

RE: ANONYMOUS LETTER-COMPLAINT AGAINST JESUSA SUSANA CARDOZO, CLERK III, REGIONAL TRIAL COURT, BRANCH 44, DAGUPAN CITY.

A.M. NO. P-06-2143 (Formerly OCA IPI No. 06-2384-P). June 12, 2008

Ponente: AZCUNA, J.

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AZCUNA, J.:

For decision is an anonymous letter-complaint[1] dated May 2, 2005, filed with the Office of the Court Administrator (OCA), charging respondent Jesusa Susana Cardozo, Clerk III, Regional Trial Court (RTC), Branch 44, Dagupan City, with Disgraceful and Immoral Conduct and Ill-gotten wealth.

In support of the charge, the unknown complainant alleged that respondent was engaged in an illicit relationship with a certain Mr. Beltran, a retired Fire Marshall, who is a married man;[2] that they are living together as husband and wife in a house owned by respondent; and that every afternoon, Mr. Beltran fetches respondent at her office. Complainant likewise claimed that respondent used the names of judges to extort sums of money from party-litigants; and considering that she is only a Clerk III, complainant is curious as to where she got the money to build a house and buy jewelries.[3]

Pursuant to a Memorandum dated August 10, 2005, a team conducted on August 17-19, 2005 a discreet investigation regarding the matter.[4]

In its Investigation Report[5] dated August 25, 2005, the team discovered that respondent is married to Reynaldo T. Cardozo, who is now residing in the United States of America; that they have two minor children who are living with respondent's parents and are being supported by their father for their educational needs; that Mr. Beltran is married to a teacher residing in Sta. Barbara, Pangasinan; and that they also have children of their own who are living with his wife in Sta. Barbara.[6]

Upon verification, they found that respondent filed a petition for Declaration of Nullity of Marriage[7] with the RTC, Branch 43, Dagupan City, praying for custody and support for their children. The RTC granted the petition in its Decision[8] dated June 23, 1997. However, with the exception of the order granting support to their children, the decision was reversed by the Court of Appeals.[9]

They also found that the newly-constructed house of respondent was built when Mr. Beltran decided to live with respondent and that the money used in its construction came from the retirement benefits recently obtained by Mr. Beltran. Further, the lot on which the house was constructed was registered in the name of respondent's mother and is within the compound where respondent and her family reside.[10] They also learned that no real property was registered in respondent's name in Calasiao and Dagupan City, Pangasinan.[11]

When they met respondent, the team observed that contrary to what was alleged in the letter-complaint, she was modest on how she presented herself.[12]

The team thus concluded that there was sufficient basis to sustain complainant's allegation of respondent's illicit

relationship with Mr. Beltran. There was, however, no evidence to support the charge of ill-gotten wealth.[13]

Ultimately, the team recommended that the anonymous letter-complaint be referred to the Legal Office, OCA, for appropriate action and that respondent be required to show cause why no disciplinary action should be taken against her for the above acts.[14]

In her Comment[15] dated September 26, 2005, respondent vehemently denies the accusations against her, claiming that complainant's allegations were untrue, fabricated, and malicious. She alleges that she is not engaged in an illicit relationship with Mr. Beltran or anyone else. Considering that she was living with her mother, sibling and children, they allegedly would not allow her to have an illicit relationship with anybody.[16]

She maintains that while she is separated from her husband, that she had filed a complaint for annulment of marriage before the RTC, Branch 43, Dagupan City, which was granted in a Decision[17] dated June 23, 1997. Despite being a single mother, she managed to support their two children. Respondent avers that from the money she borrowed from her mother, she entered the rice trading business and the buying and selling of goods. She also put up a "kambingan" [goat farm] on their family's lot.[18]

Respondent further alleges that with the help of her sister who works as a nurse in Saudi Arabia, she constructed a small bungalow inside their mother's lot, to give her and her children a decent place to live in after they were abandoned by her husband. She added that because of her meager earnings, she availed of several loans from the government and regularly receives financial help from her mother and sister.[19]

Respondent asserts that she never received any amount of money from party-litigants in exchange for favors from judges and that from the time she entered government service up to the present, she has been honest in all her dealings and never engaged in any illegal and/or immoral transactions. Respondent avers that if at times she wore jewelries, they are modest and within her means to buy or were given to her by her sister and that up to the present, she remained poor and simple.[20]

In its Evaluation and Recommendation,[21] the OCA adopted the findings of the investigating team and recommended that the case be re-docketed as a regular administrative matter and that respondent be found guilty of immorality and suspended for six months and one day, without pay.[22]

The issue for resolution is whether or not respondent is guilty of immorality and unexplained wealth warranting the imposition of administrative sanctions.

As regards the charge of respondent's unexplained wealth, this Court agrees with the conclusion of the investigating team. After investigation, they found that no real properties were registered in respondent's name, and her residence is located within the compound owned by her mother. When the team met respondent, they found that she dresses herself modestly, contrary to the accusations against her. In addition, the team learned that Mr. Beltran funded the construction of the house through his retirement benefits. Consequently, there is no sufficient basis to establish that respondent possesses ill-gotten wealth.

Anent the charge of immorality, this Court resolves the issue in the affirmative. Buttressed by the findings of the investigating team, there is undoubtedly sufficient and substantial evidence showing that respondent, a married woman although separated de facto from her husband, is having an illicit relationship with another man, one Mr. Beltran.

On several occasions, this Court has held that an illicit relation is considered disgraceful and immoral conduct which is subject to disciplinary action.[23] Under the Uniform Rules on Administrative Cases in the Civil Service Commission adopted and approved by the Civil Service Commission in its Resolution No. 991936 dated August

31, 1999, disgraceful and immoral conduct is a grave offense for which a penalty of suspension for six (6) months and one (1) day to one (1) year shall be imposed for the first offense while the penalty of dismissal is imposed for the second offense.[24] While respondent tried to deny the accusations against her, the Court finds no reason to doubt the findings of the investigating team and the recommendation of the OCA.

As a court employee, respondent should be reminded that the image of a court of justice is mirrored in the conduct, official or otherwise, of the women and men who work in the judiciary, from the judge to the lowest of its personnel. Hence, it becomes the imperative duty of every employee of the court to maintain its good name and standing as a true temple of justice.[25] Based on the foregoing, respondent failed to maintain such conduct, characterized by propriety and decorum, to earn and uphold the respect of the public for the judiciary.

WHEREFORE, respondent Jesusa Susana Cardozo is hereby adjudged GUILTY of Disgraceful and Immoral Conduct and is SUSPENDED for six (6) months and one (1) day without pay. Respondent is STERNLY WARNED that a repetition of the same or similar offense will be dealt with more severely.

SO ORDERED.

Puno, C.J., (Chairperson), Carpio, Corona, and Leonardo-De Castro, JJ., concur.

[1] Rollo, p. 13.

[2] Id.

[3] Id.

[4] Id. at 7.

[5] Id. at 7-10.

[6] Id. at 7-8.

[7] Id. at 24-28.

[8] Id. at 15-18.

[9] Id. at 19.

[10] Id. at 8.

[11] Id. at 9.

[12] Id.

[13] Id.

[14] Id.

[15] Id. at 20-23.

[16] Id. at 21.

[17] Id. at 15-18

[18] Supra, note 16.

[19] Id. at 21-22.

[20] Id. at 22-23.

[21] Id. at 1-4.

[22] Id. at 4.

[23] Dela Torre-Yadao v. Cabanatan, A.M. No. P-05-1953, June 8, 2005, 459 SCRA 332, 338; Maguad v. De Guzman, A.M. No. P-94-1015, March 29, 1999, 305 SCRA 469, 476.

[24] Rule IV, Section 52 (A)(15).

[25] Rodrigo-Ebron v. Adolfo, A.M. No. P-06-2231, April 27, 2007, 522 SCRA 286, 294.

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