

ROSELA N. GAMBOA, COMPLAINANT, VS. PEDRO S. GAMBOA, RESPONDENT.

A.M. No. P-04-1836. July 30, 2004

Ponente: AUSTRIA-MARTINEZ, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/2ce60c6e8f46/>

AUSTRIA-MARTINEZ, J.:

The instant administrative complaint against Pedro S. Gamboa, Deputy Sheriff of Branch 44, Regional Trial Court, San Fernando, Pampanga, was originally filed by his wife Rosela N. Gamboa with the Office of the Deputy Ombudsman for Luzon on January 30, 2003. In an Indorsement dated March 17, 2003 the Deputy Ombudsman referred the complaint to the Court Administrator of this Court for appropriate action.

In her letter-complaint, Rosela alleges the following, quoted verbatim:

- IMMORALITY

- That my husband, Mr. Pedro S. Gamboa, Jr. is presently employed as Deputy Sheriff with assignment at Branch 44, RTC, City of San Fernando, Pampanga;
- That without my knowledge or consent, he took with him Felicidad Cariño and live with her as his common-law-wife and out of this illegal relationship they have now two children;
- That when I learned about this unfortunate incident I confronted him (Pedro S. Gamboa, Jr.) and during this confrontation he hurled against me scandalous words and physically maltreated me forcing me to report the matter to the police. Attached herewith is a copy of the Medical Certificate dated December 26, 2002 issued by the Jose B. Lingad Memorial Regional Hospital, City of San Fernando, Pampanga;
- That as a result of this unfortunate incident, he (Pedro S. Gamboa, Jr.) took all his personal belonging out of our house and transferred the same at the given address above-stated where he and his common-law-wife resides as husband and wife.

- FALSIFICATION OF PUBLIC DOCUMENT

- That in order to make it appear before the eyes of the public that his relationship with his common-law-wife as legal, they were married by falsifying his civil status making it appear as (sic) he (Pedro S. Gamboa, Jr.) as (sic) single;
- That in order to hide their immoral relationship with his common-law-wife, Felicidad Cariño, she was transferred to one of the RTC at Pasig, Metro Manila, for new assignment.[1]

In compliance with the Court Administrator's directive, respondent filed his comment. He admitted having engaged in an illicit relationship with another woman but points to complainant as the one who pushed him into committing this act. He claims: Sometime in 1981, complainant went to the Middle East to work as an overseas contract worker. Despite his vigorous objections, complainant still insisted in going to work abroad. She left their three children, who were then aged 9, 8 and 2, in his care. As a result, he was forced to play the role of both father

and mother to their children and housekeeper at the same time. This went on until the children reached college. In the interim, complainant comes home every two or three years. In all the times that complainant came home she only showed concern for the well-being of their children and never paid attention to his needs as her husband. This drove respondent to look for affection from a woman other than his wife. As to the charge of falsifying the entries in the birth certificates of his children with his mistress, respondent contended that it was his mistress who signed the birth certificates and caused the entries to be made therein; and that he never married her.[2]

Meanwhile, on June 3, 2003, complainant, in a complete turnaround, filed an Affidavit of Forgiveness, Pardon and Desistance. She confirmed the allegations of respondent in his comment. She averred that her husband's commission of the offense charged is unintentional and that he should not be totally blamed for what he did because she also has her own shortcomings as a wife. She further averred that when she came back to the Philippines in 2002 with the intention of staying home permanently, respondent decided to leave his mistress and return to her and their children. Complainant prays that her complaint be dismissed.[3]

Despite the affidavit of desistance filed by complainant, the Office of the Court Administrator (OCA) filed a report with the Court, dated April 23, 2004, finding respondent guilty of immorality and recommending that he be suspended for six months without pay.[4] On the charge of falsification, the OCA recommends that respondent be exonerated for lack of evidence.

We agree with the findings of the Court Administrator except for the recommended penalty.

At the outset, we reiterate the settled rule that a complainant who suddenly changes his mind cannot simply withdraw an administrative complaint filed against an official or employee of the judiciary. In *Rizon vs. Zerna*, we held that:

Administrative actions cannot depend on the will or pleasure of the complainant who may, for reasons of his own, condone what may be detestable. Neither can the Court be bound by the unilateral act of the complainant in a matter relating to its disciplinary power... Desistance cannot divest the Court of its jurisdiction to investigate and decide the complaint against the respondent. To be sure, public interest is at stake in the conduct and actuations of officials and employees of the judiciary. And the program and efforts of this Court in improving the delivery of justice to the people should not be frustrated and put to naught by private arrangements between the parties.[5]

The issue in administrative cases is not whether the complainant has a cause of action against the respondent, but whether the employee against whom the complaint is filed has breached the norms and standards of service in the judiciary. Clearly, this Court has the power and the duty to root out misconduct among its employees, regardless of the complainant's desistance.

As to the charge of immorality against respondent, it is well to stress that although 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. Every employee in the judiciary should be an example of integrity, uprightness and honesty. He must exhibit the highest sense of honesty and integrity not only in the performance of his official duties but also in his personal and private dealings with other people, to preserve the court's good name and standing.[6] We agree with the observation of the OCA that the image of the court of justice is mirrored in the conduct, official or otherwise, of the personnel who work thereat, from the judges to the lowest of its personnel. Court employees have been 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. A place in the judiciary demands upright men and women who must carry on with dignity and be ever conscious of the impression that they could create by the way they conduct themselves. Respondent has displayed a contemptuous behavior that falls short of

the moral standard required of everyone in the judiciary. Disgraceful or immoral conduct is a grave offense that cannot be taken lightly, and it cannot be countenanced even by the withdrawal of the charge by private complainant.[7]

Thus, for engaging in an amorous relationship with a woman other than his wife, we find respondent liable for disgraceful and immoral conduct. This misconduct is punishable under the civil service rules as a grave offense and penalized with suspension for six months and one day to one year for the first offense.[8]

With respect to the charge of falsification, we agree with the findings of the Court Administrator that the complainant failed to submit sufficient evidence to establish her allegation that respondent married his mistress and in the process, falsified his status by making it appear that he is single. We also find no evidence to show that respondent falsified the entries in the birth certificates of his children with his mistress.

WHEREFORE, Pedro S. Gamboa is found guilty of disgraceful and immoral conduct and is hereby meted the penalty of **SUSPENSION** for six (6) months and one (1) day without pay, with a **WARNING** that a repetition of the same or similar infraction shall be dealt with more severely.

SO ORDERED.

Puno, (Chairman), Callejo, Sr., Tinga, and Chico-Nazario, JJ., concur.

[1] Rollo, pp. 7-8.

[2] Id., pp. 28-31.

[3] Id., pp. 26-27.

[4] Id., pp. 32-35.

[5] 365 SCRA 315, 319 (2001) citing *Enojas, Jr. vs. Gacott, Jr.*, 322 SCRA 272 (2000).

[6] *Gonzales vs. Martillana*, 408 SCRA 609, 615 (2003).

[7] *Kee vs. Calingin*, 407 SCRA 325, 328 (2003).

[8] Uniform Rules on Administrative Cases in the Civil Service, Rule 1V, Section 52, A, 15.

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.