

FLORA TABOADA, COMPLAINANT, VS. HON. JOSE CABRERA, CITY JUDGE OF TOLEDO CITY, RESPONDENT.*A.M. No. 980-CTJ. August 16, 1977*

Ponente: FERNANDEZ, J.

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In a sworn letter-complaint dated May 15, 1975, Flora M. Taboada, with address at 120-A Llamas St., Cebu City, charged City Judge Jose Cabrera with breach of his obligation to support their child, Cedric Taboada Cabrera, and non-compliance with his promise to pay complainant the amount of P24,000.00, representing her half share of their conjugal home in Cebu City.

According to the complaint, the complainant and the respondent got married on August 15, 1967, the ceremony being performed at the Good Shepherd Convent; that of this union a son, Cedric Cabrera, was born to them on April 17, 1968; that the birth certificate was signed by herein respondent as the father and the same was registered with the Civil Registrar of Manila; that sometime in July 1967, complainant and respondent, using their joint savings, constructed a house worth around P50,000.00 including the furnishings; that they had agreed, since they started to live together, that the earnings of the complainant would answer for the food, household expenses and such other miscellaneous expenses while the respondent would pay for the amortization of the house and the installments for the family car; that on October 19, 1970, complainant left their dwelling and from that date respondent allegedly never gave money to her for the support of their son; that in April 1972, respondent signed an agreement promising to pay complainant the sum of P24,000.00 as her share of their house and furnishings therein and a monthly support for their son; that the complainant allegedly never received the sum of P24,000.00; and that the respondent gave the complainant the sum of P200.00 monthly only for a few months for the support of their son.[1]

In his comment-explanation, the respondent Judge Cabrera denied all the charges and claimed that respondent herein filed the complaint only for the purpose of extorting money from him; that the allegation that he failed to give support to Cedric Cabrera is not true; that he has misgivings as to the paternity of the child but to avoid scandal and embarrassment, he gave the herein complainant P200.00 a month without her asking for it as early as 1970; that he stopped the allowance only in October 1974 when complainant, Flora Taboada, gave birth to another child in Cebu City; and that he separated from complainant because of her unsavory conduct and reputation.[2]

It appears clear that the complainant is only seeking the help of this Court to collect sums of money which respondent allegedly promised to pay her. Her charges against respondent Judge are without merit. The complainant has other legal remedies to compel the respondent to comply with his undertaking to pay the amount of P24,000.00. An administrative action filed with this Court is not the proper procedure to obtain such a relief.

The respondent judge has agreed to continue giving support to the complainant. He addressed to this Court the following letter dated July 18, 1977.[3]

"Sir:

Regarding Administrative Case No. 980-CTJ, I have the honor to ask permission from the Honorable Court that I will be allowed to continue giving the sum of P200.00 monthly to Dr. Flora Taboada whose address is at Llamas Street Cebu City. This amount should be deducted to my monthly salary begin-ning the month of August, 1977 by the Financial Officer of the Supreme Court.

Hoping for your kind consideration from this matter.

Very truly yours,

(Sgd.) Jose R. Cabrera"

WHEREFORE, the charges against the respondent, Jose R. Cabrera, City Judge of Toledo City, are hereby dismissed.

The Finance Officer of this Court is hereby directed to make a monthly deduction of TWO HUNDRED PESOS (P200.00) from the salary of the respondent and remit said amount to the complainant at Llamas Street, Cebu City beginning the month of August 1977, for support of the child Cedric Cabrera.

Castro, C.J., Fernando, Teehankee, Barredo, Makasiar, Antonio, Muñoz Palma, Concepcion, Jr., Martin, Santos, and Guerrero, JJ., concur.

Aquino, J., took no part.

[1] Sworn letter-complaint of Flora M. Taboada, M. D. dated May 15, 1975, Adm. Matter No. 980-CTJ Folder, pp. 1-3;

[2] 2nd Indorsement (comment-explanation) of City Judge Jose R. Cabrera, dated July 1, 1975, Ibid., pp. 7-9;

[3] Folder, Ibid., (attached).

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