

EVELYN V. JALLORINA, COMPLAINANT, VS. RICHELLE Taneo-REGNER, DATA ENTRY MACHINE OPERATOR II, REGIONAL TRIAL COURT, OFFICE OF THE CLERK OF COURT, SAN MATEO, RIZAL, RESPONDENT.

A.M. No. P-11-2948 [Formerly OCA I.P.I. No. 09-3049-P]. April 23, 2012

Ponente: PERALTA, J.

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PERALTA, J.:

Before this Court is an Administrative Complaint[1] filed by Evelyn V. Jallorina, against Richelle Taneo-Regner, Data Entry Machine Operator II, Regional Trial Court (RTC), Office of the Clerk of Court, San Mateo, Rizal, for Immorality and Gross Misconduct.

Complainant Jallorina claimed that she is the wife of Assistant Provincial Prosecutor La Verne A. Jallorina, who is presently assigned at the Pasig City Hall of Justice. She has four (4) children with Prosecutor Jallorina, namely: Caselyn, Juris, La Verne I and Wolf Hector. They have been separated de facto since November 2000. She claimed that in the year 2003, Prosecutor Jallorina filed a petition for annulment of their marriage in order to marry his paramour, respondent Richelle T. Regner, who is a single woman. The case is still pending at the RTC, Branch 75 of San Mateo, Rizal.

Complainant Jallorina asserted that the illicit affair between her husband and respondent Taneo-Regner was well-known in the entire court as well as in the Halls of Justice of Pasig City. She further averred that her brother-in-law, a policeman who usually visits Pasig City Hall of Justice for inquest purposes, personally witnessed Prosecutor Jallorina's blatant display of indiscretion. She was told that Prosecutor Jallorina even displayed the photo of his mistress, respondent, beside his photo and their son's on his office table. She added that the illicit affair between her husband and respondent had roused gossips in the towns of San Mateo and Montalban, Rizal, where they were seen together in gatherings and wakes of friends, showing their intimate relationship.

Complainant Jallorina further alleged that her children, Caselyn and La Verne I, were aware of the illicit affair of their father with respondent.

In an Affidavit[2] dated February 25, 2004, La Verne I attested that while he was sleeping at his father's house, he was awakened when he felt the bed rocking, and saw respondent Taneo-Regner having intercourse with his father.

In another Affidavit[3] dated February 25, 2004, Caselyn stated that at one time, she went to her father's house to ask for allowance, she discovered an engagement gold ring with engraved name "Richelle."

Complainant further narrated that she had caught her husband and respondent in a very compromising situation. In one incident, while her husband was still holding office at the San Mateo Hall of Justice, she caught respondent performing fellatio on her husband, in his own table near a refrigerator. She asserted that her husband then was half-naked, with a towel wrapped around his waist, and that respondent's hair was in shambles.

At the time of the filing of the complaint, complainant asserted that the illicit affair can be proven by the fact that respondent, who is unmarried, is four (4) to five (5) months pregnant. The pregnancy is evident by respondent's bulging tummy, and her husband's effort to fetch respondent from her office.

Thus, complainant prayed that respondent Taneo-Regner: (1) be dismissed from the service, considering the shame and damage that she had caused to the integrity of the Court; and (2) damages in the amount of P600,000.00 be awarded to her.

In her Comment[4] dated February 20, 2009, respondent Richelle Taneo-Regner vehemently denied that she has an illicit affair with complainant's husband, Prosecutor La Verne Jallorina. She claimed that there was never a time in her entire life that she went to gatherings in the company of complainant's husband. She alleged that the accusations against her were pure lies as complainant even failed to state specific dates and actual place of gatherings.

Respondent likewise maintained that she has never been in the house of Prosecutor Jallorina; thus, she was not the woman whom their son saw having intercourse with Prosecutor Jallorina. She also pointed out that in the affidavit of La Verne I, it did not state her name as the woman whom complainant's son saw having intercourse with his father.

As to the alleged engagement ring, respondent argued that complainant's daughter, Caselyn, did not state in her affidavit that the engraved name is Richelle T. Regner. Caselyn's affidavit only stated that her father "has a mistress named Richelle which I saw through an engagement ring." Respondent emphasized that "Richelle" is not synonymous with "Richelle T. Regner."

Anent the alleged intercourse with Prosecutor Jallorina inside a public building, respondent argued that the same was purely a lie as complainant did not report the same to the security guard or proper authorities. She did not even state in the complaint the specific date when such incident happened.

Respondent further added that granting without admitting that she was pregnant, it does not necessarily mean that complainant's husband is the "father" of her unborn child.

Finally, respondent claimed that considering that complainant's accusation is unsupported by evidence, she prayed that the instant complaint against her be dismissed.

In her Reply[5] dated March 12, 2009, complainant Evelyn V. Jallorina asserted that the comment of respondent only contained bare denials. She maintained that respondent Taneo-Regner was identified several times as the paramour of her husband in the pending annulment case. Complainant further asserted that the photos of respondent Taneo-Regner on the office table and in the bedroom of Prosecutor Jallorina are proofs of their illicit relationship.

Complainant added that while it is true that in the Affidavit of her son, respondent was not categorically named as the woman having intercourse with her husband, the same affidavit was testified to in court under oath by La Verne I, and referred to as the woman whom his father called "Babe" as no other than respondent.

Complainant averred that no other woman would be referred to as "Richelle" in the engagement ring of Prosecutor Jallorina other than respondent Richelle T. Regner because Caselyn, her daughter, has personal knowledge of her father's paramour, who was seen several times in the house of Prosecutor Jallorina.

In her Comment to the Reply[6] dated March 31, 2009, respondent Regner stated that complainant was insulting the intelligence of the Court by making serious accusations without evidence and lies she cannot substantiate.

In view of the conflicting versions of both parties, the Office of the Court Administrator (OCA) recommended

that the instant complaint be referred to the Executive Judge for investigation, report and recommendation.

In a Resolution[7] dated August 2, 2010, the Court resolved to refer the instant matter to the Executive Judge of the Regional Trial Court, San Mateo, Rizal, for investigation, report and recommendation.

After investigation and hearings, in her Investigation Report dated December 14, 2010, Executive Judge Josephine Zarate-Fernandez, RTC, Fourth Judicial Region, San Mateo, Rizal, recommended that the charge of gross misconduct be dismissed for lack of merit. However, finding sufficient evidence that respondent Taneo-Regner is guilty of the charge of immorality, the Investigating Judge recommended that respondent be penalized with six (6) months suspension without pay.

Thereafter, in a Memorandum dated May 13, 2011, the OCA, finding merit on the facts and conclusions, as well as the findings by the Executive Judge, recommended that: (1) the instant administrative case be redocketed as a regular administrative complaint; and (2) respondent Richelle Taneo-Regner be meted the penalty of six (6) months suspension without pay for having been found guilty of Disgraceful and Immoral Conduct.

We adopt the findings and recommendation of the OCA and the Investigating Judge.

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. 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.[8]

As observed by the Investigating Judge, while there is no concrete proof that respondent indeed had an illicit affair with complainant's husband, the testimonies of complainant and her son show otherwise.[9]

La Verne I also testified that he had seen his father and respondent together inside and outside of his father's house several times.[10]

Even on cross-examination, counsel of respondent could not intimidate the minor son of complainant and stood pat on his version of what he witnessed.[11]

Likewise, we also note that there was no allegation of ill motive on the part of witness La Verne I that would prompt him to testify in court and accuse respondent of immorality. In fact, he has been consistent throughout the investigation and hearings that he was not forced, albeit assisted, by his mother in coming out and testifying against respondent. True, it cannot be said that he did not harbor ill feelings towards respondent whom he believed to be his father's mistress, but considering his consistent testimonies of the illicit affair of his father and respondent, his testimony deserves to be given credit.

The presumption is that witnesses are not actuated by any improper motive absent any proof to the contrary and that their testimonies must accordingly be met with considerable, if not conclusive, favor under the rules of evidence because it is not expected that said witnesses would prevaricate and cause the damnation of one who brought them no harm or injury.[12]

We also note that while respondent has consistently argued that the allegations against her are without basis, other than bare denials, she herself failed to refute the charges against her. Indeed, denial is inherently a weak defense as it is negative and self-serving, and the weakest of all defenses, for it is easy to contrive and difficult to prove.

Immorality has been defined to include not only sexual matters but also "conduct inconsistent with rectitude, or indicative of corruption, indecency, depravity, and dissoluteness; or is willful, flagrant or shameless conduct showing moral indifference to opinions of respectable members of the community, and an inconsiderate attitude toward good order and public welfare." [13]

There is no doubt that engaging in sexual relations with a married man is not only a violation of the moral standards expected of employees of the judiciary, but is also a desecration of the sanctity of the institution of marriage which this Court abhors and is, thus, punishable.[14]

Under the Revised Uniform Rules on Administrative Cases in the Civil Service, disgraceful and immoral conduct is punishable by suspension of six months and one day to one year for the first offense. Considering that this is respondent's first offense, we deem it proper to impose the penalty of suspension in its minimum period to respondent.

WHEREFORE, this Court finds respondent RICHELLE Taneo-Regner guilty of Disgraceful and Immoral Conduct. She is hereby SUSPENDED from service for six (6) months and one (1) day without pay, and WARNED that a repetition of the same or similar offense will warrant the imposition of a more severe penalty.

SO ORDERED.

Velasco, Jr., (Chairperson), Abad, Mendoza and Perlas-Bernabe, JJ., concur.

[1] Rollo, pp. 1-8.

[2] Annex "A," id. at 17.

[3] Annex "B," id. at 18.

[4] Rollo, pp. 21-24.

[5] Id. at 25-32.

[6] Id. at 47.

[7] Id. at 129.

[8] Evelyn C. Banaag v. Olivia C. Espeleta, Interpreter III, Branch 82, RTC, Quezon City, A.M. No. P-11-3011, December 16, 2011.

[9] TSN, November 12, 2010, 9:00 a.m., pp. 8-10.

[10] Id. at 8-11.

[11] Id. at 26-35.

[12] Naval v. Panday, A.M. No. RTJ-95-1283, December 21, 1999, 321 SCRA 290, 308.

[13] Regir v. Regir, A.M. No. P-06-2282, August 4, 2009, 595 SCRA 455, 462.

[14] Dela Cueva v. Omega, A.M. No. P-08-2590, July 5, 2010, 623 SCRA 14, 23.

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