

**JOVITA SAPALO, COMPLAINANT, VS. RAYFRANDO DIAZ,
RESPONDENT.***Adm. Case No. 511. August 31, 1971*

Ponente: FERNANDO, J.

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On September 28, 1970, an administrative complaint was filed by Jovita Sapalo against respondent Rayfrando Diaz, who passed the bar in 1970. While the facts were not stated with precision, it was therein alleged that complainant and respondent, while students at the University of Negros Occidental, had amorous relations as a result of which she became pregnant. There was an assertion that respondent had promised to marry her, an application for marriage license actually having been filed with the Civil Registrar of Kabankalan, Negros Occidental on June 15, 1968, which application was subsequently withdrawn without the knowledge of the complainant. Nonetheless, notwithstanding her reminder that he should fulfill his promise of marriage, he failed to do so. Then on December 19, 1968, complainant gave birth to a child who was named Ma. Teresa Sapalo Diaz. Respondent did acknowledge the child as his own, consenting likewise that in the record of birth as well as in the baptismal certificate, he should be named as the father. Mention is likewise made of complainant all the while pressing her plea that respondent marry her, but he was adamant in his refusal. Thereafter, it came to her knowledge that it was not legally possible for him to do so as he was already married. Hence this complaint.

This Court, in a resolution dated February 19, 1971, required an answer from respondent. It was filed on May 14, 1971. There was no denial of the amorous relationship that existed between complainant and respondent as a result of which a child was born. It was therein made clear, however, that at such time respondent was still single, then 24 years of age and a third year law student at the University of Negros Occidental, while petitioner was likewise of the same age, taking courses in commerce at West Negros College, also in Bacolod City. Then came this allegation: "That sometime in March 1968, the frequent association as office-mates between the herein petitioner and respondent resulted in intimate relations brought about by mutual desire and passion, which was voluntarily and mutually entered into by both parties and without misrepresentation or any other consideration on the part of one or the other. Both were still single and 24 years of age." [1] Respondent thereafter declared that he did, on April 15, 1968, resign from his employment in Bacolod and went home to his hometown in Binalbagan, Negros Occidental, precisely "in order to put an end to the intimate relations with the petitioner, * * *." [2] It was not until May 10, 1968 that, according to him, he was advised about her pregnancy, and it was then that she asked him to marry her. He pleaded for time as he wanted to get the consent of his mother, which was not forthcoming. After which, he proceeded thus: "That sometime in the first week of June 1968, the herein petitioner [did press the matter of marriage] on the herein respondent and, with the intercession of other persons, he was prevailed upon to sign blank forms of the application for marriage license and he likewise signed the marriage contract itself, which papers petitioner filed with the local Civil Registrar of Kabankalan, Negros Occidental on June 15, 1968. After days and nights of deliberation, respondent realized that his efforts to force upon himself the marriage were of no avail as it would end up in a lifetime of misery and bring about a family where the shadows would never be lifted, for it would not be founded upon love which is the basic foundation of a good marriage. In the third week of June

1968, respondent withdrew all the papers from the Office of the Local Civil Registrar of Kabankalan, Negros Occidental, in the presence of the petitioner." [3]

There was an admission of petitioner having given birth to Ma. Teresa Sapalo Diaz on December 19, 1968. He borrowed the sum of P200.00 from his sister and gave it to petitioner to help defray the hospital bills. On December 25 of that year, respondent married his childhood sweetheart. He stressed that from April 15, 1968 he never had further "carnal relations with the herein petitioner because he precisely wanted to put an end to the [affair]." [4] He included, as part of his answer, a decision by Judge Nestor B. Alampay of the Court of First Instance of Negros Occidental declaring that Ma. Teresa Sapalo Diaz is the acknowledged natural child of respondent who was likewise ordered to support said child in the amount of P100.00 monthly beginning the month of April, 1971. Such a decision was rendered on a stipulation of facts wherein complainant admitted that the intimate relationship between her and respondent "was voluntary, mutual and without any misrepresentation or other consideration on the part of either of them." [5]

Subsequently on May 14, 1971, petitioner, in a pleading before this Court, sought that the complaint be withdrawn, stating therein that the circumstances pertinent to the intimate relationship between her and respondent were truthfully set forth in the stipulation of facts submitted by them in the above action for recognition and support of the child, Ma. Teresa Sapalo Diaz. Then came this portion of her petition to withdraw complaint: "That from the foregoing, it is obvious that both parties are to be blamed for any transgression that they may have committed, and that it would be unfair to lay the blame exclusively on the respondent; and [that] petitioner is making this verified admission of the circumstances that led to the intimate relations between herself and respondent in order that she may be able to live in peace with her conscience." [6]

There was a resolution by this Court on May 25, 1971 of the following tenor: "Considering (a) the answer of the respondent to the complaint filed against him; and (b) the motion of the complainant praying that her complaint against the herein respondent be withdrawn and dismissed, [the Court resolved] to require the Provincial Fiscal of Negros Occidental to verify the authenticity and voluntariness of the withdrawal by the complainant of her complaint in this case, within 15 days from notice hereof." [7] Thereafter, on July 3, 1971, the 1st Assistant Provincial Fiscal of Negros Occidental, Jose A. Encarnacion, forwarded to this Court the original of the transcript of the stenographic notes of the investigation conducted by him "wherein the complainant testified to the authenticity and voluntariness of the withdrawal of her complaint against Rayfrando Diaz, respondent." [8] In the stenographic notes submitted by such fiscal, it was made clear that petitioner personally appeared before the Judge of the City Court of Bacolod, Alejandro Dinsay, to verify her petition to withdraw complaint. She was asked as to whether the allegations were true and correct and she answered in the affirmative. She expressly affirmed that she was neither threatened nor forced into signing such petition.

In the light of the foregoing, this complaint against respondent Rayfrando Diaz is dismissed.

Concepcion, C.J., Reyes, J.B.L., Dizon, Makalintal, Zaldivar, Castro, Teehankee, Barredo, Villamor, and Makasiar, JJ., concur.

[1] Answer, p. 2.

[2] Ibid.

[3] Ibid, pp. 2-3.

[4] Ibid, p. 3.

[5] Ibid, Annex 2, p. 2.

[6] Petition to Withdraw the Letter Complaint, p. 2.

[7] Resolution, May 25, 1971.

[8] Communication of the 1st Assistant Provincial Fiscal Jose A. Encarnacion.

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