

**VIRGINIA E. BURGOS, COMPLAINANT, VS. JOSEFINA R. AQUINO,
COURT STENOGRAPHER, RTC, BRANCH 19, MALOLOS, BULACAN,
RESPONDENT.**

A.M. No. P-94-1081. October 25, 1995

Ponente: PUNO, J.

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PUNO, J.:

This administrative matter refers to the charge of immorality brought by complainant against respondent, for maintaining illicit relations with complainant's husband which eventually begot them a child, a daughter named Jocelyn A. Burgos.

The letter-complaint of complainant states:

"Sir:

Ito po ay may kinalaman sa isang empleyado ninyo sa Branch 19, Malolos, Bulacan na si Josefina R. Aquino, court stenographer.

Nais ko pong paimbistigahan siya sa pagkaimmoral dahil siya po ay may-anak sa aking asawa.

Nito nga pong mga nagdaan panahon ay hindi ko na pinapansin pero grabe na po ang mga gawain. Nuon pong isang taon, April 1993, napagalaman ko na nagbababad sa office ng asawa ko, kasama ang kanyang anak. Nakikialam sa mga gawain sa office at nagpapanggap pang Mrs. siya ng asawa ko. Maluag siyang nakaaalis sa office niya nuong panahon na iyon na walang pumupuna. Sa katunayan po ay kalakip nito ang papeles na nilalakad niya kahit office hour. Hindi siya mapigil sa pagpunta sa office ng asawa ko, sa dahilan mag-iiskandalo raw siya. Tumagal po iyon ng mahabang panahon sapagkat hindi ko po ugali ang pumunta sa office ng asawa ko.

Napagalaman ko lang po ito nang umuwi ang anak ko na sumama sa office ng asawa ko. Hindi po tumigil ng kapupunta ruon kahit na nanduon ang anak ko. Hindi naman po kilala ng anak ko. Hindi na po matiis ng mga tao sa office kaya sinabi sa anak ko. Isinumbong sa akin ng anak ko.

Kinabukasan po ay isinumbong ko sa judge ng Branch 19. Pinagsabihan siya. Nangako na hihiwalay na raw siya. Hindi na raw kami guguluhin. Hindi po tumupad. Ang pagpunta lang po sa office ang sinunod pero patuloy pa rin po ang paghahabol sa asawa ko. Ayaw pong tumigil. Matalas po at walang kahihyan.

Nito pong nakaraang linggo May 26 at 28, 1994 nagbantay na naman po ang anak sa harapan ng office ng asawa ko. Hindi po tumigil. Alam po ito ng buong compound ng kapitolyo. Kilalang--kilala po siya sa gawain nga immoral. Hindi po ako nagsisinungaling. Totoong lahat ito. Siguro po ay nauunawaan ninyo ako, dahil may ina rin po kayo na katulad ko na napakasakit kapag niloko. Dapat na pong masugpo itong gawain ng ganitong mga babae, kung hindi po natin papansinin ay marami pang pamilya na masisira. Masyado na po akong nasasaktan.

Kalakip po rito ang mga papeles na siya ay may anak.

Gumagalang,

(Sgd.) Gng. Virginia E. Burgos"[1]

We asked the respondent to file her Comment. In her Comment, she admitted that she had an illicit relation with complainant's husband. The illicit relation allegedly happened prior to her employment in the judiciary. She claimed that the affair occurred in 1979 and their love child, Jocelyn, was born on March 19, 1980.[2] She joined the judiciary only on July 9, 1981 as Court Clerk Interpreter I at the Municipal Trial Court of Guiguinto, Bulacan and was promoted to Stenographic Reporter. She later transferred to the Regional Trial Court of Malolos, Bulacan, Branch 19, in 1983. She now avers that she had severed her relation with Atty. Burgos arising from their disagreement over support.

In her Reply, complainant maintained that her husband and respondent are still "on." She had also demanded the respondent to disallow her daughter from using the family name Burgos.

We referred the letter-complaint to Executive Judge Natividad G. Dizon, Regional Trial Court, Malolos, Bulacan, Branch 19, for, investigation. In her report and recommendation, dated March 17, 1995, Judge Dizon found the following:

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"The parties, through counsel, agreed that they will just submit their respective position papers relative to their respective contentions. No testimonial evidence was presented but only documentary.

xxx x x x x x x

It appears from the Personal Data Sheet submitted by the respondent to the Supreme Court, under Column No. 20 that: in 1974 to September 30, 1979, she was employed as Clerk Stenographer in the Fiscal's Office which is a clear indication that when she got pregnant with her child she was in the government service. Also in Item No. 27 of said Personal Data Sheet, under references, it can be noted that she named Atty. Francisco Burgos as one of her references.

It is a given fact, as the records clearly show, that when respondent had an affair with the husband of the complainant which resulted in the birth of the love child, respondent was in the government service. The admission in the Answer (Exh. "B") of the respondent that she was a victim of amorous advances of complainant's husband sometime in 1979 and out of that relationship a child was born confirmed the fact that respondent, while in the government service committed a disgraceful and immoral act for which respondent may be subjected to disciplinary action. Now, whether the relationship with the husband of the complainant is still subsisting, complainant submitted documents typed by the respondent at the office of complainant's husband showing that in the said pleadings typewritten below are the initials 'fcbjo' and also complainant claims that respondent brags about her being a mistress and introduces herself as the legal wife and goes to the office of her paramour almost everyday during office hours (Letter to the undersigned attached as Annex '4'). Complainant also claims that her husband supports respondent and the child. However, she did not present evidence to prove such. Therefore, except for the fact that there was admission on the part of the respondent that complainant's husband is the father of respondent's child and the relationship was during the time she was an employee of the Fiscal's Office, no sufficient evidence was presented that the relationship is subsisting while respondent was in the judiciary."[3]

Judge Dizon recommended respondent's suspension from service.

We then referred the report to the Office of the Court Administrator for evaluation. In its Memorandum, dated June 19, 1995, it held:

"This Office finds merit on the conclusion of the investigating Judge that indeed the respondent committed an immoral act while in the government service, regardless of whether or not it was committed when employed in the Judiciary. At the time she gave birth to her child, the respondent may not be in the government service. However, the child was conceived when she was still in the Fiscal's Office where the complainant's husband likewise worked. It could be presumed undisputably that the reason for her resignation is because of her conception and eventually giving birth to her child.

This Office went deeper in its evaluation inquiring further on the personal record of herein respondent. Her personal record reveals that respondent was employed as Clerk-Typist in the Office of the Governor of Malolos, Bulacan from August 1, 1974 to April 22, 1976, and from April 23, 1976 to September 30, 1979 as Clerk Stenographer in the Fiscal's Office on the same province. She resigned from the Fiscal's Office and subsequently got herself employed as Court Interpreter in MTC, Guiguinto, Bulacan on July 9, 1981. While it is true that in all her personal record from the time she assumed office in the Judiciary, she declares her status as single with a child named Jocelyn Aquino born on March 19, 1980, however, in one of her personal data sheets dated October 26, 1982, respondent did not declare her child. Moreover, it is worthy to note that in her Statement of Assets and Liabilities dated July 11, 1984, April 30, 1990, May 14, 1992, April 5, 1993, and April 13, 1994, her only child, though declared, already carries the name Jocelyn A. Burgos. The reason for the change in her child's surname was not explained.

It is to be emphasized that the offense of disgraceful and immoral conduct is punishable by DISMISSAL from the service. Whether or not the immoral relationship still subsist is no longer material. Documents submitted by a government employee to form part of his/her personal file are official documents. Any alteration or material changes in the content thereof without a valid justification is tantamount to falsification which is likewise penalized by DISMISSAL from the service. It could be added that in these official documents, the employee declares under the penalty of perjury that all statements given in the document are true and correct to the best of his knowledge and belief. It appears from these documents and in the record of the case that no doubt, herein respondent is guilty of immorality and committed an act of falsifying her own records and therefore, guilty of perjury, which merit a severe punishment."^[4]

We agree with the findings of the Office of the Court Administrator.

Respondent has admitted her illicit relationship with Atty. Francisco C. Burgos, complainant's husband in 1979 which gave life to their love child, Jocelyn, in 1980. She, however, denies the charge of complainant that she continues to carry on her dalliance with Atty. Burgos.

The evidence proves the charge of complainant. Complainant submitted pleadings in various courts filed by her husband, Atty. Burgos and typed by respondent. These pleadings are: (1) Motion for Extension to File Brief filed in the Court of Appeals in CA-G.R. No. 13785, dated April 1, 1993;^[5] (2) Motion to Reset, dated April 12, 1993, and filed in Civil Case No. 423 in the Municipal Trial Court of Pulilan, Bulacan;^[6] and (3) Position Paper, dated May 12, 1993, filed also in the Municipal Trial Court of Pulilan, Bulacan in Civil Case No. 423.^[7] All these pleadings bear the initials "fcb/jo" and which were typed by the respondent in the office of Atty. Burgos. As the legitimate wife of Atty. Burgos, it is not difficult for complainant to obtain copies of these pleadings. It is not also far fetched for respondent to type them for she is a court stenographer. Given these circumstances, it behooved the respondent to disprove the charge that her relationship with complainant's husband has not ceased. She did nothing to meet this burden. We hold that the evidence on record is substantial enough to conclude that respondent did not stop her illicit relationship with complainant's husband. Proceedings in administrative investigation are not strictly governed by the technical rules of evidence. They are summary in nature.

The Code of Judicial Ethics mandates that the conduct of court personnel must be free from any whiff of impropriety, not only with respect to his duties in the judicial branch but also to his behavior outside the court as a private individual.^[8] There is no dichotomy of morality; a court employee is also judged by his private morals.^[9]

These exacting standards of morality and decency have been strictly adhered to and laid down by the Court to those in the service of the judiciary.[10] Respondent, as a court stenographer, did not live up to her commitment to lead a moral life. Her act of maintaining relation with Atty. Burgos speaks for itself.

Likewise, the records reveal that when respondent applied in the judiciary she filled up the prescribed personal information sheet, Civil Service Form 212, dated October 26, 1982 and did not disclose the existence of her daughter. The form itself gives this warning: "I declare under penalties of perjury that the answers given above are true and correct to the best of my knowledge and belief." Despite the warning, she professed that her statements were true.[11] Under Article 183 of the Revised Penal Code, perjury is the deliberate making of untruthful statements upon any material matter before a competent person authorized to administer an oath in cases in which the law so requires. The required Civil Service Form 212 submitted by respondent to form part of her personal file is an official document. Her deliberate omission to disclose her child without a valid justification makes her liable for perjury.[12]

IN VIEW HEREOF, respondent Josefina R. Aquino is meted the penalty of suspension from office for six (6) months for immorality and perjury. Let a copy of this decision be entered in respondent's personal record.

SO ORDERED.

Narvasa, C.J., (Chairman), Regalado, Mendoza, and Francisco, JJ., concur.

[1] Exhibit "A;" Rollo, pp. 2-4.

[2] Comment; Rollo, p. 8.

[3] Rollo, pp. 112-114.

[4] OCA Report, pp. 3-4.

[5] Exhibit "C-1."

[6] Exhibit "C-2."

[7] Exhibit "C-3."

[8] See *Imbing v. Tiongson*, A.M. No. MTJ-91-595, February 7, 1994, 229 SCRA 690.

[9] *Supra* at page 697.

[10] *Sicat v. Alcantara*, Adm. No. R-6-RTJ, May 11, 1988, 161 SCRA 284.

[11] Administrative Report, p. 3.

[12] See *Bermejo v. Barrios*, No. L-23614, February 27, 1970, 31 SCRA 764.

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