JUDGE FLORENCIA D. SEALANA-ABBU, PRESIDING JUDGE, REGIONAL TRIAL COURT OF CAGAYAN DE ORO CITY, BRANCH 17, COMPLAINANT, VS. DOREZA LAURENCIANA-HURAÑO AND PAULEEN SUBIDO, COURT ST...

A.M. NO. P-05-2091. August 28, 2007

Ponente: CORONA, J.

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CORONA, J.:

This administrative case calls to task respondents Doreza Laurenciana-Huraño and Pauleen A. Subido, court stenographers in the Regional Trial Court (RTC) of Cagayan de Oro City, Branch 17, for immorality.

Complainant Judge Florencia D. Sealana-Abbu, presiding judge of the RTC Cagayan de Oro City, Branch 17, instituted this case against respondents who are court stenographers in her sala.[1] She stated that respondent Huraño is married to PO3 Leo Huraño while respondent Subido is a bachelor. They often ate lunch or had snacks together. They also frequently worked overtime together. Complainant noticed these things but saw no malice in them even when respondents' unusual closeness became the subject of nasty rumors among court employees.

Sometime thereafter, PO3 Huraño went to see complainant for advice regarding respondent Huraño's plan to separate from him. Complainant, being one of the sponsors at the wedding of the spouses Huraño, talked to the spouses and counseled them to save their 2-year marriage. Nonetheless, respondent Huraño proceeded with her plan and left her husband. She rented a house where she trysted with her co-respondent. Complainant warned respondents about their scandalous conduct.[2]

Meanwhile, PO3 Huraño placed respondents under surveillance.[3] At around 12:30 in the morning of October 23, 2004, he caught them in flagrante. He filed a criminal complaint for adultery against them. The criminal case[4] is now pending in Branch 3 of the Municipal Trial Court in Cities of Cagayan de Oro City.[5]

In his answer,[6] respondent Subido denied the charge against him. He claimed that he and his co-respondent were in the company of other employees whenever they had their lunch or snacks or rendered overtime work. As stenographers in the same court, they often talked about their work. They had no amorous relationship, claiming that he even advised respondent Huraño to preserve her marriage. He admitted that he slept at respondent Huraño's apartment in the evening of October 22, 2004 but only because it was too late for him to go home as they had arrived there at around midnight. He also decided that it was better for him to spend the night there since he undertook to prepare spaghetti and salad for respondent Huraño's 25th birthday the following day. He, however, slept alone in a separate room.[7]

For her part, respondent Huraño made a similar denial.[8] She claimed that she never had an illicit relationship with her co-respondent. She had lunch or rendered overtime work with other court employees and friends. She further alleged that she was only coerced to marry her husband.[9] He often cussed her, "Yawa ka, Ai! Peste ka, Ai! Kolera kang dako!"[10] and "Pangit ka! Bogok kaayo ka, Ai! Yawa ka, Ai! Peste ka, kolera ka!"[11] He was

irresponsible, abusive and insensitive. In fits of anger, he destroyed things which were of great sentimental value to her.[12] At one point, he even threatened to kill her.[13] He battered her emotionally, psychologically and verbally but she remained faithful to him. She left him when she could no longer put up with the situation. She moved to a rented apartment with her one-year-old son and Chona Laurenciana Villaroso,[14] her helper.[15] Her co-respondent was just a friend and co-worker. While the latter spent the night in her apartment on October 22, 2004, neither did she sleep with him nor did her husband catch them in flagrante.[16]

In a resolution dated November 16, 2005, the Court referred the administrative complaint against respondents to Judge Edgardo T. Lloren, executive judge of the RTC of Cagayan de Oro City, for investigation, report and recommendation.[17] In compliance therewith, Judge Lloren conducted a hearing on January 30, 2006. Subsequently, he submitted his report and recommendation.[18]

He observed that complainant had no ill-motive in filing this administrative case. He added that respondents' denial could not prevail over the positive declaration and affirmative testimony of complainant and respondent Huraño's husband. He recommended that both respondents be found guilty for grossly immoral conduct and suspended for one year.[19]

The report of Judge Lloren was referred to the Office of the Court Administrator (OCA) for evaluation, report and recommendation.[20] In its memorandum-report,[21] the OCA found substantial evidence that respondents had an amorous relationship. Complainant's charge was corroborated not only by the complaint-affidavit of PO3 Huraño but also by the sworn affidavit[22] of Chona Laurenciana Villaroso who was in the employ of respondent Huraño. Villaroso, respondent Huraño's helper and first cousin, confirmed the illicit affair between respondents:

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> P Kinsay [k]auban nimo sa maong apartment? (Who was with you at the said apartment?)
> T Si MRS. DOREZA L. HURAÑO, iyang anak nga si Michael Ruzzel nga nagpanuigon ug usa (1) ka tuig ug usa (1) ka bulan, si PAULEEN A. SUBIDO nga kauban ra sa opicina ni MRS. DOREZA L. HURAÑO. (MRS. DOREZA HURAÑO, her child, Michael Ruzzel, who is about 1 year and 1 month old, and PAULEEN A. SUBIDO who is an officemate of MRS. DOREZA L. HURAÑO.)
>
> P Mahimo ba nimong ikasulti kung ngano nga tua didto si PAULEEN A. SUBIDO nga imong guiingon? (Can you tell why PAULEEN A. SUBIDO, whom you referred to, was there?)
> T Kay sigi naman siyang anha sa apartment ug matulog dulog ni MRS. DOREZA L. HURAÑO bisan pa gani didto pa kami namuyo sa Door #6, Maunting [A]partment, Kauswagan, Cagayan de Oro city sa bulan sa August ning tuig 2004. (Because he always go to the apartment and sleep beside MRS. DOREZA L. HURAÑO even when we were still staying at Door #6 of Maunting Apartment in Kauswagan, Cagayan de Oro City in August 2004.)
>
> P Buot ba nimong ipasabot nga dunay relasyon isip nagminahalay silang duha ni MRS. DOREZA L. HURAÑO ug PAULEEN A. SUBIDO? (Do you mean to say there is a relationship, as lovers, between MRS. DOREZA L. HURAÑO and PAULEEN A. SUBIDO?)
> T Oo. (Yes.)
>
> P Wala ka ba diay guihimo sa maong sitwasyon nga asawa pa gyod sa pulis kining imong ig-agaw nga si DOREZA L. HURAÑO? (Did you not do anything about the situation when in fact your cousin DOREZA L. HURAÑO is married to a policeman?)
> T Nahadlok ako sa unang higayon samtang didto pa kami nagpuyo sa girentahan nga balay/apartment sa Kausawagan, Cagayan de Oro City ni MRS. DOREZA L. HURAÑO samtang akong nakita si PAULEEN SUBIDO nga gipaila kanako ni DOREZA L. HURAÑO nga iyang kauban sa opisina nga natulog silang duha uban sa kwarto morag magtiayon ug mao gihapon ang nahitabo didto sa namalhin na kami sa 4th/7th Sts.,

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> Nazareth, Cagayan (de) Oro. (At first, I was afraid; we were then still staying at the rented apartment in Kauswagan, Cagayan de Oro City, when I saw PAULEEN SUBIDO, whom DOREZA L HURAÑO. introduced to me as her officemate, and both of them slept together in the room like couples do. The same thing happened when we transferred to 4th/7th Sts., Nazareth, Cagayan de Oro City.)[23]
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> xxx xxx xxx
>
> P Mahimo ba nimong ikasulti kung aduna bay nahitabo nga dili kasagaran niadtong petsa 23 ning maong bulan sa October 2004 sa may ala 1:30 ang takna kapin kung kulang sa kadlawon? (Can you tell what you witnessed in the early morning of October 23, 2004 at around 1:30 a.m.?)
> T Oo. (Yes.)
>
> P Palihug isulti? (Can you tell it then?)
> T Sa maong higayon miabot si [PO3] LEO P. HURAÑO sa among gipuy-an ug akong giignan nga tua ang iyang asawa sa iyang kuwarto uban ni PAULEEN SUBIDO nga tulog ug didto nasapon niya ([PO3] LEO P. HURAÑO) ang duha (MRS. DOREZA L. HURAÑO ug PAULEEN SUBIDO) sa sulod sa maong kuwarto sa second floor. (At that time, [PO3] LEO P. HURAÑO arrived at our place and I told him that his wife is sleeping in her room with PAULEEN SUBIDO and he ([PO3] LEO P. HURAÑO) caught the two (MRS. DOREZA L. HURAÑO and PAULEEN SUBIDO) inside the room in the second floor.)[24]

xxx xxx xxx (emphasis supplied)

The OCA gave credence to the foregoing statements of Villarosa because she was a relative and employee of respondent Huraño. Moreover, respondents never refuted her statements. Hence, the OCA found that respondents were having an illicit affair.[25] Worse, they continued to display their forbidden mutual affection in public even after the criminal action for adultery and administrative complaint for immorality had been filed against them. For example, they were seen eating lunch together inside the office, watching a movie together and having lunch or dinner at a cafe. These developments forced Judge Lloren to detail respondent Huraño to another branch.[26] The OCA recommended that respondents be held liable for disgraceful and immoral conduct and suspended for six months and one day.[27]

The OCA recommendation that respondents be found guilty of disgraceful and immoral conduct is well-taken. The penalty, however, should be modified.

The conduct of all court personnel must be free from any whiff of impropriety not only with respect to their duties in the judicial branch but also as to their behavior outside the court as private individuals.[28] There is no dichotomy of morality; a court employee is also judged by his or her private morals.[29]

> 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 sacred duty of each and everyone in the court to maintain its good name and standing as a true temple of justice.[30]

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 one in the judiciary.[31] It is the sacred duty of all court personnel to constantly and strictly adhere to the exacting standards of morality and decency in both their professional and private conduct in order to preserve the good name and integrity of the courts.[32] Measured against these standards, respondents are found wanting.

In the face of the evidence presented by complainant, the bare denial and self-serving statements of respondents crumble. The positive and categorical assertions of complainant and her witnesses, specially the uncontradicted statement of Villarosa, have sufficiently established the administrative liability of respondents. They reasonably

and logically lead to the conclusion that respondents were intimately and scandalously involved with each other. In fact, even the Office of the City Prosecutor of Cagayan de Oro City found sufficient ground to engender a well-founded belief that respondents committed adultery.

It is morally reprehensible for a married man or woman to maintain intimate relations with another person of the opposite sex other than his or her spouse. Furthermore, in the context of and during such an illicit affair, acts which are otherwise morally acceptable (such as having lunch or dinner, working overtime or watching a movie together) become tainted with immorality when done by a married man or woman with a person not his or her spouse. These otherwise innocent acts are deemed unclean because they are done in furtherance of and in connection with something immoral.

Moreover, immorality is not based alone on illicit sexual intercourse.[33]

> [Immorality] is not confined to sexual matters, but includes 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 as an inconsiderate attitude toward good order and public welfare.[34] (emphasis supplied)

Respondents should have ended their affair (an affair which they should not even have entered into at all) when PO3 Huraño sought complainant's advice regarding his wife's intention to leave him. Prudence also dictated that respondents should have distanced themselves from each other when the criminal case for adultery and this administrative case for immorality were filed against them. Instead of taking the necessary steps to deflect charges and to silence rumors of their romantic involvement, they nonchalantly continued their affair. They ignored admonitions that their actions offended the sensibilities of those around them.[35] They were inconsiderate of good order. By persisting in their illicit relationship and in fact flaunting it, respondents showed complete indifference to the sentiments of the good and respectable members of the community.

If respondent Huraño's claim that her husband was maltreating her is true, the Court commiserates with her and strongly condemns the verbal and psychological abuse committed against her. Nonetheless, she could not use it as an excuse to enter in an extramarital liaison with her co-respondent. The Court recognizes her prerogative to live separately from her husband in order to keep herself and her child beyond the reach of her husband's cruel hands. However, she was (and is) still married to her husband and should have sought refuge in the protective arms of the law, not in the affections of another man.

For his part, respondent Subido was more of a manipulator than the friend he claimed to be. He took advantage of the emotional weakness and vulnerability of his co-respondent. Rather than help her mend her shaky marriage, he helped her destroy it. He was a home-wrecker who showed nothing but contempt for the sacred institution of marriage and the laws that seek to preserve and protect it.

Respondents' illicit affair is disgraceful and immoral conduct. Under civil service rules, it constitutes a grave offense penalized with suspension for six months and one day to one year for the first offense and dismissal for the second offense.[36] Since this is respondents' first offense, the proper penalty is suspension. In view of their moral indifference to and callous disregard for the feelings of others even after the institution of criminal and administrative complaints against them, the penalty should be imposed in its maximum period.

Accordingly, respondents Doreza Laurenciana-Huraño and Pauleen A. Subido are hereby found GUILTY of disgraceful and immoral conduct. They are both SUSPENDED for one year without pay. They are STERNLY WARNED of the possibility of dismissal from the service should they persist in their illegitimate and immoral relationship.

This resolution takes effect immediately.

SO ORDERED.

Puno, C.J., (Chairperson), Sandoval-Gutierrez, Azcuna, and Garcia, JJ., concur.

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[1] Notarized letter-complaint dated October 29, 2004. Rollo, pp. 1-2.

[2] Id.

[3] Affidavit-complaint dated October 25, 2004. Id., pp. 4-5.

[4] Docketed as Criminal Case No. M4-12-3621.

[5] See letter dated February 2, 2005. Rollo, p. 17.

[6] Dated February 28, 2005. Id., pp. 37-39.

[7] Id.

[8] Answer [of] Respondent Doreza L. Huraño dated February 28, 2005. Id., pp. 40-43.

[9] Id., p. 41.

[10] You are a devil, Ai! You are a plague, Ai! You are an infectious disease! (Translation was by respondent Huraño herself.) Id.

[11] "You are ugly! You are so dumb, Ai! You are a demon, Ai! You are a pestilence, an infectious disease!" Id.

[12] TSN, January 30, 2006, pp. 17-18. Id., pp. 79-80.

[13] Id.

[14] Also known as "Nene."

[15] Answer [of] Respondent Doreza L. Huraño, supra note 8. Rollo, p. 42.

[16] Id., pp. 42-43.

[17] Meanwhile, Judge Lloren transferred respondent Huraño to Branch 25 of the same court. Memorandum dated January 10, 2005. Id., p. 36.

[18] Dated February 27, 2006. Id., pp. 84-92.

[19] Id.

[20] Internal resolution dated July 19, 2006.

[21] Dated September 1, 2006. Rollo, pp. 105-108.

[22] Dated October 25, 2004. Id., pp. 6-8.

[23] Translation provided by the OCA. Id., pp. 6-7.

[24] Id.

[25] Memorandum dated September 1, 2006, supra note 21.

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[26] Supra note 17.

[27] Supra note 24.

[28] Court Employees of the Municipal Circuit Trial Court, Ramon Magsaysay, Zamboanga del Sur v. Sy, A.M. No. P-93-808, 25 November 2005, 476 SCRA 127.

[29] Id.

[30] Recto v. Racelis, 162 Phil. 566 (1976).

[31] Gonzales v. Martillana, 456 Phil. 59 (2003).

[32] Bucatcat v. Bucatcat, 380 Phil. 555 (2000).

[33] Court Employees of the Municipal Circuit Trial Court, Ramon Magsaysay, Zamboanga del Sur v. Sy, supra.

[34] Id.

[35] Complainant's memorandum dated December 6, 2004. Rollo, p. 47.

[36] Section 52 A(15), Uniform Rules on Administrative Cases in the Civil Service.

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