

PABLO A. ARDE, COMPLAINANT, VS. GREGORIO ANICOICHE, RESPONDENT.

A.M. No. P-272. February 28, 1978

Ponente: FERNANDEZ, J.

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FERNANDEZ, J.:

This is an administrative complaint filed by Pablo A. Arde with this Court in June 1974 against Gregorio Anicoiche, Deputy Sheriff of the Court of First Instance of Ilocos Sur, Branch II, at Narvacan, Ilocos Sur, for notoriously disgraceful or immoral conduct.

The complaint alleged that respondent Gregorio Anicoiche, being legally married to Faustina Adona with whom he has seven (7) children, lives with a common-law wife named Justina Rojas together with his wife in the same dwelling; that the respondent had allegedly lived with Justina Rojas for the last 17 years with whom he has six (6) children, namely: Alberto, Vicente, Rosemarie, Crispin, Isabel and Abid.[1]

In view of the pendency of two criminal charges filed against the respondent, one for murder and frustrated murder in Criminal Case No. 560-V, Court of First Instance of Ilocos Sur at Vigan and the other for grave oral defamation, Criminal Case No. F-167134, in the City Court of Manila, Branch IV, complainant Arde asked for respondent's suspension from office.[2]

In a letter dated July 5, 1975, respondent Gregorio Anicoiche stated that the charge against him is without basis, assigning political and personal vengeance as the reasons for the complaint; that he is a simple, ordinary and law-abiding citizen, living in peace and happiness with his wife, Faustina Adona together with his seven (7) children; that he and his relatives in Barrio Bungtulan, Vigan, are known to be non-supporters of complainant during the many times he ran for public office in the elections prior to the imposition of martial law; and that respondent is suspected of having instigated the filing of criminal charges against the complainant, Pedro A. Arde, and his wife in two criminal cases.[3]

In a resolution of this Court dated December 3, 1975, the complaint was referred to the Executive Judge of the Court of First Instance of Ilocos Sur for investigation, report and recommendation and the respondent was required to submit his comment within ten (10) days from notice on the complainant's petition for his suspension.[4]

The petition for the suspension of respondent from holding office during the pendency of the administrative charge was denied in a resolution dated March 22, 1976.

The report submitted by the Investigating Judge, the Honorable Florentino C. Cariaso of the Court of First Instance of Ilocos Sur, Branch V in Cabugao, dated July 30, 1977, shows that the complainant, to support the charge against respondent, presented two witnesses and submitted xerox copies of the baptismal certificates of respondent's children with his legal wife, Faustina Adona, and xerox copies of the baptismal certificates of Roberto, Rosemarie and Vicente, the alleged children of respondent with Justina Rojas, the supposed

common-law wife; that complainant presented Elpidio Casimiro of St. Paul Parish Church of Vigan, in charge of the baptismal, marriage and death records of said church, who testified on the baptismal registry books; that Maura Reyes, second witness of complainant, declared that she stood as sponsor at the baptism of Genevieve Anicoche whose mother is Justina Rojas, that the parents of Genevieve Anicoche as baptized were Gregorio Anicoche and Justina Rojas, that Maura Reyes and Felicitas Anicoche gave their names as sponsors and that after the baptism there was a luncheon at the house of Gregorio Anicoche at Bungtulan; that the Office of the local Civil Registrar of Vigan, Ilocos Sur, has no records of birth of these children; that the complainant declared that he was Vice-Mayor of Vigan, Ilocos Sur, for eight (8) years and that he was prompted to file the complaint in his desire to help the New Society, that he was not able to file the administrative charge earlier because of pressure of work, although he had learned and observed the relationship of respondent with his common-law wife for over twenty (20) years and that he is able to file the present administrative charge because he is now out of the government service and has all the time to secure the necessary evidence to prosecute the respondent; that the respondent presented his wife, Faustina Adona, who testified that she and Gregorio Anicoche were married on June 22, 1947, that they have seven (7) legitimate children, two of whom are already married, while one daughter is teaching in a public school in Manila, that she knows one Justina Rojas, the alleged common-law wife of her husband, the acquaintanceship having started during an evacuation in the last World War, and soon thereafter they became close friends, that in 1952, Justina Rojas stood as sponsor at the baptism of her son, Bonifacio Anicoche, that in 1955, Justina Rojas confided to Faustina Anicoche that she was in the family way, that Justina begged Faustina to be allowed to stay in the house of Faustina's mother-in-law and that since then Justina Rojas lived in the same house; that the respondent Gregorio Anicoche knows the complainant, that he has been Deputy Sheriff of the Court of First Instance of Narvacan since 1952 up to the present, that he is legally married to Faustina Adona with whom he has seven (7) children, that he and his wife and Justina Rojas did not live in their house in Barrio Bungtulan because since 1951, when he started working in the government, he and his family had moved to the poblacion of Vigan, that respondent allegedly did not know anything about the baptism of Genevieve Anicoche on May 15, 1968 as narrated by Maura Reyes, sister of the complainant, that he does not even know Genevieve Anicoche, that the respondent never supported the candidacy of complainant for vice-mayor because he thought complainant lacks the qualifications resulting in the complainant being angry at him, that respondent was suspected of having instigated the filing of a complaint for estafa against complainant by a certain Pedro Reotutar, and that there was a heated altercation between the respondent and the complainant at the terminal station of Times Transit in Manila.

The Investigating Judge observed that the complainant relied largely on baptismal certificates to prove the relationship between the alleged illegitimate children and the respondent. No birth certificates were presented since, according to the certification of the Local Civil Registrar, no birth records of these children appear in the Registry of Births in his office. The question then is whether the baptismal certificates are sufficient to prove the filiation of the children.

The respondent denied that he is the father of the children of Justina Rojas. There is no showing that he allowed his name to be placed in the baptismal certificates in question as the father of Justina Rojas. Hence the baptismal certificates in question are not sufficient to establish that the respondent is the father of the children of Justina Rojas.

Maura Reyes, sister of the complainant, is not a credible witness. The certificate of baptism of Genoveva Anicoche, also known as Genevieve, shows that her mother is Faustina Anicoche, not Justina Rojas and that the sponsor was Asuncion Madriaga.[5] Maura Reyes does not appear as a sponsor.

The wife of the respondent testified that Justina Rojas did not live with them. It is unusual for a wife to tolerate

her husband to keep a concubine in their conjugal dwelling.

Inasmuch as the complainant has not been able to prove satisfactorily the relationship of the six (6) children of Justina Rojas with herein respondent, this Court sustains the finding of the Investigating Judge, that the charge has not been substantiated.

WHEREFORE, the instant complaint is hereby dismissed.

SO ORDERED.

Teehankee, (Chairman), Makasiar, Muñoz Palma, and Guerrero, JJ., concur.

[1] Rollo, p. 14.

[2] Rollo, pp. 22-23.

[3] Rollo, pp. 2-3.

[4] Rollo, p. 47.

[5] Annex "D" to complaint, Rollo, p. 9.

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