

**RE: REGIDOR R. TOLEDO, RONALDO TOLEDO, AND JOEFFREY TOLEDOv. ATTY. JERRY RADAM TOLEDO, RTC, BRANCH 259, PARAÑAQUE CITY.**

*A.M. OCA IPI No. P-07-2403 (Formerly OCA IPI No. 07-2598-P). February 06, 2008*

Ponente: NACHURA, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/23a48efddb6/>

---

**NACHURA, J.:**

Before this Court is a Complaint[1] for violation of the lawyer's oath, violation of the Code of Professional Responsibility, oppression, dishonesty, harassment, and immorality against Atty. Jerry Radam Toledo, Branch Clerk of Court, Regional Trial Court, Branch 259, Parañaque City.

Complainants, all relatives of respondent, allege that the latter is utilizing his profession as a lawyer and his position in the judiciary to harass them and make them agree to an unequal distribution of the estate of the late Florencia R. Toledo.[2]

Florencia Toledo - mother of complainant Regidor, mother-in-law of Zenaida, and grandmother of Ronaldo, Joeffrey, and respondent - was the registered owner of a parcel of land in Tarlac covered by Transfer Certificate of Title (TCT) No. 125017. She died intestate on December 14, 2002.[3]

Complainants claim that respondent, after Florencia's death, never informed them that he was in possession of the Owner's Duplicate Copy of TCT No. 125017. As a result of such concealment, complainants executed an Affidavit of Loss of the document on the basis of which they filed a Verified Petition for the issuance of the Owner's Duplicate Copy before the RTC of Tarlac City. Respondent opposed the petition on the ground that he had the subject document in his possession allegedly because he bought part of the land from Florencia. Thus, complainants withdrew the petition before the Tarlac court.[4]

Subsequently, respondent filed a petition for the settlement of the intestate estate of Florencia before the RTC of Parañaque City, Branch 260. He prayed therein that he be appointed as the administrator of the estate. During the conferences to settle the case amicably, respondent proposed that he will give 7,681 sq. m. to complainants, while 8,000 sq. m. will go to him and his sisters. Complainants asked that they be given the bigger part instead because there were more of them who will partition the property. Respondent refused and said that complainants should be grateful for the offer since the land had already been sold to him and his sisters.[5]

Complainants objected to the petition on the ground that the alleged conveyances to respondent and his siblings were "very questionable" and done without the knowledge and consent of complainants who, except for Zenaida, have legitimes over the subject estate.

They allege that the Deed of Sale presented by respondent contains erasures. The Deed of Sale states that the date of the consummation of the transaction is January 17, 2002 but Florencia's community tax certificate is dated July 18, 2002. On the later date also, complainants allege, it was impossible for Florencia to have obtained a CTC because she had been sick and was often in the hospital during that period. They also question the fact that the

Deed of Sale was allegedly signed by the parties at complainants Regidor and Zenaida's house at Barangay Merville, Parañaque City, when respondent has never been there.

Complainants also point to a Sinumpaang Salaysay[6] executed by Florencia attesting to the fact that she was made to sign by respondent's father a document the contents of which were unknown to her and that if any document she purportedly signed conveying her remaining Tarlac property should be presented, the same is not true.

On March 9, 2004, complainants filed a Petition for Annulment of the Deed of Sale before the RTC of Parañaque City, Branch 257. The case is still pending.[7]

On the other hand, on October 28, 2003, respondent filed a criminal complaint for perjury against complainants Regidor, Ronaldo, and Joeffrey, and another relative, Gladdys Toledo, before the Prosecutor's Office in Tarlac for having executed an Affidavit of Loss of Owner's Duplicate Copy of TCT No. T-125017. The case was subsequently dismissed for lack of probable cause. Respondent's Motion for Reconsideration was denied. Respondent appealed the same to the Department of Justice, with the endorsement of the Regional State Prosecutor. Complainants filed their Comment on January 5, 2005. At present, they no longer have any definite information on the status of said appeal.[8]

Meanwhile, on November 28, 2003, respondent filed another case against complainants Regidor and Zenaida, and yet another relative, Cresencia Agduma, this time for violation of Presidential Decree (PD) No. 651. The case arose when Florencia died and was to be buried in San Clemente, Tarlac. Complainants had to secure her death certificate, which they failed to obtain in Parañaque City. Complainants sought advice from respondent, he being the lawyer in the family, who advised them to get a permit from the Local Civil Registrar in San Clemente. They followed his advice. Because of this, a case for violation of PD No. 651 was filed against the three.

On July 27, 2005, the 1<sup>st</sup> Municipal Circuit Trial Court of Sta. Ignacia-Mayantoc-San Clemente-San Jose rendered its Decision acquitting Regidor and Cresencia, but finding Zenaida guilty of violation of PD No. 651 for signing the application for the death certificate.

Lastly, complainants accuse respondent of immorality. They allege that they have personal knowledge of the fact that respondent is living with his common-law wife, Normita, whom he allegedly treats as a "maid servant." [9] They further allege that during the hearings of their cases, respondent was seen with a woman, not Normita, who was always at his side, and they were very sweet to each other. They also attribute his unruly and bullying behavior to his being a drunkard with a fondness for the "night life." [10]

The complainants filed the present petition praying that this Court conduct a formal investigation of respondent's actions and impose on him the proper penalty which, they submit, should be the dismissal of respondent from the service as Branch Clerk of Court.

In his Comment,[11] respondent calls the allegations "patently malicious conjectures and surmises."

He states that 15,000 of the 18,681 square meters of the San Clemente property in dispute had already been sold by the decedent herself. Further, what was left of the property, about 2,800 sq.m., had already been sold by complainants to several buyers. In fact, said buyers are now occupying the land. To prevent further dissipation of the estate, he was prompted to file a petition to settle the intestate estate of Florencia.

He alleges that it is the complainants who have shown their propensity for criminal activities as evidenced by their execution of an Affidavit of Loss to obtain a second copy of TCT No. T-125017, and by Zenaida's declaration in Florencia's death certificate that the latter died in San Clemente, Tarlac. He also states that, contrary to

complainants' assertion, the courts have painstakingly been trying to have the parties amicably settle their cases.

As to the charges of immorality, he alleges that he has been the sole breadwinner of their family, while Normita is in charge of the household and taking care of their children. They have deferred their "dream wedding" to give Normita the opportunity to advance her career and to give way to the education of their children. In support of this, he attached Normita's Affidavit[12] where she states the underlying reasons for their decision to remain unmarried, thus:

x x x

1. That I am the common-law wife of Jerry R. Toledo by whom I have been blessed with three (3) wonderful children;
2. That we have been happily living together as a family at our home at the above given address for twelve (12) years now and in the length of time, we are extending to each other mutual love, support, respect and understanding;
3. That taking into consideration the financial burdens of having to provide quality and efficient education for our children, Jerry and I have decided to defer our dream wedding until it would already be financially and economically feasible for us to do so;
4. That I also wanted to postpone our marriage to a later date as I have personal plans of seeking employment abroad considering that I used to work with an American computer manufacturer;
5. That it would be easier for me to land a job abroad being single and considering further that my father was a United States Army veteran and also a former United States government employee who used to work at the attached office of the United States Embassy;
- [6.] That we have already decided to have our dream wedding (sic) when the time comes that the financial constraints of providing for our children's quality education and support would have already lessened and have save (sic) enough money to do so;

He denies that he uttered malicious words to complainants. He also denies being a drunkard but admits to being a "moderate drinker." He alleges that the complaint was filed merely to harass, malign, and annoy him, and to pressure him to accede to their demands.

Upon evaluation of the records of this case, the OCA submitted the following recommendations:

Complainants' charges against the respondent and the latter's countercharges stem from their dispute over the property left by their deceased relative, Florencia R. Toledo. In fact, an intestate proceeding to settle the estate of the above named deceased among the complainants and the respondent has been filed in the RTC, Branch 260, Parañaque City. Respondent's claim that he had bought a portion of the land left by the deceased Florencia R. Toledo, which is the basis of his claim in the intestate proceeding, is challenged by the complainants who have filed an action to annul the alleged sale. There is also the perjury case against the complainants for their execution of an Affidavit of Loss of Owner's Duplicate Copy of TCT No. 125017.

The pendency of the aforesaid cases render[s] the charges hurled against respondent Atty. Toledo beyond the ambit of administrative inquiry. The issues raised involve judicial matters which should be addressed by the courts where they are pending.

Anent the charge of immorality ascribed to respondent for maintaining a common-law wife, although both respondent and his partner Normita are single, and do not appear to be suffering from any impediment to marry, it is worth to note, however, that this arrangement was sought by them in order not to prejudice Normita's employment opportunities abroad, as stated in the latter's affidavit. (Annex "4"). In effect, the

sacred institution of marriage was sacrificed for the “American Dream[,]” and this shows a personality that is unprincipled and undesirable. It is for this reason, not the relationship per se, that we fault him for perpetuating such kind of love affair. While we are not in a position to dictate what his life agenda should be, we can certainly prescribe the character of the personnel to man the frontlines in the dispensation of justice. As it is oft-repeated, a public office is a public trust and the conduct and behavior of all those involved in the administration of justice – from the presiding judge to the lowliest utility worker – should be circumscribed with the heavy burden of responsibility, accountability, integrity, uprightness[,] and honesty (Violeta R. Villanueva vs. Armando T. Milan, A.M. No. P-02-1642, September 27, 2002). As oft-stated by this Court:

“It must be stressed that while every office in the government is a public trust, no position exacts a greater demand for moral righteousness and uprightness from an individual than in the judiciary. Indeed, the image of a court of justice is mirrored in the conduct of the personnel who work thereat from the judge to the lowest of its personnel. Court employees are enjoined to adhere to the exacting standards of morality and decency in their professional and private conduct in order to preserve the good name and integrity of the courts of justice. The conduct of court personnel 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; a court employee is also judged by his or her private morals. (Court Employees of the Municipal Circuit Trial Court, Ramon Magsaysay, Zamboanga del Sur vs. Earla C. Sy, A.M. No. P-93-808, November 25, 2005; Gamboa vs. Gamboa, A.M. No. P-04-1836, July 30, 2004, 435 SCRA 436).[”]

By living with a woman and begetting children with her without the benefit of marriage, the respondent has breached the standards of morality and uprightness expected from a court employee. The judiciary cannot afford to keep in its ranks one whose sense of propriety is highly questionable. The respondent herein has to choose between giving up his public position and legalizing his relationship with the mother of his children by the bond of matrimony. He cannot at the same time stay in the service of the judiciary and maintain an illicit relation with a woman who is not his wife.

**RECOMMENDATION:** We respectfully submit for the consideration of the Honorable Court our recommendation:

1)

That the charges of Violation of Attorney's Oath, Code of Professional Responsibility, Oppression, Dishonesty and Harassment against Atty. Jerry Radam Toledo of RTC, branch 259, Parañaque City be **DISMISSED** for being premature;

2)

That respondent Atty. Jerry Radam Toledo be **SUSPENDED** for a period of three (3) months for conduct unbecoming a public official and a court employee; and

3)

That after serving his suspension, respondent Atty. Toledo be given thirty (30) days to either marry his mistress (sic) and mother of his children or resign his position in the judiciary. If he opts for the former, he should submit to the court a certified xerox copy of his marriage contract.[13]

We find the OCA's report and recommendation partly meritorious.

We agree with the OCA that the charges and counter-charges pertaining to the sale and partition of the property or properties of Florencia's estate would best be ventilated in the cases already pending in the trial courts. Whether respondent's claims are meritorious or frivolous will be determined after judgment on the merits has been rendered in each case.

However, as to the charge of immorality, we find the OCA's recommendations untenable.

This Court has previously defined immoral conduct as "that conduct which is willful, flagrant, or shameless, and which shows a moral indifference to the opinion of the good and respectable members of the community." [14]

This Court has held that to justify suspension or disbarment the act complained of must not only be immoral, but grossly immoral [15] and the same must be established by clear and convincing proof, disclosing a case that is free from doubt as to compel the exercise by the Court of its disciplinary power. Likewise, the dubious character of the act done as well as the motivation thereof must be clearly demonstrated. [16]

Thus, to warrant disciplinary action, we must examine if respondent's relationship with his common-law wife qualifies as "grossly immoral conduct."

In disbarment cases, this Court has ruled that the mere fact of sexual relations between two unmarried adults is not sufficient to warrant administrative sanction for such illicit behavior. [17] Whether a lawyer's sexual congress with a woman not his wife or without the benefit of marriage should be characterized as "grossly immoral conduct" will depend on the surrounding circumstances. [18]

This Court has further ruled that intimacy between a man and a woman who are not married, where both suffer from no impediment to marry, voluntarily carried on and devoid of any deceit on the part of respondent, is neither so corrupt as to constitute a criminal act nor so unprincipled as to warrant disbarment or disciplinary action against a member of the Bar. [19]

Based on the allegations in the Complaint and in respondent's Comment, we cannot conclude that his act of cohabiting with a woman and begetting children by her without the benefit of marriage falls within the category of "grossly immoral conduct."

It is not unwarranted for us to take judicial notice of the fact that more and more Filipinos are finding it necessary to seek employment abroad in order to provide their loved ones with better lives. We find nothing "unprincipled and undesirable" with seeking all means – within the bounds of law and reason – to uplift the lot of one's family. It is not for us to inquire into our personnel's motivations for entering into such an arrangement or to judge how they plan to accomplish their goals in life, unless it is shown that they are violating the law in the process.

While the Court has the power to regulate official conduct and, to a certain extent, private conduct, it is not within our authority to make, for our employees, decisions about their personal lives, especially those that will so affect their and their family's future, such as whether they should or should not be married.

There is no allegation that the two have been flaunting their status as common-law husband and wife, or that their cohabitation is attended by scandalous circumstances. Thus, the comportment of respondent and his common-law wife cannot be characterized as "willful, flagrant, shameless, or show[ing] a moral indifference to the opinion of the good and respectable members of the community" as to warrant the exercise of this Court's disciplinary power.

However, we take this occasion to remind the respondent of the high standards of conduct imposed upon lawyers in the judiciary. Lawyers in the government service are under an even greater obligation to observe the basic tenets of the legal profession because public office is a public trust. [20] They should be more circumspect in their adherence to their professional obligations under the Code of Professional Responsibility, for their disreputable conduct is more likely to be magnified in the public eye. [21]

A clerk of court in particular, as an essential and ranking officer of our judicial system who performs delicate administrative functions vital to the prompt and proper administration of justice, must be free from any form of

impropriety. The conduct of court personnel must be free from any whiff of impropriety or scandal, not only with respect to their duties in the judicial branch but also to their behavior outside the court as private individuals; it is in this way that the integrity and the good name of the courts of justice shall be preserved.[22]

WHEREFORE, the foregoing premises considered, the complaint against Atty. Jerry Radam Toledo is DISMISSED. However, he is REMINDED to be more circumspect in his public and private dealings. Costs against complainants.

**SO ORDERED.**

Ynares-Santiago (Chairperson), Austria-Martinez, Corona, and Reyes, JJ., concur.

---

\* In addition to the three named herein, the Complaint was also signed by one Zenaida Toledo.\*\* In lieu of Associate Justice Minita V. Chico-Nazario per Special Order No. 484, dated January 11, 2008.

[1] Rollo, pp. 6-18.

[2] Id. at 6-7.

[3] Id. at 7.

[4] Id. at 8.

[5] Id. at 9.

[6] Annex "I," rollo, p. 39.

[7] Rollo, p. 10.

[8] Id. at 11.

[9] Id. at 13.

[10] Id. at 14.

[11] Id. at 56-61.

[12] Annex "4," rollo, p. 72.

[13] Id. at 4-5.

[14] Cojuangco, Jr. v. Palma, A.C. No. 2474, September 15, 2004, 438 SCRA 306, 314, citing 7 C.J.S. 959.

[15] Figueroa v. Barranco, Jr., 342 Phil. 408, 412 (1997).

[16] Reyes v. Wong, 159 Phil. 171, 178 (1975), citing Co v. Candoy, 21 SCRA 439, 442 (1967).

[17] Concerned Employee v. Mayor, A.M. No. P-02-1564, November 23, 2004, 443 SCRA 448, 457.

[18] Montaña v. Ruado, 159 Phil. 439 (1975).

[19] Radaza v. Tejano, 193 Phil. 433, 436 (1981); Soberano v. Villanueva, 116 Phil. 1208, 1212 (1962). See also Figueroa v. Barranco, Jr., supra note 15, at 412.

[20] Pimente, Jr. v. Fabros, A.C. No. 4517, September 11, 2006, 501 SCRA 346, 352, citing Pimentel, Sr. v. Llorente, 339 SCRA 154 (2000).

[21] *Tadlip v. Borres, Jr.*, A.C. No. 5708, November 11, 2005, 474 SCRA 441, 454.

[22] *Salazar v. Limeta*, A.M. No. P-04-1908, August 16, 2005, 467 SCRA 27, 33.

**ABOUT BATAS.ORG**

# Study smarter at BATAS.org

*The Philippine bar review and law-school companion built around how your brain actually remembers.*

**The complete Philippine law library - free for everyone.**

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

**Audio case-brief lectures.**

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

**Bar review built on the science of memory.**

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

**The full law-school curriculum.**

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

**Mock exams that tell you where you stand.**

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

**A study planner that keeps you on pace.**

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

**Start free at <https://batas.org>**

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.