ALDA C. FLORIA, EXECUTIVE ASSISTANT IV, ARCHIVES SECTION, COURT OF APPEALS, COMPLAINANT, VS. CURIE F. SUNGA, SUPERVISING JUDICIAL STAFF OFFICER AND ISIDRO A. APEROCHO, ASSISTANT...

A.M. No. CA-01-10-P[1]. November 14, 2001

Ponente: SANDOVAL-GUTIERREZ, J.

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SANDOVAL-GUTIERREZ, J.:

For resolution are respondents' separate motions for reconsideration of the Minute Resolution dated February 12, 2001 of this Court[2] adopting the Court Administrator's Recommendation:

> "(a) to DISMISS the complaint for immorality, falsification and misrepresentation against respondent Alda C. Floria in OCA IPI No. 99-18-CA-P for lack of merit;
>
> (b) to RE-DOCKET as a regular administrative matter the complaint for conduct unbecoming a court employee against respondents Curie F. Sunga and Isidro A. Aperocho in OCA IPI No. 99-21-CA-P, and
>
> (c) to IMPOSE on respondents Curie Sunga and Isidro Aperocho FINE in the amount of Five Thousand Pesos (P5,000.00) each with a WARNING that the commission of the same or similar acts in the future shall be dealt with more severely."

The facts are:

On August 5, 1999, one Mrs. Badilla filed with the Office of the Ombudsman a letter-complaint against Alda C. Floria[3] alleging that she has an illicit relationship with Rodrigo Badilla, a former employee of the Court of Appeals, married to Celia Badilla, also a former employee of the same court. In a "Sworn Affidavit" dated September 22, 1999, likewise filed with the Office of the Ombudsman, one Rogelio Goyal charged Floria with falsification by indicating in her children's certificates of live birth that she and Rodrigo Badilla were married on May 22, 1972 in Cabanatuan City. Both complaints were forwarded by the Office of the Ombudsman to the Office of the Court Administrator (OCA).

On September 8, 1999, Isidro Aperocho, Curie Sunga, Danny Constantino, Josefina Padilla, Mitos Santos, Sheila Casaclang, and Phil Calinga, all employees of the Court of Appeals Information and Statistical Data Division, filed a Manifesto with the OCA, docketed as OCA IPI No. 99-18-CA-P. They alleged therein that Floria committed immorality, falsification and misrepresentation by having an illicit relation with a married man; by causing false entries in the certificates of live birth of her children stating that she and Rodrigo Badilla were married on May 22, 1972; and by misleading the Court of Appeals Selection and Promotions Board that she is a graduate of Masteral Degree in Management from the Technological University of the Philippines (TUP). However, the TUP's Certification dated September 6, 1999 states that while Floria completed the academic requirements for "Master in Management" as of March 1999, her application for graduation is still to be acted upon by the Board of Regents. The Manifesto also states that Celia Badilla and Rogelio Goyal have filed with the

Office of the Ombudsman similar complaints against Floria.

Meanwhile, Floria filed with the OCA a complaint dated September 17, 1999 against Curie Sunga and Isidro Aperocho for "Conduct Unbecoming of a Court Employee," docketed as OCA IPI No. 99-21-CA-P. Floria alleged that she is an Assistant Chief of Division assigned at the Archives Section of the Judicial Records Division of the Court of Appeals. On August 6, 1999, the position of Chief of the Information and Statistical Data Division was declared vacant due to the compulsory retirement of Maria Coronel. She stated that Curie Sunga, Assistant Chief of that Division, was interested to sit as Acting Chief of Division until December 1999 when she shall compulsorily retire. Among the four applicants, only she (Floria) and Isidro Aperocho, Assistant Information Officer in the same Division, were nominated for promotional appointment to the vacant position by the Selection and Promotions Board. Sunga and Aperocho, motivated by jealousy and malice and believing that no employee outside of the Division should apply for the vacancy, conspired to malign and destroy her through their Manifesto, designed to discredit and eliminate her from being nominated for the vacant position.

In her comment on the Manifesto, Floria admitted she has two children with Rodrigo Badilla, her co-employee, born in 1974 and 1979. However, she did not know then he was married. It was only later that she came to know of his marriage with Celia Badilla, also an employee in the Court of Appeals. In February 1980, she severed her relationship with Badilla "when I regained by senses and sensitivity and realizing the impropriety of my relationship with him." According to her, if there is anybody who should complain against her, it should be Celia Badilla who was prejudiced and knew such illicit relationship. She claimed that for 25 years, everyone in the Court of Appeals knew that her children have been using the surname "Badilla." But Celia Badilla has remained silent. Her inaction for a prolonged period of time constitutes laches. Floria denied having prepared or signed the certificates of live birth of her children. On the charge of misrepresentation, she submitted her official transcript of records from the TUP dated December 10, 1999 showing she finished her Master in Management and a letter from the same university dated September 15, 1999 with an attached Certification of Graduation on June 3, 1999.

In their joint comment on Floria's complaint, Sunga and Aperocho claimed that their Manifesto is intended to (a) oppose and contest her application for promotional appointment as Chief of their Division in light of the charges of Celia Badilla and Rogelio Goyal for immorality and falsification filed with the Ombudsman; and (b) to charge Floria administratively with immorality, falsification of her children's certificates of live birth and misrepresentation that she is a graduate of a masteral course. Their Manifesto is not tainted with malice and is not intended to cause Floria "irreparable harm and prejudice" as found by the Court Administrator.

As earlier mentioned, we ADOPTED the OCA's Recommendation dismissing for lack of merit the complaint of Sunga and Aperocho against Floria; and imposing a fine of P5,000.00 each on Sunga and Aperocho (for causing Floria "irreparable harm and prejudice").

In their motion for reconsideration, Sunga and Aperocho prayed that a second and closer look be made on the record of the case, submitting that their failure to prove that the affair between Alda Floria and Rodrigo Badilla is still ongoing is not the issue. They argued that the stigma of her "adulterous affair" with Badilla has not been erased. In charging her, they were not motivated by malice, hatred or jealousy. They opposed her application for promotion because they felt it was their duty to bring to the attention of this Court her moral unfitness for the position of Division Chief. They stressed that she continues to benefit from the falsified documents as she "remains married to Rodrigo Badilla, and by reason thereof, her two children with him continue to enjoy the status of legitimate children." On Floria's academic credential, they insist that at the time she filed her application for promotion, she was not yet a graduate of a masteral degree.

The motions for reconsideration are impressed with merit.

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Floria admitted having indulged in an illicit relation, from 1974 to 1980, with a married co-employee whose wife was employed in the same court; and that she is in possession of the certificates of live birth of her children born in 1974 and 1979 stating that she and Badilla are married. Her allegation that she did not know that he is married to Celia Badilla at the start of her illicit affair with him is self-serving and contrary to common experience. For normally, a woman's first impulse is to investigate the civil status of her man. That she was unaware that Badilla was married would have been credible were it not for her admission that his wife was also an employee in the Court of Appeals.

It cannot be overstressed that the image of a court of justice is mirrored by the conduct, official and otherwise, of its personnel, from the judge to the lowest of its rank and file, who are all bound to adhere to the exacting standard of morality and decency in both their professional and private actuations. These norms, it should be kept in mind, are ever so essential in preserving the good name and integrity of the judiciary[4].

But the Court Administrator recommended the dismissal of the charge of immorality on the ground that Sunga and Aperocho failed to adduce evidence that Floria's immoral conduct is still ongoing. We cannot agree with the Court Administrator. Administrative offenses do not prescribe. It bears stressing that it is not in accordance with the norms of morality for a woman, even if single, to maintain an illicit relationship with a married man. Even if such relationship had ended, the stigma of immorality still attaches to the parties, especially the woman. This is specially so when the persons concerned are public employees who are supposed to maintain a high standard of morality in order to live up to their role as models in society. The fact that the illicit relationship between Floria and Rodrigo Abadilla has ceased will only mitigate her culpability.

On the charge for falsification, which constitutes the administrative offense of dishonesty, we find Floria liable. Her children's certificates of live birth show that Floria and Badilla were married on May 22, 1972 in Cabanatuan City, which of course is not true. The certificate of live birth of Floria's first child bears "Alda Calzado Floria" as the mother and "Rodrigo Garcia Badilla" as the father. The second child's certificate of live birth bears the same entries. Indeed, the charge of falsification which is tantamount to dishonesty is clearly supported by evidence. The entry in the said documents that she is married to Rodrigo Badilla is certainly spurious. Why she has not taken any legal step to have it corrected clearly indicates her predilection to dishonesty. This Court cannot countenance such conduct.

The charge that Floria committed misrepresentation, which is likewise categorized as dishonesty, by stating in her application for promotion that she is a graduate of a masteral degree, must fail. The September 6, 1999 Certification from the TUP states:

> "This is to certify that, as per our records, Miss ALDA C. FLORIA has satisfactorily completed all the academic requirements, leading to the degree of MASTER IN MANAGEMENT as of March, 1999. Her application for graduation will be acted upon by the Board of Regent for October 1999.

The above Certification is a sufficient proof that Floria is a master degree holder and is, therefore, educationally qualified for the position.

We hold that Curie Sunga and Isidro Aperocho were not motivated by malice or bad faith in filing their Manifesto against Floria. Significantly, the Manifesto is verified. That verification negates the finding of bad faith on their part. In Joson vs. Torres,[5] this Court held:

> "Assuming, nonetheless, that the letter-complaint was unverified when submitted to the Office of the President, the defect was not fatal. The requirement of verification was deemed waived by the President himself when he acted on the complaint. Verification is mainly intended to secure an assurance that the allegations therein made are done in good faith or are true and correct and not mere speculation. xxx."

We are convinced of the righteousness of movants' cause. Implicit in their Manifesto is their desire that the incoming Chief of their Division is a person of good moral character, someone whom they can respect. Indeed, we believe that in filing such Manifesto, they simply wanted an assurance that the person to be appointed to the position of Division Chief is morally fit.

This Court demands that every employee of the judiciary must adhere to the exacting standards of honesty, integrity, morality, and decency in his professional and personal conduct, thus:

> "Every employee of the judiciary should be an example of integrity, uprightness and honesty. Like any public servant, he must exhibit the highest sense of honesty and integrity not only in the performance of his official duties but in his personal and private dealings with other people, to preserve the court's good name and standing. It cannot be overstressed that the image of a court of justice is mirrored in the conduct, official and otherwise, of the personnel who worked thereat, from the judge to the lowest of its personnel. Court personnel have been enjoined to adhere to the exacting standards of morality and decency in their professional and private conduct in order to preserve the good name and integrity of the courts of justice. xxx."[6]

Hence, we modify our Resolution of February 12, 2001. The complaint for "conduct unbecoming of a court employee" against Curie Sunga and Isidro Aperocho must be dismissed for lack of merit. Meanwhile, we sustain their complaint against Floria for immorality and dishonesty (for falsifying the certificates of live birth of her children), the same being supported by substantial evidence, the quantum of proof required in administrative proceedings. Under Section 52, Rule IV of the Revised Uniform Rules on Administrative Cases in the Civil Service, dishonesty and immoral conduct are grave offenses. Immoral conduct is punished by suspension of 6 months and 1 day to 1 year; while dishonesty is punished by dismissal from the service.

However, we should temper justice with mercy considering the following circumstances:

- The administrative offense of immorality took place many years ago;

- Floria has been employed in the Court of appeals for a period of twenty nine (29) years;

- This is the first time that she is being found administratively liable as per available record; and

- Her children are innocent victims. Dismissing or suspending their mother from the service is a heavy toll on them, a punishment they do not deserve.

Consequently, a fine of P10,000.00 with reprimand is deemed in order.

WHEREFORE, our Resolution of February 12, 2001 is hereby MODIFIED. Alda Floria's complaint for "conduct unbecoming of a court employee" against Curie Sunga and Isidro Aperocho is DISMISSED. Their complaint for immorality and dishonesty (falsification of certificates of live birth) against Floria is sustained. She is thus FINED in the sum of P 10,000.00 and is REPRIMANDED and WARNED that a repetition of similar conduct will be dealt with more severely.

SO ORDERED.

Vitug, Panganiban, and Carpio, JJ., concur.
Melo, (Chairman), J., please see dissent.

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[1] Administrative Matter OCA IPI No. 99-21-CA-P (Alda C. Floria vs. Curie F. Sunga and Isidro Aperocho and Admnistrative Matter OCA IPI No. 99-18-CA-P (Isidro Aperocho, et al., vs. Alda C. Floria) are consolidated per Resolution of august 14, 2000 of the First Division of this Court (now jointly docketed as A.M. No. CA-01-10-P)

[2] Third Division

[3] Assistant Division Clerk of Court of the Court of Appeals assigned in the Archives Section, Judicial Records Division.

[4] Soledad Lauro vs. Efren Lauro, Sheriff IV, RTC, Butuan City, A.M. No. P-91-642, June 6, 2001, citing Bucatcat vs. Bucatcat, 323 SCRA 578.

[5] 290 SCRA 279 (1998).

[6] Bucatcat vs. Bucatcat, 323 SCRA 578 (2000).

DISSENTING OPINION

MELO, J.:

Although I agree with the majority opinion dismissing Alda Floria's complaint against Curie Sunga and Isidro Aperocho, I am constrained to dissent from the majority opinion finding Alda Floria guilty of immorality and dishonesty, it being indubitable that in our previous Resolution dated February 12, 2001, the complaint for immorality and falsification filed against Alda Floria had already been dismissed for lack of merit.

As culled from the record, Alda Floria, Curie Sunga, and Isidro Aperocho are or were employees of the Court of Appeals, Floria being the Assistant Chief of Division of the Court of Appeals Judicial Records Division, Curie Sunga the Assistant Chief of Division of the Information and Statistical Data Division (hereafter ISDD), and Isidro Aperocho the Assistant Information Officer of the ISDD. On August 6, 1999, the position of Chief of the ISDD became vacant Among four applicants, only Floria and Aperocho were nominated for appointment to the vacant position.

On September 8, 1999, seven employees of the ISDD, Sunga and Aperocho included, filed a Manifesto with the Office of the Court Administrator (OCA) alleging that Floria was guilty of immorality, falsification, and misrepresentation; supposedly because she was maintaining illicit relations with Rodrigo Badilla, a married man, and that she had made false entries in the birth certificates of her children stating that she and Badilla had married each other on May 22, 1972. The Manifesto was considered a complaint by the OCA and docketed as OCA IPI No. 99-18-CA-P.

On the other hand, on September 17, 1999, Floria filed a complaint with the OCA, docketed as OCA IPI No. 99-21-CA-P, against Sunga and Aperocho for "Conduct Unbecoming of a Court Employee," alleging that the two were motivated by jealousy and malice when they filed the Manifesto against her and that the same was a ploy employed by the two in order to disqualify her from promotion to Chief of the ISDD. The two complaints, being interrelated, were thereafter consolidated and jointly docketed as A.M. No. CA-01-10-P.

On February 12, 2001, this Court, adopting the Court Administrator's recommendation, issued a Resolution dismissing the complaint for immorality, falsification, and misrepresentation filed against Floria for lack of merit. Furthermore, we declared Sunga and Aperocho guilty of causing irreparable harm to Floria and imposed a fine of P5,000.00 on both.

Aggrieved, Sunga and Aperocho filed a motion for reconsideration stating that their inability to prove that Floria's adulterous relationship with Badilla was still on-going did not, in any event, erase the fact that she had failed to live up to the moral standards required of judiciary employees. They stressed that they were not impelled by

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malice or jealousy in filing a complaint against Floria, but by a sincere desire that a qualified employee be appointed as Chief of the ISDD.

As earlier stated, the majority opinion agrees with the asseverations of Sunga and Aperocho and consequently, would dismiss Floria's complaint against Sunga and Aperocho for lack of merit. However, the majority opinion goes further. It reverses the former finding exonerating Floria and instead, finds the latter guilty of immorality and dishonesty, imposing upon her a fine of P10,000.00 with a reprimand and warning that a repetition of similar conduct would be dealt with more severely.

Parenthetically, the Philippine Civil Service Law does not allow the complainant to appeal a decision exonerating or absolving a civil service employee (Paredes vs. CSC, 192 SCRA 84 [1990]; Mendez vs. CSC, 204 SCRA 965 [1991]; Magpale vs. CSC, 215 SCRA 398 [1992]; Navarro vs. CSC and Export Processing Zone Authority, 226 SCRA 522 [1993]; University of the Philippines vs. CSC, 228 SCRA 207 [1993]; Del Castillo vs. CSC, 241 SCRA 317 [1995]). This is so because Sec. 39(a) of Presidential Decree No. 807, the Philippine Civil Service Law; as well as Book V, Title I, Subtitle A, Section 49(1) of the Administrative Code of 1987, provides that "[a]ppeals, where allowable, shall be made by the party adversely affected by the decision ..." As held in aforestated Del Castillo case, citing Mendez:

> The phrase "party adversely affected by the decision" refers to the government employee against whom the administrative case is filed for the purpose of disciplinary action which may take the form of suspension, demotion in rank or salary, transfer, removal or dismissal from office. In the instant case, Coloyan who filed the appeal cannot be considered an aggrieved party because he is not the respondent in the administrative case below.

In Paredes, we reiterated that the complainant is not the party adversely affected by the decision since in an administrative case, the complainant is a mere witness, stating that "[n]o private interest is involved in an administrative case as the offense is committed against the government."

While this doctrine may have been modified, despite my dissenting opinion, by Civil Service Commission vs. Dacoycoy (306 SCRA 425 [1999]), to allow the Civil Service Commission to appeal decisions exonerating an employee, jurisprudence remains well-settled that the complainant, being a mere witness for the government, cannot appeal the decision rendered, the right to appeal being limited by existing jurisprudence to the respondent or to the CSC, the persons considered as parties adversely affected by the decision. It is thus ineluctable that, excepting the privilege of appeal granted to the Civil Service Commission, Philippine Civil Service Law does not contemplate a review of decisions exonerating officers and employees from administrative charges. From the foregoing, it is thus clear that our February 12, 2001 Resolution exonerating Floria may no longer be reviewed.

It may well be argued that the doctrine prohibiting the complainant from appealing a decision exonerating or absolving the respondent is inapplicable in the case at bar, there being no privilege of appeal in administrative cases for grave or less grave offenses filed against judiciary employees. Section 6, Article VIII of the Constitution provides that "[t]he Supreme Court shall have administrative supervision over all courts and the personnel thereof." Likewise, Circular No. 30-91 states that "[a]ll administrative complaints for grave or less grave offenses as defined in the Codes hereinbefore referred to shall be immediately referred to the Court En Banc for appropriate action ..." Thus, for administrative charges comprising grave or less grave offenses filed against judiciary employees, the same are to be immediately referred to the Court En Banc. Decisions of the Court En Banc in such cases would, obviously be unappealable, there being no judicial authority higher than the Court. In the case at bar, the charge of immorality and falsification against Floria comprise grave offenses, hence the same were referred to the Court En Banc, from whose decision, as stated earlier, there is no appeal.

Does the fact that there is no appeal in this case disallow the application of the doctrine? I submit that it does not. As adverted to earlier, Philippine Civil Service Law does not contemplate a review of decisions exonerating officers and employees from administrative charges. However, while there can be no appeal in administrative cases involving grave or less grave offenses allegedly committed by judiciary employees, the rules allow a motion for reconsideration, as was done by Sunga and Aperocho in this case. As we pointed out in Siy vs. CA (138 SCRA 536 [1985]), "the very purpose of a motion for reconsideration is to point out the findings and conclusions of the decision which, in the movant's view, are not supported by law or the evidence. The movant is, therefore, very often confined to the amplification or further discussion of the same issues already passed upon by the court... Among the ends to which a motion for reconsideration is addressed, one is precisely to convince the court that its ruling is erroneous and improper, contrary to law or the evidence (Rule 37, Section 1, subsection [c]); and in doing so, the movant has to dwell of necessity upon the issues passed upon by the court." In fine, a motion for reconsideration seeks a review of the issues already passed upon by the court. However, since Philippine Civil Service Law does not contemplate a review of decisions exonerating officers and employees from administrative charges, I submit that for judicial employees charged administratively for a grave or less grave offense, once exonerated or absolved of the charge, a motion for reconsideration of the decision thereof may no longer be filed by the complainant, the latter not being a party adversely affected by the decision.

One more point In my dissenting opinion in Civil Service vs. Dacoycoy and in my concurring opinion in Floralde vs CA (GR No 123048, August 8, 2000), I pointed out that although the complainant may no longer appeal the decision exonerating or absolving the respondent, if the respondent fails to invoke the foregoing rule, he is deemed to have waived this right. In this case, when Sunga and Aperocho filed their motion for reconsideration of our February 12, 2001 Resolution dismissing for lack of merit the complaints against Floria, the latter did not question their right to file a motion for reconsideration. Is Floria deemed to have waived her right to invoke the non-reviewability of administrative decisions exonerating or absolving the respondent thereto? Given the special circumstances obtaining in this case, the answer should be in the negative.

It may be noted that current jurisprudence on the matter deals only with the proscription of the complainant's right to appeal in decisions exonerating or absolving the respondent, it does not deal with motions for reconsideration. Given the silence of existing jurisprudence as to the applicability of the doctrine to motions for reconsideration, Floria could, thus, not be reasonably expected to question the propriety of complainants' Sunga and Aperocho's motions for reconsideration. Note also that in administrative cases involving grave or less grave offenses committed by judiciary employees, there is no appeal. There being no appeal, Floria may not thus be faulted if she failed to invoke the doctrine of non-reviewability of decisions exonerating the respondent against complainants Sunga and Aperocho Given these circumstances, I hold that Floria's failure to question Sunga and Aperocho's right to file a motion for reconsideration should not be held against her pro hac vice.

ACCORDINGLY, while I concur with the majority opinion insofar as it dismisses Alda Floria's complaint against Curie Sunga and Isidro Aperocho, I dissent therefrom insofar as it finds Alda Floria guilty of immorality and dishonesty.

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