

CARMELITA L. LLEDO, COMPLAINANT, VS. ATTY. CESAR V. LLEDO, BRANCH CLERK OF COURT, REGIONAL TRIAL COURT, BRANCH 94, QUEZON CITY, RESPONDENT.

A.M. No. P-95-1167. December 21, 1998

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PER CURIAM:

Court personnel, from the judge to the lowest clerk, are invested with the sacred duty to maintain the good name and standing of the institution they serve. A court employee abdicates that duty when he abandons his family and openly cohabits with his mistress. He aggravates his culpability by falsely representing his paramour to be his lawful wife.

This principle is applied by the Court in resolving the present Administrative Complaint for immorality, abandonment and conduct unbecoming a public official. Filed on February 4, 1994 by Mrs. Carmelita Lledo against her husband, Atty Cesar V. Lledo, branch clerk of court of the Regional Trial Court (RTC) of Quezon City, said Complaint presented the facts as follows:

"That sometime last year (1993) I received some information that he is keeping a paramour, which information I verified, as a result of which, I personally came to know that my husband is living with another woman named Katrina Narvaez with whom he has children[. A] certified true copy of the Birth Certificate of his son named Ryan Narvaez Lledo, is hereto attached marked as 'Annex B';

"That the other children's birth certificates named Don and Kathleen are still for release by the National Statistics Office;

"That when I was able to secure a copy of the Birth Certificate of Ryan, I immediately went to see the specified address at 240 Rd. I Pag-asa, Quezon City, only to be informed by Mrs. Songco, their landlady that they transferred to another apartment in Burol I Sta Cruz Village, Balagtas Bulacan because they had a serious altercation which resulted in the filing of three (3) cases namely: IS No. 92-15883, Oral Defamation and Grave Threats, IS No. 92-16957, Grave Threats, Malicious Mischiefs and Physical Injuries and IS No. 92-15650 for Slight Physical Injuries, xerox copies of which are hereto attached and marked as Annex 'C', 'D' and 'E' respectively;

"That on November 12, 1992, Atty. Cesar Lledo executed an affidavit subscribed and sworn to on [the] same date by the Assistant City Prosecutor, Perpetuo L.B. Alonzo, Fiscal['s] Office, Quezon City, attesting to the truth that Katrina is his wife and that they are tenants or lessees of one of the rooms of the house of Mrs. Dolores Songco, xerox copy of which is hereto attached as Annex 'G';

"That they lived as husband and wife at 240 Rd. I, Pag-asa as evidenced by a contract entered into by his paramour K.N. Lledo, xerox copy of which is attached and marked as Annex 'F' and that Katrina and Atty. Lledo are known in the community as husband and wife;

"That upon knowledge of my husband's infidelity which caused irreparable psychological and emotional damage to the children and gross humiliation I suffered as the lawful wife, I immediately wrote a formal letter (xerox copy of which is hereto attached as Annex 'H') to Judge Pedro Santiago, Executive Judge of the Quezon

City Regional Trial Court, copy furnished Atty. Lledo's immediate superior, Judge Romeo Zamora, Regional Trial Court Branch 94, requesting xxx a dialogue which never transpire[d] because my husband refused to see me;

"That Atty. Lledo with his paramour Katrin had been transferring their residence from 240 Rd. I Pagasa, Quezon City, to Buro I Sta. Cruz Village, Balagtas, Bulacan and at present at Santol Buro I 5, Balagtas, Bulacan, maintaining their illicit relationship up to the present;

"That such, actuations of Atty. Lledo [constitute] disgraceful and immoral conduct violative of the provisions of Administrative Code of 1987 (PD 807) and RA 6713 (Code of Conduct and Ethical Standards for Public Officials and Employees); and,

"That I am executing this affidavit to attest to the truthfulness of the foregoing statements and as basis for my complaint against my husband for immorality, abandonment and for conduct unbecoming xxx a public official." [1]

In his Comment, respondent denied all the material allegations of the complainant and stated:

"That since the birth of all their children, respondent has not been remiss in his obligation to provide for their support as he is still paying the matriculation fees of their youngest daughter who is taking up [the] Degree of Bachelor of Psychology in an amount of not less than P9,000.00 per semester, more or less. Additionally, he (respondent) caused the employment of his two (2) sons, both married namely Eric - employed at the sala of Judge Lucas Bersamin, and Cesar, Jr., - employed at the National Power Corporation.

"Additionally, the amount obtained on the maturity of his GSIS Policy was all utilized for the payment of all the debts incurred due to advances made to pay the needs of his children especially for payment of tuition fees and other miscellaneous needs of the children.

"The filing of the case was triggered on the unfounded ground or claim that the petitioner [would] not [get] her alleged one-half share of the respondent's pension. The said ground is untrue and bias[ed]. The truth of the matter is respondent will be paying the amortized house and lot and will give the complainant her one-half share of the pension." [2]

On August 28, 1996, the Court referred the Complaint and the Comment to then Executive Judge Pedro T. Santiago, RTC, Quezon City, for investigation, report and recommendation.

Finding that the Report of Judge Santiago was not responsive, in fact totally irrelevant, to the issue in the case, the Court on September 30, 1997 asked the new executive judge, Hon. Estrella Trias-Estrada, to reinvestigate the matter.

After a thorough investigation, wherein both the complainant and the respondent were accorded the opportunity to present their respective causes and to cross-examine each other's witnesses, Judge Trias-Estrada submitted her Report, the pertinent portions of which are quoted hereunder:

"From the evidence on record, the undersigned has reason to believe the claim of complainant Carmelita Lledo that respondent ha[s] indeed abandoned her and their children sometime in 1987 without giving adequate support to their four legitimate children and [that] he had established a second family with one Katrina Narvaez and their own set of children. In the affidavit-complaint dated November 12, 1992 which respondent Cesar Lledo filed before the Quezon City Prosecutor's Office executed under oath (Exhibit 'J'), respondent Lledo gave the name [of] Katrina as his wife and [of] xxx Don as his child. The complaint-affidavit was filed in connection with a serious altercation he had with one Dolores Songco, the landlady/administrator of the house at No. 240, Road I, Pag-asa, Quezon City where he and Katrina lived together as husband and wife with their children. The cases filed by him were oral defamation through malicious mischief and slight physical injuries. These cases, however, were dismissed by Judge Tolentino of the MTC. The affidavit-complaint of

respondent is in effect an admission that he considered Katrina Narvaez as his wife and Don as his child. Complainant was also able to secure a birth certificate of one Ryan Narvaez Lledo whose father's name is Czar Diaz Lledo with address at No. 240 Rd. I, Pag-asa, Quezon City. Although the name of the purported father appears to be different, Czar Diaz Lledo, it is obvious that it is a typographical error or perhaps, it was intentionally misspelled that way because it was Katrina Narvaez who furnished that dat[um] in said certificate of live birth. But despite the erroneous spelling, said certificate of live birth became the key to the discovery of the address of the respondent after he left their conjugal dwelling.

"The complainant was able to get information through Dolores Songco, the landlady of respondent and Katrina Narvaez Lledo who gave a full account of the relationship of respondent and Katrina who[m] she personally observed to have conducted themselves as husband and wife; that Don was four years old when he was brought to said residence as their son and where the two other children Ryan and Kat[h]leen were conceived and born. Dolores Songco categorically stated that respondent and Katrina lived in the house where she is the administrator together with her from June, 1988 up to November 7, 1992.

"Respondent Lledo did not make any [categorical] denial of the charges. His answers were only that he did not know said Katrina, that he did not also [know] Ryan, but the only reason that he left the conjugal dwelling [was] that his wife was a complete nagger and was not performing her duties as a responsible wife and mother, that it was he who performed the household chores and often he would bring to his office one of his children to take care of. He also denied that he was not giving financial support but his wife who never spent any single cent. He admitted that the signature appearing in the affidavit-complaint marked as Exhibit 'J' which was the basis of the criminal charges against Dolores Songco is his signature.

"Between the oral and documentary evidence of the complainant and the oral denials and admissions made by the respondent, the inevitable conclusion is that the charges against respondent Lledo are true. The abandonment of complainant and their children apparently came about when respondent Lledo was already at the JDRC and had started to have drinking buddies and later on a sweetheart. And in 1987 he already completely left the conjugal dwelling to establish a second family and for the purpose, he and Katrina with their son Don, established their residence in a room in the house at No. 240, Road I, Pag-asa, Quezon City which was being administered by one Dolores Songco for and in behalf of her brother who is living in the United States. Such second family stayed in said residence for four (4) years, lived as a complete family without the benefit of marriage and therefore was living in an immoral status which is a ground for dismissal of a government official or employee. Considering that respondent is holding a high government position which requires him to be of good moral character and fit to perform his functions as Branch Clerk of Court, his actuations [are] not a good example to his subordinates.

"IN VIEW OF THE FOREGOING, it is respectfully recommended that the corresponding penalty of dismissal from the service be meted [out to] respondent Atty. Cesar V. Lledo."

In its September 2, 1998 Memorandum addressed to the Office of the Chief Justice, the Office of the Court Administrator (OCA) agreed with the findings of Judge Estrada and recommended that Atty. Cesar Lledo be dismissed from the service for disgraceful and immoral conduct.

The Court agrees with the recommendations of Judge Estrada and the OCA that respondent should be sanctioned.

The Court has emphasized time and again that "the conduct and behavior of everyone connected with an office charged with the dispensation of justice, from the presiding judge to the sheriff and to the lowliest clerk, should be circumscribed with the heavy burden of responsibility." [3] In a similar case, the Court has further held that "a court personnel, being a public servant, must exhibit the highest sense of honesty and integrity not only in the performance of his official duties but also his personal and private dealings with other people, to preserve the court's good name and standing." [4] The Court has also admonished court personnel that their conduct "should be geared towards maintaining the prestige and integrity of the court, for the image of a court of justice is necessarily

mirrored in the conduct, official or otherwise, of the men and women who work thereat, from the judge to the least and lowest of its personnel; hence, it becomes the imperative and sacred duty of each and everyone in the court to maintain its good name and standing as a temple of justice." [5]

In the present case, sufficient proof, both oral and documentary, was presented to show that Respondent Lledo abandoned his conjugal dwelling without providing support for his legitimate children and subsequently cohabited with Katrina Narvaez with whom he had three children. It is beyond dispute that respondent flaunted his disregard of the fundamental institution of marriage and his elementary obligation to provide for his legitimate children. Worse, he executed several Sworn Statements that he was lawfully wedded to his mistress.

Clearly, the respondent in this case has failed to comply with the strict standards required of court employees. His conduct betrays an unscrupulous streak that has, in turn, tarnished the image of the judiciary.

We impose on respondent the penalty of dismissal, in line with numerous similar cases. In *Sicat v. Alcantara*, [6] the Court dismissed a clerk of court and a judge for maintaining an illicit amorous relationship with each other. In *Castillo v. Calanog* [7] and in *Dy Teban Hardware & Auto Supply v. Tapucar*, [8] respondent judges were also dismissed from the service for moral obtuseness in maintaining mistresses and for immoral advances against the complainants. These cases demonstrate, as we do once again, that "exacting standards of morality and decency have been strictly adhered to and laid down by the highest Court of the land in regard to those in the service of the judiciary xxx." [9] "In fact, moral integrity is more than a virtue; it is a necessity in the judiciary." [10] Because respondent clerk of court has failed to perform his imperative duty to maintain the prestige and integrity of the judiciary, he has forfeited his privilege to partake in the administration of justice.

Moreover, the conduct for which he is here penalized affects not only his qualifications as a court employee, but also as a member of the bar. For this reason, the Court hereby refers the case to the Board of Governors of the Integrated Bar of the Philippines, pursuant to Section 1 of Rule 139-B of the Rules of Court. [11]

WHEREFORE, Cesar V. Lledo, branch clerk of court of RTC, Branch 94, Quezon City, is hereby **DISMISSED** from the service, with forfeiture of all retirement benefits and leave credits and with prejudice to reemployment in any branch or instrumentality of the government, including any government-owned or controlled corporation. This case is **REFERRED** to the IBP Board of Governors pursuant to Section 1 of Rule 139-B of the Rules of Court.

SO ORDERED.

Davide, Jr., C.J., Romero, Bellosillo, Melo, Puno, Vitug, Kapunan, Mendoza, Panganiban, Martinez, Quisumbing, Purisima, and Pardo, JJ., concur.

[1] Rollo, pp. 3-4.

[2] Records, p. 41.

[3] *Gacho v. Fuentes*, AM No. P-98-1265, June 29, 1998, per curiam; citing *Flores v. Caniya*, 256 SCRA 518, April 26, 1996; *Office of the Court Administrator v. Fuentes et al.*, AM No. RTJ-94-1270, August 23, 1995; *Ong v. Meregildo*, 233 SCRA 632, July 5, 1994; *GVM, Inc. v. De Guzman*, 227 SCRA 684, November 11, 1993.

[4] *Re: Judge Nestor C. Flauta*, 242 SCRA 347, March 15, 1995, per Bidin, J.

[5] *Punzalan-Santos v. Arquiza*, 244 SCRA 527, May 31, 1995, per curiam; citing *Recto v. Racelis*, 70 SCRA 438, April 30, 1976; cited in *Gacho v. Fuentes*, supra.

[6] 161 SCRA 284, May 11, 1988.

[7] 199 SCRA 75, July 12, 1991.

[8] 102 SCRA 493, January 31, 1981.

[9] *Sicat v. Alcantara*, *supra*.

[10] *Dy Teban Hardware & Auto Supply Co. v. Tapucar*, *supra*.

[11] Section 1 of Rule 139-B provides in part that "[t]he IBP Board of Governors may, *motu proprio* or upon referral by the Supreme Court or by a Chapter Board of Officers, or at the instance of any person, initiate and prosecute proper charges against erring attorneys including those in the government service."

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