

RENE VENTENILLA PUSE, PETITIONER, VS. LIGAYA DELOS SANTOS-PUSE, RESPONDENT.

G.R. No. 183678. March 15, 2010

Ponente: VILLARAMA, JR., J.

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VILLARAMA, JR., J.:

Before this Court is a Petition for Review on Certiorari with Prayer for Injunction and Temporary Restraining Order filed by petitioner Rene V. Puse assailing the Decision [1] dated 28 March 2008 of the Court of Appeals in CA-G.R. SP No. 100421.

Petitioner is a registered Professional Teacher stationed at S. Aguirre Elementary School, East District, Jose Panganiban, Camarines Norte, while respondent is a Barangay Rural Health Midwife assigned at the Municipal Health Office of Jose Panganiban, Camarines Norte.

It appears that on 10 January 1992, petitioner married respondent Ligaya Delos Santos-Puse at the Municipal Trial Court (MTC) of Daet, Camarines Norte before the Hon. Judge Oscar T. Osorio. [2] He had two (2) children with her, and had a church wedding before respondent found out that petitioner was already married. Respondent discovered that petitioner had already gotten married to Cristina Pablo Puse at the Municipal Trial Court in Cities of Laoag City, Ilocos Norte on 27 December 1986. Respondent likewise learned that he has two (2) children with his first wife. [3]

Thus, on 2 August 2005, respondent filed a letter-complaint with the Director of the Professional Regulation Commission (PRC), National Capital Region, Manila, through the Director, PRC, Lucena City, seeking assistance regarding her husband against whom she had filed a criminal case for "Bigamy" and "Abandonment." She alleged that her husband has not been giving her and their children support. [4]

In a letter dated 16 August 2005, petitioner was directed by the PRC of Lucena City to answer the complaint for immorality and dishonorable conduct filed by respondent. [5] Per directive, petitioner submitted his Compliance [6] dated 31 August 2005 denying the charges against him. He adopted his counter-affidavit and the affidavits of his witnesses, Jocelyn Puse Decena and Dominador I. Blanco, which were submitted in Criminal Case Nos. 7228 and 7229 before the MTC of Jose Panganiban, Camarines Norte. He argued that if respondent's allegations were true, she herself would be equally guilty of immorality and dishonorable conduct, as she was fully aware that petitioner was already married when she married him. He added he has not abandoned respondent or their children and continually gives support for their children.

In her Reply to Answer/Compliance [7] dated 6 September 2005, respondent said she married petitioner in good faith, unaware that he was already married to Cristina N. Pablo. When she learned of petitioner's deception regarding his marital status, she filed a case for Bigamy before the MTC of Jose Panganiban, Camarines Norte, which found probable cause to hold petitioner for trial. She found petitioner's explanation "Na ako ay wala ng balita o komunikasyon sa aking unang asawa at ang paniwala ko ay siya ay patay na at ang aking kasal ay nawala ng saysay" to be lame and insufficient to justify his contracting a subsequent bigamous marriage. She claimed that

petitioner should have instituted in court a summary proceeding for the declaration of presumptive death of his first wife before contracting a subsequent marriage. In the absence of such declaration, her marriage to petitioner is bigamous and void ab initio. She added that the affidavits of his sister and close friend should not be given weight.

In his Rejoinder [8] dated 11 October 2005, petitioner reiterated the arguments in his Answer and prayed for the dismissal of the complaint on the ground that it was not verified and for failure of the respondent to attach a valid certification against forum-shopping.

After due consideration of the complaint, affidavits, supporting documents and pleadings filed, the Board of Professional Teachers, PRC, Lucena City, found a prima facie case for Immorality and Dishonorable Conduct against petitioner, and directed respondent to pay docket and legal research fees. [9] The case was docketed as Adm. Case No. LCN-0016.

On 16 February 2007, the Board of Professional Teachers (Board), PRC, Manila, found petitioner administratively liable of the charges and revoked his license as a Professional Teacher. The dispositive portion of the Resolution reads:

IN VIEW OF ALL THE FOREGOING, the Board finds Rene Ventenilla Puse guilty as charged and accordingly revokes his license as a Professional Teacher. He is ordered to surrender his Certificate of Registration and his Professional Identification Card to the Professional Regulation Commission within ten (10) days from the time this decision becomes final and executory and to desist from the practice of the teaching profession under the pain of criminal prosecution.

SO ORDERED.[10]

The Board ruled that contrary to petitioner's contentions, it had jurisdiction over petitioner and could validly order the revocation of his license, as petitioner was a professional teacher. Under Section 23 of Republic Act No. 7836, otherwise known as the Philippine Teachers Professionalization Act of 1994, the Board has the power and authority to regulate the practice of teaching in the Philippines. The charge of Immorality and/or Dishonorable Conduct is also one (1) of the grounds for the revocation or suspension of a license of a professional teacher. For entering into a second marriage without first seeking a judicial declaration of the presumptive death of his first wife and thereafter cohabiting with his second wife and having children with her, petitioner is liable for Immorality and Dishonorable Conduct. The Board added that whether respondent had knowledge of the first marriage or not is irrelevant and further found petitioner's claim that his cohabitation with respondent was under duress, force or intimidation untenable. Citing Section 3, [11] Article III and Section 3, [12] Article XI of the Code of Ethics of Professional Teachers, and the Oath of Professionals, [13] the Board also explained that petitioner's official life cannot be detached from his personal life, contrary to his contention that the acts complained of were purely private. His immorality and dishonorable conduct demonstrate his unfitness to continue practicing his profession as he is no longer the embodiment of a role model for young elementary school pupils, the Board ruled.

Petitioner moved for reconsideration of the decision but his motion was denied by the Board per Resolution dated 9 July 2007. [14]

Aggrieved, petitioner filed a petition for review, docketed as CA-G.R. SP No. 100421, before the Court of Appeals assailing the Resolutions dated 16 February 2007 and 9 July 2007 of the Board.

On 28 March 2008, the Court of Appeals dismissed petitioner's appeal. [15] The appellate court held that the applicable law was Rep. Act No. 4670 or the Magna Carta for Public School Teachers because petitioner was

occupying the position of Teacher I at the S. Aguirre Elementary School. Under Rep. Act No. 4670, the one (1) tasked to investigate the complaint was the Board of Professional Teachers. Thus, it was the Board of Professional Teachers that had jurisdiction over the administrative case and not the Civil Service Commission (CSC) or the Department of Education (DepEd) as contended by petitioner. As to the finding of immorality and/or dishonorable conduct, the Court of Appeals agreed with the Board in finding as untenable petitioner's excuse that he believed his first wife to be dead and that his first marriage was no longer subsisting. It said that petitioner should have applied for a judicial order declaring his first wife presumptively dead before marrying respondent. It further found without merit petitioner's defense that the complaint is of a private nature, explaining that his actions relate to the very nature of his career: to teach, mold and guide the youth to moral righteousness.

As to petitioner's defense of *pari delicto*, the appellate court upheld the Board's finding that respondent was in good faith when she married petitioner. The Board also afforded petitioner due process.

On 30 June 2008, the Court of Appeals denied petitioner's motion for reconsideration for lack of merit. [16] Hence, the present recourse.

Petitioner argues that:

- THE HONORABLE COURT OF APPEALS GRAVELY ERRED IN VALIDATING THE RESOLUTIONS OF THE BOARD FOR PROFESSIONAL TEACHERS OF PRC-MANILA DESPITE THE LACK OF SUBSTANTIAL EVIDENCE SUPPORTING THE SAME AND ITS PATENT NULLITY FOR HAVING BEEN ISSUED OUTSIDE OF ITS JURISDICTION AND IN VIOLATION OF THE RIGHT OF YOUR PETITIONER TO DUE PROCESS;

- THE HONORABLE BOARD FOR PROFESSIONAL TEACHERS OF THE PROFESSIONAL REGULATION COMMISSION (PRC)-MANILA AND LUCENA CITY, GRAVELY ERRED AND COMMITTED GRAVE ABUSE OF DISCRETION, WHEN IT ASSUMED PRIMARY JURISDICTION OVER THE UNVERIFIED COMPLAINT OF THE RESPONDENT IN CONTRAVENTION WITH EXISTING RULES AND SETTLED JURISPRUDENCE ON THE MATTER;

- THE HONORABLE BOARD FOR PROFESSIONAL TEACHERS OF THE PRC-MANILA GRAVELY ERRED IN FINDING THE PETITIONER GUILTY OF IMMORALITY AND DISHONORABLE CONDUCT AND SUBSEQUENTLY REVOKING HIS TEACHER'S LICENSE AS A PENALTY NOTWITHSTANDING THE LACK OF SUBSTANTIAL EVIDENCE SUSTAINING THE COMPLAINT, WHICH IN EFFECT VIOLATED THE RIGHT OF YOUR PETITIONER TO DUE PROCESS OF LAW.
[17]

From the foregoing, the issues may be summed up as follows: (1) Did the Board of Professional Teachers have jurisdiction to hear and decide the complaint filed by respondent against petitioner? (2) Was petitioner denied administrative due process? (3) Was there substantial evidence to sustain the complaint and to hold petitioner liable?

On the first issue, petitioner argues that the proper forum to hear and decide the complaint was either the CSC pursuant to CSC Resolution No. 991936 (Uniform Rules on Administrative Cases in the Civil Service) or the DepEd pursuant to Rep. Act No. 4670 (Magna Carta for Public School Teachers). Since the charge was for violation of the Code of Conduct and Ethical Standards for Public Officials and Employees, the complaint should have been brought before the CSC.

We do not agree. An administrative case against a public school teacher may be filed before the Board of Professional Teachers-PRC, the DepEd or the CSC, which have concurrent jurisdiction over administrative cases such as for immoral, unprofessional or dishonorable conduct.

Concurrent jurisdiction is that which is possessed over the same parties or subject matter at the same time by two or more separate tribunals. [18] When the law bestows upon a government body the jurisdiction to hear and decide cases involving specific matters, it is to be presumed that such jurisdiction is exclusive unless it be proved that another body is likewise vested with the same jurisdiction, in which case, both bodies have concurrent jurisdiction over the matter. [19] The authority to hear and decide administrative cases by the Board of Professional Teachers-PRC, DepEd and the CSC comes from Rep. Act No. 7836, Rep. Act No. 4670 and Presidential Decree (P.D.) No. 807, respectively.

Under Section 23 of Rep. Act No. 7836, the Board is given the power, after due notice and hearing, to suspend or revoke the certificate of registration of a professional teacher for causes enumerated therein. Among the causes is immoral, unprofessional or dishonorable conduct. Section 23 reads:

SEC. 23. Revocation of the Certificate of Registration, Suspension from the Practice of the Teaching Profession, and Cancellation of Temporary or Special Permit. - The Board shall have the power, after due notice and hearing, to suspend or revoke the certificate of registration of any registrant, to reprimand or to cancel the temporary/special permit of a holder thereof who is exempt from registration, for any of the following causes:

- (a) Conviction for any criminal offense by a court of competent jurisdiction;
- (b) Immoral, unprofessional or dishonorable conduct;
- (c) Declaration by a court of competent jurisdiction for being mentally unsound or insane;
- (d) Malpractice, gross incompetence, gross negligence or serious ignorance of the practice of the teaching profession;
- (e) The use of or perpetration of any fraud or deceit in obtaining a certificate of registration, professional license or special/temporary permit;
- (f) Chronic inebriety or habitual use of drugs;
- (g) Violation of any of the provisions of this Act, the rules and regulations and other policies of the Board and the Commission, and the code of ethical and professional standards for professional teachers; and
- (h) Unjustified or willful failure to attend seminars, workshops, conferences and the like or the continuing education program prescribed by the Board and the Commission. x x x [20]

Thus, if a complaint is filed under Rep. Act No. 7836, the jurisdiction to hear the same falls with the Board of Professional Teachers-PRC.

However, if the complaint against a public school teacher is filed with the DepEd, then under Section 9 of Rep. Act No. 4670 or the Magna Carta for Public School Teachers, the jurisdiction over administrative cases of public school teachers is lodged with the investigating committee created pursuant to said section, now being implemented by Section 2, Chapter VII of DECS Order No. 33, S. 1999, also known as the DECS Rules of Procedure. Section 9 of the Magna Carta provides:

SEC. 9. Administrative Charges. - Administrative charges against a teacher shall be heard initially by a committee composed of the corresponding School Superintendent of the Division or a duly authorized representative who should at least have the rank of a division supervisor, where the teacher belongs, as chairman, a representative of the local or, in its absence, any existing provincial or national teachers' organization and a supervisor of the Division, the last two to be designated by the Director of Public Schools. The committee shall submit its findings and recommendations to the Director of Public Schools within thirty days from the termination of the hearings: Provided, however, That where the school superintendent is the

complainant or an interested party, all the members of the committee shall be appointed by the Secretary of Education.

A complaint filed under Rep. Act No. 4670 shall be heard by the investigating committee which is under the DepEd.

As to the CSC, under P.D. No. 807, also known as the Civil Service Decree of the Philippines, particularly Sections 9(j) and 37(a) thereof, the CSC has the power to hear and decide administrative disciplinary cases instituted directly with it or brought to it on appeal. These sections state:

SEC. 9. Powers and Functions of the Commission.-The Commission shall administer the Civil Service and shall have the following powers and functions:

x x x x

(j) Hear and decide administrative disciplinary cases instituted directly with it in accordance with Section 37 or brought to it on appeal;

x x x x

SEC. 37. Disciplinary Jurisdiction.-(a) The Commission shall decide upon appeal all administrative disciplinary cases involving the imposition of a penalty of suspension for more than thirty days, or fine in an amount exceeding thirty days' salary, demotion in rank or salary or transfer, removal or dismissal from office. A complaint may be filed directly with the Commission by a private citizen against a government official or employee in which case it may hear and decide the case or it may deputize any department or agency or official or group of officials to conduct the investigation. The results of the investigation shall be submitted to the Commission with recommendation as to the penalty to be imposed or other action to be taken.

As the central personnel agency of the government, the CSC has jurisdiction to supervise and discipline all government employees including those employed in government-owned or controlled corporations with original charters. [21] Consequently, if civil service rules and regulations are violated, complaints for said violations may be filed with the CSC.

However, where concurrent jurisdiction exists in several tribunals, the body or agency that first takes cognizance of the complaint shall exercise jurisdiction to the exclusion of the others. [22] Here, it was the Board of Professional Teachers, before which respondent filed the complaint, that acquired jurisdiction over the case and which had the authority to proceed and decide the case to the exclusion of the DepEd and the CSC.

Petitioner's reliance on the cases of *Emin v. De Leon* [23] and *Office of the Ombudsman v. Estandarte* [24] to support his claim that it was the DepEd Investigating Committee created pursuant to Rep. Act No. 4670 which had jurisdiction to try him because he is a public school teacher, is without merit as these cases are not in point. In *Emin*, the issue was which between the DepEd Investigating Committee (under Rep. Act No. 4670) and the CSC (under P.D. No. 807) had jurisdiction to try the administrative case, while in *Estandarte*, the issue was which between the Office of the Ombudsman and the DepEd Investigating Committee had jurisdiction over the administrative case filed in said case. In contrast, the instant case involves the Board of Professional Teachers which, under Rep. Act No. 7836, had jurisdiction over administrative cases against professional teachers and has the power to suspend and revoke a licensed teacher's certificate of registration after due proceedings.

As to the issue of due process, was petitioner denied administrative due process?

Petitioner questions the authority of the Board of Professional Teachers-Lucena City to assume jurisdiction over the complaint, arguing that venue was improperly laid as he and respondent are residents of Parang, Jose

Panganiban, Camarines Norte; they were married in Daet, Camarines Norte where the alleged immoral and dishonorable conduct was committed; his professional teacher's license was issued in the Central Office of the PRC in Manila and renewed in the PRC Regional Office in Legaspi City, Albay; and he is a Teacher I of S. Aguirre Elementary School, East District, Jose Panganiban, Camarines Norte.

Moreover, petitioner also faults the Board of Professional Teachers-Lucena City for acting on respondent's unverified letter in violation of CSC Resolution No. 94-0521 which provides:

Section 4. Complaint in Writing and Under Oath. - No complaint against a civil servant shall be given due course, unless the same is in writing and under oath.

He also asserts that respondent purposely filed the complaint before the Board of Professional Teachers in Lucena City because the investigating officer was her colleague and belonged to the same religious denomination as her. This, according to petitioner, showed the partiality of the board. The Board of Professional Teachers also allegedly denied him due process because he was allegedly informed of the retraction of the testimony/affidavit of his witness (Dominador Blanco) only upon receipt of the Board's decision.

Petitioner's contentions are without merit.

Petitioner's allegation of improper venue and the fact that the complaint was not under oath are not sufficient grounds for the dismissal of the complaint. Well to remember, the case was an administrative case and as such, technical rules of procedure are liberally applied. In administrative cases, technical rules of procedure and evidence are not strictly applied and administrative due process cannot be fully equated with due process in its strict judicial sense. [25] The intention is to resolve disputes brought before such bodies in the most expeditious and inexpensive manner possible. [26]

Petitioner was likewise amply afforded administrative due process the essence of which is an opportunity to explain one's side or an opportunity to seek reconsideration of the action or ruling complained of. [27] The records show that petitioner filed the following: (1) Compliance-Answer to the Complaint; (2) Rejoinder; (3) Position paper; (4) Motion for Reconsideration of the Resolution of the Board of Professional Teachers finding him guilty as charged; and (5) Motion for Reconsideration of the decision of the Court of Appeals. He attended the preliminary conference and hearing where he was able to adduce his evidence. With the opportunities he had, he cannot claim he was denied due process.

As regards his claim that the Board of Professional Teachers-Lucena City was partial because the investigating officer knew respondent personally, the same was not substantiated. Even assuming arguendo that the investigating officer knew respondent, convincing proof was still required to establish partiality or bias. Extrinsic evidence is required to establish bias. [28] For failure of petitioner to adduce such evidence, the presumption of regularity in the performance of official duty prevails. [29]

That he was allegedly informed of Dominador Blanco's retraction upon receipt of the Board's resolution is also of no moment. Even if it were true that petitioner was only informed of the retraction when he received a copy of the Board's resolution, there was still no denial of due process because he still had the opportunity to question the same in his Motion for Reconsideration. This, he did not do.

But was there substantial evidence to show that petitioner was guilty of immoral and dishonorable conduct? On this issue, we likewise find against petitioner.

Petitioner claims good faith and maintains that he married respondent with the erroneous belief that his first wife was already deceased. He insists that such act of entering into the second marriage did not qualify as an immoral act, and asserts that he committed the act even before he became a teacher. He said that for thirteen (13) years, he

was a good husband and loving father to his children with respondent. He was even an inspiration to many as he built a second home thinking that he had lost his first. He wanted to make things right when he learned of the whereabouts of his first family and longed to make up for his lost years with them. He maintains that he never violated the Code of Ethics of Professional Teachers but embraced it like a good citizen when he opted to stop his illicit marriage to go back to his first family. He adds that respondent knew fully well he was married and had children when they contracted marriage. Thus, she was also at fault. Lastly, he claims there was no substantial proof to show that his bigamous marriage contracted before he became a teacher has brought damage to the teaching profession.

However, the issues of whether petitioner knew his first wife to be dead and whether respondent knew that petitioner was already married have been ruled upon by both the Board of Professional Teachers and the Court of Appeals. The Board and the appellate court found untenable petitioner's belief that his first wife was already dead and that his former marriage was no longer subsisting. For failing to get a court order declaring his first wife presumptively dead, his marriage to respondent was clearly unlawful and immoral.

It is not the Court's function to evaluate factual questions all over again. A weighing of evidence necessarily involves the consideration of factual issues - an exercise that is not appropriate for the Rule 45 petition filed. Under the 1997 Rules of Civil Procedure, as amended, the parties may raise only questions of law in petitions filed under Rule 45, as the Supreme Court is not a trier of facts. As a rule, we are not duty-bound to again analyze and weigh the evidence introduced and considered in the tribunals below. [30] This is particularly true where the Board and the Court of Appeals agree on the facts. While there are recognized exceptions to this general rule and the Court may be prevailed upon to review the findings of fact of the Court of Appeals when the same are manifestly mistaken, or when the appealed judgment was based on a misapprehension of facts, or when the appellate court overlooked certain undisputed facts which, if properly considered, would justify a different conclusion, [31] no such circumstances exist in this case.

Indeed, there is no sufficient reason to overturn the findings of the Board as affirmed by the appellate court. It is clear from the evidence that petitioner's claim that he believed his first wife Cristina Puse to be already dead was belied by the latter's declaration. In the affidavit submitted before the CSC in A.C. No. CSC RO5 D-06-012 entitled *Cristina Puse v. Ligaya de los Santos, Cristina Puse*, petitioner's first wife, declared that "Sometime in 1993, complainant decided to work in Hongkong x x x. Since then up to the present, she has regularly sent financial support to her children and husband. From time to time, complainant would visit her family in the Philippines at least once a year every year." From this statement, petitioner cannot claim that he had no knowledge of the whereabouts of his first wife or that she was already dead given that she regularly sent her family financial support and visited them in the Philippines at least once a year.

Petitioner's contention that there was no substantial evidence to show his guilt because respondent did not even formally offer her exhibits also does not persuade. As we have already said, technical rules of procedure and evidence are not strictly applied in administrative proceedings. The fact that respondent did not formally offer her exhibits the way she would in the courts of justice does not prevent the Board of Professional Teachers or Court of Appeals from admitting said exhibits and considering them in the resolution of the case. Under Section 5 of PRC Resolution No. 06-342 (A), Series of 2006, also known as the New Rules of Procedure in Administrative Investigations in the Professional Regulation Commission and the Professional Regulatory Boards, "technical errors in the admission of the evidence which do not prejudice the substantive rights of the parties shall not vitiate the proceedings." Here, we do not find any evidence that respondent's failure to formally offer her exhibits substantially prejudiced petitioner.

Neither is there merit to petitioner's contention that because he contracted the bigamous marriage before he even

became a teacher, he is not required to observe the ethical standards set forth in the Code of Ethics of Professional Teachers. [32]

In the practice of his profession, he, as a licensed professional teacher, is required to strictly adhere to, observe and practice the set of ethical and moral principles, standards and values laid down in the aforesaid code. It is of no moment that he was not yet a teacher when he contracted his second marriage. His good moral character is a continuing requirement which he must possess if he wants to continue practicing his noble profession. In the instant case, he failed to abide by the tenets of morality. Petitioner kept his first marriage secret to his second wife. Unfortunately for him, his second wife discovered his true marital status which led to the filing of the administrative and criminal cases against him.

In *Santos, Jr. v. NLRC*, a case involving a teacher dismissed from work on account of immorality, we declared:

On the outset, it must be stressed that to constitute immorality, the circumstances of each particular case must be holistically considered and evaluated in light of the prevailing norms of conduct and applicable laws. American jurisprudence has defined immorality as a course of conduct which offends the morals of the community and is a bad example to the youth whose ideals a teacher is supposed to foster and to elevate, x x x Thus, in petitioner's case, the gravity and seriousness of the charges against him stem from his being a married man and at the same time a teacher.

x x x x

As a teacher, petitioner serves as an example to his pupils, especially during their formative years and stands in loco parentis to them. To stress their importance in our society, teachers are given substitute and special parental authority under our laws.

Consequently, it is but stating the obvious to assert that teachers must adhere to the exacting standards of morality and decency. There is no dichotomy of morality. A teacher, both in his official and personal conduct, must display exemplary behavior. He must freely and willingly accept restrictions on his conduct that might be viewed irksome by ordinary citizens. In other words, the personal behavior of teachers, in and outside the classroom, must be beyond reproach.

Accordingly, teachers must abide by a standard of personal conduct which not only proscribes the commission of immoral acts, but also prohibits behavior creating a suspicion of immorality because of the harmful impression it might have on the students. Likewise, they must observe a high standard of integrity and honesty.

From the foregoing, it seems obvious that when a teacher engages in extra-marital relationship, especially when the parties are both married, such behaviour amounts to immorality, justifying his termination from employment. [33]

The Code of Ethics of Professional Teachers contains, among others, the following:

PREAMBLE

Teachers are duly licensed professionals who possess dignity and reputation with high moral values as well as technical and professional competence. In the practice of their noble profession, they strictly adhere to, observe, and practice this set of ethical and moral principles, standards, and values.

x x x x

ARTICLE II

THE TEACHER AND THE STATE

Section 1. The schools are the nurseries of the citizens of the state. Each teacher is a trustee of the cultural and educational heritage of the nation and is under obligation to transmit to learners such heritage as well as to

elevate national morality, x x x.

x x x x

Section 3. In the interest of the State of the Filipino people as much as of his own, every teacher shall be physically, mentally and morally fit.

x x x x

ARTICLE III

THE TEACHER AND THE COMMUNITY

x x x x

Section 3. Every teacher shall merit reasonable social recognition for which purpose he shall behave with honor and dignity at all times and refrain from such activities as gambling, smoking, drunkenness and other excesses, much less illicit relations.

x x x x

ARTICLE XI

THE TEACHER AS A PERSON

Section 1. A teacher shall live with dignity in all places at all times.

x x x x

Section 3. A teacher shall maintain at all times a dignified personality which could serve as model worthy of emulation by learners, peers, and others. [Emphasis supplied.]

The foregoing provisions show that a teacher must conform to the standards of the Code. Any deviation from the prescribed standards, principles and values renders a teacher unfit to continue practicing his profession. Thus, it is required that a teacher must at all times be moral, honorable and dignified.

The discovery of petitioner's bigamous marriage has definitely caused damage to the teaching profession. How can he hold his head up high and expect his students, his peers and the community to look up to him as a model worthy of emulation when he failed to follow the tenets of morality?

The fact that he is now allegedly walking away from his second marriage in order to be with his first family to make up for lost time does not wipe away the immoral conduct he performed when he contracted his second marriage. If we are to condone immoral acts simply because the offender says he is turning his back on his immoral activities, such would be a convenient excuse for moral transgressors and which would only abet the commission of similar immoral acts.

His assertion that he fulfilled his responsibilities as a father and a husband to his second family will, even if true, not cleanse his moral transgression. In a case involving a lawyer who raised this same defense, we held:

Before we write finis to this case, we find it necessary to stress certain points in view of respondent's additional reason why he should be exonerated - that he loves all his children and has always provided for them. He may have indeed provided well for his children. But this accomplishment is not sufficient to show his moral fitness to continue being a member of the noble profession of law. It has always been the duties of parents - e.g., to support, educate and instruct their children according to right precepts and good example; and to give them love, companionship and understanding, as well as moral and spiritual guidance. But what respondent forgot is that he has also duties to his wife. As a husband, he is obliged to live with her; observe mutual love, respect and fidelity; and render help and support. And most important of all, he is obliged to remain faithful to her until death. [34]

Petitioner's claim that he is a good provider to his second family is belied by the complaint of respondent wherein it was alleged that he failed financially to support his second family. Moreover, he is already delinquent as to his duties to his second wife. How can he live with her, observe mutual love, respect and fidelity, render help and support, and to remain faithful to her until death when he has another family to whom he is returning to?

All told, petitioner's act of entering into said second marriage constitutes grossly immoral conduct. No doubt, such actuation demonstrates a lack of that degree of morality required of him as a member of the teaching profession. When he contracted his second marriage despite the subsistence of the first, he made a mockery of marriage, a sacred institution demanding respect and dignity.

We now go to the penalty imposed on petitioner. The penalty imposed on petitioner was the revocation of his license which penalty was upheld by the Court of Appeals. He claims that such penalty was harsh and inappropriate. He cites Section 22, Rule XIV of the Omnibus Civil Service Rules and Regulations which states that disgraceful and immoral conduct is a grave offense punishable by suspension for six (6) months and one (1) day to one (1) year for the first offense and dismissal for the second offense. Considering that the charge was supposedly his first offense and taking into account his years of committed service, the commensurate penalty, according to petitioner, is only the suspension of his professional license. He refers to the case of *Vitug v. Rongcal*, [35] where this Court considered remorse and the brevity of the illicit relationship as mitigating circumstances taken in favor of the respondent lawyer.

It must be remembered, however, that petitioner was charged before the Board of Professional Teachers under Rep. Act No. 7836 and not under Civil Service Law, Rules and Regulations. Under Section 23 of Rep. Act No. 7836, the Board has the power to suspend or revoke the certificate of registration [36] of any teacher for any causes mentioned in said section, one (1) of which is immoral, unprofessional or dishonorable conduct. The Board has the discretion, taking into account the circumstances obtaining, to impose the penalty of suspension or revocation. In the imposition of the penalty, the Board is not guided by Section 22 of Rule XIV of the Omnibus Civil Service Rules and Regulations which provides for suspension for six (6) months and one (1) day to one (1) year for the first offense, and dismissal for the second offense for disgraceful and immoral conduct. Petitioner, therefore, cannot insist that Section 22 be applied to him in the imposition of his penalty, because the Board's basis is Section 23 of Rep. Act No. 7836 which does not consider whether the offense was committed the first or second time.

As to the supposed mitigating circumstances of remorse and brevity of the illicit relationship, these cannot be appreciated in petitioner's favor, as these circumstances are not present in the instant case. We do not find any expression of remorse in petitioner. What we note, instead, is obduracy on his part. Despite the clear evidence (first wife's statement that she regularly sends financial support to her children and husband [referring to petitioner] and that she visits them in the Philippines at least once a year) showing that petitioner knew that his first wife was still alive, he remains unyielding on his stand that he thought that his wife was already deceased. We also cannot consider the illicit and immoral relationship to be brief because it lasted for more than twelve (12) years until respondent learned about petitioner's deception.

Under the circumstances, we find the penalty imposed by the Board proper.

WHEREFORE, the petition is DENIED. The Decision dated 28 March 2008 of the Court of Appeals in CA-G.R. SP No. 100421 is AFFIRMED.

With costs against petitioner.

SO ORDERED.

Puno, (Chairperson), Carpio Morales, Leonardo-De Castro, and Bersamin, JJ., concur.

[1] CA rollo, pp. 134-138. Penned by Associate Justice Rodrigo V. Cosico, with Associate Justices Hakim S. Abdulwahid and Mariflor P. Punzalan Castillo concurring.

[2] Rollo, p. 144.

[3] Id. at 140.

[4] Id. at 86.

[5] Id. at 85.

[6] Id. at 87-90.

[7] Id. at 99-100.

[8] Id. at 102-105.

[9] Id. at 106.

[10] Id. at 82.

[11] ARTICLE III - THE TEACHER AND THE COMMUNITY

x x x x

Section 3. Every teacher shall merit reasonable social recognition for which purpose he shall behave with honor and dignity at all times and refrain from such activities as gambling, smoking, drunkenness and other excesses, much less illicit relations.

[12] ARTICLE XI - THE TEACHER AS A PERSON

x x x x

Section 3. A teacher shall maintain at all times a dignified personality which could serve as a model worthy of emulation by learners, peers, and others.

[13] Oath of Professionals

I further solemnly swear that at all times and places I will adhere closely to the ethical standards and professional roles of teachers in the Philippines x x x.

[14] Rollo, pp. 83-84.

[15] CA rollo, pp. 134-138.

[16] Id. at 162.

[17] Rollo, pp. 22-23.

[18] Bouvier's Law Dictionary, Vol. 1, Third Revision, p. 1761.

[19] Civil Service Commission v. Sojor, G.R. No. 168766, May 22, 2008, 554 SCRA 160, 176.

- [20] Sec. 23 (h) has been repealed by Sec. 20, Rep. Act No. 8981 (PRC Modernization Act of 2000).
- [21] *Civil Service Commission v. Alfonso*, G.R. No. 179452, June 11, 2009, pp. 7-8.
- [22] *Department of Justice v. Liwag*, G.R. No. 149311, February 11, 2005, 451 SCRA 83, 98.
- [23] G.R. No. 139794, February 27, 2002, 378 SCRA 143.
- [24] G.R. No. 168670, April 13, 2007, 521 SCRA 155.
- [25] *Emin v. De Leon*, supra at 154.
- [26] *De la Cruz v. Department of Education, Culture and Sports-Cordillera Administrative Region*, G.R. No. 146739, January 16, 2004, 420 SCRA 113, 124.
- [27] *Alcala v. Villar*, G.R. No. 156063, November 18, 2003, 416 SCRA 147, 154.
- [28] *De la Cruz v. Department of Education, Culture and Sports-Cordillera Administrative Region*, supra at 123.
- [29] Id.
- [30] *Madrid v. Mapoy*, G.R. No. 150887, August 14, 2009, p. 8.
- [31] *Orix Metro Leasing and Finance Corporation v. M/V "Pilar-1,"* G.R. No. 157901, September 11, 2009, p. 15.
- [32] Professional Regulation Commission Resolution No. 435, Series of 1997.
- [33] G.R. No. 115795, March 6, 1998, 287 SCRA 117, 123-125.
- [34] *Cojuangco, Jr. v. Palma*, A.C. No. 2474, June 30, 2005, 462 SCRA 310, 322.
- [35] A.C. No. 6313, September 7, 2006, 501 SCRA 166, 185.
- [36] SEC. 17. Issuance of Certificate of Registration and Professional License. - The registration of a professional teacher commences from the date his name is enrolled in the roster of professional teachers.
- Every registrant who has satisfactorily met all the requirements specified in this Act shall, upon payment of the registration fee, be issued a certificate of registration as a professional teacher x x x as evidence that the person named therein is entitled to practice the profession x x x. The certificate shall remain in full force and effect until withdrawn, suspended and/or revoked in accordance with law.
- A professional license x x x shall likewise be issued to every registrant who has paid the annual registration fees for three (3) consecutive years. This license shall serve as evidence that the licensee can lawfully practice his profession until the expiration of its validity.

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