

AMELITA CASTILLO-CASIQUIN, COMPLAINANT, VS. GREGORIA FIGUERREZ CANSINO, COURT STENOGRAPHER, REGIONAL TRIAL COURT OF IBA, ZAMBALES, BRANCH 69, RESPONDENT.

A.M. NO. P-06-2240 (FORMERLY OCA IPI NO. 06-2353-P). April 12, 2007

Ponente: CORONA, J.

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CORONA, J.:

Complainant Amelita Castillo-Casiquin charges respondent Gregoria Figuerrez Cansino, court stenographer in Branch 69 of the Regional Trial Court of Iba, Zambales, with disgraceful and immoral conduct for marrying and cohabiting with her (complainant's) husband.

In her complaint,[1] complainant stated that she is the wife of Villamor Casiquin to whom she was married on November 26, 1977. Sometime in November 1983, she discovered that her husband was cohabiting with respondent. She also later learned that respondent married Villamor on January 9, 1984 despite her knowledge (as complainant's former best friend and co-employee) that he was very much married to complainant. Respondent's cohabitation with Villamor bore two children.

In her comment,[2] respondent admitted marrying and cohabiting with Villamor but claimed that she did so in good faith because he made her believe that his marriage to complainant was fake. Villamor told her that his real name was Victor Cansino, not Villamor Casiquin which was the name he used when he married complainant. However, when respondent confronted Villamor sometime in July 1985 on why he signed the birth certificate of their second daughter as Villamor Casiquin, he confessed that that was his real name. After this confession, respondent left him and has since then lived separately from him.

After evaluating the complaint as well as respondent's comment, the Office of the Court Administrator (OCA) submitted its report.[3] The OCA found that respondent married and cohabited freely with Villamor, a married man. It disregarded respondent's claim of good faith because Villamor never concealed his marital status from her. Since she knew all along that Villamor was married, she should not have married or cohabited with him.

The OCA found respondent guilty of disgraceful and immoral conduct for engaging in an amorous relationship with a married man. But considering that it was respondent's first offense, the OCA recommended only a suspension of six months and one day.

We agree.

Contracting marriage and/or cohabiting with someone who is already married constitutes disgraceful and immoral conduct.[4] It is a grave offense that cannot be countenanced.[5] It manifests a deliberate disregard of the sanctity of marriage, an inviolable social institution protected by the Constitution and the law.[6] The perversion is specially egregious if committed by judicial personnel, persons tasked specifically with the administration of justice and the laws of the land.[7]

Section 52(A)(15) of the Uniform Rules on Administrative Cases in the Civil Service provides:

Section 52. Classification of Offenses. — Administrative offenses with corresponding penalties are classified into grave, less grave or light, depending on their gravity or depravity and effects on the government service.

- The following are grave offenses with their corresponding penalties:

xxx xxx xxx

- Disgraceful and immoral conduct

1[st] offense — Suspension (6 mos.[,] 1 day to 1 year)

2[nd] offense — Dismissal

xxx xxx xxx

Considering that this is respondent's first offense, the penalty recommended by the OCA is correct.

WHEREFORE, Gregoria Figuerrez Cansino is hereby found guilty of disgraceful and immoral conduct and is **SUSPENDED** for six months and one day without pay. She is **STERNLY WARNED** that a repetition of the same or similar act in the future shall be dealt with more severely.

Let a copy of this resolution be entered in Cansino's personal record.

SO ORDERED.

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

[1] Rollo, pp. 2-3.

[2] Id., pp. 39-41.

[3] Id., pp. 46-48.

[4] Ubongen v. Ubongen, A.M. No. P-04-1780, 18 February 2004, 423 SCRA 188.

[5] Id.

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

[7] Id.

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