

PELAGIO SICAT, COMPLAINANT, VS. JUDGE FERNANDO S. ALCANTARA, RTC, BRANCH 63, TARLAC, TARLAC, AND TERESITA GOMEZ SICAT, RESPONDENTS.

Adm. No. R-6-RTJ. May 11, 1988

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PER CURIAM:

On February 25, 1985, the Court directed a Justice of the Court of Appeals to investigate a complaint filed by Pelagio Sicat against his wife Teresita Gomez Sicat, a clerk at the Court of First Instance of Tarlac and Judge Fernando S. Alcantara of the Regional Trial Court, Branch 43 at Tarlac, Tarlac.

The Report and Recommendation of the investigator states:

"This is a complaint of Immorality filed by Pelagio Sicat against Hon. Fernando S. Alcantara and Teresita Gomez, Executive Judge and Clerk, respectively of the Regional Trial Court of Tarlac (formerly Court of First Instance of Tarlac).

SUMMARY OF FACTS

"In a Complaint dated April 4, 1983, complainant Pelagio Sicat alleged among others that he and respondent Teresita Gomez were husband and wife and were renting a room in a house located at San Vicente, Tarlac, after having been married on April 29, 1979. Their marriage, however was short-lived because complainant was forced to leave respondent Gomez for the reason that during their cohabitation, the former often caught the latter and respondent-Judge, who was also boarding in the same house, kissing and embracing each other in the sala of their rented house. There were also occasions when complainant would find the respondents locking themselves in respondent-Judge's Chamber whenever he tried to fetch Teresita Gomez from her office. His effort to stop the illicit relationship of the respondents by asking respondent Gomez to resign from her job was to no avail.

"The witness of the complainant in the person of Elizabeth D. Facunla claimed that she witnessed the illicit relationship of the respondents. According to her, she was residing in the rented room of Teresita Gomez upon the invitation of the latter and in fact, was even promised by respondent Gomez to help her secure a permanent appointment as she was very influential with her 'grandfather' (Judge Alcantara). From Sunday to Thursday nights, respondent Judge was a regular visitor of Teresita Gomez and the two ate and slept together as husband and wife while she was made to sleep on the floor as she was sleeping in the same room with the respondents.

"In his Comment, respondent-Judge denied the charges as without basis, in fact, claiming among others that his Chamber has always been open to the public at all times. He also averred that he did not have to rent a room as he was authorized by the Provincial government of Tarlac to live adjacent to his Chamber since 1977. And in denying his illicit relationship with Teresita Gomez, he claimed that all female employees in his office were treated by him as his daughters and in fact, they were all close to him, even as he claimed that the complaint was instigated by the spouses Antonio Leano and Erlinda Leano and one, Maria Espinosa who bore grudge against him for being phased out in the reorganization of the courts.

"In his defense, respondent Judge attached the affidavit of Atty. Joselito Lim, President, IBP, Tarlac Chapter which tends to prove his good moral character; affidavits of Atty. Nardo Capulong and Artemio Ofrenio to

prove that he was staying most of the time in his Chamber and not renting any room; affidavit of Conrado Suguitan to prove that Antonio Leano, his wife Erlinda Leano and Maria Espinosa were the ones who instigated the complaint; certification of Gov. Homobono Sawit to the effect that he was authorized to stay and sleep in his Chamber.

"Respondent Teresita Gomez admitted in her Comment the fact that she and the complainant are husband and wife but denied to have kissed and embraced respondent, Judge Alcantara. She also admitted that complainant had asked her to resign from office but she refused and instead told complainant to first look for a stable job and that she will finish her studies, as agreed upon before their marriage. In the later part of May 1979, complainant went to Manila and since then, he did not return, so she asked her nephew Ronillo Gomez, to stay with her in the boarding house. She also admitted having helped Miss Facunla to be employed but denied that they have been together in her boarding house. She averred that Miss Facunla was in the court's payroll and was required to work from 8:00 a.m. to 5:00 p.m., contrary to the allegation of Miss Facunla that she was treated as housemaid in respondent-Gomez's boarding house.

"In his reply, complainant claimed that Ronillo Gomez, his wife's nephew was a recommendee of respondent Judge Alcantara who was appointed as janitor in respondent's court, although a minor, while Atty. Lim was the same lawyer who turned down his request to have his affidavit notarized for fear of antagonizing respondent-Judge as he had many pending cases before him. Complainant also alleged that respondent-Judge spent for the studies of Teresita Gomez and for the construction of her house at Barangay Burot, Tarlac, Tarlac.

"During the intervening period, while this case was pending resolution, the respondent-Judge was phased out of service in the Judiciary, his resignation was accepted.

FINDINGS

"The complainant Pelagio Sicat, is the husband of Teresita Gomez. The accusation is for immorality. The respondent-Judge is also a married man. This is a case of a love triangle involving a married couple and a Judge of a court who is also married.

"The respondent-Judge submits that the lone issue is credibility of witnesses.

"From the evidence presented, it is clear that the respondent-Judge was maintaining an amorous and illicit relation with his co-respondent, Teresita Gomez. The special and unusual attention and behavior of the respondent-Judge towards his co-respondent, a married woman does not speak well of his moral integrity.

"Both oral and documentary evidence points to the indubitable proofs of immorality. The personal behavior of the respondent-Judge and his co-respondent, a court employee, lend credence to the charges of immorality, not to mention the private affairs happening in the boarding house of Teresita Gomez, which the evidence shows, respondent-Judge frequently goes and visits.

"The respondents both denied the charges imputed against them, attributing ill-feelings and bad motives upon former court employees who had the courage to testify or execute sworn statements in the investigation of the case, whom respondent-Judge claims to have instigated the filing of the complaint. In addition, respondent-Judge adds that the husband-complainant filed this case almost four (4) years after the happening of the immoral acts in 1979, which cast serious doubt on the complainant's veracity for truth.

"Nonetheless, it is not amiss to state, that a mere denial of a positive testimony does not overturn the relative weight and probative value of an affirmative assertion. The belated action taken by the complainant does not in any manner detract from the truthfulness of his testimony. The reaction of the complainant naturally arose out from a feeling of an offended husband caused by the infidelity of the wife. He must be cautious and calculating lest he fall a victim of his own errors.

"This investigator cannot find its way clearly to sustain the motives attributed by both respondents of the

reasons why the husband, including imperial former court employees had to appear and testify in the investigation. The witnesses told the truth of what was a foregone immoral relationship. The only plausible and satisfactory explanation is that the imputed acts are true, and the illicit relationship exists.

"The positive testimonies of the witnesses only confirms the wrongdoing complained of by the complaining husband, and not even persistent denials can exculpate both the respondents. The pretensions stated by the respondent-Judge that the affectionate feelings he vows towards Teresita Gomez, is similar to that of a father and daughter relationship is farther from the truth, and too good to be true. Suffice it to say that the same is a lame excuse to cover up for immoral acts of a married man he was having with a married woman very much younger than him.

"Our Supreme Court had adhered and laid down exacting standards of morality and decency in the service of the judiciary, specially so when the malefactor is a Judge.

"As held in the case of by Teban Hardware and Auto Supply Co. v. Tapucar, 102 SCRA 494, and I quote:

"'The personal and official actuations of every member of the Bench must be beyond reproach and above suspicion. The faith and confidence of the public in the administration of justice cannot be maintained if a Judge who dispenses it is not equipped with the cardinal judicial virtue of moral integrity, and if he obtusely continues to commit an affront to public decency. In fact, moral integrity is more than a virtue; it is a necessity in the Judiciary. x x x.'

and in the case of Leynes v. Veloso - 82 SCRA 325 (1978), it was held:

"'A judge suffers from moral obtuseness or has a weird notion of morality in public office when he labors under the delusion that he can be a judge and at the same time have a mistress in defiance of the mores and sense of morality of the community. The absence of criminal liability does not preclude disciplinary action by reason of his highly unconventional and censurable behavior.'"

From the records of the investigation, it appears clearly to us that the two (2) respondents Judge Fernando S. Alcantara and Teresita Gomez Sicat are guilty as charged.

On the basis of the evidence presented and the nature of the charges, the appropriate penalty is separation from the service. However, the respondent Judge was already phased out during the last reorganization of the Regional Trial Court and has since been separated from the service. In the case of the other respondent Teresita Gomez Sicat, a similar penalty is warranted.

WHEREFORE, former Judge Fernando S. Alcantara is found guilty as charged and is meted out a penalty of a fine equivalent to six (6) months of his salary as of the date of his retirement. Respondent Teresita Gomez Sicat is also found guilty and is DISMISSED from the service with prejudice to reinstatement. All benefits and privileges to which she is entitled as a result of her service with the court are forfeited.

SO ORDERED.

Yap, C.J., Fernan, Narvasa, Melencio-Herrera, Gutierrez, Jr., Cruz, Paras, Feliciano, Gancayco, Padilla, Bidin, Sarmiento, Cortes, and Griño-Aquino, JJ., concur.

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