



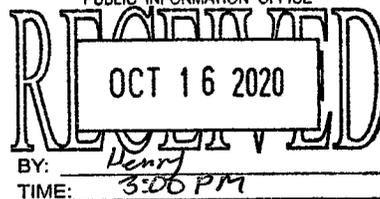
Republic of the Philippines

Supreme Court

Manila

EN BANC

SUPREME COURT OF THE PHILIPPINES
PUBLIC INFORMATION OFFICE



CARLITA E. VILLENA-LOPEZ,
Complainant,

A.M. No. P-15-3411

Present:

PERALTA, C.J.,
PERLAS-BERNABE,
LEONEN,
CAGUIOA,
GISMUNDO,
REYES, J., JR.,
HERNANDO,
CARANDANG,
LAZARO-JAVIER,
INTING,
ZALAMEDA,
LOPEZ,
DELOS SANTOS,
GAERLAN, and
BALTAZAR-PADILLA,* JJ.

- versus -

**RONALDO S. LOPEZ, Junior
Process Server, and BUENAFE R.
CARASIG, Clerk II, both of the
Municipal Trial Court, Paombong,
Bulacan,**

Respondents.

Promulgated:

September 8, 2020

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DECISION

DELOS SANTOS, J.:

This administrative case stemmed from a Complaint-Affidavit¹ dated 10 May 2013 filed by Carlita E. Villena-Lopez charging Ronaldo S. Lopez, Junior Process Server, and Buenafe R. Carasig, Clerk II, both of the Municipal Trial Court (MTC), Paombong, Bulacan, with disgraceful and immoral conduct.

* On leave.

¹ Rollo, pp. 1-2.

The Facts of the Case

Carlita E. Villena-Lopez (complainant), a court employee at the Office of the Clerk of Court, Regional Trial Court (RTC), Malolos City, Bulacan, alleged that she and respondent Ronaldo S. Lopez (Lopez) are husband and wife, joined in marriage on 11 February 1995 in a religious ceremony. They are blessed with three children. Their relationship, however, turned sour and they started having problems when Lopez engaged in extra-marital affairs with respondent Buenafe R. Carasig (Carasig). According to complainant, the intimate relationship between respondents was common knowledge in the MTC, Paombong, Bulacan but that it was denied by Lopez when she confronted him.

Sometime in December 2007, Lopez finally left their conjugal home and stayed with his parents. Complainant, nonetheless, kept her silence about her husband's illicit affairs for almost seven years for the sake of their children. However, it was their children who discovered their father's affair when respondents were seen at a family gathering and rode together in their vehicle. When complainant confronted Lopez again, the latter finally admitted his extra-marital relationship with Carasig.

Complainant contended that respondents should be administratively liable for disgraceful and immoral conduct for they have damaged the integrity of the judiciary which name they are bound to protect and preserve as personnel of the court of justice. Complainant added that respondents failed to adhere to the exacting standards of morality and decency, both in the professional and private conduct. Moreover, respondents' open and public display of affection caused psychological, emotional, and spiritual damage not only to complainant but also to her children. Complainant attached to the complaint the photographs gathered from social networks sites showing the intimate relationship between respondents.

In his Comment² dated 17 June 2013, Lopez informed the Office of the Court Administrator (OCA) that he had filed his resignation letter dated 27 May 2013 to Judge Rowena H. Rama-Chavez (Judge Rama-Chavez) of MTC, Paombong, Bulacan. He stated that he resigned after 14 years in the service to show his respect for the judiciary and not to avoid any administrative sanctions. He added that he will not file any comment on the complaint and is leaving the matter to the discretion of the Court.

In her Comment³ dated 18 June 2013, Carasig informed the OCA that she had likewise tendered her resignation letter dated 30 May 2013 to Judge Rama-Chavez and stated in the said letter that she will no longer file any comment on the complaint.

² Id. at 16.

³ Id. at 12.

On 25 September 2013, the OCA received the Affidavit of Desistance⁴ from complainant stating that she is no longer interested in the prosecution of the case against respondents and accordingly moved for the dismissal of the case.

The OCA's Recommendation

On 14 September, 2015, the OCA reported its findings on the case and recommended as follows –

- a. the instant administrative complaint against Ronaldo S. Lopez, Junior Process Server, and Buenafe R. Carasig, Clerk II, both formerly of the Municipal Trial Court, Paombong, Bulacan, be **RE-DOCKETED** as a regular administrative matter;
- b. respondents Lopez and Carasig be found **GUILTY** of Disgraceful and Immoral Conduct, and that each of them be **FINED** in the amount of Fifty Thousand Pesos ([P]50,000.00), to be deducted from the monetary value of their respective leave credits, and the balance, if any, to be paid directly to the Court within thirty (30) days from receipt of notice; and
- c. the Finance Management Office be **DIRECTED** to **DEDUCT** the fine of Php50,000.00 imposed against respondents Lopez and Carasig from whatever sums are due to them as accrued leave credits, if sufficient.⁵

Issue

Whether or not respondents are guilty of disgraceful and immoral conduct.

The Ruling of the Court

The recommendations of the OCA are well taken.

The image of a court of justice is necessarily mirrored in the conduct, official or otherwise, of the men and women who work thereat, from the judge to the least and lowest of its personnel – hence, it becomes the imperative sacred duty of each and everyone in the court to maintain its good name and standing as a true temple of justice.⁶

⁴ Id. at 21.

⁵ Id. at 26. (Emphasis on the original)

⁶ *Judge Sealana-Abbu v. Laurenciana-Huraño*, 558 Phil. 24, 32 (2007).

Although every office in the government service is a public trust, no position exacts a greater demand for moral righteousness and uprightness from an individual than in the judiciary. That is why this Court has firmly laid down exacting standards of morality and decency expected of those in the service of the judiciary. Their conduct, not to mention behavior, is circumscribed with the heavy burden of responsibility, characterized by, among other things, propriety and decorum so as to earn and keep the public's respect and confidence in the judicial service. It must be free from any whiff of impropriety, not only with respect to their duties in the judicial branch but also to their behavior outside the court as private individuals. There is no dichotomy of morality; court employees are also judged by their private morals.⁷ Regrettably, in this case, respondents fell short of the exacting standards required of them as employees of the court of justice by engaging in disgraceful and immoral conduct.

Immorality has been defined to include not only sexual matters but also “conduct inconsistent with rectitude, or indicative of corruption, indecency, depravity, and dissoluteness; or is willful, flagrant or shameless conduct showing moral indifference to opinions of respectable members of the community, and an inconsiderate attitude toward good order and public welfare.”⁸

Without question, it is morally reprehensible for a married man to maintain an illicit affair with a woman not his wife, as it is equally disgraceful for a woman to engage in an amorous relationship with a married man. The actions of respondents do not only violate the moral standards expected of employees of the judiciary, but also desecrate the sanctity of the institution of marriage which this Court abhors and punishes.⁹

On several occasions,¹⁰ the Court has held that an illicit affair constitutes disgraceful and immoral conduct and accordingly, subjected the respondent court employees to disciplinary action. The resignation of respondents from service does not render the administrative case against them moot and academic; neither does it free them from liability. The resignation of a public servant does not preclude the finding of administrative liability to which he or she shall still be answerable.¹¹ Cessation from office because of resignation does not warrant the dismissal of the administrative complaint filed while the respondent was still in the service.¹²

⁷ *Elape v. Elape*, 574 Phil. 550, 554-555 (2008); citing *Acebedo v. Arquero*, 447 Phil. 76 (2003).

⁸ *Gabriel v. Ramos*, 708 Phil. 343, 349 (2013); *Jallorina v. Taneo-Regner*, 686 Phil. 285, 292 (2012); *Judge Sealana-Abbu v. Laurenciana-Huraño*, supra note 6, at 33.

⁹ *Jallorina v. Taneo-Regner*, id.

¹⁰ *Committee on Ethics and Special Concerns v. Naig*, 765 Phil. 1 (2015); *Banaag v. Espeleta*, 677 Phil. 552 (2011); *Elape v. Elape*, supra note 7; *Judge Sealana-Abbu v. Laurenciana-Huraño*, supra note 6.

¹¹ *Babante-Caples v. Caples*, 649 Phil. 1, 7 (2010).

¹² *Sps. Cabarloc v. Judge Cabusora*, 401 Phil. 376, 385 (2000).

In fact, as aptly ratiocinated by the OCA, the resignation of both respondents when the complaint was filed and their refusal to comment on the complaint and to refute the charges against them strongly manifest their guilt. In administrative proceedings, only substantial evidence, *i.e.*, that amount of relevant evidence that a reasonable mind might accept as adequate to support a conclusion, is required. The standard of substantial evidence is satisfied when there is reasonable ground to believe that the person indicted was responsible for the alleged wrongdoing or misconduct.¹³ In this case, substantial evidence weighs against the respondents.

The OCA acted judiciously in proceeding with the prosecution of the case despite the filing of the affidavit of desistance by complainant. The affidavit of desistance executed by complainant stating that she is no longer interested in further prosecuting the case does not *ipso facto* warrant the dismissal of the case against respondents. Once administrative charges have been filed, this Court may not be divested of its jurisdiction to investigate and to ascertain the truth thereof. For it has an interest in the conduct of those in the service of the Judiciary and in improving the delivery of justice to the people, and its efforts in the direction may not be derailed by complainant's desistance from prosecuting the case she initiated.¹⁴

Penalty

Under the Uniform Rules on Administrative Cases in the Civil Service Commission,¹⁵ disgraceful and immoral conduct is a grave offense for which the penalty of suspension for six (6) months and one (1) day to one (1) year shall be imposed for the first offense and dismissal for the second.

In *Banaag v. Espeleta*,¹⁶ in view of the resignation of the respondent court interpreter who was found guilty of disgraceful and immoral conduct, a fine in the amount of ₱50,000.00 was instead imposed for her infraction.

In this case, taking into account that respondents have resigned from the service, the imposition by the OCA of a fine in the amount of ₱50,000.00 for each respondent, is proper.

WHEREFORE, respondents Ronaldo S. Lopez and Buenafe R. Carasig are hereby found **GUILTY** of Disgraceful and Immoral Conduct and are each ordered to pay a **FINE** of ₱50,000.00 to be deducted from their respective accrued leave credits, while the balance shall be paid directly to the Court.

¹³ *Babante-Caples v. Caples*, supra note 11, at 5-6.

¹⁴ Cf. *Elape v. Elape*, supra note 7.

¹⁵ Section 52 A(15), Uniform Rules on Administrative Cases in the Civil Service.

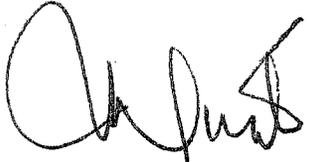
¹⁶ Supra note 10.

SO ORDERED.

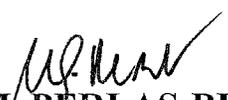


EDGARDO L. DELOS SANTOS
Associate Justice

WE CONCUR:



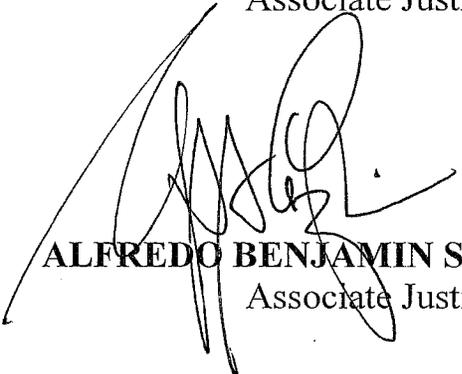
DIOSDADO M. PERALTA
Chief Justice



ESTELA M. PERLAS-BERNABE
Associate Justice



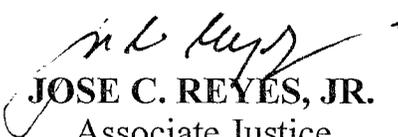
MARVIC M.V.F. LEONEN
Associate Justice



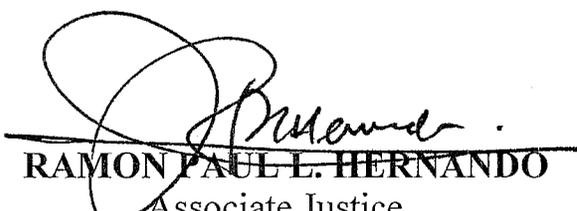
ALFREDO BENJAMIN S. CAGUIOA
Associate Justice



ALEXANDER G. GESMUNDO
Associate Justice



JOSE C. REYES, JR.
Associate Justice



RAMON PAUL L. HERNANDO
Associate Justice



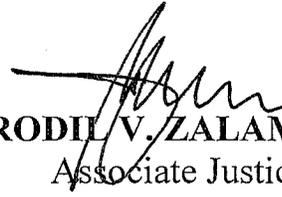
ROSMARI B. CARANDANG
Associate Justice



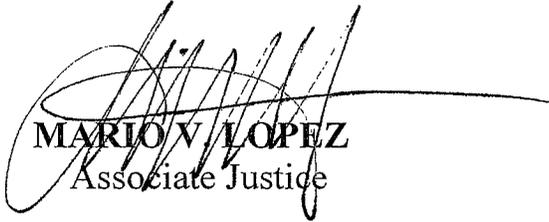
AMY C. LAZARO-JAVIER
Associate Justice



HENRI JEAN PAUL B. INTING
Associate Justice



RODIL V. ZALAMEDA
Associate Justice



MARIO V. LOPEZ
Associate Justice



SAMUEL H. GAERLAN
Associate Justice

(On Leave)

PRISCILLA J. BALTAZAR-PADILLA
Associate Justice

RECORDED AND INDEXED

OFFICE OF THE CLERK
OF THE SUPREME COURT
MANILA, PHILIPPINES