

THE COURT ADMINISTRATOR, COMPLAINANT, VS. OSMUNDO M. VILLANUEVA, JUDGE, MCTC, BAGUMBAYAN-ESPERANZA, SULTAN KUDARAT, AND HEIDE B. PACACO, CLERK OF COURT, MCTC, BAGUMBAYAN-ESPERAN...

A.M. No. MTJ-90-460. June 03, 1993

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PER CURIAM:

On September 10, 1990, a complaint for gross immorality was filed by the Office of the Court Administrator against herein respondents, allegedly committed and preliminarily investigated as follows:

On June 7, 1990, the office of the undersigned received an unsworn letter-complaint from (a) concerned citizen of Sultan Kudarat explicitly alleging therein that the respondent judge has a "querida" by the name of Heide B. Pacaco, his Clerk of Court; that the respondent judge has an illegitimate child with her named Caesar Anthony P. Villanueva who is 4 years old.

On June 19, 1990, the undersigned directed Judge German Malcampo, RTC, Branch 19, Isulan, Sultan Kudarat to conduct a discreet investigation and report on the matter.

In an indorsement dated July 24, 1990, the aforecited Judge Malcampo confirmed substantially the truth of the allegations in the letter-complaint of the said concerned citizen. He further stated that the information on the personal circumstances of Caesar Anthony P. Villanueva was obtained from Montessori Learning Center, Isulan, Sultan Kudarat where the latter is enrolled.[1]

In a resolution dated September 18, 1990, this Court required respondents to comment thereon.[2]

In separate answers,[3] respondents vehemently denied the charges against them and presented a certification issued by Mrs. Tessie la Torre, Directress of the Montessori Learning Center at Isulan, Sultan Kudarat, stating that Caesar Anthony P. Villanueva is the son of Oscar M. Villanueva and Helen B. Paciente. Both prayed for the dismissal of the complaint against them.

In its resolution dated December 11, 1990, this Court referred the case to Judge German M. Malcampo, Regional Trial Court, Branch 19, Isulan, Sultan Kudarat for investigation, report and recommendation within ninety (90) days from receipt of the records.[4]

A joint motion for inhibition, dated March 7, 1991, was filed by respondents which sought to inhibit Judge Malcampo because of the initial investigation he had made on the case, and prayed for the designation of another investigating judge.[5] Consequently, we issued a resolution on May 30, 1991, granting the motion to inhibit and designating Judge Romeo S. Sucaldito, RTC, Branch 20, Tacurong, Sultan Kudarat in lieu of Judge Malcampo.[6]

Three persons testified as witnesses for the complainant, namely, Mila Villaflores, Gemma Panagdato and Belen Lopez. Respondent Judge Osmundo M. Villanueva testified in his behalf and also presented Arcadio Ramos, Chief Documents Examiner of the National Bureau of Investigation. Respondent Heide B. Pacaco likewise testified and adopted the testimonies of Judge Villanueva, Mila Villaflores and Emma Panagdato as part of her

evidence.

On December 17, 1991, respondent Judge Villanueva filed his memorandum and alleged that the authenticity of the only evidence submitted by the complainant, which is the Certificate of Live Birth of Ceasar Anthony P. Villanueva, marked in evidence as Exhibit "D", is doubtful because Belen Lopez, who identified Exhibit "D" does not know who actually prepared it; she could not remember the person who signed thereon; the certificate was never subscribed before her nor was it completely filled up; it contains alterations which were never explained; and it has been proven that respondent Villanueva's supposed signature thereon is not his signature. He further contended that the birth certificate is inadmissible to prove filiation, especially if the alleged illegitimate father did not sign the said birth certificate under oath; that his alleged signature appearing in the birth certificate is falsified; and that no other evidence was presented to show that he is guilty of immorality. He, therefore, prays for the dismissal of the complaint against him.

Respondent Pacaco, in her memorandum, likewise questions the authenticity and probative value of Exhibit "D" based on substantially the same grounds invoked by respondent Villanueva. She denies that the signature appearing on the birth certificate is her signature. In addition, she claims that while it is true that there is a presumption of regularity in the execution of a public document, such presumption has been overcome in this case by reason of the irregularities which attended the preparation of the birth certificate of Ceasar Anthony P. Villanueva, plus the fact that the alleged signatures of respondents were forged. Furthermore, respondent Pacaco explained that the child Ceasar Anthony was merely left in her care by her second cousin who is presently abroad.

The commendable Report and Recommendation thereafter submitted by Judge Romeo S. Sucaldito, dated March 4, 1993, made the following extensive findings and ratiocinative conclusions:

1. Mila Villaflores is the Principal of Montessori Learning Center in Isulan, Sultan Kudarat. As principal, she personally knows Caesar Anthony P. Villanueva who is one of their pupils. Mrs. Villaflores has not personally met the parents of Caesar Anthony. His enrollment form however states that his parents are Helen B. Paciente and Oscar M. Villanueva. Mrs. Villaflores does not know whether Caesar Anthony's parents are still alive.

In obedience to the subpoena issued, Mrs. Villaflores brought the enrollment form (Exh. "A"), birth certificate (Exh. "B") and the pre-elementary progress report card or Form 138 of Caesar Anthony (Exh. "C") when she testified. She can not recall who prepared Exhibit "A" because of the number of enrollees at that time. Exhibit "B" is only a machine copy. At Montessori, they do not require the submission of the original copy of the birth certificates of their pupils.

2. Miss Gemma Panagdato is a teacher at Montessori in Isulan. She handled the nursery class during the school year 1990-1991. One of her pupils during that year was Caesar Anthony P. Villanueva. Caesar Anthony resides at No. 1 Juan Street, Kalawag, Isulan, Sultan Kudarat. He lives with respondent Heide Pacaco, who is the neighbor of Gemma Panagdato.

Miss Panagdato does not know Helen B. Paciente, the alleged mother of Caesar Anthony. She has never seen Helen B. Paciente.

3. Mrs. Belen P. Lopez is the City Department Head of the Local Civil Registry of General Santos. One of her duties is to register births, marriages and deaths that occurred in General Santos City. Complying with the subpoena duces tecum issued to her, Mrs. Lopez brought the certificate of live birth of Caesar Anthony Pacaco Villanueva bearing Registry No. 86-05846 and a certified machine copy thereof (Exh. "D") when she testified. Both the original and the machine copy of the birth certificates bear her signatures.

As shown by the birth certificate and Exhibit "D", Caesar Anthony Pacaco Villanueva appears to have been born on September 15, 1986 (Exh. "D-3") at General S. District Hospital in General Santos City. The name "Haide Pacaco" appears as his mother. His father is mentioned therein as "Osmundo Villanueva." The

informant of birth is "Haide P. Villanueva" whose "relationship to child" is stated therein as "mother." There is a signature above the typewritten name "Haide P. Villanueva," informant, which clearly reads "hbpacaco" (Exh. "D-4"). The same is written in green ink in the original copy of the certificate.

At the back of Exhibit "D" are entries written in green ink under the title "Affidavit of Acknowledgment" (Exh. "D-5"). The ink used in writing these entries is the same or similar to the ink used in writing the signature "hbpacaco" in Exh. "D-4." The names "Osmundo M. Villanueva and "Heide B. Pacaco" are written therein as father and mother, respectively. In the space for the signature of father is an illegible signature which is also written in green ink. The signature in the space for the signature of mother is also written in green ink and the same clearly reads "hbpacaco."

The birth of Ceasar Anthony Pacaco Villanueva was registered on October 2, 1986.

Mrs. Belen Lopez also brought with her the certificate of live birth of Caesar* Anthony Paciente Villanueva when she testified. During her testimony, the said certificate was compared with the certified machine copy thereof (Exh. "E") that she also admitted. Exh. "E" is a faithful copy of the original certificate.

The original certificate shows that Caesar Anthony Paciente Villanueva was born on September 13, 1985 at San Roque, Makar, General Santos City. His parents are named therein as "Oscar Mallari Villanueva" and "Helen Bibet Paciente." The informant is "Helen Bibet Paciente" who is mentioned therein as his mother.

The birth of Caesar Anthony Paciente Villanueva was registered in the Local Civil Register of General Santos City on January 9, 1991 under the late registration system.

4. Respondent Judge Osmundo M. Villanueva denied having an illicit relationship with his co-respondent Heide Pacaco. He also denied having a child with her. He testified that his relationship with her is merely that of a superior to a subordinate.

Judge Villanueva denied authorship of the signature above the printed word "Signature of Father" in the Affidavit of Acknowledgment (Exh. "D-5") of Exh. "D". He alleged that the said signature is a forgery. He testified that he came to know of said signature after Exhibit "D" was marked in evidence during the hearing. After he learned about it, he immediately wrote a letter to Mrs. Belen P. Lopez, the Local Civil Registrar of General Santos City (Exh. "1-Villanueva" and Exh. "1-A-Villanueva"). He informed Mrs. Lopez that his alleged signature in Exh. "D-5" is a forgery. He also informed Mrs. Lopez of his intention to have the said signature examined by (a) handwriting expert of the National Bureau of Investigation.

During his testimony, respondent Judge admitted that he is familiar with the signature of his co-respondent Heide Pacaco because the latter has been his Clerk of Court for about ten years. He was shown Exh. "D-4", which is the signature "hbpacaco" above the typewritten words "Heide P. Villanueva," "Mother". He was asked whether the same is the signature of Heide Pacaco. Judge Villanueva answered: "It looks like her signature, Your Honor." (tsn, pp. 11 to 12, hearing of June 18, 1991). Judge Villanueva also testified that the signature above the printed words "Signature of Mother" in Exhibit "D-5" "seems to be that of the Clerk of Court, Heide Pacaco. (tsn., page 13, hearing of June 18, 1991).

He further testified that he had confronted Heide Pacaco about Exh. "D". When he asked her why she placed the surname Villanueva as the surname of Ceasar Anthony, respondent Pacaco answered: "You are not the only Villanueva in the world." (tsn, page 12, hearing of June 18, 1991).

Judge Villanueva also asked Heide Pacaco why she appears to have given birth to a child named Ceasar Anthony as shown by Exh. "D" but Pacaco was evasive and "antagonistic." She could not answer Judge Villanueva whether Ceasar Anthony is her son or not. She did not deny or admit that Ceasar Anthony is her son. (tsn, pp. 14 to 16, hearing of June 18, 1991).

Before this case was filed, Judge Villanueva had seen Ceasar Anthony in the company of Heide Pacaco.

Judge Villanueva does not know why he was charged. He, however, attributed the filing of this case to disgruntled litigants who lost their cases in his court.

5. Respondent Heide Pacaco is still single and resides at Kalawag I, Isulan, Sultan Kudarat. She has been the Clerk of Court of the 4th Municipal Circuit Trial Court of Bagumbayan?Esperanza, Sultan Kudarat, for about twelve years. Before she became a Clerk of Court, she was the stenographer of the Municipal Trial Court of Isulan.

Respondent Heide Pacaco denied having an illicit relationship with Judge Villanueva. She also denied having a child with him. She explained that Ceasar Anthony Villanueva, who lives with her, is actually the son of her second cousin, Helen Paciente and her husband Oscar Villanueva. Helen Paciente works in Saudi Arabia. She and her husband are separated. Their separation took place before she went to Saudi Arabia. Before she left, Helen entrusted Ceasar Anthony to Heide Pacaco. Ceasar Anthony was only one year old when he was entrusted to Miss Pacaco.

The whereabouts of the alleged father Oscar Villanueva is not known. Heide Pacaco does not know where he is.

Helen Paciente allegedly went home on vacation in December, 1990. Upon her arrival, she was asked by Heide Pacaco about the birth certificate of Ceasar Anthony. She could not produce any because the birth of Ceasar Anthony was not registered, Heide then told Helen to register his birth. Following Heide's advice, Helen registered Ceasar Anthony's birth in the Civil Register of General Santos City on January 9, 1991. A certificate of live birth was thereafter issued (Exh. "E", Exh. "2-Villanueva" and Exhibit "1-Pacaco").

Heide Pacaco inquired about Ceasar Anthony's birth certificate because of the misconception of many people that the latter is her son. Moreover, at that time she had already learned of the charge against her.

During her testimony, Heide Pacaco was asked whether the signature (Exh. "D-4") above the typewritten name "Heide P. Villanueva," "Mother" is hers. She denied authorship of the same. She was further asked whether the signature above the printed words "Signature of Mother" in Exh. "D-1" belongs to her. She likewise denied it.

Respondent Pacaco admitted that she was confronted by Judge Villanueva about the Certificate of Live Birth of Ceasar Anthony and that she evaded answering him. She however explained that her antagonism and outburst at Judge Villanueva was due to her state of mind at that time. She was then confused and bothered of (sic) the charge. She further admitted that she had answered Judge Villanueva that he is not the only Villanueva in the world when asked about Exhibit "D". She explained that she had inso-lently answered him because she was irritable at that time (tsn., pp. 8 and 9, hearing of August 26, 1991).

Respondent Pacaco contends that the complaint against her and Judge Villanueva is meant to destroy the latter because of some decisions that he had rendered. She had observed that some litigants are not contented with his decisions.

6. Arcadio A. Ramos is the Chief Documents Examiner of the National Bureau of Investigation. He has been with the NBI since 1961, starting as interrogator of the complaint section, moving to the interrogation unit of the clearance section in 1963, to the questioned documents division in 1965, and then as a document examiner in 1966. He was promoted senior document examiner in 1972 and as supervising document examiner in 1979. He became the Officer-In-Charge of the division in 1979 and held that position until 1988. Finally in 1989, he was appointed Chief Documents Examiner.

Mr. Ramos has attended several seminars conducted by the NBI Academy on questioned documents. He was sent to Hongkong in 1981 on a grant from the British Government to broaden his expertise on questioned documents. He is a member of (the) International Association for Identifi-cation and American Academy of Forensic Sciences of which he is the only Filipino member. He had examined thousands of questioned documents and had testified in Court in thousands of cases involving questioned documents.

In compliance with the order of October 9, 1991, which was issued at the instance of Judge Villanueva, Mr. Ramos examined the questioned signature in the Certificate of Live Birth of Ceasar Anthony Pacaco Villanueva and the eight (8) standards or sample signature(s) of said respondent which are marked Exhibits "4-Villanueva" to "11-Villanueva," inclusive. The examination was made for the purpose of determining whether the questioned signature and the standards submitted were written by one and the same person.

Exhibits "4-Villanueva" to Exhibit "11-Villanueva" are signatures of Judge Villanueva on seven official documents that he signed in his capacity as Presiding Judge of the 4th Municipal Circuit Trial Court of Bagumbayan-Esperanza, Sultan Kudarat. These signatures were affixed on dates contemporaneous, or near the date of, the registration of the Certificate of Live Birth of Ceasar Anthony Villanueva which is October 2, 1986. These dates are September 24, 1986 (Exh. "6"), October 2, 1986 (Exhs. "7" and "8"), October 6, 1986 (Exh. "9") and October 9, 1986 (Exh. "10").

Exhibit "11-Villanueva" contains six (6) signatures of Judge Villanueva which he affixed on August 22, 1991 during the hearing of this case.

Six other standards or samples of Judge Villanueva's signatures were also examined by Mr. Ramos. These standards were earlier sent by Judge Villanueva to the NBI for examination on his own accord. These standards which are marked Exhs. "14", "15", "16", "17", "18" and "19", inclusive, appear to have been affixed on October 2, 1986 (Exh. "14"), October 29, 1986 (Exh. "15"), November 5, 1986 (Exh. "16"), December, 1986 (Exh. "17"), July 20, 1991 (Exh. "18") and July 20, 1991 (Exh. "19"), respectively.

Mr. Ramos examined the questioned signature and the standards or samples submitted with the use of a stereoscopic microscope. He took pictures of the questioned signature and standards. He had the photographs developed and enlarged. He prepared a comparison chart (Exh. "13") wherein he attached the enlarged photographs of the questioned signature (Exh. "13-A") and the standards submitted upon order of the Court and those that Judge Villanueva submitted. (Exhs. "13-B" to "13-U", inclusive). Thereafter, Mr. Ramos made a comparison of the questioned signature and sample signatures.

Mr. Ramos found significant differences in handwriting characteristics between the questioned signature and the standards or sample signatures. The following are the differences: first, the questioned signature has a very poor line quality, while the standards submitted have smooth line quality; second, the initial stroke of the questioned signature starts below the base line, while in the sample signatures the same starts from either above or from the base line and that the said characteristic is consistent in all the samples; third, the loops in the questioned signature, especially the two (2) middle ones, are big and irregular, while in the sample signatures the loops are regular and uniform; fourth, the upward stroke in the questioned signature is shorter and perpendicular to the base line and it abruptly ends downward with a loop, while in the standards submitted the same curves towards the left; fifth, the loop of the terminal stroke in the questioned signature is on the base line, while in the sample signatures the same goes beyond the base line (tsn., pp. 8 to 10, hearing of November 8, 1991).

Mr. Ramos concluded that the questioned signature and the sample signature(s) were not written by one and the same person. He had prepared a report of his examination and findings. The report is captioned Questioned Documents Report No. 590-991 and bears the date October 23, 1991 (Exhs. "12", "12-A" and "12-B").

Based on the evidence presented, the following are clearly established: that a child named Ceasar Anthony P. Villanueva was enrolled in the nursery class of Montessori Learning Center in Isulan, Sultan Kudarat during the school year 1990-1991; that said child lives with respondent Heide Pacaco at No. 1 Juan Street, Kalawag I, Isulan, Sulatan Kudarat; that said Ceasar Anthony P. Villanueva and Heide Pacaco are the neighbors of Miss Gemma Panagdato, the teacher who handled the nursery class of Montessori during the above-mentioned school year; and that both Gemma Panagdato and Mila Villaflores, the principal of Montessori, have not seen the parents of Ceasar Anthony P. Villanueva.

The evidence also established the following: that on October 2, 1986, the birth of Ceasar Anthony Pacaco Villanueva was registered in the Local Civil Register of General Santos City; that after the same was registered, a certificate of live birth was issued; that in said birth certificate, the parents of Ceasar Anthony appear to be "Haide Pacaco" and "Osmundo Villanueva"; that as shown further in said certificate, the informant of the birth of Ceasar Anthony is the mother "Haide P. Villanueva"; that the signature of said informant reads "hbpacaco"; that Ceasar Anthony appears to have been born on September 15, 1986 at General S. District Hospital in General Santos City; that at the back of the birth certificate under the heading Affidavit of Acknowledgment, there is another signature which reads "hbpacaco" above the printed words "Signature of Mother"; that the signature of the informant and the signature above the printed words "Signature of Mother" in the affidavit of acknowledgment are both written in green ink and are strikingly similar to each other; and that the color of the ink used in writing the signature above the printed words "Signature of Father" is also green.

The evidence further established the following: that on January 9, 1991, the birth of one Caesar Anthony Paciente Villanueva was registered in the Civil Register of General Santos City; that a certificate of live birth under Register No. 91-0029 was issued; that as appearing in said birth certificate, the parents of Caesar Anthony Paciente Villanueva are Helen Bibit Paciente and Oscar Mallari Villanueva; that the informant appears to be "Helen Villanueva", "Mother" and that said child appears to have been born on September 13, 1985 in San Rogue, Makar, General Santos City.

All the evidence presented had been thoroughly analyzed. But the undersigned found no direct evidence that shows or tends to show that respondents have an illicit relationship. No witness testified establishing said relationship. No letter, postcard, or picture showing the existence of an illicit affair between the respondents has been introduced in evidence.

The fact that Ceasar Anthony P. Villanueva exists in person has been however established. His existence has been clearly established by the testimonies of Mrs. Mila Villaflores and Miss Gemma Panagdato of Montessori Learning Center where the said child was enrolled as a nursery pupil during the school year 1990-1991.

Judge Villanueva and Heide Pacaco both testified about Ceasar Anthony P. Villanueva. Miss Pacaco even admits that Ceasar Anthony lives with her.

Whose child is Ceasar Anthony P. Villanueva? Who are his parents? Is he the illegitimate son of the respondents? Again, no direct evidence has been presented on this point. The only evidence that links the respondents to the said child is Exh. "D", the certificate of live birth of Ceasar Anthony Pacaco Villanueva which was issued by the Local Civil Registrar of General Santos City. As earlier stated, the said birth certificate contains data that link respondents to the child. It also contains signatures which purportedly belong to the respondents.

The respondents attack Exh. "D" on the following grounds: that the same is a falsified document; that it was not known who submitted it to the Local Civil Registrar of General Santos City; that the Civil Registrar, Mrs. Belen Lopez, could not recall whether respondent Heide Pacaco appeared and signed the same before her; that the affidavit of acknowledgment was not subscribed and sworn as required; and that it contains unexplained alterations.

Exhibit "D" is a public document. To destroy it, a clear, convincing and overwhelming evidence of falsity is needed. It is well-settled that public documents executed with the solemnities of law can not be set aside on light and flimsy evidence. (*Asido vs. Guzman*, 37 Phil. 652; *Mendoza vs. Phil. Sugar Estates Development Co.*, 41 Phil. 475; *El Hogar Filipino vs. Olviga*, 60 Phil. 17).

The respondents ha(ve) not presented sufficient evidence to render Exh. "D" invalid in toto. Assuming that some entries therein are false, the falsities of some do not render the whole document invalid.

In registration of births, it is not required that the Local Civil Registrar must have personal knowledge of the person registering the birth. The fact that the one registering the birth is not known to the registrar is of no consequence.

The respondents vigorously hammer on the fact that Mrs. Belen Lopez, the Local Civil Registrar of General Santos, could not recall whether respondent Heide Pacaco has signed the certificate before her. Mrs. Belen Lopez has fully explained her inability to recall. She attributed this to the fact that there are about 1,000 births that they register monthly. Because of the volume, she can not recall whether a particular informant, mother or father has appeared or signed in her presence. The explanation of Mrs. Lopez is not without merit. It is logical, natural and in accord with the natural course of things. Moreover, Mrs. Lopez had explained that their manual allows hospitals, doctors, nurses and even trained "hilots" to prepare the birth certificate based on the information given by the informant.

The fact that the affidavit of acknowledgment was not sworn to can not be faulted on the Local Civil Registrar. Probably, the alleged father or mother did not appear before Mrs. Lopez. It was probably for this reason that Mrs. Lopez did not administer the oath as required. But there is nothing illegal in her failure to subscribe the acknowledgment. What she did was proper because it is illegal to subscribe and administer an oath to someone who has not appeared before her.

There is no intentional alteration made in Exh. "D". The only correction in said certificate is in its registry number. Mrs. Lopez says that the number is 5846. The correction is not initialed. Mrs. Lopez however attributes the lack of initial to oversight on their part. They could not avoid making mistakes or errors because of the volume of registration(s) that they make daily.

What is the probative value of Exh. "D" against Judge Villanueva? Does it establish his paternity of Ceasar Anthony P. Villanueva? The answer is no. Although Exh. "D" is a public document, it is evidence only of the fact that gave rise to its execution and of the date of the latter. (Sec. 23, Rule 132). Stated otherwise, it constitutes evidence only of the fact of birth of Ceasar Anthony P. Villanueva on September 15, 1986. It does not prove that Judge Villanueva is the father even if his name is stated therein as the father. Proof of his paternity must be established by other competent evidence.

The other entries therein are mere hearsay insofar as Judge Villanueva is concerned. The truth of said entries must be shown by other competent evidence.

There is another compelling reason why Exh. "D" can not be considered as evidence of Judge Villanueva's paternity of Ceasar Anthony P. Villanueva. The signature in the space for the "Signature of Father" in Exh. "D-5" is not Judge Villanueva's signature. Arcadio Ramos, the NBI handwriting expert, had examined said signature and Judge Villanueva's sample signatures. Mr. Ramos concluded that the questioned signature in Exh. "D-5" and the standards or sample signatures of Judge Villanueva (Exh. "4" to "11" and Exhs. "14" to "19") were not written by one and the same person. (See Exh. "12", "12"-A" and "12-B"). Clearly, Judge Villanueva did not affix the questioned signature in Exh. "D-5".

The findings of Mr. Ramos is (sic) solidly grounded. He had explained the significant differences in handwriting characteristics between the questioned signature and the sample signatures. The differences can be clearly discerned by a layman. (See Exhs. "13" to "13?U"). He had testified on the procedure that he took when he made the examination. He is an expert on questioned documents. His expertise was acquired from his long years of experience and from studies that he had undergone both here and abroad. With his qualifications and expertise, there is no reason why his testimony, backed up by chart and documents, can not be given weight.

The absence of Judge Villanueva's signature in Exh. "D" renders said exhibit inadmissible in evidence. On this point, it has been held:

"If birth certificates, which are unsigned by the presumed father as required by Section 5 of Act. No. 3753, and

Art. 250 of the Civil Code, are incompetent evidence even to prove paternity alone, with more reasons are birth certificates incompetent evidence to prove recognized filiation." (Victoria Baluyot, et al., represented by Norma Urbano vs. Felicidad Baluyot and the Honorable Court of Appeals, decided June 14, 1990, Case Digest of Supreme Court Decisions, Vol. 7, No. 1, June 1-27, 1990, page 440).

Since Exh. "D" is not admissible against Judge Villanueva as proof of his filiation to Ceasar Anthony P. Villanueva and there is no other direct and primary proof showing that he ha(d) an illicit affair with his co-respondent, his exoneration is therefore in order. Clearly, there is no clear and convincing evidence against him.

Respondent Pacaco admits having (the) care and custody of Ceasar Anthony. Aside from her admission, there are other competent evidence showing that said child is under her care.

Exhibit "D" contains entries that show or tend to show that she is the mother of Ceasar Anthony. The middle name of the child is stated therein as "Pacaco." (Exh. "D-2"). The mother's maiden name is stated as "Haide Pacaco." (Exh. "D-4"). The signature of the informant clearly reads "hbpacaco." (Exh. "D-4"). In the affidavit of acknowledgment (Exh. "D-5"), the name "Heide B. Pacaco" is clearly written therein. In the space for the signature of the mother is the signature which clearly reads "hbpacaco". The signature in Exh. "D-4" and the handwritten entries in Exh. "D-5", including the signature "hbpacaco," are all written in green ink in the original birth certificate.

It has been stated above that public documents are evidence only of the facts which gave rise to their execution and of the date of the latter. Pursuant thereto, only the fact of birth of Ceasar Anthony on September 15, 1986 may be admitted as evidence against respondent Pacaco. But there are compelling factors that negate the application of said rule insofar as respondent Heide Pacaco is concerned. These factors are discussed below.

The signatures "hbpacaco" in the column for the informant (Exh. "D-4") and in the affidavit of acknowledgment (Exh. "D-5") are strikingly similar to the signatures that said respondent affixed to her answer to the complaint. (See pages 15 & 16 of the record). The similarities can be clearly discerned. One need not be a handwriting expert to notice the similarities.

Respondent Pacaco has been the Clerk of Court of Judge Villanueva for about twelve years. Considering their official relationship during that period, it is but natural for Judge Villanueva to acquire knowledge of Heidi Pacaco's handwriting. He had always seen her write. He had probably seen her affixed (sic) her signatures for countless times. He had seen writings purporting to be hers upon which he had acted or been charged. Because of their long association, Judge Villanueva can undoubtedly identify Heide Pacaco's handwriting or signature. And this is precisely what he did in this case. When he was shown the signature "hbpacaco" in Exh. "D-4", he answered that the said signature looks like Pacaco's signature. (tsn., pages 11 to 12, hearing of June 18, 1991). When he was shown the signature "hbpacaco" in Exh. "D-5", he also answered that the same "seems to be that of the Clerk of Court, Heide Pacaco." (tsn., page 13, hearing of June 18, 1991). Judge Villanueva's identification of the above signatures constitutes proof that respondent Pacaco owns those signatures.

Mr. Arcadio Ramos, the NBI handwriting expert, when shown the signatures "hbpacaco" in Exhs. "D-4" and "D-5", testified that said signatures appear to have been written by one and the same person. He based his opinion on the fact that both signatures have good line quality, the same pictorial appearance and the same letter combination (tsn., pp. 37 to 38, hearing of November 8, 1991).

Because of the foregoing considerations, the undersigned is convinced that the signatures "hbpacaco" in the certificate of live birth of Ceasar Anthony Pacaco Villanueva belong to respondent Heide Pacaco.

Is respondent Heide Pacaco the mother of Ceasar Anthony P. Villanueva, the child who was enrolled in the nursery class of Montessori in Isulan in school year 1990-1991? The undersigned is convinced that she is the mother. The signatures that she affixed in the birth certificate of Ceasar Anthony are admissions of her filiation

with the latter. They are evidence against her.

“The act, declaration or admission of a party as to a relevant fact may be given in evidence against him.” (Sec. 26, Rule 132)

Judge Villanueva has testified about the antagonism, insolence and evasiveness of Heide Pacaco when he confronted her about Exh. "D". This fact was confirmed by Pacaco. Instead of explaining or denying, she acted unnaturally. Her outburst is contrary to human experience and behavior. Instead of admitting or denying that Ceasar Anthony is her son, she told Judge Villanueva that the latter is not the only Villanueva in the world. (tsn., page 12, hearing of June 18, 1991).

The undersigned is not convinced that Ceasar Anthony P. Villanueva is Caesar Anthony Paciente Villanueva, the son of spouses Helen Paciente and Oscar Villanueva, who was entrusted to the care of respondent Pacaco. Said respondent could not even recall when the child was entrusted to her by her alleged second cousin Helen Paciente. She alleged that she has a very close relationship with the latter yet she could not recall when her second cousin left for Saudi Arabia. She does not know when Helen allegedly got married to Oscar Villanueva. These things, trivial they may seem, are competent guage (sic) in determining when one is telling the truth or not.

Helen Paciente is allegedly communicating with her and sending her money for the sustenance and schooling of Caesar Anthony. Yet respondent Pacaco was unable to present in evidence any letter, telegram, postcard or picture that her cousin might have sent her. She has not presented any advice or notice from Helen evidencing remittances of money that the latter sent to her from Saudi Arabia. No bankbook showing deposits of money that she made in behalf of Caesar Anthony has been presented. Moreover, if the child had actually been entrusted to her care, she could have taken the pain of enrolling him at Montessori or signing his progress report card or Form 138. She could not have entrusted the said chores to a mere "yaya" like Judith Barraca. She could have attended programs or school activities of Montessori, considering that she is the guardian of Caesar Anthony. She could have introduced Helen Paciente To Gemma Panagdato, the teacher of Caesar Anthony and her neighbor, when the former allegedly went home on vacation in December 1990. She could have brought Helen to Ceasar Anthony's school and introduced her to the teachers and the principal.

As per Exhibit "1-Pacaco", the birth of Caesar Anthony Paciente Villanueva was registered under the late registration system. The same was registered after the filing of this case. Its registration was effected on January 9, 1991 upon respondent Pacaco's advice. Said respondent allegedly advised Helen Paciente to register the birth of Caesar Anthony because of the misconception of people that she is the mother. The undersigned is not convinced.

Caesar Anthony Paciente Villanueva was allegedly born in San Roque, Makar, General Santos City on September 13, 1985. His birth was allegedly attended by Dr. Jesus Alicarte. The parents were supposedly married. Despite these considerations, his birth was not registered.

General Santos City is highly urbanized. As a matter of fact, it is one of (the) growth centers not only of Mindanao but of the Philippines. It is unbelievable that a physician, who is connected with a government hospital and well-versed in the registration of births, would forget to register the birth of a child which he attended. Exhibit "1-Pacaco" is clearly a belated attempt on the part of respondent Pacaco to hid(e) her maternity of Ceasar Anthony Pacaco Villanueva.

Who is the father of Ceasar Anthony Pacaco Villanueva? There is no evidence presented as to his paternity.

The absence of evidence as to the paternity of Ceasar Anthony Pacaco Villanueva is not however of utmost importance insofar as the resolution of this case is concerned. What matters is whether or not the offense charged has been committed.

Having a child with a man, though unknown, is gross immorality for an unmarried woman in government

service. It constitutes just cause for administrative sanction.

The undersigned finds that there exists substantial and convincing evidence against respondent Heide Pacaco for gross immorality.[7]

Investigating Judge Sucaldito consequently recommended the separation from the service of respondent Heide B. Pacaco and the exoneration of respondent Judge Osmundo M. Villanueva for lack of evidence against him.

We have thoroughly reviewed the testimonial and documentary evidence vis-a-vis the findings and conclusion of the investigating judge and we find that respondent Heide B. Pacaco is indeed guilty as charged. The only defense resorted to by respondent Pacaco, that of mere denial, is glaringly weak and unavailing. She simply denies that the signature appearing on the Certificate of Live Birth of Ceasar Anthony Pacaco Villanueva, marked in evidence as Exhibit "D," belongs to her. However, when the investigating judge suggested during the hearing that her signature be likewise submitted to the NBI for examination, her counsel manifested that he will consult the NBI expert when the latter is presented as witness for respondent Judge Villanueva.[8] But then the records will show that the same was never done by respondent Pacaco nor her counsel, despite the fact that a favorable result could necessarily have bolstered her assertions of innocence and her claim that she did not sign Exhibit "D." There was nothing to prevent respondent Pacaco from submitting her questioned signature for examination, and she could not have been unaware of the importance thereof. The lame excuse offered by her counsel, that they might not be able to shoulder the expenses, is unacceptable considering that the investigating judge had already informed them that the examination could be made without expense since respondent Pacaco is a government employee.

That the signature appearing in Exhibit "D" actually belongs to respondent Heide B. Pacaco was confirmed by respondent Judge Villanueva when, upon being confronted with said certificate of live birth, he testified that it seems to be the signature of respondent Pacaco. It is not denied that respondent Pacaco has been the clerk of court of Judge Villanueva for about twelve years, hence, it is safe to conclude that the latter is very familiar with the former's signature. Significantly, respondent Pacaco did not counter the aforesaid testimony of respondent Judge Villanueva, save for her aforesaid general denial of having signed Exhibit "D." Under the present Section 22 of Rule 132 of the Rules of Court, the handwriting of a person may be proved by any witness who believes it to be the handwriting of such person, because he has seen the person write, or has seen writing purporting to be his upon which the witness has acted or been charged, and has thus acquired knowledge of the handwriting of such person.

The said section further provides that evidence respecting the handwriting may also be given by a comparison, made by the witness or the court, with writings admitted or treated as genuine by the party against whom the evidence is offered or proved to be genuine to the satisfaction of the judge. As noted by the investigating judge in his report, in the record of this case is a copy of respondent Pacaco's answer to the complaint, the first and second pages whereof are signed by her.[9] We have carefully compared the signatures "hbpacaco" thereon and the signatures "hbpacaco" marked as Exhibits "D-4" and "D-5" on the birth certificate a copy of which is in the record of this case,[10] and we are reasonably convinced of the authorship by respondent Pacaco of the questioned signatures on Exhibit "D," the birth certificate of Ceasar Anthony Pacaco Villanueva.

As we have heretofore stated, the exacting standards of ethics and morality imposed upon court employees and judges are reflective of the premium placed on the image of the courts of justice, and that 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. It thus becomes the imperative and sacred duty of each and everyone in the court to maintain its good name and standing as a true temple of justice.[11]

We consequently agree with and hereby APPROVE the report and recommendation submitted by Investigating

Judge Romeo S. Sucaldito finding respondent Heide B. Pacaco, Clerk of Court of the Municipal Circuit Trial Court of Bagumbayan-Esperanza, Sultan Kudarat, GUILTY of gross immorality and recommending her separation from the service. Accordingly, said respondent is hereby dismissed from her present position with forfeiture of retirement benefits, except accrued leave credits, and with disqualification from any appointive position in the Government, including government-owned or controlled corporations. The complaint against Judge Osmundo M. Villanueva is hereby DISMISSED for lack of merit.

SO ORDERED.

Narvasa, C.J., Cruz, Feliciano, Padilla, Bidin, Griño-Aquino, Regalado, Davide, Jr., Romero, Nocon, Bellosillo, Melo, and Quiason, JJ., concur.

[1] Rollo, 1-2.

[2] Ibid., 8.

[3] Ibid., 10-12, 15-17.

[4] Ibid., 20.

[5] Ibid., 32-34.

[6] Ibid., 126.

* In the birth certificate marked as Exhibit "D", the name of the child is stated as "CEASAR ANTHONY PACACO VILLANUEVA" while the name written in the birth certificate marked as Exhibit "E" is "CAESAR ANTHONY PACIENTE VILLANUEVA."

[7] Ibid., 353-376.

[8] TSN, August 26, 1991, 16-18.

[9] Ibid., 15-16.

[10] Ibid., 59, 59-A.

[11] Lim-Arce vs. Arce, et al., 205 SCRA 21 (1992).

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