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THIRD DIVISION

[A.M. No. P-06-2238. September 27, 2007]
(Formerly OCA IPI No. 06-8-250-MCTC)

EDGAR NOEL C. LICARDO, *complainant, vs.* **JULIET ALMONTE LICARDO, UTILITY WORKER, MCTC, BILIRAN, BILIRAN,** *respondent.*

SYLLABUS

1. POLITICAL LAW; ADMINISTRATIVE LAW; COURT PERSONNEL; WHEN GUILTY OF IMMORAL CONDUCT; DEFINED. — Admittedly, it was not conclusively proven that respondent had illicit affairs with a man other than her husband, as no one actually saw her having sexual intercourse with him. However, immorality is not based alone on illicit sexual intercourse. It is "not confined to sexual matters, but includes conducts inconsistent with rectitude, or indicative of corruption, indecency, depravity, and dissoluteness; or is willful, flagrant or shameless conduct showing moral indifference to opinions of respectable members of the community, and as an inconsiderate attitude toward good order and public welfare." In *Zaguirre v. Castillo*, we reiterated the definition of **immoral conduct** as such conduct which is so willful, flagrant, or shameless as to show indifference to the opinion of good and respectable members of the community.

2. ID.; ID.; ID.; ID.; IMPOSABLE PENALTY. — Under the Administrative Code of 1987, disgraceful and immoral conduct is a ground for disciplinary action. The disciplinary authority may impose the penalty of removal from the service, demotion in rank, suspension for not more than one year without pay, fine in an amount not exceeding six month's salary, or reprimand. In *Ecube-Badel v. Badel*, this Court suspended a court employee for one year for having illicit relations with another woman not his wife by whom he begot a child. Under Rule XIV, Section 23(o) of the Civil Service Rules and applicable rulings, immorality is considered a grave offense and is punished by suspension for six months and one day to one year for the first offense and, for the second offense, by dismissal. In *Nalupta, Jr. v. Tapec*, this Court held that illicit relations are

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considered disgraceful and immoral conduct subject to disciplinary action. Under Rule XIV, Section 23 of the Omnibus Rules Implementing Book V of Executive Order No. 292 and other pertinent Civil Service Laws, disgraceful and immoral conduct is classified as a grave offense for which the penalty of suspension for six months and one day to one year shall be imposed for the first offense while the penalty of dismissal shall be imposed for the second offense. Considering that the instant administrative complaint for immorality against respondent is her first offense, the Court deems it appropriate to suspend respondent for six months and one day.

3. ID.; LAW ON PUBLIC OFFICERS AND EMPLOYEES; COURT EMPLOYEES ARE ENJOINED TO ADHERE TO THE EXACTING STANDARDS OF MORALITY AND DECENCY IN THEIR PROFESSIONAL AND PRIVATE CONDUCT IN ORDER TO PRESERVE THE GOOD NAME AND INTEGRITY OF THE COURT OF JUSTICE; RATIONALE. — Time and again, we have stressed adherence to the principle that public office is a public trust. All government officials and employees must at all times be accountable to the people; serve them with utmost responsibility, integrity, loyalty and efficiency; act with patriotism and justice; and lead modest lives. This constitutional mandate should always be in the minds of all public servants to guide them in their actions during their entire tenure in the government service. The good of the service and the degree of morality which every official and employee in the public service must observe, if respect and confidence are to be maintained by the Government in the enforcement of the law, demand that no untoward conduct on his part, affecting morality, integrity and efficiency while holding office should be left without proper and commensurate sanction, all attendant circumstances taken into account. It must also be stressed that while every office in the government is a public trust, no position exacts a greater demand for moral righteousness and uprightness from an individual who is part of the Judiciary. Indeed, the image of a court of justice is mirrored in the conduct of the personnel who work therein, from the judge to the lowest of its personnel. The exacting standards of ethics and morality upon court judges and court employees are required to maintain the people's faith in the courts as dispensers of justice, and whose image is mirrored by their actuations. x x x Court employees are enjoined to

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adhere to the exacting standards of morality and decency in their professional and private conduct in order to preserve the good name and integrity of the courts of justice. The conduct of court personnel must be free from any whiff of impropriety, not only with respect to their duties in the judicial branch, but also to their behavior outside the court as private individuals. There is no dichotomy of morality; a court employee is also judged by his or her private morals. Court personnel, from the lowliest employee to the clerk of court or any position lower than that of a judge or justice, are involved in the dispensation of justice, and parties seeking redress from the courts for grievances look upon them as part of the Judiciary. They serve as sentinels of justice, and any act of impropriety on their part immeasurably affect the honor and dignity of the Judiciary and the people's confidence in it. They must avoid all impropriety and even the appearance of impropriety. **Thus, any conduct which tends to diminish the image of the Judiciary cannot be countenanced**. Being the subject of constant public scrutiny, members of the bench should freely and willingly accept behavioral restrictions that may be viewed by ordinary citizens as burdensome. Their personal and official actuations must be above reproach and suspicion. The faith and confidence of the public in the administration of justice cannot be maintained if those who dispense it obtusely continue to affront public decency. In the Judiciary, moral integrity is more than a cardinal virtue; it is a necessity.

R E S O L U T I O N

CHICO-NAZARIO, *J.*:

This administrative matter refers to the charge of immorality filed by complainant Edgar Noel Licardo against his wife, respondent Juliet Almonte Licardo, Utility Worker of the Municipal Circuit Trial Court (MCTC), Biliran, Cabucgayan-Biliran, for maintaining illicit relations with Winnie Caparro, a married man.

In a letter-complaint[1] dated 7 April 2005, complainant charged respondent with dishonesty and immoral acts for engaging in an amorous and illicit relationship with Caparro.

[1] *Rollo*, pp. 9-10.

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The letter-complaint alleges:

I, **Edgar Noel C. Licardo**, of legal age, Filipino, born-again Christian, married to **Juliet Almonte Licardo,** and a residence (sic) of 471 Sta Elena Street, Biliran, Biliran Province, Philippines. I am a registered OFW with OWWA POEA No. 91-005027-W issued on 03 September 1991 and OWWA ID No. 04-3677039 issued on 14 January 2005 with a Philippine Passport No. NN0089441 issued on 05 August 2004 at Philippine Embassy, Riyadh, KSA (machine copy is hereto attached), after having been duly sworn to in accordance with law, do hereby depose and say THAT;

1. My wife and I are legally married and our marriage were (sic) duly solemnized on October 01, 1989 at Palo Cathedral, Palo Leyte, Philippines;

2. I am presently working in Riyadh, Kingdom of Saudi Arabia since 1991 to date. I had arrived here in Riyadh last February 17, 2005 from vacation in the Philippines;

3. I have two (2) minor children who are presently studying as secondary students in Naval, Biliran Province, namely, Cherry Laine A. Licardo and Mark Jhones A. Licardo;

4. I am appealing to your good office to consider my complaint regarding the dishonesty and immoral acts of my wife, **Juliet Almonte Licardo your employee in 2nd MCTC, Biliran-Cabucgayan, Biliran Branch, Biliran Province since October 24, 2003 as a regular Utility employee;**

5. After my Twenty-eight (28) months of continuous work in Riyadh, I went for vacation on November 19, 2004 and met my family in Biliran, Biliran Province. After a month, many of my closest friends and relatives informed me that before returning back to Riyadh, I should investigate first the illicit acts of my wife to see and unfold her adulterous activities during those months I was away. They also told me to be vigilant while I am still in our area as I am deceived and betrayed by my wife with respect to her illicit relationships with another men (sic);

6. Through my effort, I found out that she was harboring a secret having an illicit relationships with some men for years when I was in abroad, going and committing adulterous acts in cities and town away from our place. To make things clear, **my children and I had seen with our two eyes that she is now living with one of her**

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lover boys, Mr. Winnie Caparro (a very married man) in Agpangi, Naval, Biliran Province starting January 2005. And even until now, they are living together in the said place as common law husband and wife even though I am very much alive and very much married to Juliet Almonte Licardo as our marriage has not been declared null and void or annulled by the Court;

7. My neighbors were also complaining about her erratic behavior and even to their illicit relationships as their presence were seen in my very (sic) own residence during school days while my children is away in school in Naval, Biliran as my kids are living with my parent-in-laws. My children used to go home to my residence during weekends only so my wife was left alone in the house, and she has all the opportunities to do so without the knowledge of my children;

8. I only have limited time left to stay in Philippines so, I was not able to file adultery case against her as (sic) I wanted to do so. Since I do not have other source of income, I have to leave our Country again to support my minor children who are now living under my care & custody. My children is (sic) now living in our residence in Biliran, Biliran and they are commuting daily to their school in Naval, Biliran, while their mother as of now is happily living with her common law husband in Agpangi, Naval, Biliran;

9. Lastly, in case I will be examined as to my character and failthfulness to my wife, please refer to my colleague Pastor Romy Pagba (a retired OFW) and now residing in Catmon, Naval, Biliran Province to whom I was known for my entire fourteen (14) years in the kingdom. I believe that our administration of justice should not be tainted with disgraceful and immoral act that would tarnishes (sic) the image of this Court. Our town in general, demanded that those who manned the administration of justice should be clothed with honesty, modesty, sincerity, and with good moral standing in the community. In view of the above-stated facts and in despite (*sic*) of my absence, I am respectfully requesting your good office to conduct an administrative investigation with respect to the illicit affairs of my wife Juliet Almonte Licardo & [her] common law husband who are now living together in one roof and in plain view of the general public to the prejudice of the administration of justice and thereafter imposed the necessary sanctions as our law provides, so I may be given a fair result being an Overseas Filipino Worker.

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In her Comment dated 26 July 2005, respondent vehemently denied her husband's accusation. She admitted, however, that she and her husband are separated in fact because they always fought about money matters which oftentimes resulted in physical confrontation. According to respondent, complainant was sending Eight Thousand Pesos (₱8,000.00) every month for support but after her appointment as utility worker at the MCTC, Cabucgayan-Biliran, complainant reduced the amount to Three Thousand Pesos (₱3,000.00) monthly.

On 26 April 2005, Senior Deputy Court Administrator Zenaida Elepaño (DCA Elepaño) of the Office of the Court Administrator (OCA) referred the letter-complaint to Executive Judge Pepe P. Domael (Judge Domael), Regional Trial Court (RTC), Caibiran, Biliran, for investigation.

During the investigation, respondent claimed that she and Caparro were only friends, considering that they were schoolmates in high school. She admitted that she regularly went to Barangay Agpangi upon the invitation of the latter. After she left the complainant, she did not stay with her parents, but instead, she opted to rent a room in Agpangi because her parents were not in favor of the separation.

Josephine Lumbao, Barangay Chairman of Agpangi, Naval, Biliran and Lorna Sabuag, cousin of Caparro's wife, testified that they saw respondent every day at Caparro's house in Agpangi. Moreover, Lumbao claimed that every morning, she saw respondent and Caparro together riding a motorcycle, going to Biliran where respondent works. Romeo Pagba, a Born Again Christian minister, testified that complainant told him that respondent already left him for another man.

On 2 June 2006, DCA Elepaño ordered Judge Domael to conduct a more thorough investigation. However, Judge Domael in his report[2] dated 15 June 2006, claimed that to conduct another investigation would be duplicitous. He was convinced that there was truth in the imputation hurled by complainant and

[2] *Id*. at 4-5.

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recommended that respondent be sanctioned for committing a disgraceful and immoral conduct with suspension for six months and one day to one year.

On 28 July 2006, the OCA submitted its report,[3] recommending that —

WHEREFORE, IN VIEW OF THE FOREGOING, this Office respectfully recommends to the Honorable Court that:

1. The matter be FORMALLY DOCKETED as an administrative complaint against Juliet Almonte Licardo, Utility Worker, MCTC, Biliran-Cabucgayan, Biliran; and

2. Juliet Almonte Licardo be SUSPENDED for six (6) months and one (1) day with a WARNING that repetition of the same or similar act in the future shall be dealt with more severely.

On 30 August 2006, we required[4] the parties herein to manifest within 10 days from notice if they were willing to submit the matter for resolution based on the pleadings filed.

Complainant submitted his manifestation[5] stating that he was submitting the case for resolution based on the pleadings filed; while respondent submitted her manifestation[6] with motion to admit additional evidence consisting of attached joint-affidavits of two of her classmates in high school attesting to the fact they never noticed any unusual relationship between respondent and Caparro. We noted the manifestation and granted the motion to admit additional evidence on 4 June 2007. Resultantly, the case is submitted for decision based on the pleadings filed.

After thoroughly reviewing the records of this case, we agree in the recommendation of the Court Administrator.

The charge of immorality against respondent was sufficiently established. Witnesses, namely, Lorna Sabuag and Barangay

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[3] *Id*. at 2-3.

[4] *Id*. at 26.

[5] *Id*. at 28.

[6] *Id*. at 31.

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Chairman Josephine Lumbao, testified during the investigation conducted by Judge Domael that they had observed respondent living in the house of Caparro, a married man, and often riding at the back of a motorcycle driven by Caparro, with the two deporting themselves as husband and wife.

Lorna Cabuag testified thus:

Q. Do you have any knowledge or information that Juliet Almonte Licardo being married to a man named Edgar Noel Licardo, was formerly living in Biliran, Biliran?

A. Yes sir.

Q. When did you see or find out that Juliet Almonte Licardo living (sic) in Agpangi, Naval, Biliran?

A. Almost three (3) months now because when I went to Agpangi, Naval, Biliran together with Nancy Batiquin to deal with the land of Emiliana Tonelete regarding the transaction of her land to the owner of Marvin's James Place and that time I say that was the time **I saw Jingjing (Juliet Almonte Licardo) in the house occupied by Winnie Caparro.**

Q. **How many times you saw her?**

A. **I saw her many times and one time I saw them going to the seashore or the beach of Agpangi.**[7]

Josephine Lumbao, Barangay Chairman of Barangay Agpangi, Naval, Biliran, testified thus:

Q. As Barangay Captain of Brgy. Agpangi, Naval, Biliran, would you say that you know the residents of your *barangay*?
A. Yes sir.

Q. Do you know a person by the name of Winnie Caparro?
A. Yes I know.

Q. Is he a married man?
A. Yes sir.

Q. Who is his wife?
A. A certain Michelle.

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[7] *Id*. at 17, Investigation conducted by Judge Domael on 10 May 2005.

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Q. Are they living together in your *barangay* this Winnie Caparro and his wife Michelle?
A. Previously they were living together in our *barangay*, but presently Michelle is no longer living in our *barangay*, as I know she is in Manila.

Q. At present who is living together with Winnie Caparro?
A. **Because his wife is in Manila, Winnie Caparro is living with a woman named Juliet Almonte.**

Q. Do you know personally Juliet Almonte?
A. I do not know her.

Q. Why did you know that she is Juliet Almonte?
A. I came to know Juliet Almonte when sometime she went to my residence together with her sister Lotlot to borrow money.

Q. So then, that was the first time you know Juliet Almonte?
A. Yes sir.

Q. When was that when she went to your residence?
A. Probably it was last year.

Q. The next time you saw her when was that?
A. The next time I saw her when she was with Winnie Caparro coming from Masagongsong Pool together with some of the relatives of Winnie Caparro, I was then even surprised why Juliet Almonte went together with Winnie Caparro.

Q. When was that when you saw him for the 2nd time?
A. Probably that was December of 2004.

Q. **Since from that time until now do you still see this Juliet Almonte living in your *barangay*, living in the house of Winnie Capparo?**
A. **Yes everyday.**

Q. What more can you say about this Juliet Almonte now living together with Winnie Caparro?
A. **I saw her every morning riding a motorcycle with Winnie Caparro driving and Juliet Almonte at the back seat.**

Q. Where are they suppose to go?
A. Although I am not sure where they were going, but probably because I know Juliet Almonte is working in Biliran they maybe (sic) perhaps go there.

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Q Is Juliet Almonte employed in any government agency?
A. I do not know.

Q. But could you say that Juliet Almonte is also married?
A. Yes I know, because when for the first time they went to my residence Lotlot told me that her sister Juliet Almonte is also married.

Q. You know the name of her husband?
A. I do not know.

Q. At present would you still say that Juliet Almonte is living in your *barangay* together with Winnie Caparro?
A. Yes sir.

Q. While you do not know the name of her husband but at least you can say that her husband is working abroad from where did you get this information that her husband is abroad?
A. From Juliet herself when for the first time she went to my residence and also her sister Lotlot told me.

Q. **What can you say with this Winnie Caparro and Juliet Almonte living together in one house at your *barangay*?**
A. What I can say is that they seemed to be husband and wife.[8]

Respondent failed to refute these charges. She merely interposed a general denial of the accusation against her. Her general denial, however, cannot stand against the positive and detailed accounts of the witnesses. It is settled that denial is an inherently weak defense. To be believed, it must be buttressed by strong evidence of non-culpability; otherwise, such denial is purely self-serving and with no evidentiary value. Like the defense of alibi, denial crumbles in the light of positive declarations.[9]

There was no showing that the witnesses were actuated by ill motives to testify against respondent. Absent any evidence showing a reason or motive for a witness to perjure, the logical

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[8] *Id*. at 19-20, Investigation conducted by Judge Domael on 17 May 2005.

[9] *Jugueta v. Estacio*, A.M. No. CA-04-17-P, 25 November 2004, 444 SCRA 10, 16.

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conclusion is that no such improper motive exists,[10] and his/her testimony is thus worthy of full faith and credit.

Admittedly, it was not conclusively proven that respondent had illicit affairs with a man other than her husband, as no one actually saw her having sexual intercourse with him. However, immorality is not based alone on illicit sexual intercourse. It is "not confined to sexual matters, but includes conducts inconsistent with rectitude, or indicative of corruption, indecency, depravity, and dissoluteness; or is willful, flagrant or shameless conduct showing moral indifference to opinions of respectable members of the community, and as an inconsiderate attitude toward good order and public welfare."[11] In *Zaguirre v. Castillo*,[12] we reiterated the definition of **immoral conduct** as such conduct which is so willful, flagrant, or shameless as to show indifference to the opinion of good and respectable members of the community.

Time and again, we have stressed adherence to the principle that public office is a public trust. All government officials and employees must at all times be accountable to the people; serve them with utmost responsibility, integrity, loyalty and efficiency; act with patriotism and justice; and lead modest lives. This constitutional mandate should always be in the minds of all public servants to guide them in their actions during their entire tenure in the government service. The good of the service and the degree of morality which every official and employee in the public service must observe, if respect and confidence are to be maintained by the Government in the enforcement of the law, demand that no untoward conduct on his part, affecting morality, integrity and efficiency while holding office should be

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[10] *People v. Briones, Jr.*, G.R. No. 101257, 23 September 1993, 226 SCRA 675, 681.

[11] *Court Employees of the Municipal Circuit Trial Court, Ramon Magsaysay, Zamboanga Del Sur v. Sy*, A.M. No. P-93-808, 25 November 2005, 476 SCRA 127, 137-138; *Madredijo v. Loyao, Jr.*, 375 Phil. 1, 17 (1999); *Alfonso v. Juanson*, A.M. No. RTJ-92-904, 7 December 1993, 228 SCRA 239, 255-256, citing Black's *Law Dictionary*, 6th ed. (1990), p. 751.

[12] 446 Phil. 861, 867 (2003).

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left without proper and commensurate sanction, all attendant circumstances taken into account.[13]

It must also be stressed that while every office in the government is a public trust, no position exacts a greater demand for moral righteousness and uprightness from an individual who is part of the Judiciary. Indeed, the image of a court of justice is mirrored in the conduct of the personnel who work therein, from the judge to the lowest of its personnel. The exacting standards of ethics and morality upon court judges and court employees are required to maintain the people's faith in the courts as dispensers of justice, and whose image is mirrored by their actuations.[14] In the language of Justice Cecilia Muñoz-Palma —

> [T]he image of a court of justice is necessarily mirrored in the conduct, official or otherwise, of the men and women who work thereat, from the judge to the least and lowest of its personnel — hence, it becomes the imperative sacred duty of each and everyone in the court to maintain its good name and standing as a true temple of justice.[15]

Court employees are enjoined to adhere to the exacting standards of morality and decency in their professional and private conduct in order to preserve the good name and integrity of the courts of justice.[16] The conduct of court personnel must be free from any whiff of impropriety, not only with respect to their duties in the judicial branch, but also to their behavior outside the court as private individuals. There is no dichotomy of morality; a court employee is also judged by his or her private morals.[17] Court personnel, from the lowliest employee to the clerk of court or any position lower than that of a judge or justice, are

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[13] *Lim-Arce v. Arce*, A.M. No. P-89-312, 9 January 1992, 205 SCRA 21, 31-32.

[14] *Navarro v. Navarro*, 394 Phil. 226, 235 (2000).

[15] *Sy v. Cruz*, 321 Phil. 236, 241-242 (1995); citing *Lim-Arce v. Arce*, *supra* note 13.

[16] *Bucatcat v. Bucatcat*, 380 Phil. 555, 567 (2000).

[17] *Burgos v. Aquino*, A.M. No. P-94-1081, 25 October 1995, 249 SCRA 504, 509.

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involved in the dispensation of justice, and parties seeking redress from the courts for grievances look upon them as part of the Judiciary. They serve as sentinels of justice, and any act of impropriety on their part immeasurably affect the honor and dignity of the Judiciary and the people's confidence in it. They must avoid all impropriety and even the appearance of impropriety. **Thus, any conduct which tends to diminish the image of the Judiciary cannot be countenanced.**[18]

Being the subject of constant public scrutiny, members of the bench should freely and willingly accept behavioral restrictions that may be viewed by ordinary citizens as burdensome. Their personal and official actuations must be above reproach and suspicion. The faith and confidence of the public in the administration of justice cannot be maintained if those who dispense it obtusely continue to affront public decency. In the Judiciary, moral integrity is more than a cardinal virtue; it is a necessity.[19]

Clearly then, the respondent's conduct falls short of the stringent standards required of court employees. Respondent, as a court employee, did not live up to her commitment to lead a moral life. Her act of maintaining a relationship with Caparro speaks for itself. Respondent is guilty of immoral and disgraceful conduct.

Under the Administrative Code of 1987, disgraceful and immoral conduct is a ground for disciplinary action.[20] The disciplinary authority may impose the penalty of removal from the service, demotion in rank, suspension for not more than one year without pay, fine in an amount not exceeding six month's salary, or reprimand.[21]

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[18] *Vidallon-Magtolis v. Salud*, A.M. No. CA-05-20-P, 9 September 2005, 469 SCRA 439, 469.

[19] *Lachica v. Tormis*, A.M. No. MTJ-05-1609, 20 September 2005, 470 SCRA 206, 214; *Executive Judge Naval v. Judge Panday*, 341 Phil. 656, 690 (1997); *Ziga v. Arejola*, A.M. No. MTJ-00-1318, 23 November 2004, 443 SCRA 435, 446.

[20] Administrative Code of 1987, Book V, Title I, Subtitle A, Chapter 6, Section 46(b)(5).

[21] *Id*. at Section 46(c).

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In *Ecube-Badel v. Badel*,[22] this Court suspended a court employee for one year for having illicit relations with another woman not his wife by whom he begot a child. Under Rule XIV, Section 23(o) of the Civil Service Rules and applicable rulings, immorality is considered a grave offense and is punished by suspension for six months and one day to one year for the first offense and, for the second offense, by dismissal.

In *Nalupta, Jr. v. Tapec*,[23] this Court held that illicit relations are considered disgraceful and immoral conduct subject to disciplinary action. Under Rule XIV, Section 23 of the Omnibus Rules Implementing Book V of Executive Order No. 292 and other pertinent Civil Service Laws, disgraceful and immoral conduct is classified as a grave offense for which the penalty of suspension for six months and one day to one year shall be imposed for the first offense while the penalty of dismissal shall be imposed for the second offense.

Considering that the instant administrative complaint for immorality against respondent is her first offense, the Court deems it appropriate to suspend respondent for six months and one day.

WHEREFORE, respondent Juliet Licardo is *SUSPENDED* for a period of six (6) months and one (1) day without pay, with a stern warning that subsequent violations of similar nature will be dealt with a more severe penalty.

SO ORDERED.

Ynares-Santiago (Chairperson), Austria-Martinez, Nachura, and *Reyes, JJ.*, concur.

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[22] 339 Phil. 510, 518 (1997).

[23] A.M. No. P-88-263, 30 March 1993, 220 SCRA 505, 510.