

CRESENCIA G. SORIANO, COMPLAINANT, VS. FELICISIMO C. QUINTOS AND MA. VICTORIA PAULE QUINTOS, RESPONDENTS.

Adm. Matter No. R-105-P. November 16, 1984

Ponente: RELOVA, J.

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RELOVA, J.:

A verified complaint was filed by Cresencia G. Soriano, Regional Trial Court Stenographer, Branch I, Balanga, Bataan against Felicisimo C. Quintos, Regional Trial Court Staff Assistant I, Branch IV and Ma. Victoria Paule Quintos, Regional Trial Court Staff Assistant II, Branch I, Balanga, Bataan, for disgraceful, immoral and dishonest conduct prior to entering the service and during the period of such service; for falsification of official and public documents; and, for conduct un-becoming of a public servant.

Complainant alleged that respondents committed bigamy when they contracted marriage on September 23, 1974 when Leticia Reyes Quintos, the first wife of Felicisimo C. Quintos was still alive and their marriage still subsisting; that respondents have lived together under scandalous circumstances; that respondent Ma. Victoria who misrepresented herself as the lawful wife of Felicisimo was separated from her teaching job because of such act and despite the immorality of their relationship (they have four children), respondents applied and were appointed to the positions of Staff Assistants I and II at Branches IV and I, respectively, of the Regional Trial Court of Balanga, Bataan.

Further, complainant charged respondents with falsification of official documents when they made it appear that Ma. Victoria's age was 26 years at the time of their marriage when in truth and in fact she was only 20 years old then; that Ma. Victoria's arrogant attitude towards her co-employees resulted in the filing of the charge of grave oral defamation against her by Deputy Sheriff Danilo M. Viesca of RTC Branch II, Bataan at the fiscal's office.

Respondents were required to file their answer to the complaint. Thereafter, on February 15, 1984, respondent Felicisimo C. Quintos submitted his resignation to RTC Judge Pedro B. Villafuerte, Jr. who favorably recommended the same to the Honorable Chief Justice. Relative thereto, complainant, in a letter dated February 20, 1984, addressed to the Chief Justice, prayed that action on his resignation be deferred until after the decision of the administrative case against them.

This administrative complaint was referred to Executive Judge Luciano G. Elizaga of the Regional Trial Court in Balanga, Bataan for investigation, report and recommendation. After his investigation, Judge Elizaga submitted the following findings:

"From the evidence thus presented the undersigned believes that respondent cannot be faulted for charge No. 2 for 'Falsification of Official or Public Documents' for it was not shown even by preponderance of evidence that she had a hand in the preparation of the marriage contract (Exhibit 'B' with submarkings) nor was she the one who furnished the data thereof. On the other hand respondent Ma. Victoria P. Quintos, testified that it was Felicisimo C. Quintos who was the one who supplied the details relative to their marriage papers and all she did was to sign her name in the appropriate space of the marriage contract (Exhibit 'B'). This was not

controverted nor rebutted. Furthermore, the second marriage being one of exceptional character and respondent, Ma. Victoria P. Quintos, having attained the age of majority, the statement of the age is no longer material in the celebration of the marriage contract (*Reodica vs. Cordero*, 62 Phil. 367 cited in Aquino's Revised Penal Code, Vol. II, p. 1008, 1976 Edition).

"With respect to charge No. 3, for 'Conduct Unbecoming of a Public Servant,' Deputy Sheriff, Danilo M. Viesca of RTC, Branch II who supposedly charged Ma. Victoria P. Quintos with Grave Oral Defamation before the Office of the Provincial Fiscal was not presented as witness for complainant. Furthermore, upon inquiry, the undersigned was informed that the said charge was dismissed by the Fiscal's Office.

"The charge of arrogance on the part of Ma. Victoria P. Quintos relative to the discharge of her duties as cus-todian of case records has not been substantiated and neither was there any showing that the matter was brought to the attention of the then Presiding Judge of RTC, Branch I. The undersigned has observed, however, that respondent, Ma. Victoria P. Quintos, is not in good rapport with her co-employees and appears to be ostracized by the office personnel in RTC, Branch I and in the Office of the Clerk of Court.

"The testimonial and documentary evidence adduced by both parties especially those which refer to the married life of Felicisimo C. Quintos with his first wife and the respondent herein, Ma. Victoria P. Quintos, prove beyond doubt that the respondents are guilty of the charge for 'Disgraceful, Immoral and Dishonest Conduct Prior to Entering the Service and During the Period of such Service.' Aware of the gravity of the charge of having contracted a second marriage during the lifetime of his first wife, Leticia R. Quintos, and while the first marriage still subsists, respondent, Felicisimo C. Quintos tendered his resignation to the Hon. Pedro B. Villafuerte, Jr., Executive Judge, RTC, Branch IV on February 15, 1984 (p. 28, Records) which was recom-mended for acceptance by the latter (p. 29, Records).

"Ma. Victoria P. Quintos, on the other hand by her own admission, con-fessed that she knew of the existence of the first marriage of Felicisimo C. Quintos with Leticia Reyes Quintos in 1975 after the birth of her first child had with Felicisimo C. Quintos, yet she continued to live with him as such husband and wife in Benzon Subdi-vision, Balanga, Bataan since then and up to the present. This, to the mind of the undersigned is disgraceful and immoral conduct prior to entering the service in the judiciary and during the period of such service.

"While it thus appears that only Felicisimo C. Quintos may be held liable for bigamous marriage, Ma. Victoria P. Quintos feigning innocence of Felicisimo C. Quintos' status during the celebration of their marriage, yet Ma. Victoria P. Quintos' continued marital relationship with Felicisimo C. Quintos up to the present amounts to immorality, Leticia Reyes Quintos' acquiescence or condonation of the act notwithstanding." (pp. 6-7, Report and Recommendation).

and recommended that both respondents, Felicisimo C. Quintos and Ma. Victoria Paule Quintos be considered separated from the service for serious misconduct and immorality. Indeed, "[w]hile it is permissible to view with human understanding and compassion, a situation like that in which respondents find themselves, the good of the service and the degree or morality which every official and employee in the public service must observe, if respect and confidence are to be maintained by the government in the enforcement of the law, demand that no untoward conduct on his part, affecting morality, integrity and efficiency while holding office should be left without proper and commensurate sanction, all attendant circumstances taken into account (*De Dios vs. Alejo*, 68 SCRA 354, 363)."

ACCORDINGLY, respondent Felicisimo C. Quintos is hereby meted the penalty of separation from the service from the time he submitted his resignation, with forfeiture of all benefits and pay and with prejudice to reinstatement to any branch of the govern-ment, or to any of its agencies or instrumentalities. As to Ma. Victoria P. Quintos, she shall be considered resigned from the date she received the notice of her preventive suspension on

June 18, 1984, with prejudice to her reinstatement in any branch of the government or in any of its agencies or instrumentalities, but without forfeiture of any benefits and pay that she may be entitled to under the law.

SO ORDERED.

Teehankee, Concepcion, Jr., Abad Santos, Melencio-Herrera, Plana, Escolin, Gutierrez, Jr., and Cuevas, JJ., concur.

Fernando, C.J., on official leave.

Makasiar, J., Partial dissent. - Ma. Victoria should also be deprived of any benefits under the law. Since 1975, she knew that her marriage to respondent Felicisimo is bigamous. And she should not bear his surname.

Aquino and De La Fuente, JJ., no part.

Guerrero, J., retired.

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