




## Una visión jurídica a la administración de justicia: Caso Purga Ecuador

*A legal approach to the administration of justice: Ecuador Purga Case*

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**Palabras clave:**

Corrupción judicial, Caso Purga, Sistema judicial ecuatoriano, Reforma judicial, Confianza pública

**Keywords:**

Judicial corruption, Purga case, Ecuadorian judicial system, Judicial reform, Public trust

**Resumen**

**Introducción:** El caso Purga es un reflejo de la corrupción judicial en Ecuador, mostrando la vulnerabilidad del sistema de justicia frente a influencias políticas y económicas. Este estudio se centra en el análisis de dicho caso y su impacto en la sociedad ecuatoriana. **Objetivos:** Examinar la estructura del sistema judicial ecuatoriano, la evolución del caso Purga y su repercusión tanto en la percepción pública como en el funcionamiento institucional. **Metodología:** A través de una revisión documental y un análisis cualitativo, se investiga la red de corrupción que involucra a altos funcionarios judiciales y políticos, evidenciando deficiencias en los mecanismos de control del poder judicial. **Resultados:** El estudio revela una red de corrupción en el sistema judicial que ha provocado una crisis de legitimidad institucional. Se identifican oportunidades para una reforma judicial integral, aunque también se reconocen desafíos significativos, como la pérdida de confianza social y el riesgo de inestabilidad política. **Conclusiones:** El caso Purga subraya la necesidad de fortalecer la integridad del sistema judicial ecuatoriano. La crisis de legitimidad podría convertirse en un catalizador para reformas estructurales y para la promoción de la participación ciudadana como mecanismo de vigilancia y exigencia de justicia. **Área de estudio general:** Ciencias Sociales. **Área de estudio específica:** Derecho y Ciencias Políticas. **Tipo de estudio:** Analítico.

**Abstract**

**Introduction:** The Purga case reflects judicial corruption in Ecuador, exposing the vulnerability of the justice system to political and economic influences. This study focuses on analyzing this case and its impact on Ecuadorian society. **Objectives:** To examine the structure of the Ecuadorian judicial system, the development of the Purga case, and its repercussions on both public perception and institutional functioning. **Methodology:** Through a documentary review and qualitative analysis, this study investigates the corruption network involving high-ranking judicial and political officials, highlighting deficiencies in the control mechanisms of the judiciary. **Results:** The study reveals a corruption network within the judicial system that has led to a crisis of institutional

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legitimacy. Opportunities for comprehensive judicial reform are identified, but significant challenges, such as the loss of social trust and the risk of political instability, are also recognized. Conclusions: The Purga case underscores the need to strengthen the integrity of the Ecuadorian judicial system. The legitimacy crisis could serve as a catalyst for structural reforms and the promotion of citizen participation as a mechanism for oversight and the demand for justice. General area of study: Social Sciences. Specific area of study: Law and Political Science. Type of study: Analytical.

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## Introduction

In the contemporary era, the ideal of justice has been affected by various political, economic and social factors. Although Kelsen (1993) defines it from a philosophical perspective, as a method of conflict resolution based on equity, that is, giving everyone what they deserve. The main precursor of this disturbance is paradoxically given by the same officials in charge of supervising compliance with the laws that govern our society, perpetuating misconduct in due process, which makes impartial and appropriate sentences impossible in civil, criminal, administrative cases, among others. The prevalence of this mistaken ideology contributes to judicial corruption becoming not just a common practice, but a pathology rooted in all justice institutions.

However, the administration of justice in Ecuador has faced severe criticism due to the prevalent dishonesty among officials and the absence of true autonomy, which implies a system influenced by political doctrines. (Tapia Guerrón & Fierro Fierro, 2024) This perspective is reinforced by the emergence of several corruption cases, such as the Encuentro Case and the Metastasis Case, among others. In order to clearly understand the factors that cause and reinforce corruption in Ecuador, emphasis will be placed on the Purga case, due to its strong existence in the eye of public scrutiny and its current vigor. Its variables become objects of analysis, such as: the judicial system, the different political parties and economic interest. In this case, the definition of judicial corruption will be expanded to different existing forms within it, which we will encounter throughout the investigation. The methodology used will be the documentary review of true academic articles, as well as the collection of news and reports on the subject; combined with a qualitative analysis, which will help determine the benefits and obstacles of the case.

This article aims to analyze the Purga case in the context of judicial corruption in Ecuador. Initially, the structure of the Ecuadorian judicial system, the training and selection of

judges, and the challenges existing in the control and supervision mechanisms will be examined. In the second part, a theoretical framework will be provided where the development of the case will be detailed, as well as the difficulties encountered during the investigation. Thirdly, the advantages and disadvantages of this case in Ecuador will be analyzed, considering its impact on public perception and legal consequences. Finally, the first conclusions will be presented regarding the relationship of the variables with the main theme already explained.

### **Overview of Judicial Corruption: Theoretical Foundations and Ecuadorian Context**

Nowadays, corruption has become a complex and multifaceted phenomenon, since its definitions vary according to the context in which they occur, and even according to the disciplinary approach through which it is investigated. Macías (2019) considers that corruption is not limited to a structural problem, but transcends a moral and cultural aspect, describing it from "misuse of public power" to extortionate acts involving public servants and the misrepresentation of resources. A definition that is essentially related to the perspective of Bermúdez (2019), who defends corruption as the improper use of a public office for the purpose of obtaining personal benefits, thus extending the concept by adding the motivation or reason why it occurs.

Focusing on judicial corruption, it is defined as any act carried out by a judge, prosecutor or official that, by direct action or omission of due process, alters the impartiality of a judicial decision in exchange for some material or symbolic benefit, which weakens the control mechanisms of political power and affects the guarantee and protection of citizen rights established by law (Santiago, 2023). In fact, Santiago (2023) mentions that judicial corruption, although it is a type of corruption, can vary depending on the level of the court and the structure of judicial power, so it can be differentiated between micro, meso and macro corruption, depending on the scale and impact of corrupt acts: at the micro level, it refers to the courts of first instance and in different matters, and even includes justice of the peace, that of learned judges, that is, that held by the courts that are the starting point of judicial processes, depending on the country. Corruption of this type occurs directly or on a daily basis between mediators such as secretaries or support material, who are in charge of altering the content or direction of judicial decisions. At the meso level, it corresponds to the courts of appeal, in this case there is an exchange between officials or judges and the interested party. It is here where lawyers take on a fundamental role since they are the ones in charge of "negotiating" the last word of the judgment. At the macro level, everything related to courts of last instance such as supreme or national courts, this type is characterized by having a political connotation embedded in the mechanisms of selection and appointment of judges, so communication between the parties involved is usually more sophisticated, since it requires more influential subjects with political power, and even institutions such as law firms may be involved. Therefore,

in this type of corruption it occurs with people who have the necessary financial solvency required to modify a sentence impartially.

This differentiation between the different types of judicial corruption, based on the specific members and contexts, is done to broaden the vision of how this problem really operates in society.

### **Methodology**

This scientific article uses a methodology based on documentary review and a qualitative approach for a better analysis of the case presented. This approach was chosen because it was the most appropriate for the exploration of a complex nature such as the phenomenon of corruption and its implication in the Purga case. The study was divided into two main phases: a recapitulation of the structure and functioning of the Ecuadorian judicial system and an exhaustive investigation of the case.

The main data sources used to present the information correctly are: legal documents, the Constitution of the Republic of Ecuador, the Organic Code of the Judiciary were analyzed to understand the legal structure of the judicial system and the Comprehensive Organic Criminal Code; academic articles, publications in academic journals on topics of judicial corruption, judicial independence and reforms of the justice system in Ecuador and Latin America were reviewed; official reports, communiqués and reports from the Attorney General's Office related to the Purga case were examined; media coverage, journalistic reports from national media on the development of the case were analyzed; statements by experts, the opinions and analysis of legal experts were considered, including the interview with Dr. Augusto Tandazo Borrero.

The data collection was carried out through a strict search in academic databases, press releases and official websites of the Ecuadorian government, in order to ensure the reliability of the document. In the Purga case, greater emphasis was placed on the chronology of events, the subjects involved and the legal and social implications that influenced each section. Regarding the approaches, the qualitative one covered the task of identifying patterns, recurring themes and fundamental relationships between different aspects of the case. Meanwhile, an interpretive approach was also used that complemented the information with an evaluation of the impact of the case on the social and judicial aspect.

The analysis covers the legal establishment of the structure of the Ecuadorian justice system, to serve as a basis and context for the events of the Purga case, which took place between December 2023 and July 2024. It should be noted that, due to the contemporaneity of the development of the case, certain information may be subject to updates after the completion of this article, so, even given the sensitivity of the subject

and the possible impact it may cause, special care has been taken in the handling of the information, avoiding any type of speculation. Thanks to this methodology, a comprehensive reading of the subject is allowed, providing a solid basis for the conclusions derived from the study.

### **The Ecuadorian Judicial System: A Critical Review**

First of all, it is essential to understand what constitutes a justice system, Jimenez Ballesteros (2024) It describes it as an entity responsible for supervising and managing compliance with the current legal framework. The authority to administer justice emanates from the people and is exercised through the bodies established in the Constitution, which form the judicial function in its entirety. Therefore, as a fundamental pillar of public order, it is crucial that they comply with certain principles for its correct application, and thus the Constitution of the Republic of Ecuador (2008, art. 168, no. 1), stipulates that they must enjoy total autonomy, and any failure to comply with this principle results in administrative, civil and criminal liability as provided by law. This constitutional precept establishes the bases for a democratic system that is manifested in the obligations and institutions of the State, reflecting an impartial position in the proper functioning of justice. It also raises the observance of the judicial system. In this way, a constitutional commitment arises to safeguard both the rights and responsibilities acquired through the laws in the field of human rights. (Ordóñez-Segarra et al., 2020)

Now, as stipulated in the Constitution of the Republic of Ecuador (2008, art. 170), the constitutionally deemed jurisdictional bodies are the following: 1. The National Court of Justice. 2. The provincial courts of justice. 3. The tribunals and courts established by law. 4. The justice of the peace courts. Its purpose is the correct administration of justice according to the corresponding subject matter. Although the procedural system of each body must be observed and respected, the omission of any of these formalities should not mean an obstacle to the destiny of justice, considering that the existence of the same should cause efficiency and effectiveness in terms of the administration of the pertinent cases. (Constitution of the Republic of Ecuador, 2008, art. 169) The clarity of the law is evident in terms of its operation, however, the author Merino Ajila (2024) It indicates that the legal framework that encompasses and dictates both infractions and sentences exceeds the limit of rigidity, and even ignores contemporary national reality, which consequently brings to the table a very slow justice system, with a large number of inconveniences in the processes.

Even so, with all written formality, so far it only refers to a general body, but not to the individuals, fundamental parts, that make this whole system work. Therefore, the structure of the judicial bodies is composed of: the justices of the peace; the courts and tribunals; the provincial courts of justice and the National Court of Justice, who are in

charge of supervising and executing the decisions taken in a trial. (Organic Code of the Judicial Function, 2009, art. 170).

The aforementioned National Court of Justice is one of the fundamental pillars of Ecuadorian justice, made up of 21 judges, who are elected for a period of 9 years, once the period is over they cannot be re-elected and will be renewed by thirds every 9 years; it is made up of specialized chambers, which must fulfill the assigned missions such as: 1. Administrative Litigation; 2. Tax Litigation; 3. Criminal, Military Criminal, Police Criminal and Traffic; 4. Civil and Commercial; 5. Labor; and, 6. Family, Childhood, Adolescence and Adolescent Offenders. The power to appoint the judges to each chamber corresponds entirely to the plenary session. It should be emphasized that in order to be a judge of the CNJ, three additional requirements must be met in addition to the routine ones, such as competitive examinations and merit-based examinations. The first is to be Ecuadorian and to be in full enjoyment of the rights to political participation; secondly, possession of a law degree is required, and finally, having practiced law for a period of 10 years (Organic Code of the Judicial Function, 2009, art. 183).

All judges, according to the Constitution and various legal codes, have the task of resolving existing problems strictly governed by the legal system, since this is the task that the legal system must impose on all its members so that all decisions issued are free from any type of influence. (Jiménez Ballesteros et al., 2024) Unfortunately, the problem arises when (looking at the judge as an individual variable, exempt from the corresponding obligations) the judge is unable to be impartial in his rulings and is influenced or coerced by actions that may come from the same organization, and even the existence of pressure from political parties, or emphasizing the current reality of Ecuador, the existence of threats from organized crime groups. (Heredia Jadan & Diego, 2013)

A true judge will be completely objective when those in charge of his or her appointment and permanence are not under the command of individuals who focus solely on their interests, whether of a personal nature or based on political ideologies. (Pasara Luis, 2014) Objectivity in judicial decision-making is crucial to sustain the certainty of the Ecuadorian population in the judicial system, which would consequently lead to equitable treatment on both sides. (Moreira Aguayo & Salgado Pinto, 2024) They argued that the way to achieve impartiality lies in the separation of the powers of the State: executive, legislative and judicial, since only in this way will the abuse and concentration of power be avoided, thereby preventing at the root the internal influences to which all officials and judges are exposed.

A relevant aspect that he mentions Valverde Patricia (2018) is the fact that judicial proceedings should be open to the public, including any action taken by judges, thus giving them an incentive and contrary pressure which will push them to be more detailed and well-founded in terms of the corresponding sentences, in other words, a new system

of accountability is created. The National Council of Justice was previously mentioned as the basis of the judicial system, in accordance with that, it must be taken into account that every function must have a body that regulates it in a global and general way, this is where we refer to the Council of the Judiciary, which ensures the correct functioning of each judicial process, that is, of each institution corresponding to its own subject matter such as: jurisdictional, autonomous and auxiliary, although it should be emphasized that although it has an administrative role, it is only limited to that aspect, since hierarchically it is not superior and much less may it threaten the freedom of free exercise of the tasks of each official (Organic Code of the Judicial Function, 2022, art. 254).

Unfortunately, Ecuador is facing great challenges, serious consequences caused by corruption and the ineffectiveness of the judicial structures already mentioned. Basabe-Serrano (2023) It highlights corruption as a cancer embedded in the foundations of justice, that is, from the judges to the administrative power, manifesting itself in the business of judicial sentences, which compromises the integrity of judicial organizations, but even directly affects the Judicial Council, since its work is hindered by the lack of effective mechanisms to deal with these emerging corrupt practices. Clearly the variables in four political, economic and social aspects are the main causes that provoke judicial corruption, being the eradication of these and the implementation of previously established ideologies, hypothetical alternative solutions, since throughout this article we will enter into the analysis of the Purge case, in which several factors will come to light in accordance with our national reality, which prevents the blind compliance with the law.

### **The Purge Case Investigation: Unraveling the Web of Corruption**

As has been observed, the Ecuadorian judicial system is strictly structured and regulated in order to prevent acts of corruption. Guzmán (1998) defines this action as the abuse of power by an official to obtain personal benefit, that is, it covers a wide range of behaviors such as bribery, embezzlement and even influence peddling.

It is striking to note how a single word is enough to explain various cases of judicial corruption. It is important to mention that, in Ecuador at the beginning of December 2023, the Prosecutor's Office began the investigation of a corruption structure, opening the Metastasis case, from which two additional cases originated: Purge and Plague (Primicias, 2024). The term Purge refers specifically to the elimination of members of an organization, the motives being of a political nature which are accompanied by serious sanctions. (Royal Spanish Academy, 2014). A very apt name for the case, since it contained evidence of organized crime carried out by high-ranking judicial and political officials in Ecuador, located in the province of Guayas.

Since the State Attorney General's Office discovered the necessary elements to begin an investigation into several judges, the former president and the former assemblyman; all



belonging to the Court of Justice of Guayas, as well as a certain part of the administrative staff of the Directorate of the Judicial Council of that jurisdiction. Since, it is presumed that they committed criminal acts, including drug trafficking, in order to favor their own interests causing a serious deterioration towards the justice of the State.

***Background of the research***

The Purga Case reveals a complex network of corruption in the judicial system of the province of Guayas, Ecuador, that spanned several years.

**Table 1**

*Corruption network in the judicial system of the province of Guayas*

<b>2020</b>	The events began around 2020, when former assemblyman Pablo Bolívar MA and his wife Mónica Avelina AB initiated legal action against Banco del Pacífico, using allegedly false documents to justify the payment of loans acquired between 1989 and 1999. <b>November 5th:</b> Judge Reinaldo Efraín CC ruled in favor of the couple, ordering the bank to register the documents and pay compensation of almost 4 million dollars.
<b>2021</b>	<b>February:</b> Pablo Bolívar MA is elected assemblyman of the Social Christian Party. Pablo Bolívar MA hires Mayra S. to work on María Fabiola GR's campaign for the presidency of the Provincial Court of Justice of Guayas.
<b>2022</b>	María Fabiola GR wins the elections for the presidency of the Provincial Court of Justice of Guayas. A protective action with a precautionary measure is filed by the Army Corps of Engineers against the Metropolitan Public Company of Mobility and Public Works of Quito, involving a contract of 30 million dollars. A judge from Samborondón initially denied this action. On appeal, provincial judges María Fabiola GR, Guillermo V. and Henry Robert TT ruled in favor of the Army Corps of Engineers, in exchange for the remodeling of the floor of the Presidential Hall of the Provincial Court of Guayas.

**Table 1**

*Corruption network in the judicial system of the province of Guayas (continued)*

<b>2023</b>	<ul style="list-style-type: none"> <li>• Four administrative proceedings are opened against María Fabiola GR</li> <li>• Pablo Bolívar MA intervenes to achieve the archiving of these summaries, with the collaboration of Mercedes Leonor VV and her advisor Saúl Alberto MZ</li> <li>• Reinaldo Efraín CC is appointed provincial judge of Guayas, despite having been previously dismissed and having open administrative proceedings.</li> <li>• Johann Gustavo MM, as part of the Provincial Court Chamber, ratifies the ruling in favor of Pablo Bolívar MA and Mónica Avelina AB in the Banco del Pacífico case.</li> <li>• Nelson Mecías PM and Ramos Alberto LT make up the Provincial Court that rejects the appeal of Banco del Pacífico on the falsity of the private instruments presented by Pablo Bolívar MA and his wife.</li> <li>• Fausto Alfonso AG, cousin of Pablo Bolívar MA, illegally appropriates a plot of land in Durán valued at 200,000 dollars through a corrective habeas data.</li> <li>• María Fabiola GR has been accused of trying to contact alias "Fito" to allegedly obtain financial benefits in exchange for a favorable ruling in a case related to her prison transfer.</li> <li>• Hugo Manuel GA is running as successor to María Fabiola GR in the presidency of the Provincial Court of Guayas, with the financial support of Pablo Bolívar MA</li> </ul>
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- Susana Vanessa B., an official of the Judicial Council, manipulates the system of drawing cases to benefit Pablo Bolívar MA in the case of Banco del Pacífico.
  - Jackeline Vernise DP, as Human Talent Coordinator, and Mirian Jessenia RI, as Procedural Management Coordinator of the Judicial Council, collaborate in the administrative transfers of judges to benefit the criminal structure.
  - Andrea Mercedes P., a judge from Durán, participates in "land trafficking" through fraudulent legal actions.
  - Esteban Andrés Ch. P., Juan Xavier RJ, and Freddy José JC, of the Army Corps of Engineers, participate in the negotiation and payment of bribes to obtain favorable court rulings.
  - Silvia Erminia OV, as a judge of the Civil, Commercial and Tenancy Judicial Unit of Guayaquil, issues rulings in favor of the criminal structure in the Banco del Pacífico case.

**2024 March 4th:** Details of the Purga Case are revealed, exposing the extensive network of corruption in the judicial system of Guayas that involves judges, public officials, military personnel and politicians.

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This chronology reveals a systematic pattern of corruption that spanned several years, involving multiple court cases, administrative manipulation, and the misuse of public resources and positions of power for personal benefit and that of the criminal organization.

#### ***Methodology and procedures used by the prosecution***

The entire procedure carried out by the authorities is organized chronologically on the website of the State Attorney General's Office (sf), as presented below:

#### **Massive operation and initial hearing in case of judicial corruption.**

**March 4, 2024:** The State Attorney General's Office and the National Police carried out 43 raids during the investigation of the alleged crime, resulting in the execution of twelve arrest warrants in various sectors of Guayas. The suspects were taken to a hearing to formulate charges, where Judge Javier de la Cadena ordered the following, which was published in a FGE press release No. 298-DC-2024:

- ***Preventive detention for:*** Former assemblyman Pablo M., former president of the Provincial Court of Guayas, María Fabiona G., judges Johann Gustavo M., Nelson P., Lino R., Henry T. and Guillermo V., including the judicial attorney of the Army Corps of Engineers, Ruth S., and Fausto A.
- ***House arrest for:*** Judge Reinaldo C.
- ***Alternative Measures for:*** Monica A. (wife of the former legislator) and Saul M. (official of the Judiciary in Guayas)

- **Real-life measures:** Prohibition of selling movable and immovable property worth 3.9 million dollars and seizure of bank accounts of those investigated in the country's financial system.

#### **Prosecutors request hearing to link more suspects.**

**May 31, 2024:** The Attorney General's Office is urging a suitable time for a binding hearing against 13 more people for their alleged involvement in the charges brought against them.

#### **Early testimony and postponement of hearing.**

**June 3, 2024:** The National Court of Justice is organizing a hearing to collect two anticipated testimonies belonging to Mayra Salazar and Daniel Salcedo. In addition, at the request of the defense of the defendants, the judge decides not to hold the scheduled hearing.

#### **Reinstallation of hearing for new members.**

**June 4, 2024:** The National Court of Justice decides to reinstate the hearing against the 13 individuals involved.

#### **Precautionary measures and extension of investigation for new suspects.**

**June 5, 2024.-** After the hearing, national judge Javier de la Cadena issued the following orders:

- **Pre-trial detention for:** Mercedes V., Tatiana V., José Daniel P., Esteban Ch., Susana B., Jackeline D., Miriam R. and Silvia O.
- **Alternative measures for:** Ruben D., Hugo G., Juan R., Freddy J. and Andrea P.
- **Real-life measures:** Retention of savings accounts, current accounts, policies and investments in the name of the accused and prohibition of the allocation of assets, among other properties.

With this connection, the term of the fiscal investigation is extended by an additional thirty days (State Attorney General's Office website, 2024c).

#### **Mass dismissal of judicial officials for corruption cases.**

**June 14, 2024:** The Plenary Session of the Judicial Council dismissed 7 judges from Guayas, a prosecutor and a secretary of the Judicial Unit, who were allegedly involved in the Purga case. Among the dismissed judges is the former president of the Provincial Court of Justice of Guayas, Fabiola Gallardo. In addition to the magistrates Reinaldo

Cevallos, Henry Taylor Terán, Nelson Ponce, Ramos Lino Tumbaco, Guillermo Valarezo and Johann Marfetán (Primicias, 2024b).

**Modification of precautionary measures for some defendants.**

**July 6, 2024:** Judge Javier de la Cadena resolved the requests made by certain defendants, where we see the following changes:

- **House arrest for:** Pablo Muentes Alarcon
- **Alternative measures for:** Nelson Ponce Murillo, former judge, Mónica A. wife of former legislator, Saúl M., official of the Judiciary in Guayas (Primicias, 2024c).

**Main findings and evidence**

The extensive investigation by the State Attorney General's Office allowed the discovery of all the subjects involved in the corruption network, who carried out different but connected actions that allowed the proliferation of judicial corruption within the justice institutions. The names of those involved will be presented below, starting with the alleged perpetrators, who are:

**Table 2**

*Main findings and evidence*

Name	Post	Reason
<b>Pablo Bolivar MA</b>	Former assembly member of the Social Christian Party	Campaign financing and operations of the former president of the Provincial Court of Justice of Guayas; beneficiary of fraudulent judicial rulings.
<b>Maria G.R.</b>	<b>Fabiola</b> Former President of the Provincial Court of Justice of Guayas	Manipulation of judicial decisions; acceptance of bribes; irregular filing of administrative proceedings.
<b>Johann M.M.</b>	<b>Gustavo</b> Judge of the Criminal Chamber of the Provincial Court of Justice of Guayas	Facilitating judicial manipulation in habeas data cases
<b>Reinaldo CC</b>	<b>Efrain</b> Former judge of the Northern Criminal Judicial Unit 2 of the Guayaquil canton	Issuance of fraudulent judicial rulings; irregular appointment as provincial judge.
<b>Nelson PM</b>	<b>Messiah</b> Civil Judge	Participation in a court that issued rulings favorable to the criminal structure.

<b>Ramos Alberto LT</b>	Civil Judge	Participation in a court that issued rulings favorable to the criminal structure; request for personal favors.
<b>Henry Robert T.T.</b>	Judge of the Provincial Court of Guayas	Participation in a court that issued favorable rulings in exchange for material benefits.
<b>Monica Avelina AB</b>	Wife of former assemblyman Pablo Bolívar MA	Beneficiary of fraudulent court rulings.
<b>Fausto Alfonso A.G.</b>	Cousin of Pablo Bolivar MA	Beneficiary of illegal appropriation of land through fraudulent use of habeas data.
<b>Saul Alberto MZ</b>	Advisor to Mercedes Leonor VV	Participation in filing administrative proceedings and manipulation of the judicial system.
<b>Guillermo Pedro VC</b>	Judge of the Provincial Court of Guayas	Participation in a court that issued favorable rulings in exchange for material benefits.

As the investigation progressed, different names of people were found who were related to the illegal activities carried out. Those linked to the Purga case are the following:

**Table 3**

*Linked to the Purga case*

<b>Name</b>	<b>Post</b>	<b>Reason</b>
<b>Mercedes Leonor V.V.</b>	Former Director of the Guayas Judicial Council	Facilitation in the formation of favourable courts; elimination of administrative proceedings.
<b>Hugo Manuel GA</b>	Former President of the Provincial Court of Justice of Guayas	Continuation of control of the judicial system by the criminal organization.
<b>Ruben Andres D.V.</b>	Judicial Assistant of the Guayas Judicial Council	Collaboration in management of favorable legal actions.
<b>Tatiana Carolina V.</b>	Former parliamentary advisor to Pablo M.	Preparation of irregular sentences.
<b>Jose Daniel P.A.</b>	Former judge of the Provincial Court of Justice of Guayas	Participation in an appeals court that favored the criminal group.
<b>Stephen Andres Ch. P.</b>	Legal Advisor to the Army Corps of Engineers	Efforts to obtain favorable court rulings in exchange for benefits.
<b>Juan Xavier RJ</b>	Commander of the Army Corps of Engineers	Authorization of irregular payments to obtain favorable court rulings.
<b>Freddy Jose JC</b>	Former Commander of the Army Corps of Engineers	Negotiation of favorable court rulings in exchange for material benefits.
<b>Andrea Mercedes P.</b>	Judge of Duran	Collaboration in land trafficking through fraudulent legal actions.
<b>Susana Vanessa B.</b>	Official of the Judicial Council	Manipulation of the judicial case drawing system.
<b>Jackeline Vernise DP</b>	Provincial Coordinator of Human Talent of the Judicial Council of Guayas	Collaboration in administrative transfers of judges to benefit the criminal structure.
<b>Mirian Jessenia RI</b>	Provincial Coordinator of the Secretariat and Archives of the Judicial Council of Guayas	Preparation of reports to facilitate transfers of judges favourable to the criminal structure.

<b>Silvia Erminia OV</b>	Judge of the Civil, Commercial and Tenancy Judicial Unit of Guayaquil	Issuance of court rulings favorable to the criminal structure.
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It is clear how this network of corruption is led by the legislative branch, which little by little begins to execute its intentions through the judicial branch, which showed how they "bought" judicial sentences, completely ignoring and violating the independence that each justice body must enjoy. Turning judges into simple puppets whom they could control in exchange for personal favors. Armijos (2024) mentions how the idea of justice is only accessible to those who have the financial solvency necessary to corrupt the judges, which causes an inefficient judicial system.

Diana Salazar Méndez, Attorney General, argued in a press conference that this case is a demonstration of the veracity of judicial corruption and organized crime that directly affected the sentences of the judges that astonished Ecuadorians (Prosecutor General's Office Website, 2024b). Despite the facts and statements by the competent authorities, in an interview Dr. Augusto Tandazo Borrero (2024) manages to identify certain irregularities, not in the charges for which the defendants are accused, but in the way the Prosecutor's Office proceeds:

**Table 4**

*Judges' rulings*

<b>Selection of Cases and People</b>	It suggests that the selection of subjects for research is not primarily based on justice, but may be influenced by political and personal interests, that is, with the sole aim of harming or protecting certain groups, regardless of their guilt or not.
<b>Selection of Cases and People</b>	It suggests that the selection of subjects for research is not primarily based on justice, but may be influenced by political and personal interests, that is, with the sole aim of harming or protecting certain groups, regardless of their guilt or not.
<b>Misleading citations</b>	He also points out that initially the summons to hearings were of an investigative nature, but once those involved showed up, the nature changed to one of laying charges.
<b>Violation of constitutional rights</b>	This deception violates due process and the right to contradiction established in article 76 of the constitution, since the defense attorneys were not given a period of time to prepare a defense, since they did not have knowledge of the charges for which their clients were being investigated. This resulted in the lack of opportunity for a fair defense against the decisions of the judge in charge.
<b>Political and media motivations</b>	He argues that the handling of the Purga case was media-driven, presenting Ecuadorian justice as rigorous, which masked irregularities in due process. He accuses the prosecution of having as a priority taking photos and showing the suspects as guilty in order to clean up the public's perception of the judicial bodies.
<b>Exploitation of corruption cases</b>	The last aspect that Tandazo suggests is the context in which the Purga case arose, being a derivation of previous cases, which raises the question of why the Attorney General does not open all the evidence such as the telephones of those involved, and instead, continues to prolong the process, facts that lead him to affirm a clear manipulation of the information presented to society.

It is certainly a highly publicised case where a variety of factors come into play, but above all discontinuities in the way the judicial bodies proceed, since the failure to observe the law is present both in the crimes and in the process of resolving and sanctioning them. This motivation drives this investigation to establish the positive and negative aspects of the problem.

### **Impact of the Purge Case on the Ecuadorian Judicial System**

Having laid out the facts and perceptions of the case, it is essential to observe the profound impact it had on the judicial system, not only on its structure, but also on the public image it imposed on all the justice institutions in the country. The corruption scandal, which exposes serious deficiencies in the functioning of the judiciary, has paradoxically generated opportunities to improve its operation and consider possible reforms.

#### ***Public perception and trust in the justice system***

As a key point, we will take the location of a network of corruption carried out by judges, officials and even legislators. A factor that has a devastating effect on the already fragile confidence of Ecuadorian citizens in the justice system. At first, the revelation of illegal acts confirmed the suspicions and criticisms speculated at a national level about the decisions of judges, the inefficient functioning and the lack of integrity in the courts, as mentioned by the Attorney General. Therefore, the exposure of the sale and auctions of sentences that favored major criminals in Ecuador and caused fear in the streets, deepened the appreciation that justice is at the service of the interests of those who have a status of power. The degradation of public confidence symbolizes an imbalance in public order, since respect for an effective judicial system is the basis for a correct functioning of the state, law and democracy.

According to the philosopher Thomas Hobbes, the state arises as a necessity of the human being in the face of selfish actions, which is in charge of maintaining a social order, so the corruption of this central body would mean the arrival of anarchy within society. And even, this case is related to the thought of John Locke, who, unlike Hobbes, states that the state arises as a power that the people grant to their leaders in order to protect their vital rights, at the moment where this state disappears, in this case due to criminal acts, the population is left at the mercy of imminent danger. Therefore, consequently, the loss of legitimacy can lead Ecuadorians to look for potentially violent alternatives to resolve conflicts, not having real confidence in institutional visas. Despite all of the above, the extensive media coverage of the case and the public outrage it has caused can be seen as an opportunity, since the scandal brings up the issue of judicial reform in the public debate, which generates pressure on the authorities to implement it. This means that it is a point of no return, in which a purification and restructuring of power takes place.

***Reforms and institutional changes implemented***

Focusing on the legal route, the opening of the case resulted in the dismissal and criminal prosecution of several high-ranking judges and officials, which sends a message of the supremacy of the law and that, regardless of the origin of the acts of corruption, they will be punished, which strengthens the rule of law. At the same time, however, the weaknesses within the system to investigate and judge its own members were made evident, which raises doubts about the capacity of the system to carry out a self-cleansing without falling into the same vices it intends to combat. In addition, it should be mentioned how the involvement of a former assemblyman reinforces the suspicion of illicit links between politics and justice, which weakens the legal principles guaranteed by the constitution regarding the independence of the judicial bodies. This would lead to the real intention of a strict separation between the powers of the state, and even political parties are affected in terms of their credibility by being related to all the crimes committed. Undoubtedly, all the events that have occurred in the country are urgent reasons for the implementation of multiple reforms in the judicial organization, in fact, Dr. Tandazo Borrero (2024) mentions some such as:

**Table 5**

*Reforms and institutional changes implemented*

<b>Need to strengthen the mechanisms for selection and evaluation of judges</b>	The case demonstrates how the current structure does not guarantee the integrity and professionalism of those who hold judicial positions. Therefore, it argues that implementing demanding and transparent processes for the appointment of judges, as well as periodic evaluations of their performance, would avoid multiple irregularities.
<b>Importance of judicial independence</b>	Although the Constitution and the organic codes “guarantee” full autonomy to institutions, actions must be taken to monitor compliance with the laws.
<b>Improving internal control systems</b>	The fact that this corruption network operated for so long without being detected indicates the need to strengthen the oversight and control mechanisms within the judicial system itself on a regular basis.

**Analysis of the implications of the Purge case**

Now, we will proceed to the last part of the scientific article, where both advantages and disadvantages arising from the Purga case in Ecuador will be presented, since it was possible to identify not only the political, social and economic factors that influenced several acts, both criminal and those carried out by the prosecution, but it must also be defined how these actions help or harm the state.

***Advantages for strengthening justice in Ecuador***



Among the main advantages that were identified through the exhaustive analysis and research presented, are the following: (Periodismo En Llamas, 2024).

**Table 6**

*Advantages for strengthening justice in Ecuador*

<b>Push for judicial reform</b>	The scandal has created a propitious moment for implementing deep reforms in the justice system, which have received broad support and acceptance from the public.
<b>Possible increase in transparency</b>	The massive and demanding attention by citizens to the functioning of the courts could lead to greater openness in the way processes are carried out, so transparency in judicial processes will increase due to public pressure.
<b>Strengthening mechanisms anti-corruption</b>	Due to the findings of multiple erroneous acts in the investigation of the case, they become reasons that drive the improvement of the capabilities and mechanisms for detecting and prosecuting judicial dishonesty.
<b>Renewal of judicial staff</b>	The dismissal of corrupt judges and officials is presented as an opportunity to incorporate new, potentially more upright and capable elements, who guarantee comprehensive justice and symbolize the resurgence of proper functioning and defense for Ecuadorians.
<b>Citizen awareness</b>	The case raises public awareness of the importance of an honest judicial system, which could lead to greater citizen participation and responsibility.

*Challenges and obstacles in the fight against judicial corruption*

While, on the other hand, the main disadvantages that come with the revelation of controversial cases, apparently of a recurring nature, are the following: (Periodismo En Llamas, 2024)

**Table 7**

*Advantages for strengthening justice in Ecuador*

<b>Decreasing confidence in institutions</b>	The discovery of widespread corruption in the judicial system has severely affected citizens' confidence and sense of security in state institutions.
<b>Potential political and social instability</b>	Revelations from the case could exacerbate existing political tensions and generate instability, which would have a negative impact on several factors at the national level.
<b>Damage to the country's international image</b>	The scandal has a negative impact on Ecuador's reputation internationally, which could have economic and diplomatic consequences. The country's image as a diverse country is beginning to crumble into an insecure one where anarchy is rife.
<b>Saturation of the judicial system:</b>	The extensive and numerous judicial proceedings arising from corruption cases in which a large number of people are under investigation could further saturate an already congested system.

**Table 7**

*Advantages for strengthening justice in Ecuador (continued)*

<b>Paradox of the politicization of justice</b>	There is a danger that the fight against judicial corruption will be used as a political weapon, taking advantage of moments of instability and insecurity to gain public strength, compromising the independence of the judiciary and national power.
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This legal controversy has exposed both opportunities and internal problems in the Ecuadorian judicial system. The moment where a balance between both aspects arises occurs when the positive aspects of possible reforms are used to mitigate the negative ones, becoming a crucial factor that determines the future of justice.

**Conclusions**

- It is important to mention the recent advances in the case, such as the reduction of sentences through special procedures for Mayra Salazar, who received two sentence reductions thanks to her collaboration with the Prosecutor's Office and acceptance of guilt through an abbreviated procedure, so that her prison sentence changed from 10 years to 15 months in prison. While, on the other hand, there is a delay in the resolution of cases such as that of Fabiola Gallardo, former president of the Provincial Court of Guayas, who maintains the presumption of innocence and will therefore be treated as such, until there is a final judgment that proves otherwise, according to Art. 76 of the Constitution of Ecuador. These types of situations reflect the difficulty of the challenge facing the Ecuadorian judicial system: balancing real justice following the constitutional rights of every subject investigated and true effectiveness in terms of legal procedures and the distribution of punishments, these being fundamental factors for the future of Ecuadorian justice (Primicias, 2024d).
- The Purga case has shown that judicial corruption in Ecuador transcends individual infractions, revealing a systemic crisis involving high-level officials in the judicial system. This phenomenon highlights a fundamental discrepancy between the philosophical conception of justice proposed by Kelsen (1993) and the legal foundations that support the Ecuadorian judicial system. Although the concept of justice is based on principles of equity and impartiality, the evidence from the Purga case suggests that the administration of justice in Ecuador has been subject to manipulation by economic and political interests. Therefore, the discrepancy between the true meaning that it should have and the established practice in the country, gives rise to new questions about the viability of the supervision mechanisms established in the Constitution and the Organic Code of the Judicial Function, since it was demonstrated that they are not sufficient to guarantee true integrity in the system in a context of systematic corruption.

- The revelations of corruption cases underline the urgency of a comprehensive judicial reform, as Dr. Tandazo Borrero (2024) argues, it is imperative to implement structural changes that strengthen the Ecuadorian judicial system. On the other hand, the way in which the investigation and prosecution of the individuals involved has been carried out highlights irregularities in terms of following due process for the purposes of possible political instrumentalization of the fight against corruption. This discrepancy reflects Montesquieu's thinking on the separation of powers, while judicial independence is crucial to prevent a possible abuse of power, the Purga case demonstrates how these powers without strict supervision can become the origin of corruption. The response to this paradigm requires a delicate balance between the necessary reforms and a real preservation of autonomy.

#### **Conflict of interest**

There is no conflict of interest in relation to the submitted article.

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