proof⁴⁰ and remove the admitted facts from the field of controversy.⁴¹ Thus, Judge Alzate's non-payment of IBP dues is beyond dispute.

In any event, the record is replete with documentary evidence of Judge Alzate's malfeasance. In a Letter⁴² dated March 22, 2021, IBP National Treasurer Grace P. Quevedo-Panagsagan certified that "Alzate, Corpus B." with Roll No. 33514 had "arrears in IBP Membership Dues" from 2004-2021. By Certification⁴³ dated May 20, 2022, Marnelli A. Acosta, Legal Aid Clerk of IBP Abra Chapter, attested that based on the records of IBP Abra Chapter and its List of Members with Delinquencies issued by the IBP National Office, Judge Alzate has not paid his IBP dues for a period of 18 years. Lastly, IBP Official Receipt No. 224392 dated May 24, 2022 submitted by Judge Alzate shows that his payment of PHP 23,100.00 was "Payment For: M[embership]D[ues] 2004-2021."⁴⁴

The non-payment of IBP dues by a sitting member of the bench, no less, erodes public confidence in the judicial system in contravention of Canons 1, 2, and 4 the New Code of Judicial Conduct which provide:

⁴⁰ See revised rules on evidence, Rule 129, Sec. 4 of the Revised Rules on Evidence; *See People v. Franco*, G.R. No. 230551, June 30, 2021 [Notice, First Division], *citing Silot, Jr. v. De La Rosa*, 567 Phil. 505, 512 (2008) [Per J. Quisumbing, Second Division].

⁴¹ *Castil v. People*, 925 Phil. 786, 797 (2022) [Per J. Hernando, First Division], *citing Leynes v. People*, 795 Phil. 927, 930 (2016) [Per J. Perez, Third Division].

⁴² *Rollo*, p. 34.

⁴³ *Id.* at 33.

⁴⁴ *Id.* at 17.

CANON 1

Independence

.....

SECTION 8. **Judges shall exhibit and promote high standards of judicial conduct** in order to reinforce public confidence in the judiciary which is fundamental to the maintenance of judicial independence.

CANON 2

Integrity

.....

SECTION 1. **Judges shall ensure that not only is their conduct above reproach**, but that it is perceived to be so in the view of a reasonable observer.

CANON 4

Propriety

.....

SECTION 1. **Judges shall avoid impropriety and the appearance of impropriety in all of their activities.**

Clearly, Judge Alzate's deliberate choice not to pay his IBP dues falls beyond the standard expected of members of the judiciary. His act is not only reproachable but also blatantly improper. The Court, therefore, finds him guilty of the less serious charge of simple misconduct constituting a violation of the New Code of Judicial Conduct. Under Section 17 of Rule 140 of the Rules of Court, as further amended, a less serious charge may be punished as follows:

SECTION 17. *Sanctions.* —

.....

- (2) If the respondent is guilty of a less serious charge, any of the following sanctions shall be imposed:

- (a) Suspension from office without salary and other benefits for not less than one (1) month nor more than six (6) months; or
- (b) A fine of more than [PHP] 35,000.00 but not exceeding [PHP] 100,000.00.

Notably, Section 19 of the aforementioned Rule, authorizes the appreciation of modifying circumstances, viz.:

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 or previous administrative liability where a penalty is imposed, regardless of nature and/or gravity;
- (b) Length of service facilitated the commission of the offense;
- (c) Employment of fraudulent means to conceal the offense; and
- (d) Other analogous circumstances.

When one or more aggravating circumstances and no mitigating circumstances are present, the Court may impose a fine not exceeding double of the maximum prescribed under Rule 140. Hence, the JIB correctly increased the penalty to PHP 150,000.00 considering the finding of previous administrative liability against Judge Alzate in *Re: Anonymous Complaint Against Judge Corpus B. Alzate*, A.M. No. RTJ-19-2574, June 23, 2021. In that case, Judge Alzate was fined in the amount of PHP 10,000.00 and admonished “not to socially mingle with cockfighting enthusiasts and bettors.”⁴⁵

As well, Judge Alzate may be disciplined as a lawyer because Callena’s complaint specifically states that it is one for Judge Alzate’s “suspension/ removal from [the] roll of attorneys” due to non-payment of IBP dues.⁴⁶ More, Callena pointed out that “stubborn refusal to pay

⁴⁵ *Re: Anonymous Complaint Against Judge Corpus B. Alzate*, 905 Phil. 1, 28 (2021) [Per J. Zalameda, First Division].

⁴⁶ *Rollo*, p. 6; See also rules of court, Rule 140, as further amended by A.M. No. 21-08-09-SC, approved on February 22, 2022.

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[] membership dues to the [IBP]. . . is a ground for disbarment[.]”⁴⁷ On this score, the CPRA governs for it explicitly states that its provisions shall be applied to all pending and future cases, except to the extent that its retroactive application would not be feasible or would work injustice, in which case the procedure under which the cases were filed shall govern.⁴⁸ Canon III, Section 26 of the CPRA requires that a lawyer “promptly pay the annual membership dues in the IBP, unless expressly exempt from such payment by law or rules.”

Relevantly, violation of IBP rules and issuances governing membership is a light offense punishable by any of the following: (a) fine within the range of PHP 1,000.00 to PHP 35,000.00; (b) censure; or (c) reprimand. Like Rule 140, as further amended by A.M. No. 21-08-09-SC, the CPRA allows the appreciation of a previous finding of administrative liability as an aggravating circumstance.⁴⁹ Therefore, the JIB correctly recommended that Judge Alzate be fined in the amount of PHP 50,000.00.

ACCORDINGLY, Judge Corpus B. Alzate is found **GUILTY** of the less serious charge of simple misconduct under Section 15(a), Rule 140 of the Rules of Court, as amended by Administrative Matter No. 21-08-09-SC and **FINED** in the amount of PHP 150,000.00 payable within three months from the promulgation of this Decision. If unpaid, such amount may be deducted from his salaries and benefits, including accrued leave credits.

Judge Alzate is also found **GUILTY** of violation of the Code of Professional Responsibility and Accountability. He is **FINED** in the amount of PHP 50,000.00 payable within three months from the promulgation of this Decision. Finally, he is **STERNLY WARNED** that a repetition of the same or similar offense will be dealt with more severely.

Lastly, Judge Alzate is directed to update his IBP membership dues and report his compliance within 10 days from receipt of this Decision.

⁴⁷ *Id.* at 7.

⁴⁸ CPRA General Provisions, Sec. 1.

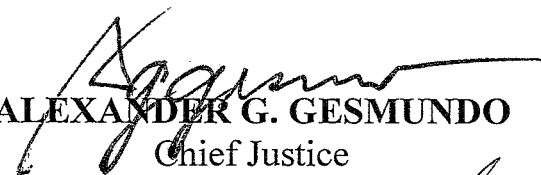
⁴⁹ CPRA, Canon VI, Sec. 38.

SO ORDERED.




AMY C. LAZARO-JAVIER
Associate Justice

WE CONCUR:



ALEXANDER G. GESMUNDO
Chief Justice




MARVIC M.V.F. LEONEN
Senior Associate Justice




ALFREDO BENJAMIN S. CAGUIOA
Associate Justice

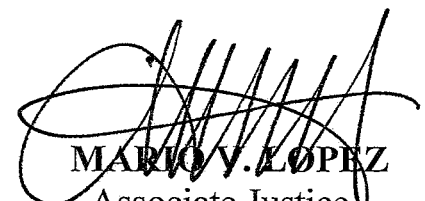
(On official business)
RAMON PAUL L. HERNANDO
Associate Justice



HENRI JEAN PAUL B. INTING
Associate Justice

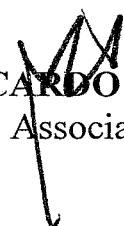



RODIL V. ZALAMEDA
Associate Justice




MARIO V. LOPEZ
Associate Justice

(On official leave)
SAMUEL H. GAERLAN
Associate Justice


RICARDO R. ROSARIO
Associate Justice


JHOSEP V. LOPEZ
Associate Justice


JAPAR B. DIMAAMPAO
Associate Justice


JOSE MIDAS P. MARQUEZ
Associate Justice


ANTONIO T. KHO, JR.
Associate Justice


MARIA FILOMENA D. SINGH
Associate Justice