

****Title:****

Maria Apiag, Teresita Cantero Securom, and Glicerio Cantero v. Judge Esmeraldo G. Cantero (335 Phil. 511)

****Facts:****

On August 11, 1947, Maria Apiag and Esmeraldo Cantero entered into marriage after a prior relationship had resulted in the birth of a daughter, Teresita Cantero on June 19, 1947. They also had a son, Glicerio A. Cantero, born on October 29, 1953. A few years after their marriage, Esmeraldo abandoned Maria and their two children without any apparent cause. For years, his whereabouts were unknown until he surfaced in Southern Leyte, where he ignored his family's plea for support.

On September 21, 1993, via Atty. Redentor G. Guyala, Maria and her children demanded support from Esmeraldo and requested that they be included as his legal beneficiaries in official documents. This letter did not elicit any response. The complainants alleged that Esmeraldo married another woman, Nieves C. Ygay, and had children with her, falsifying public documents to claim he was married to Nieves and listing her as his spouse in official documents, including his income tax returns and GSIS insurance policy.

Respondent denied the allegations, claiming that his marriage to Maria was performed at the behest of their families and without his valid consent. He further alleged that the marriage was purely symbolic and never consummated. He also noted that Maria had lived with another man and had another child, indicating her lack of moral standing.

The complaint was initially investigated by Executive Judge Gualberto P. Delgado, who found respondent guilty of gross misconduct. The Office of the Court Administrator (OCA) recommended his dismissal. However, before the Supreme Court could decide the case, Judge Cantero passed away.

****Issues:****

1. Whether Judge Esmeraldo G. Cantero committed gross misconduct, particularly bigamy and falsification of public documents.
2. Whether the first marriage to Maria Apiag was void, warranting no need for judicial annulment prior to his second marriage.
3. The implications of the respondent's death on the resolution of the case and his retirement benefits.

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

1. **Misconduct and Its Relation to Office Duties:**

- The Supreme Court held that the misconduct complained by the complainants did not constitute 'gross misconduct' as those acts were personal and did not pertain to his official duties. Misconduct in office must have a direct relation to the performance of official duties.

2. **Validity of the First Marriage:**

- The Court ruled that during the time of Judge Cantero's second marriage, there was prevailing jurisprudence from *Odayat vs. Amante* that did not require judicial declaration of nullity for a marriage to be considered void. Therefore, given that Judge Cantero's first marriage was considered void ab initio due to lack of valid consent, and his belief that a judicial declaration was unnecessary, the second marriage was not considered bigamous under existing laws at that time.

3. **Falsification of Public Documents:**

- Considering the nullity of the bigamy charge, the Court also dismissed the falsification charge. Judge Cantero's good faith belief in the invalidity of his first marriage negated any malice required to establish falsification of public documents.

4. **Administrative Liability and Personal Conduct:**

- Despite no criminal liability, the Supreme Court noted that the personal conduct of a judge should be above suspicion and held Judge Cantero administratively liable for his actions. The presence of two families and his neglect towards his first family were deemed improper behaviors for a judge, albeit mitigated by his otherwise long and commendable public service.

Doctrine:

1. **Separation of Personal and Official Conduct:** Misconduct in office must directly relate to official duties.

2. **Void Ab Initio Marriages:** Pre-Family Code jurisprudence considered some marriages void ab initio, not requiring a judicial declaration for remarriage.

3. **Good Faith in Legal Misunderstanding:** Good faith belief in the invalidity of one's actions can mitigate charges such as falsification if lacking in malice.

Class Notes:

- **Misconduct in Office:** Must directly relate to official duties (*Buenaventura vs. Benedicto, In re Horilleno*).

- **Void Marriages under Pre-Family Code:** Marriages void ab initio did not require

judicial nullity prior to remarriage (*Odayat vs. Amante*).

- **Good Faith Defense:** Belief in the void nature of a marriage affecting charges of bigamy and falsification (Series of doctrines leading up to *Wiegel vs. Sempio-Diy*).

Historical Background:

This case unfolds in a period where jurisprudence around the annulment and void marriages was evolving in the Philippines. During earlier years, void marriages did not require judicial declaration prior to remarriage, a doctrine that changed post-Family Code. Judge Cantero's case reflects the transitional legal landscape affecting personal and legal decisions, highlighting how shifts in law impact long-standing practices and public perceptions of judicial conduct.