

ALFREDO S. RAMOS, Complainant, vs. VIRGINIA D. RAMOS, Respondent.

A.M. No. CA-07-22-P. January 25, 2008

Ponente: AZCUNA, J.

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AZCUNA, J.:

This administrative case stemmed from the letter-complaint dated July 2, 2001 of complainant Alfredo S. Ramos, charging his wife, respondent Virginia D. Ramos, a court stenographer in the Court of Appeals, with immoral conduct.

Attached to the Complaint were a certified photocopy of the Certificate of Live Birth of Louie Alver Dagani Ramos and a photocopy of the Marriage Contract of complainant and respondent executed on January 15, 1978.

The Complaint was referred to an Investigating Justice of the Court of Appeals for investigation, report and recommendation. Thereafter, the case was referred to the Office of the Court Administrator (OCA) for further evaluation.

The Investigating Justice conducted hearings which allowed the parties to present their respective sets of evidence. The parties agreed on the following stipulations:

- They got married on January 15, 1978 at San Juan Church.
- They have one son, Louie Alver D. Ramos, who was born on December 11, 1978.
- They separated in 1981.
- They met on December 11, 1998 during the birthday of their son, on which occasion they discussed matters regarding the nullity of their marriage and about their son.

Complainant Alfredo S. Ramos testified that he and respondent were married on January 15, 1978 in San Juan. Thereafter, they resided in San Juan, Metro Manila. Their son, Louie Alver, was born on December 11, 1978. He and respondent separated in 1981 when he left the conjugal home bringing with him their son. They lived with his parents in Malabon, Metro Manila. Complainant resigned from his job, and he and his son transferred residence from one place to another to avoid the subpoenas issued for the production of his son in court.

From September 21, 1981 until the year 1992, complainant worked in Jeddah, Saudi Arabia. He left his son with his (complainant's) mother. He spent his yearly vacation for one month in the Philippines with his son and his parents. When he permanently returned to the Philippines, he stayed with them in San Mateo, Rizal. He met his wife again sometime in 1998 during their son's birthday.

Sometime in February, 2001, complainant's mother informed him that his estranged wife was having an affair with another man and that they have a child. Complainant gathered evidence against respondent. He secured from the Office of the Civil Registrar of San Juan, Metro Manila, the Certificate of Live Birth of Jayson Cris Dagani whose mother's maiden name is Virginia Boreta Dagani and whose father is Wilfredo Icasiano Nieva; and the Certificate of Live Birth of Bryan Carl Boreta Dagani who was born on November 9, 1992, but died in 1994.

Complainant also secured from the Personnel Division of the Court of Appeals the following documents:

- (1) A certified true copy of respondent's membership data record with the Philippine Health Insurance Corporation wherein respondent declared her sons Louie Alver D. Ramos and Jayson Cris B. Dagani as her dependents;
- (2) Sworn Statement of Assets and Liabilities of respondent dated April 19, 1999 stating that her unmarried child below 18 years of age is Jayson Cris B. Dagani, born on September 3, 1996;
- (3) Request for payment of the unexpired portion of respondent's maternity leave signed by Belen Madamba; and
- (4) Application for maternity leave of respondent.

Respondent testified that her relationship with complainant before they got married was not wholesome because of his constant unreasonable jealousy. Complainant got jealous even if she merely talked with a man. When they got married, they resided in San Juan. Their relationship did not change since they often quarreled because of jealousy, and complainant would abuse her verbally and physically. Complainant wanted her to follow everything he wanted, even the way she would dress. For three years she followed the things that complainant wanted her to do, but later she realized that what he was doing was wrong. She told him that she could no longer bear his oppressive and unreasonable behavior, and they had a big quarrel.[1]

Respondent stated that after their quarrel, complainant left their house in 1981. They had an agreement that during weekdays their son, Louie Alver, would stay with her and her husband could take their son during weekends. Complainant complied with their agreement for two weeks, but in the third week he did not return Louie Alver to her anymore. She looked for them at the residence of complainant's parents and relatives in Malabon and Navotas, respectively, but they were not there. She then filed a petition for habeas corpus with the Regional Trial Court of Pasig, but nothing happened because the summons issued was not served. It was only after eight years that she found her son living with his paternal grandparents in San Mateo, Rizal. Her son was only two and a half years old when her husband took him away from her, and when she saw her son, he was already in Grade V.

Respondent testified that when complainant learned that she found their son, he took a vacation from his work abroad and they met in their house in San Mateo, Rizal. During their meeting, her husband blamed her for their separation, but she told him, "Paanong nangyaring kasalanan ko eh ikaw and umalis, hindi ako ang umalis." During the meeting in the presence of their parents, they agreed that she could visit her son.

Respondent admitted that she had an illicit relationship with Wilfredo Icasiano Nieva from 1990 up to 1996. At that time, she and complainant were not living together anymore, but their marriage still subsisted. She also admitted that she had two children, Jayson Cris Dagani and Brian Carl Dagani (deceased), by Nieva. Respondent, however, put up the defenses of *pari delicto* and abandonment.

Respondent testified that while their marriage subsisted, complainant Alfredo Ramos had an extra-marital affair with someone named Edith. Out of the illicit relationship, he sired a child christened Sheila. After complainant left their conjugal home sometime in 1981, he had a relationship with another woman.

Louie Alver D. Ramos, the parties' son, confirmed respondent's allegations that complainant had extra-marital relations with other women. He testified that his father, complainant Alfredo Ramos, and a certain Leony lived together as husband and wife in their house at Bancom Life Homes Subdivision, San Mateo, Rizal. His grandparents also lived in the same house. When his father left for Saudi Arabia, Leony stayed with them. Leony got pregnant but had a miscarriage.

Louie Alver also testified that when they transferred residence to Malabon, he was introduced by his father to Edith and his half sister, Sheila. He was about 14 years old at that time.

The issue is whether or not respondent is guilty of immoral conduct.

The records and respondent's own admission confirm that respondent is guilty of immoral conduct for her illicit relationship with another man and bearing two children by him while her marriage with complainant subsisted.

As stated by the OCA, *pari delicto* is not a valid defense in this case. *Pari delicto* is governed by Arts. 1411 and 1412 under Chapter 9 (Void or Inexistent Contracts) of the Civil Code.[2] It is not applicable to this case. The immoral conduct of respondent's husband does not cancel out the immoral conduct of respondent or bar him from filing this complaint. As an employee of the court, respondent is expected to act with moral uprightness. 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 standards of morality and decency in both their professional and private actuations.[3] These norms, it should be kept in mind, are ever so essential in preserving the good name and integrity of the judiciary.[4]

Under Sec. 22, Rule XIV of the Omnibus Civil Service Rules and Regulations, disgraceful and immoral conduct is a grave offense punishable by suspension for six months and one day to one year for the first offense and dismissal for the second offense.

In *Floria v. Sunga*,[5] *Floria* was found guilty of dishonesty (falsification of certificates of live birth) and immoral conduct for having an illicit relationship with a married man. For the offenses, the Court imposed on *Floria* a fine of P10,000 with reprimand, reasoning thus:

[W]e 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.[6]

This case is similar to *Floria*, considering the following circumstances:

- It is the complainant who left their residence and abandoned respondent in 1981, taking with him their son, and he only met with respondent when she found their son after eight years of searching;
- Complainant filed this case for immoral conduct after having left respondent for 20 years;
- The administrative offense of immoral conduct took place many years ago;
- Respondent has been employed in the Court of Appeals for twenty-six (26) years;
- This is the first time respondent is found liable for an administrative offense;
- The suspension of respondent, a mother and breadwinner, will affect the subsistence of respondent's child, *Jayson*, who is an innocent victim in this case.

WHEREFORE, respondent Virginia D. Ramos is found GUILTY of immoral conduct for which she is FINED in the sum of Ten Thousand Pesos (P10,000) and is REPRIMANDED and WARNED that the commission of a similar offense shall be dealt with more severely.

No costs.

SO ORDERED.

Puno, C.J., Quisumbing, Ynares-Santiago, Sandoval-Gutierrez, Carpio, Austria-Martinez, Corona, Carpio-Morales, Tinga, Velasco, Jr., Nachura, Reyes, and Leonardo-De Castro, JJ., concur.
Chico-Nazario, J., on official leave.

[1] Affidavit of Virginia D. Ramos, Exh. "1," rollo, p. 144.

[2] Art. 1411. When the nullity proceeds from the illegality of the cause or object of the contract, and the act constitutes a criminal offense, both parties being in *pari delicto*, they shall have no action against each other, and both shall be prosecuted. Moreover, the provisions of the Penal Code relative to the disposal of effects or instruments of a crime shall be applicable to the things or the price of the contract.

This rule shall be applicable when only one of the parties is guilty; but the innocent one may claim what he has given, and shall not be bound to comply with his promise.

[3] *Lauro v. Lauro*, A.M. No. P-91-642, June 6, 2001, 358 SCRA 405, 409-410.

[4] *Id.* at 410.

[5] A.M. No. CA-01-10-P, November 14, 2001, 368 SCRA 551.

[6] *Supra* note 5 at 561.

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