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WHEREFORE, respondent Atty. Quirino P. Revilla, Jr., is **REPRIMANDED** and **DISQUALIFIED** from being commissioned as a notary public, or from performing any notarial act if he is presently commissioned as a notary public, for a period of three (3) months. Atty. Revilla, Jr. is further **DIRECTED** to **INFORM** the Court, through an affidavit, once the period of his disqualification has lapsed.

SO ORDERED.

Sereno, C.J. (Chairperson), Leonardo-de Castro, Bersamin, and *Reyes, JJ.,* concur.

SECOND DIVISION

[A.M. No. P-06-2256. April 10, 2013]
(Formerly A.M. OCA IPI No. 06-2374-P)

PO2 PATRICK MEJIA GABRIEL, *complainant, vs.* **SHERIFF WILLIAM JOSE R. RAMOS, Regional Trial Court, Branch 166, Pasig City,** *respondent.*

SYLLABUS

1. POLITICAL LAW; ADMINISTRATIVE LAW; COURT PERSONNEL; AN OFFICER OF THE COURT AND ANY EMPLOYEE THEREOF FOR THAT MATTER SHOULD BE ABOVE REPROACH; VIOLATION THEREOF FOR IMMORALITY; CASE AT BAR.— Immorality has been defined to include not only sexual matters but also "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 an inconsiderate attitude toward good order and public welfare." In this case,

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Ramos showed his moral indifference to the opinions of respectable members of the community by attempting to rationalize his illicit relationship with Jenelita. However, such attempt fails as this Court agrees with the OCA that the justifications proffered by Ramos are inconsequential, distorted and misplaced. The illicit relationship between a married man and a woman not his wife will remain illicit notwithstanding the lapse of considerable number of years they have been living together. Passage of time does not legitimize illicit relationship; neither does other people's perceived tolerance or acquiescense or indifference toward such relationship. Indeed, Ramos has long been living an immoral life and his distorted belief that he has not been doing so puts in question his sense of morality, or the standard of morality he lives by. An officer of the court, and any employee thereof for that matter, should be above reproach. The very existence of the court, the institution we represent, is anchored on upholding what is true, right and just. That is why we require nothing less than the highest standard of morality and decency for each and every member, from the highest official to the lowest of the rank and file, to preserve the good name and integrity of courts of justice, lest we be deemed unworthy to represent his honorable institution.

2. ID.; ID.; ID.; THE DISMISSAL OF CRIMINAL COMPLAINT DOES NOT AFFECT THE ADMINISTRATIVE CASE ARISING FROM THE SAME INCIDENT WHICH GAVE RISE TO SAID CRIMINAL CASE; RATIONALE; APPLICATION IN CASE AT BAR.— Concededly, the case for Alarms and Scandals had already been dismissed by the trial court. However, it is also settled that the dismissal of the criminal complaint does not affect the administrative case arising from the same incident which gave rise to said criminal case. The quantum of proof necessary to sustain a finding of guilt in the administrative complaint is only substantial evidence, while in criminal cases proof beyond reasonable doubt must be established to sustain the culpability of the accused. Hence, the two cases may be treated as separate and unrelated complaints which do not rely or depend on the outcome of the other. This rule should be strictly adhered to in this case as the dismissal was based on technical ground which has no bearing in this administrative case. In sum, given the confluence of events as borne out by the records, this Court finds that Ramos is

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administratively liable for indiscriminately discharging a firearm even if the same does not pertain to his official functions. This is in consonance with the oftrepeated exhortation that "all those involved in the administration of justice must at all times conduct themselves with the highest degree of propriety and decorum and take [utmost] care in avoiding incidents that x x x degrade the judiciary and diminish the respect and regard for the courts."

3. ID.; ID.; REVISED RULES ON ADMINISTRATIVE CASES IN THE CIVIL SERVICE; IMMORAL CONDUCT AND CONDUCT PREJUDICIAL TO THE BEST INTEREST OF THE SERVICE, BOTH CLASSIFIED AS GRAVE OFFENSES; IMPOSABLE PENALTY.— Immoral conduct and conduct prejudicial to the best interest of the service are both classified as grave offenses under Section 46 of the Revised Rules on Administrative Cases in the Civil Service, and are punishable by suspension of six (6) months and one (1) day to one (1) year for the first offense and dismissal for the second offense. Section 55 of the same Rules provides that "if the respondent is found guilty of two or more charges or counts, the penalty to be imposed should be that corresponding to the most serious charge and the rest shall be considered as aggravating circumstances." While the severity of and penalty for the offenses of immoral conduct and conduct prejudicial to the best interest of the service are the same, Section 55 is still applicable in this case. In *Re: Frequent Unauthorized Absences of Ms. Nahren D. Hernaez*, the respondent was charged and found guilty of two different grave offenses. Nevertheless, this Court agreed with the recommendation of the Office of Administrative Services to apply Section 55 by analogy and impose a single penalty of 12 months suspension without pay for both offenses.

APPEARANCES OF COUNSEL

Sañez Taguinod & Associates for respondent.

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R E S O L U T I O N

DEL CASTILLO, *J.*:

This resolves the sworn Complaint[1] for Immorality and Conduct Unbecoming of a Court Personnel filed by PO2 Patrick Mejia Gabriel (PO2 Gabriel) against William Jose R. Ramos (Ramos), Sheriff IV of the Regional Trial Court (RTC), Branch 166, Pasig City.

Complainant alleged that on August 22, 2005, Ramos destroyed personal belongings inside the house of Consolacion Dela Cruz Favillar (Consolacion), the mother of his common-law-wife, Jenelita Dela Cruz (Jenelita) and thereafter indiscriminately fired a gun outside the said house. Thus, Ramos was charged with Alarms and Scandals and Violation of Domicile.

Complainant also claimed that Jenelita is Ramos's mistress for 15 years already and that they have two children. Complainant opined that Ramos's illicit relationship with Jenelita offends the morality and sense of decency of the people in the locality. He posited that the foregoing act and conduct of Ramos, who is a public officer, violate Section 1,[2] Article XI of the Constitution.[3]

In his Comment,[4] Ramos asserted that he is also living in the house of Consolacion and, therefore, could not be charged with the said offense of Violation of Domicile. He further clarified that he and Jenelita were actually removing their personal belongings in the house of Consolacion as they were transferring to another house nearby. Consolacion, however, resented it and thus charged him with Violation of Domicile.

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[1] *Rollo*, pp. 2-3.

[2] Article XI. *Accountability of Public Officers*.

Section 1. Public office is a public trust. Public officers 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.

[3] *Rollo*, p. 3.

[4] *Id.* at 8-9.

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Anent the charge of immorality, Ramos admitted his common-law relationship with Jenelita but denied living under scandalous or revolting circumstances as to shock common decency.[5] He argued that their relationship having spanned 15 years already and the fact that they have two children dispel any vestiges of immorality. In addition, he averred that since the incidents alleged in the Complaint transpired in San Teodoro, Oriental Mindoro which is not his place of work, the charges against him are clearly not work-related and cannot be the subject of an administrative action. He asserted that these charges are harassment suits calculated to cow him to desist from pursuing the criminal actions he filed against PO2 Gabriel and his cohorts before the Office of the Prosecutor of Calapan, Oriental Mindoro.

Ramos prayed for the dismissal of the instant administrative case.

Report and Recommendation of the Investigating Judge

In his Report[6] dated September 10, 2007, Investigating Judge Edwin A. Villasor (Judge Villasor), recommended that Ramos be required to update his 201 file and to submit his marriage certificate and the birth certificates of his children. Judge Villasor likewise recommended that Ramos be admonished to act with propriety in his conduct as a court personnel and as a private individual.

This Court referred the Report of Judge Villasor to the Office of the Court Administrator (OCA) for evaluation, report and recommendation.[7] Upon the recommendation of the OCA, this Court issued a Resolution[8] requiring Ramos to submit his updated Personal Data Sheet and authenticated copies of his marriage certificate and birth certificates of his children.

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[5] *Id.* at 9.

[6] *Id.* at 193-219.

[7] See minute Resolution dated November 12, 2007, *id.* at 254-255.

[8] *Id.* at 259-260.

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In compliance, Ramos submitted authenticated copies of his Marriage Contract with Berlita A. Montehermoso (Montehermoso)[9] and the Certificate of Live Birth of their son Kim Montehermoso Ramos (Kim).[10] He also submitted his updated Personal Data Sheet[11] and a copy of the MCTC's July 25, 2007 Resolution[12] dismissing the case for Alarms and Scandals for non-compliance with a condition precedent before filing the action in court. Thereafter, the OCA submitted its evaluation, report and recommendation.

OCA Findings and Recommendations

In a Memorandum[13] dated November 5, 2012, the OCA found Ramos liable to the charge of immorality considering his admission that he has been cohabiting with Jenelita for 15 years despite his subsisting marriage with Montehermoso. It also found the following circumstances to have mitigated Ramos's liability, *viz*:

1. Respondent has voluntarily admitted that he and [Jenelita] have been living together as husband and wife without the benefit of marriage.

2. Respondent and [Montehermoso], his lawful wife, have been separated in fact for a long time.

3. The common-law relationship is one of the realities of life which is difficult to prevent from happening, more so because respondent has long been separated from his wife.

4. Apparently, [Montehermoso and Kim] tolerated said relationship [because they did not file] a complaint against him.

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[9] *Id.* at 273.

[10] *Id.* at 274.

[11] *Id.* at 280.

[12] *Id.* at 293; penned by Judge Edgardo M. Padilla.

[13] *Id.* at 295-301.

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5. There is no indication that such relationship has caused prejudice to any person or has adversely affected the performance of respondent's functions and duties as an officer of the court to the detriment of public service.[14]

The OCA thus recommended that:

1. respondent William Jose Ramos, Sheriff IV, Branch 166, Regional Trial Court, Pasig City, be found **GUILTY** of Disgraceful and Immoral Conduct and be **SUSPENDED** for two (2) months without pay; and
2. respondent Ramos be **ADMONISHED** to terminate his common-law relationship with Ms. Jenelita dela Cruz Favillar or to take the necessary steps to legitimize the same.[15]

Our Ruling

The Court sustains the finding of the OCA that Ramos is guilty of disgraceful and immoral conduct. His barefaced admission and justification of his relationship with another woman despite his subsisting marriage to another is proof of his immoral conduct.

Immorality has been defined to include not only sexual matters but also "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 an inconsiderate attitude toward good order and public welfare."[16] In this case, Ramos showed his moral indifference to the opinions of respectable members of the community by attempting to rationalize his illicit relationship with Jenelita. However, such attempt fails as this Court agrees with the OCA that the justifications proffered by Ramos are inconsequential, distorted and misplaced. The illicit relationship between a married man and a woman not his wife will remain illicit notwithstanding the

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[14] *Id.* at 298-299.

[15] *Id.* at 301.

[16] *Regir v. Regir*, A.M. No. P-06-2282, August 7, 2009, 595 SCRA 455, 462.

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lapse of considerable number of years they have been living together. Passage of time does not legitimize illicit relationship; neither does other people's perceived tolerance or acquiescence or indifference toward such relationship. Indeed, Ramos has long been living an immoral life and his distorted belief that he has not been doing so puts in question his sense of morality, or the standard of morality he lives by. An officer of the court, and any employee thereof for that matter, should be above reproach. The very existence of the court, the institution we represent, is anchored on upholding what is true, right and just. That is why we require nothing less than the highest standard of morality and decency for each and every member, from the highest official to the lowest of the rank and file, to preserve the good name and integrity of courts of justice,[17] lest we be deemed unworthy to represent this honorable institution.

With regard to the charge of conduct unbecoming of a court personnel, it appears that there is ample evidence on record showing that Ramos indeed indiscriminately fired a gun. After receipt of a report on the commotion in the house of Consolacion on August 22, 2005, complainant, together with another police officer and the *barangay* captain of the place, proceeded to the house of Consolacion. Thereafter, the following transpired:

> Complainant
>
> Q: What happened then?
>
> A: After that, we tried to pacify William Jose Ramos and we called Hon. Ildefonso Roxas, Brgy. Captain of Brgy. Lumangbayan to pacify him because it x x x falls under his jurisdiction.
>
> x x x x x x x x x
>
> Q: What happened after the Honorable Roxas Pacified and stopped William Jose Ramos?

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

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> A: We left the place and then about 200 meters away we heard gunshot so we returned and then we saw again William Ramos in front of the house of Consolacion Dela Cruz Favillar, ready to injure them so we arrest[ed] him and [brought] him to our station so that there will be no harm he can [do] to anyone or anybody.[18]

The above narration of facts is also contained in the *Pinagsanib Na Sinumpaang Salaysay*[19] of PO1 Randy De Rosas Mendoza and the complainant. Notably too, Ramos neither denied nor presented controverting evidence to refute the accusation that he indiscriminately fired a gun. His silence on such accusation despite opportunity to disprove the same should, therefore, be construed as an admission.[20]

Concededly, the case for Alarms and Scandals had already been dismissed by the trial court. However, it is also settled that the dismissal of the criminal complaint does not affect the administrative case arising from the same incident which gave rise to said criminal case. The quantum of proof necessary to sustain a finding of guilt in the administrative complaint is only substantial evidence, while in criminal cases proof beyond reasonable doubt must be established to sustain the culpability of the accused. Hence, the two cases may be treated as separate and unrelated complaints which do not rely or depend on the outcome of the other. This rule should be strictly adhered to in this case as the dismissal was based on technical ground which has no bearing in this administrative case. In sum, given the confluence of events as borne out by the records, this Court finds that Ramos is administratively liable for indiscriminately discharging a firearm even if the same does not pertain to his

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[18] February 6, 2007 transcript of stenographic notes, *rollo*, pp. 99-131, 106-107.

[19] *Id.* at 75.

[20] *Gonzales v. Judge Hidalgo*, 449 Phil. 336, 340 (2003); *Plus Builders, Inc. v. Atty. Revilla, Jr.*, 533 Phil. 250, 261-262 (2006).

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official functions. This is in consonance with the oft-repeated exhortation that "all those involved in the administration of justice must at all times conduct themselves with the highest degree of propriety and decorum and take [utmost] care in avoiding incidents that x x x degrade the judiciary and diminish the respect and regard for the courts."[21]

In *Alday v. Cruz, Jr.*,[22] the Court held that a judge's act of brandishing a gun and threatening the complainants during a traffic altercation constitute the administrative offense of conduct prejudicial to the best interest of the service.

Immoral conduct and conduct prejudicial to the best interest of the service are both classified as grave offenses under Section 46 of the Revised Rules on Administrative Cases in the Civil Service, and are punishable by suspension of six (6) months and one (1) day to one (1) year for the first offense and dismissal for the second offense. Section 55 of the same Rules provides that "if the respondent is found guilty of two or more charges or counts, the penalty to be imposed should be that corresponding to the most serious charge and the rest shall be considered as aggravating circumstances."[23] While the severity of and penalty for the offenses of immoral conduct and conduct prejudicial to the best interest of the service are the same, Section 55 is still applicable in this case. In *Re: Frequent Unauthorized Absences of Ms. Nahren D. Hernaez*,[24] the respondent was charged and found guilty of two different grave offenses. Nevertheless, this Court agreed with the recommendation of the Office of Administrative Services to apply Section 55 by analogy and impose a single penalty of 12 months suspension without pay for both offenses.

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[21] *Security Division, Supreme Court v. Umpa*, 326 Phil. 698, 702 (1996).

[22] 406 Phil. 786, 802 (2001).

[23] *Garcia v. Alejo*, A.M. No. P-09-2627, January 26, 2011, 640 SCRA 487, 495.

[24] A.M. No. 2008-05-SC, August 6, 2008, 561 SCRA 1, 12.

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WHEREFORE, respondent WILLIAM JOSE R. RAMOS, Sheriff IV, Branch 166, Regional Trial Court, Pasig City is found **GUILTY** of immorality and conduct prejudicial to the best interest of the service. Accordingly, he is meted the penalty of **SUSPENSION** for twelve (12) months without pay, with **WARNING** that commission of the same or similar act will merit a more severe penalty. He is **ADMONISHED** to terminate his common-law relationship with Jenelita Dela Cruz Favillar or to take the necessary steps to legitimize the same. He is further **ADMONISHED** to be more circumspect in his conduct both as a court employee and as a private individual.

SO ORDERED.

Carpio (Chairperson), Brion, Mendoza,[*] and *Perlas-Bernabe, JJ.,* concur.

THIRD DIVISION

[A.M. No. P-13-3108. April 10, 2013]
(Formerly OCA I.P.I. No. 10-3465-P)

L.G. JOHNNA E. LOZADA and L.G. LIZA S. MILLADO, *complainants, vs.* **MA. THERESA G. ZERRUDO, Clerk of Court IV, and SALVACION D. SERMONIA, Clerk IV, both of the Office of the Clerk of Court, Municipal Trial Court in Cities of Iloilo City,** *respondents.*

SYLLABUS

1. POLITICAL LAW; ADMINISTRATIVE LAW; COURT PERSONNEL; PROPER ETHICAL STANDARDS,

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[*] Per raffle dated March 18, 2013.