

**MINDA M. AQUINO, PETITIONER, VS. JOSEFINA R. NAVARRO,
SUPERINTENDENT, DIVISION OF CITY SCHOOLS, MANILA, AND
ANASTACIO C. RAMENTO, DIRECTOR, NATIONAL CAPITAL REGION,
MINISTRY OF ...**

G.R. No. 50695. March 18, 1985

Ponente: MELENCIO-HERRERA, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-50695/>

MELENCIO-HERRERA, J.:

This Petition for Certiorari and Prohibition seeks to set aside the Decision of the Ministry of Education and Culture, acting through respondent officials, the Superintendent of City Schools and the Regional Director, Region IV, Quezon City, in Administrative Case No. MEC, NCR-79-210, suspending petitioner Minda M. Aquino, permanent Secondary Guidance Counselor, Raja Soliman High School, for six (6) months from June 10 to December 9, 1979, on the ground of immorality.

The records disclose that on December 29, 1956, petitioner contracted marriage with Ernesto Bordonada at the St. Raphael Catholic Church in Legaspi, Albay, with whom she had one child. While that marriage was still subsisting, or on May 7, 1975, she contracted a second marriage with GONZALO Aquino, in San Mateo, Rizal, which was solemnized by the Municipal Judge thereof. The marriage contract indicated her status as a widow. Prior to the second marriage, she had cohabited with GONZALO with whom she had two children born on February 27, 1968 and November 28, 1969, respectively. A third child was born on May 25, 1975 soon after the second marriage.

In September, 1977, GONZALO (hereinafter referred to as Complainant) filed an administrative case against petitioner before the Ministry of Education and Culture, National Capital Region, Division of Manila, charging her with Immorality in that her "act of contracting two subsisting marriages is in violation of the Civil Service Law and Rules; and that her cohabitation with the complainant without the benefit of marriage constitutes an act of immorality."

It appears that previously, or on November 29, 1976, petitioner had instituted suit before the former Juvenile and Domestic Relations Court of Manila (JDRC) for annulment of her second marriage (Civil Case No. E-02091) on the grounds that her consent thereto was secured through force and intimidation by Complainant and that no marriage license as required by law was obtained before the celebration of that marriage.

During the formal investigation of the administrative case against her by the Division Legal Officer, petitioner submitted copy of her complaint filed before the JDRC; explained that a year after her first marriage she was abandoned by her first husband while she was heavy with child, was left alone for 18 consecutive years, and despite her diligent efforts to locate him, he was nowhere to be found; and that her second marriage was contracted on the assumption in good faith that he had died.

On January 31, 1979, respondent Director rendered a Decision holding that petitioner's second marriage was

bigamous as it was contracted while her first marriage remained undissolved and that her pre-marital relationship with complainant constituted immorality. But rather than apply "the full force of the law considering the exceptional circumstances that befell her in her quest for a better life", petitioner was just "suspended from the service for six (6) months and warned that any moral relapse on her part will be severely dealt with." Petitioner filed a Motion for Reconsideration but the same was denied on May 4, 1979. During the pendency thereof, or on March 29, 1979, respondent Superintendent of City Schools implemented petitioner's suspension for the period from June 10 to December 9, 1979.

In this Petition for Certiorari and Prohibition filed before us on June 6, 1979, petitioner maintains that the decision was rendered in violation of her constitutional rights as she was not given the opportunity to be heard. She submits that although she had manifested during the formal investigation that instead of presenting testimonial or documentary evidence, she would merely adopt and submit the transcript and evidence submitted in the annulment case before the JDRC, the Decision was rendered without her having submitted the same and even during the pendency of her Motion for Reconsideration.

We issued the Temporary Restraining Order prayed for, enjoining respondents from implementing the order of suspension, and gave due course to the Petition.

Upon the recorded facts and evidence, we find that petitioner's investigation was conducted in accordance with Section 38, Article IX of P.D. 807 and fulfilled the requirement of procedural due process. She was assisted by counsel and was given her right to notice and hearing. Her counsel was duly notified of the hearing of May 25, 1978, but he failed to attend the same. And if petitioner was unable to adduce evidence, it was because of her counsel's manifestation that "inasmuch as this case is intimately connected with other cases between the same parties particularly the annulment of marriage filed with the Juvenile and Domestic Relations Court of Manila, wherein herein respondent had started the presentation of her evidence, to avoid repetition, this representation deems it best to waive the presentation of testimonial evidence but to adopt and submit the recorded testimony and evidence in said annulment case." Petitioner could not have been given an indefinite period for submitting the recorded evidence before the JDRC. The law requires that decision be rendered by the disciplining authority within thirty days from the termination of the investigation or submission of the report of the investigator.[1] And although one or two incidents were not formally resolved by respondent Director, suffice it to state that investigations of this nature are conducted "only for the purpose of ascertaining the truth and without necessarily adhering to technical rules applicable in judicial proceedings".[2] It is sufficient that the substantive due process requirement of fairness and reasonableness be observed.[3] There was no irregularity either in the implementation of petitioner's suspension during the pendency of the Motion for Reconsideration because the law provides that the decision of a bureau head is executory except when the penalty is removal.[4]

What is more, there is substantial evidence to support the immoral acts complained of. The marriage contracts (Exhibits "D" and "E") confirm that 'petitioner was married twice, the second marriage having been contracted while the first was still subsisting. Petitioner's defense that she had believed in good faith that her first husband was no longer living is unworthy of credence since it was disclosed that he was employed as a teacher in Tabaco, Albay, the same province where they were married, and petitioner could have easily verified his whereabouts.' The Birth Certificates of the three children (Exhibits "A", "B" and "C") also show beyond doubt that petitioner had cohabited with complainant even before she married him.

Disgraceful and immoral conduct is one of the grounds for disciplinary action against employees in the Civil Service.[5] Having been found guilty of such conduct, petitioner's suspension was justified as a disciplinary measure, specially considering that her position was that of a Secondary Guidance Counselor in one of our public high schools.

Petitioner's suspension being an accordance With law and the evidence and in keeping with the primordial interests of public service, the Writs of Certiorari and Prohibition will not lie.

WHEREFORE, this Petition is hereby dismissed, and the Temporary Restraining Order heretofore issued is hereby ordered lifted. Costs against petitioner.

SO ORDERED.

Teehankee, (Chairman), Plana, Relova, Gutierrez, Jr., De La Fuente, and Alampay, JJ., concur.

[1] Section 38(d), Article IX, P.D. No. 807.

[2] Section 38(g), *ibid.*

[3] Manuel vs. Villena, 37 SCRA 746 (1971).

[4] Section 37(b), Article IX, P.D. No. 807.

[5] Section 36(b), *ibid.*

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.