

**GERALDINE P. DIZON, COMPLAINANT, VS. HIYASMIN L. CAMPO,
COURT STENOGRAPHER, MCTC – CAPAS, TARLAC,
RESPONDENT.**

A.M. No. P-04-1774 (Formerly A.M. No. OCA-IP1-02-1357-P). February 09, 2004

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TINGA, J.:

This case stemmed from the Letter-Complaint[1] dated March 5, 2002, filed by Geraldine P. Dizon against Hiyasmin L. Campo, Court Stenographer of the Municipal Circuit Trial Court (MCTC), Capas, Tarlac, for Immorality.

Complainant alleged that respondent who is a single mother of a nine-year-old child was having an illicit relationship with her husband, Arnel T. Dizon. On March 3, 2001, according to the complainant, her husband admitted his relationship with the respondent who was then already one month pregnant. She met with respondent in order to beg the latter to leave her husband and respondent answered “I will” to the plea. However, respondent and complainant’s husband continued their illicit relationship still. On December 19, 2001, complainant received a text message from respondent that complainant’s husband loves her and was willing to leave his family for her.[2]

On March 4, 2002, complainant went to the MCTC of Capas, Tarlac, where she confronted respondent about the illicit relationship inside the chamber of Judge Panfilo Valdez, Sr. Respondent allegedly not only admitted her relationship with complainant’s husband but also stated that she was pregnant. Pleading to respondent that she leave her husband, complainant offered financial support. Respondent refused the offer, stating that she is working and that all she needs is complainant’s husband.[3]

Attached to the Letter-Complaint was the Affidavit of Amelita Tanglao Dizon, the sister of Arnel T. Dizon, wherein she stated that she knew of the affair between her brother with respondent as she often saw them together at the Municipal Hall where she is also working. Once during a heavy traffic, so she narrated, she approached and knocked on the car where Arnel and respondent were riding but the two ignored her.

Respondent filed a Comment[4] dated March 15, 2002, denying the charges hurled against her. She alleged that complainant’s husband, a member of the Sangguniang Bayan of Capas, Tarlac, became her acquaintance because of their common place of work. Hence, it was not infrequent that she and Arnel would be seen talking with each other in public within the compound of the Municipal Hall. It was only in the year 2001 that she found out that some employees attributed malice to her acquaintance with Arnel Dizon. Respondent denied having sent text messages to complainant. She also denied that she was pregnant and claimed she knew nothing about the alleged admission of Arnel on the matter. To prove the point she submitted a Medical Certificate dated May 5, 2002, attesting to the fact that she did not get pregnant within the preceding three months.[5]

On August 7, 2002, the Office of the Court Administrator recommended the dismissal of the complaint for lack of merit.[6]

On August 15, 2002, complainant filed a Motion to Admit Additional Evidence[7] attaching thereto a Certification[8] dated August 9, 2002, from the Civil Registrar confirming the marriage that took place on May 28, 2002, between Arnel T. Dizon and respondent.

On October 15, 2002, complainant filed another Motion to Admit Additional Evidence [9] dated October 4, 2002, attaching thereto the Application for Marriage License dated May 17, 2002, of respondent and Arnel.

On November 8, 2002, the OCA[10] referred the case to the Executive Judge of the Regional Trial Court of Tarlac City, for investigation, report and recommendation.

Respondent filed a Manifestation with Motion for Reconsideration[11] dated February 5, 2003, praying that she be allowed to resign effective as of June 2003. She claimed that several months after the filing of the administrative complaint, she decided to ask the indulgence of the OCA to allow her to resign even though, as she claimed, she was an effective and efficient court stenographer. The recommendation of the OCA allowing her resignation was simply noted pending the submission of the report of the investigating judge.

In his Report, Investigating Judge Arsenio P. Adriano, Executive Judge, RTC, Branch 63, Tarlac City, recommended that respondent be meted the penalty of three (3) months suspension without pay for immoral conduct. He based his recommendation on the following findings, thus:

“Respondent admitted that Arnel T. Dizon courted her. Even when the administrative case had already been filed, she was made to believe by Arnel T. Dizon that he was not lawfully married and has in fact, separated from complainant Geraldine Dizon.

Respondent further admitted that since she relied on Arnel Dizon’s allegations that he was not legally married, respondent signed an application for marriage license and in fact signed a marriage contract with Arnel Dizon.

Respondent is tall and pretty and it is not difficult to accept her explanation that Arnel Dizon courted her and was able to convince her that he (Arnel) was not legally married to complainant Geraldine Dizon. It was only later on that she came to her senses and realized that she could not be happy with Arnel Dizon as he has (sic) already two children. The respondent filed an annulment suit before the RTC at Mabalacat, Pampanga.

Respondent further alleged that she filed a letter to the Honorable Supreme Court begging that she be allowed instead to resign as court-stenographer. Even assuming that she be allowed to resign, this will not abate the progress of this administrative case.

But then, the respondent has shown remorse for what she had done. She had filed an annulment suit to annul her marriage with Arnel Dizon. There is really no evidence that when she [had or when] started her relationship with Arnel Dizon, [that] she was fully aware that Arnel Dizon was married (lawfully or illegally) with complainant Geraldine Dizon.

RECOMMENDATION:

It appearing that this is her first offense, and that the alleged relationship was not entirely her fault, it is most respectfully recommended that she be meted the penalty of three (3) months suspension without pay for immoral conduct instead of suspension of six months and one day under Memorandum Circular No. 30 of the Civil Service Commission, dated 20 July 1989.”

The OCA agreed with the penalty recommended by the investigating judge which is three (3) months’ suspension without pay, which is not even the minimum of six (6) months and one (1) day of suspension provided in Memorandum Circular No. 30 dated July 20, 1989.

The Court affirms the findings of immorality on the part of the respondent reached by the OCA and the

investigating judge. However, the penalty they recommended is lower than what respondent deserves.

The facts on record warrant the imposition of the penalty of suspension prescribed by the Civil Service Law^[12] for the first offense for disgraceful and immoral conduct, the minimum of which is six (6) months and one (1) day while the maximum is one (1) year.

Instead of rectifying her errant ways after the wife of her paramour had pleaded with her, she continued the illicit relationship and even abhorrently aggravated the situation by marrying complainant's husband. Interestingly, respondent married him after she stated in her Comment that her relationship with him was purely based on friendship. Respondent cannot feign ignorance of Arnel T. Dizon's marital status for he was then a member of the Sangguniang Bayan of Capas, Tarlac. Someone like respondent who works in the same Municipal Hall must have known of, or at least could have easily verified, the status of Arnel. Even assuming that she was unaware of Arnel's married status when they first became acquainted with each other, she should have been put on guard when a woman claiming to be his wife pleaded to her to abort her illicit relationship for the sake of the couple's two children.

By agreeing to marry a man during the subsistence of the latter's marriage to another person, respondent subjected both herself and her paramour to the risk of criminal prosecution. Also, while it appears that Arnel had courted respondent, the fact remains that she entertained the advances of a married man. Respondent's subsequent filing of an action for the annulment of her marriage to Arnel does not extenuate her liability.

WHEREFORE, the Court finds respondent Hiyasmin L. Campo GUILTY of immorality and hereby imposes upon her the penalty of suspension for six (6) months and one (1) day without pay. Let a copy of this Decision be appended to respondent's 201 file.

SO ORDERED.

Puno, (Chairman), Quisumbing, Austria-Martinez, and Callejo, Sr., JJ., concur.

[1] Rollo.p. 1.

[2] Ibid.

[3] Ibid.

[4] Id., at 10-12.

[5] Id., at 13.

[6] Id., at 16-18.

[7] Id., at 19.

[8] Id., at 20.

[9] Id., at 27.

[10] Id., at 24.

[11] Second Rollo, pp. 1-2.

[12] Memorandum Circular No. 30, Series of 1989 of the Civil Service Commission; Section 23(o) of Rule XIV of the Rules Implementing Book V of the Administrative Code of 1987.

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