

JULIE ANN C. DELA CUEVA, COMPLAINANT, VS. SELIMA B. OMAGA, COURT STENOGRAPHER I, MTC-CALAUAN, LAGUNA, RESPONDENT.*A.M. No. P-08-2590*. July 05, 2010*

Ponente: MENDOZA, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/a957143635be/>**MENDOZA, J.:**

This administrative case stemmed from a sworn Affidavit-Complaint[1] dated June 15, 2007 filed by Julie Ann dela Cueva charging respondent Selima B. Omaga, Court Stenographer, Municipal Trial Court, Calauan, Laguna, with Immorality.

Complainant Julie Ann C. dela Cueva is the legal wife of P/Supt. Nestor dela Cueva.[2] They were married on July 29, 1984, and the union bore three children. Due to the philandering ways of her husband, the couple separated on November 30, 1994.[3] Thereafter, the complainant cohabited with two different men in succession - (1) William Castillo with whom she had three children: Jessica, born on February 24, 1998; William Paolo, born on March 6, 2000; and Frenz William, born on August 8, 2002; and (2) Justiniano Montillano with whom she had one child, Justin Jan, born on March 31, 2006.[4]

On May 31, 2007, P/Supt. Nestor dela Cueva filed a Petition for Declaration of Nullity of Marriage alleging as ground his own psychological incapacity.[5] This angered and prompted his wife, the complainant, to file a criminal complaint against him for bigamy and concubinage. Her complaint alleged that he and respondent, Selima B. Omaga, got married and were living together as husband and wife despite the subsistence of his marriage with her (the complainant).[6] The criminal charges were dismissed by the provincial prosecutor in a resolution dated August 24, 2007.[7]

Complainant dela Cueva also filed an administrative complaint against both her husband and the respondent.[8] In her defense, respondent averred that she first met P/Supt. dela Cueva in 1995 when he was assigned by the Philippine National Police as Chief of Police in Calauan, Laguna. Their relationship started on March 8, 1995 and continued until she received notice of the bigamy and concubinage case filed against him.[9] It was only then that she discovered that he was married.[10] She bore P/Supt. dela Cueva three children: John Emmanuel, born on December 27, 1996; Patrick Josef, born on May 1, 1998; and Patricia May, born on May 18, 2000.[11] Respondent further asserted that despite having had three children with P/Supt. dela Cueva, they did not live together in one house but rather, he would just visit her in her house from time to time.[12]

On October 23, 2008, the Office of the Court Administrator recommended that "the complaint be re-docketed as a regular administrative matter and that respondent be in the meantime suspended for a period six (6) months and one (1) day, without pay with a stern warning that a repetition of the same act would be dealt with more severely." [13]

As recommended, the Court re-docketed the complaint as a regular administrative matter in a Resolution dated December 15, 2008.[14] In another Resolution dated June 10, 2009, the Office of the Court Administrator was directed to assign a Regional Trial Court judge in Laguna for investigation, report and recommendation.[15] On

September 17, 2009, Judge Agripino G. Morga of the Regional Trial Court, Branch 32, San Pablo City, Laguna, was designated to be the investigating judge.

During the hearing of the case before the investigating judge on October 8, 2009, the complainant manifested that she was withdrawing her complaint after learning that respondent and her husband never lived together as husband and wife.[16] Complainant confessed that she was prompted to file the complaint simply because her husband had filed a petition for declaration of nullity of their marriage.[17]

In his Report and Recommendation dated December 10, 2009, Judge Morga recommended that the respondent be absolved from any administrative liability taking into consideration the following circumstances: (1) respondent and P/Supt. dela Cueva began their relationship after he was already separated in fact from complainant; (2) complainant is no longer interested in pursuing the case as she realized that filing it was a mistake since respondent and her husband never lived together as husband and wife; (3) there is no evidence to contradict respondent's claim that during their relationship she did not know dela Cueva was married and that they did not cohabit in one house; (4) respondent's performance as court stenographer was not adversely affected by her situation; and (5) respondent has properly reared her children and conducted herself in public appropriately.[18] He further stated that:

All told, the totality of the above circumstances necessitates a review on the findings of the Honorable Court and the Court Administrator to impose a six-month suspension. While it cannot be disputed that respondent entered into an illicit relationship, the same to the mind of this Investigator was not so corrupt and false as to constitute a criminal act or so unprincipled as to be reprehensible to a high degree.[19]

The sole issue before this Court is whether or not respondent is guilty of immoral conduct.

At the outset, it should be stressed that complainant's change of heart in deciding not to pursue the case against respondent is of no moment as it has no controlling significance in this administrative case. The long standing policy is:

Administrative actions cannot depend on the will or pleasure of the complainant who may, for reasons of his own, condone what may be detestable. Neither can the Court be bound by the unilateral act of the complainant in a matter relating to its disciplinary power x x x Desistance cannot divest the Court of its jurisdiction to investigate and decide the complaint against the respondent. To be sure, public interest is at stake in the conduct and actuations of officials and employees of the judiciary. And the program and efforts of this Court in improving the delivery of justice to the people should not be frustrated and put to naught by private arrangements between the parties.[20]

This is so because the issue in administrative cases is not whether the complainant has a cause of action against the respondent but, rather, whether the employee against whom the complaint is filed has breached the norms and standards of service in the judiciary.[21] As such, this Court, having disciplinary authority over employees of the lower courts, has the power and duty to pursue this administrative matter regardless of complainant's desistance.

The Court now determines whether or not respondent is indeed guilty of immoral conduct.

Well-established is the principle that public office is a public trust.[22] No less than the Constitution requires that: "Public officers and employees must at all times be accountable to the people, serve them with utmost responsibility, integrity, loyalty, and efficiency, act with patriotism and justice, and lead modest lives." [23] In relation thereto, this Court has held that:

x x x. This constitutional mandate should always be in the minds of all public servants to guide them in their actions during their entire tenure in the government service. The good of the service and the degree of morality which every official and employee in the public service must observe, if respect and confidence are to be

maintained by the Government in the enforcement of the law, demand that no untoward conduct on his part, affecting morality, integrity and efficiency while holding office should be left without proper and commensurate sanction, all attendant circumstances taken into account.[24]

Employees of the judiciary, however, are subject to a higher standard than most other civil servants. It has been written that "a place in the judiciary demands upright men and women who must carry on with dignity and be ever conscious of the impression that they could create by the way they conduct themselves." [25] In the case of *Acebedo v. Arquero*, [26] this Court ruled that:

Although every office in the government service is a public trust, no position exacts a greater demand for moral righteousness and uprightness from an individual than in the judiciary. That is why this Court has firmly laid down exacting standards of morality and decency expected of those in the service of the judiciary. Their conduct, not to mention their behavior, is circumscribed with the heavy burden of responsibility, characterized by, among other things, propriety and decorum so as to earn and keep the public's respect and confidence in the judicial service. It must be free from any whiff of impropriety, not only with respect to their duties in the judicial branch but also to their behavior outside the court as private individuals. There is no dichotomy of morality; court employees are also judged by their private morals.[27]

These exacting standards of morality and decency are required of employees of the judiciary in order to preserve the faith of the people in the courts as dispensers of justice.[28] Our reminder, through the words of Justice Muñoz-Palma, must be taken to heart:

x x x. The image of the 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 sacred duty of each and everyone in the court to maintain its good name and standing as a true temple of justice.[29]

This was further emphasized by the Court in *Ratti v. Mendoza-de Castro*: [30]

It must be stressed that every employee of the judiciary should be an example of integrity, uprightness and honesty. Like any public servant, she must exhibit the highest sense of honesty and integrity not only in the performance of her official duties but in her personal and private dealings with other people. In order to preserve the good name and integrity of the courts of justice, court personnel are enjoined to adhere to the exacting standards of morality and decency in their professional and private conduct.

Under the Revised Uniform Rules on Administrative Cases in the Civil Service, disgraceful and immoral conduct is punishable by suspension of six months and one day to one year for the first offense.[31]

Immorality has been defined to include not only sexual matters but also "conduct inconsistent with rectitude, or indicative of corruption, indecency, depravity, and dissoluteness; or is willful, flagrant or shameless conduct showing moral indifference to opinions of respectable members of the community, and an inconsiderate attitude toward good order and public welfare." [32]

There is no doubt that engaging in sexual relations with a married man is not only a violation of the moral standards expected of employees of the judiciary but is also a desecration of the sanctity of the institution of marriage which this Court abhors and is, thus, punishable.

Respondent claims, however, that she had no knowledge that P/Supt. dela Cueva was married and that she ended their relationship as soon as she was made aware of his true civil status. If her contention were true, this would serve to exculpate her from the accusation of immorality.

The Court finds respondent's assertion to be plausible. It should be noted that the complainant did not refute her defense that she did not learn of P/Supt. dela Cueva's marital status until complainant filed a complaint against

them. Indeed, there is no concrete evidence on record to show that respondent knew of his married state at the time their relationship started.

The idea, however, that the respondent never had the slightest notion that P/Supt. dela Cueva was married and that she did not cohabit with him despite having three children may be quite a stretch of the imagination. It is fairly inconceivable for a woman to have had a relationship with a married man for more than a decade without even a tinge of suspicion that he might have been lying about his true civil status. But then again, there is nothing on record which can refute respondent's allegation. In view of the lack of proof showing that respondent willingly entered into an immoral sexual liaison with a married man, she cannot be held liable for immoral and disgraceful conduct.

It is a well-settled rule that administrative penalties must be supported by substantial evidence for the imposition thereof.[33] This is in keeping with the constitutional imperative that a person is entitled to due process of law. The Court will exercise its disciplinary authority over respondent only if the case against her is established by clear, convincing and satisfactory evidence.[34] In this case, the Court finds the evidence against respondent insufficient to warrant the imposition of an administrative penalty.

We are, thus, guided by the disquisition of the Court in the case of *Concerned Employee v. Mayor*. [35] In said case, a court stenographer had sexual relations with a married man. She alleged that she did not know that her lover was married when they commenced their relationship. The Court acknowledged the validity of such a defense:

The legal effect of such ignorance deserves due consideration, if only for intellectual clarity. The act of having sexual relations with a married person, or of married persons having sexual relations outside their marriage is considered "disgraceful and immoral" conduct because such manifests deliberate disregard by the actor of the marital vows protected by the Constitution and our laws. The perversion is especially egregious if committed by judicial personnel, those persons specifically tasked with the administration of justice and the laws of the land. However, the malevolent intent that normally characterizes the act is not present when the employee is unaware that his/her sexual partner is actually married. This lack of awareness may extenuate the cause for the penalty, as it did in the aforementioned *Ui* case.[36] (emphasis supplied)

In the cited case of *Ui v. Bonifacio*, [37] the respondent was a female lawyer who had a relationship with, and actually married, a man whose earlier marriage was still subsisting. She asserted, however, that as soon as she learned that he was married, she left him and ended their association. The Court found that she did not deserve administrative punishment:

All these taken together leads to the inescapable conclusion that respondent was imprudent in managing her personal affairs. However, the fact remains that her relationship with Carlos Ui, clothed as it was with what respondent believed was a valid marriage, cannot be considered immoral. For immorality connotes conduct that shows indifference to the moral norms of society and the opinion of good and respectable members of the community. Moreover, for such conduct to warrant disciplinary action, the same must be "grossly immoral," that is, it must be so corrupt and false as to constitute a criminal act or so unprincipled as to be reprehensible to a high degree.

We have held that "a member of the Bar and officer of the court is not only required to refrain from adulterous relationships . . . but must also so behave himself as to avoid scandalizing the public by creating the belief that he is flouting those moral standards." Respondent's act of immediately distancing herself from Carlos Ui upon discovering his true civil status belies just that alleged moral indifference and proves that she had no intention of flaunting the law and the high moral standard of the legal profession. Complainant's bare assertions to the contrary deserve no credit. After all, the burden of proof rests upon the complainant, and the Court will exercise its disciplinary powers only if she establishes her case by clear, convincing and satisfactory evidence.

This, herein complainant miserably failed to do.[38] (emphases supplied)

On a final note, the Court would like to point out that, in the absence of clear and convincing evidence, it would be insensitive to condemn the respondent for simply being an unmarried mother of three. There has been no showing that she has lived her life in a scandalous and disgraceful manner which, by any means, has affected her standing in the community.[39] To speculate that she did so would be tantamount to committing a discrimination against a solo parent,[40] which is prohibited under Section 7 of Republic Act No. 8972, the Solo Parents' Welfare Act of 2000, to wit:

Section 7. Work Discrimination - No employer shall discriminate against any solo parent employee with respect to terms and conditions of employment on account of his/her status.

WHEREFORE, the complaint for disgraceful and immoral conduct against respondent Selima B. Omega is hereby DISMISSED.

SO ORDERED.

Carpio, (Chairperson), Nachura, Peralta, and Abad, JJ. , concur.

[*] Formerly OCA-IPI No. 08-2986-P.

[1] Rollo, p. 5.

[2] Id.

[3] Id. at 6.

[4] Id at 124-127.

[5] Id. at 92.

[6] Id at 9.

[7] Id. at 193.

[8] Id. at 9.

[9] Id. at 225 and 234.

[10] Id. at 234.

[11] Id. at 173.

[12] Id. at 226.

[13] Id. at 4.

[14] Id. at 129.

[15] Id. at 137.

[16] Id. at 151.

[17] Id. at 156.

[18] Id. at 301, 305 and 308.

[19] Id. at 308.

[20] Gamboa v. Gamboa, A.M. No. P-04-1836, July 30, 2004, 435 SCRA 436, 440 citing Rizon v. Zerna, 365 SCRA 315, 319 (2001).

[21] Id.

[22] Const. (1987), Art. XI, Sec. 1.

[23] Id.

[24] Lim-Arce v. Arce, A.M. No. 89-312, January 9, 1992, 205 SCRA 21, 31.

[25] Supra note 20.

[26] A.M. No. P-94-1054, March 11, 2003, 399 SCRA 10.

[27] Acebedo v. Arquero, A.M. No. P-94-1054, March 11, 2003, 399 SCRA 10, 16.

[28] Navarro v. Navarro A.M. No. O.C.A.-00-01, September 6, 2000, 339 SCRA 709, 717.

[29] Recto v. Racelis, A.M. No. P-182, April 30, 1976, 70 SCRA 438, 443.

[30] A.M. No. P-04-1844, July 23, 2004, 435 SCRA 11.

[31] CSC Memorandum Circular No. 19-99, Rule IV, Sec. 52(A)(15).

[32] Regir v. Regir, A.M. No. P-06-2282, August 4, 2009, 595 SCRA 455, 462.

[33] Concerned Employee v. Mayor, A.M. No. P-02-1564, November 23, 2004, 443 SCRA SCRA 448, 456.

[34] Ui v. Bonifacio, Adm. Case No. 3319, June 8, 2000, 333 SCRA 38, 52.

[35] Supra note 33.

[36] Supra note 33 at 462.

[37] Adm. Case No. 3319, June 8, 2000, 333 SCRA 38.

[38] Id. at 51.

[39] Separate Opinion of Justice Bellosillo in Estrada v. Escritor, A. M. No. P-02-1651, August 4, 2003, 408 SCRA 1, 200.

[40] Included in the definition of a "solo parent" under Section 3(a)(8) of Republic Act No. 8972 is an unmarried mother who has preferred to keep and rear her children instead of having others case for them or give them up to a welfare institution.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.