EVELINA C. BANAAG, COMPLAINANT, VS. OLIVIA C. ESPELETA, INTERPRETER III, BRANCH 82, REGIONAL TRIAL COURT, QUEZON CITY, RESPONDENT.

A.M. No. P-11-3011 (Formerly OCA IPI No. 09-3143-P). November 29, 2011

Ponente: PERLAS-BERNABE, J.

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PERLAS-BERNABE, J.:

“Can a man scoop fire into his lap without his clothes being burned? Can a man walk on hot coals without his feet being scorched?” So goes an early admonition against immorality from the Holy Book that is as valuable today as it was thousands of years ago. In the judiciary, “moral integrity is more than a virtue; it is a necessity”.[1] A court employee who has fallen short of the exacting standards of morality and decency has to face the consequences, even after the embers have died and the scars have faded.

The Facts

The present administrative case originated from a letter-complaint[2] dated May 3, 2009 filed by complainant Evelina C. Banaag before the Office of the Court Administrator (OCA) charging respondent Olivia C. Espeleta with Gross Immorality and Conduct Prejudicial to the Best Interest of the Service for engaging in an illicit and immoral relationship with her husband, Avelino C. Banaag.

Evelina met Olivia for the first time in October 2005 when the latter accompanied Gloria Tubtub to her house at JB Crystal Building, Quirino Highway, Lagro, Quezon City, to request for encashment of a check in the amount of P11,000.00. It turned out that the check, which Evelina encashed out of pity for Gloria who was her “sister” in a Marriage Encounter group and who told her that she needed money for her grandchild who was supposedly hospitalized, actually belonged to Olivia. According to Gloria, she did not intend to deceive her friend but only wanted to help Olivia, who gave her a “small token” for the transaction.[3]

At the same meeting, Olivia introduced herself as a court interpreter in the Regional Trial Court (RTC) of Quezon City, Branch 82. Believing that Olivia could assist her and her husband in their pending cases before the court, Evelina introduced Olivia to her husband who, after learning that they both hail from Batangas, asked for Olivia's cellphone number. Little did Evelina know that said casual meeting would eventually blossom into an amorous relationship between Olivia and her husband.

Evelina claimed that she learned about the affair the following year, 2006, when her husband asked to withdraw P180,000.00 from their joint bank account to lend to his brother, Reynaldo, who was then confined in the hospital. She later found out from the latter's wife, Ana Fe, that Avelino gave him (Reynaldo) only P80,000.00. Ana Fe cautioned Evelina against releasing more money to her husband who has a mistress working at the City Hall.

Upon investigation, Evelina learned that on two separate occasions in 2006, her husband had gone to Olivia’s house in San Jose Del Monte, Bulacan, accompanied by his friend, Engr. Pacifico “Jun” R. Sabigan. On both occasions, according to Sabigan, they had some drinks, and Olivia danced. Avelino, already tipsy, danced with

her. Although Sabigan did not witness any compromising exchanges between the two, nonetheless, Avelino had confided to him that he and Olivia were seeing each other, and that he had been giving Olivia P5,000.00 for her groceries.[4]

Evelina confronted her husband right away. He was tight-lipped at first, but he eventually admitted his romantic involvement with Olivia. Worse, Evelina discovered that her husband, using their conjugal funds, had been depositing substantial amounts of money to Olivia's Landbank account[5] for three years spanning 2006 to 2009, as well as to the Metrobank account[6] of the latter's daughter, Ana Kharmela E. Rules. He also made deposits to the Landbank accounts of Olivia's co-employees, Pacencia Rodriguez[7] and Olga Abesamis[8]. When confronted, Olga allegedly confirmed that the deposits to her account were for the benefit of Olivia who, at that time, had no ATM card.

Evelina claimed that more than P3 Million had been deposited to Olivia's account but she was able to retain in her possession deposit slips amounting only to P1.429 Million, having lost the others in a scuffle with her husband, who tore them to pieces and flushed them in the toilet. For a long time, Avelino was the administrator of the family-owned JB Crystal Building, which earned rentals that he himself collected in cash. This, Evelina surmised, enabled her husband to support Olivia financially.

To bolster her claims, Evelina attached to her letter-complaint (1) photocopies[9] of cash deposit slips evidencing Avelino's deposits to Olivia's account wherein he indicated his relationship to the latter as a “cousin”, as well as to the accounts of Olivia's daughter and co-employees; and (2) summaries[10] of unremitted rentals from their commercial building and unauthorized withdrawals made by Avelino from their bank account. She likewise submitted in evidence the affidavits executed by Gloria Tubtub[11] and Engr. Sabigan[12] confirming the illicit relationship.

The Action and Recommendation of the OCA

The OCA directed respondent Olivia to comment on the letter-complaint within ten (10) days from receipt of its 1st Indorsement[13] dated May 18, 2009. However, Olivia failed to comply therewith. A similar notice[14] was subsequently issued by the OCA on August 19, 2009, to no avail. On January 21, 2010, the OCA reported[15] the matter to this Court recommending that Olivia be directed for the last time to submit her comment otherwise the case against her shall be resolved on the basis of the record on file. Accordingly, the First Division issued the pertinent Resolution[16] dated April 28, 2010, which was, however, returned unserved with the notation “No occupant at given address”. It was served anew per Resolution[17] dated August 16, 2010, but was likewise returned unserved for the reason “RTS-Moved”.[18] The Court thereafter sent the case back to the OCA for evaluation, report and recommendation.[19]

Upon verification with the Office of Administrative Services (OAS), it was found that Olivia had filed a letter[20] of resignation dated June 11, 2009, which was favorably endorsed[21] both by the Presiding Judge of Branch 82 and the Executive Judge of the RTC. In a subsequent letter[22] dated August 12, 2009, Presiding Judge Severino B. De Castro, Jr. informed the OCA that Olivia had gone to the United States, and that it was not known whether she intended to return to the country. Hence, upon the recommendation[23] of the OCA, the resignation was accepted by this Court on February 26, 2010 without prejudice to the outcome of the instant administrative case.

On August 11, 2011, the OCA reported its findings[24] on the case and recommended that:

1. The instant administrative matter be RE-DOCKETED as a regular administrative complaint against Olivia C. Espeleta, former Interpreter III. Regional Trial Court, Branch 82, Quezon City; and

2. Respondent Olivia C. Espeleta be found GUILTY of Gross Immoral Conduct, and be ORDERED to pay a

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> FINE in the amount of P50,000.00, which may be deducted from whatever sums that are due her, as accrued leave credits, if sufficient.[25]

The Issue

The only issue to be resolved is whether respondent Olivia C. Espeleta is guilty of immoral conduct.

The Ruling of the Court

After a careful evaluation of the records of the instant case, the Court finds respondent Olivia C. Espeleta guilty of Disgraceful and Immoral Conduct under Section 46(b)(5), Chapter 7, Subtitle A, Title I, Book V of the Administrative Code of 1987 which, as defined in Section 1 of CSC Resolution No. 100912 dated May 17, 2010 (Revised Rules on the Administrative Offense of Disgraceful and Immoral Conduct), is “an act which violates the basic norm of decency, morality and decorum abhorred and condemned by the society” and “conduct which is willful, flagrant or shameless, and which shows a moral indifference to the opinions of the good and respectable members of the community.”

Respondent's act of maintaining an illicit relationship with a married man comes within the purview of disgraceful and immoral conduct,[26] which is classified as a grave offense punishable with suspension from the service for six (6) months and one (1) day to one (1) year for the first offense, and dismissal for the second offense.[27]

In Sealana-Abbu vs. Laurenciana-Huraño[28] (2007), where two court stenographers engaged in an illicit affair were suspended for one (1) year, the Court emphasized that “(i)t is morally reprehensible for a married man or woman to maintain intimate relations with another person of the opposite sex other than his or her spouse.” In Elape vs. Elape[29] (2008), a process server of the RTC was suspended for six (6) months and one (1) day for cohabiting with his mistress, abandoning his family and depriving them of financial support. Another process server was suspended for the same period in Regir vs. Regir[30] (2009) for carrying on an illicit relationship with a woman not his wife, with whom he begot a child. Recently, in Babante-Caples vs. Caples[31] (2010), a utility worker in the MTC, who had resigned, was nonetheless ordered to pay a fine for maintaining an illicit relationship with a woman not his wife.

As in Babante-Caples, respondent herein was given the opportunity to be heard and refute the charges against her; yet, she chose not to file any comment. Instead, as aptly pointed out by the OCA, respondent rather hastily tendered her resignation on June 11, 2009, just a few days after receipt on June 2, 2009[32] of the 1[st] Indorsement specifically requiring her to answer the letter-complaint. That respondent fully intended to run away from accountability for her indiscretions is betrayed by her perfectly-timed departure for the United States of America shortly after her resignation. Respondent's actuations when confronted with the charges against her are, thus, strongly indicative of guilt on her part.

The deposit slips indicating various amounts credited both directly and indirectly to respondent's account indubitably prove the allegation that she had been receiving substantial amounts of money from complainant's husband, in callous disregard of the heartache and financial dislocation of the latter's family. There could thus not be any serious doubt that respondent was indeed in an intimate relationship with Avelino, a married man.

In administrative proceedings, only substantial evidence, i.e., that amount of relevant evidence that a reasonable mind might accept as adequate to support a conclusion, is required.[33] The standard of substantial evidence is satisfied when there is reasonable ground to believe that respondent is responsible for the misconduct complained of, even if such evidence might not be overwhelming or even preponderant.[34]

"It cannot be overstressed that the image of a court of justice is mirrored in the conduct, official and otherwise, of the personnel who work thereat, from the judge to the lowest of its personnel. Court employees have been

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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 courts of justice."[35] This Court has thus consistently penalized court personnel who had been found wanting of such standards, even if they have precipitately resigned from their positions. Resignation should not be used either as an escape or as an easy way out to evade an administrative liability or an administrative sanction.[36]

Had respondent not resigned from the service, she would have been suspended for six months and one day in accordance with the prescribed penalty in the Uniform Rules on Administrative Cases in the Civil Service[37], this being her first offense involving immorality. Instead, the Court adopts the OCA's recommended fine in the amount of P50,000.00 not exceeding respondent's six months' salary, which may be deducted from her accrued leave credits, if sufficient.

WHEREFORE, respondent OLIVIA C. ESPELETA is found GUILTY of Disgraceful and Immoral Conduct. In view of her resignation, a FINE in the amount of P50,000.00 is imposed on respondent, to be deducted from her accrued leave credits, if sufficient; otherwise, she is ORDERED to pay the amount of the fine directly to this Court.

The Employees Leave Division, Office of Administrative Services of the Office of the Court Administrator, is DIRECTED to compute respondent’s accrued leave credits, if any, and deduct therefrom the amount representing the payment of the fine.

Let a copy of this Decision be filed in the personal record of respondent.

SO ORDERED.

Corona, C.J., Carpio, Velasco, Jr., Leonardo-De Castro, Brion, Peralta, Bersamin, Del Castillo, Abad, Villarama, Jr., Perez, Mendoza, Sereno, and Reyes, JJ., concur.

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[1] Lledo vs. Lledo, A.M. No. P-95-1167, December 21, 1998, 300 SCRA 310.

[2] Rollo, pp. 1-5.

[3] See Affidavit of Gloria Tubtub dated June 10, 2009, id. , p. 102.

[4] See Affidavit of Engr. Pacifico R. Sabigan dated June 10, 2009, id., p. 104.

[5] As evidenced by deposit slips, id., pp. 27-76.

[6] Id., pp. 83-86.

[7] Id., p. 81.

[8] Id., pp. 78-80.

[9] Id., pp. 27-86.

[10] Id., pp. 90-101.

[11] Id., p.102.

[12] Id., p. 104.

[13] Id., p. 107.

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[14] 1st Tracer dated August 19, 2009, id., p. 109.

[15] Id., pp. 316-317.

[16] Id., pp. 319-320.

[17] Id., p. 327.

[18] Per Resolution dated March 23, 2011, id., p. 328.

[19] Per Resolution dated June 1, 2011, id., p. 329.

[20] Id., p. 330.

[21] Id., pp. 332 and 333.

[22] Id., p. 336.

[23] See Memorandum dated February 17, 2010, id., pp. 340-341.

[24] Id., pp. 343-350.

[25] Id., p. 350.

[26] Babante-Caples vs. Caples, A.M. No. HOJ-10-03 (Formerly A.M. OCA IPI No. 09-04-HOJ), November 15, 2010, 634 SCRA 498.

[27] Section 52(A)(15), Rule IV of CSC Resolution No. 99-1936 dated August 31, 1999 (Revised Uniform Rules on Administrative Cases in the Civil Service).

[28] A.M. No. P-05-2091, August 28, 2007, 531 SCRA 289.

[29] A.M. No. P-08-2431, (formerly OCA IPI No. 03-1682-P), April 16, 2008, 551 SCRA 403.

[30] A.M. No. P-06-2282, August 7, 2009, 595 SCRA 455.

[31] Supra, note 26.

[32] See Registry Return Receipt, 1st Indorsement dated May 18, 2009, Rollo, p. 107 (dorsal portion).

[33] Supra, note 26.

[34] Re: Complaint of Mrs. Corazon S. Salvador against Spouses Noel and Amelia Serafico, A.M. No. 2008-20-SC, March 15, 2010.

[35] Gibas, Jr. vs. Gibas, A.M. No. P-09-2651, March 23, 2011, citing Bucatcat vs. Bucatcat, 380 Phil. 555, 567 (2000).

[36] Cajot vs. Cledera, A.M. No. O-98-1262, February 12, 1998, 286 SCRA 238.

[37] Supra, note 27.

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