

****Title:**** Atty. Susan M. Aquino vs. Hon. Ernesto D. Acosta: A Case of Alleged Sexual Harassment within the Court of Tax Appeals

****Facts:****

This administrative case arises from a sworn affidavit-complaint by Atty. Susan M. Aquino, Chief of the Legal and Technical Staff of the Court of Tax Appeals (CTA), against Judge Ernesto D. Acosta, Presiding Judge of the same court. Aquino accuses Acosta of sexual harassment under R.A. 7877 and violations of the Canons of Judicial Ethics and the Code of Professional Responsibility. The complaint delineates several instances wherein Acosta allegedly engaged in inappropriate conduct towards Aquino, spanning from November 2000 to February 2001. Notably, these incidents include unwanted kissing and physical advances. Acosta, in his defense, denies these allegations and provides explanations for his actions, insisting on the innocence and cordiality of his gestures. The Supreme Court referred the matter to Justice Josefina G. Salonga of the Court of Appeals for investigation, report, and recommendation. After both parties submitted their memoranda, Justice Salonga found in favor of Acosta, concluding that there was no convincing evidence of sexual harassment or malicious intent behind Acosta's actions.

****Issues:****

1. Whether the acts of Judge Ernesto D. Acosta in greeting Atty. Susan M. Aquino with a kiss on the cheek constitute sexual harassment under R.A. 7877.
2. Whether Judge Acosta's actions violated the Canons of Judicial Ethics and the Code of Professional Responsibility.

****Court's Decision:****

The Supreme Court, agreeing with Justice Salonga's findings, held that there was no convincing evidence to support Aquino's charges of sexual harassment and violations of judicial ethics and professional responsibility. They concluded that Acosta's gestures were merely casual and indicative of friendship and camaraderie, without any malice or lewd design. Hence, Judge Acosta was exonerated from the charges. However, the Supreme Court advised him to be more circumspect in his deportment towards female employees.

****Doctrine:****

The Supreme Court reiterated the elements of sexual harassment under R.A. No. 7877 and clarified that not all acts of physical intimacy or gestures in a working environment fall within the ambit of sexual harassment. For an action to constitute sexual harassment, there must be a demand, request, or requirement for a sexual favor, which was not evident in the

interactions between Aquino and Acosta.

****Class Notes:****

- ****Sexual Harassment under R.A. 7877****: Requires (1) authority, influence, or moral ascendancy over another in a work environment; (2) a demand, request, or requirement for a sexual favor.
- ****Judicial Discretion and Ethics****: Judges are reminded to uphold the highest standards of integrity and propriety in their interactions to maintain public confidence in the judiciary.
- ****Standard of Proof in Administrative Cases****: Convincing evidence is necessary to substantiate claims against judiciary members.

****Historical Background:****

This case reflects the broader societal and legal challenges in addressing and defining the boundaries of acceptable behavior in professional relationships, especially involving issues of consent and perceived power imbalances. It also underscores the judiciary's efforts to navigate allegations of misconduct within its ranks, balancing the need for accountability with the principles of fairness and due process.