

## **FIRST DIVISION**

**[ A.M. No. P-94-1034, February 21, 1997 ]**

**LEWELYN S. ESTRELLER, COMPLAINANT, VS. SOFRONIO  
MANATAD, JR. COURT INTERPRETER I, RESPONDENT.**

### **D E C I S I O N**

#### **KAPUNAN, J.:**

In a sworn affidavit-complaint executed on November 18, 1992 Lewelyn S. Estreller charged respondent Sofronio Manatad, Jr., a married man, with disgraceful and immoral conduct in violation of the Civil Service Law.<sup>[1]</sup> The respondent is Court Interpreter I, Municipal Circuit Trial Court, Malitbog-Bontoc-Tomas Oppus, Southern Leyte, whose conduct allegedly resulted in the birth of a child named Joahana Niña Salan, with respondent named as father and complainant as mother in the Certificate of Baptism.<sup>[2]</sup>

The affidavit-complaint contained the following allegations:

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1. That I am the lawful mother of Joahana Niña Salan, who was born on October 23, 1985, in Sogod District Hospital, Sogod, Southern Leyte (attached is a zerox copy of Certificate of Live Birth issued by the Local Civil Registrar of Sogod, Southern Leyte under Local Civil Registry No. 85-758 marked as appendix "A");
2. That the true father of Joahana Niña Salan is Mr. Sofronio Manatad, Jr., who is presently employed as Court Interpreter I, of Malitbog Municipal Circuit Trial Court, Malitbog, Southern Leyte (attached is a zerox copy of Certificate of Baptism which was officiated by Rev. Father Lorenzo Suarez, Jr., Parish Priest of Sogod, Southern Leyte, marked as appendix "A"-1);
3. That Joahana Niña Salan was conceived by me when I was still single on February 1985;
4. That I met Mr. Sofronio Manatad, Jr. at San Isidro Community College, Tomas Oppus, Southern Leyte on October 1984 for I was also enrolled in said college taking up BSEED course;
5. That as school mate he courted me and I accepted his proposal after he told me that he was single;
6. That because of his promised (sic) to marry me, I surrender my physical being to his desire, as a result I begotted Joahana Niña Salan;

7. That I only know that he was married when I was already conceiving;

8. That Mr. Sofronio Manatad, Jr. was already in the government service when he deceived me into believing that he was still single;

9. That I am charging Mr. Sofronio Manatad, Jr. of disgraceful and Immoral conduct as envisioned in the Civil Service Law and Rules:

xxx [3]

Respondent, in his counter-affidavit, denied having courted complainant or that she did not know at the time that he was a married man. Nonetheless, he admitted that he was the father of her child named Joahana Niña Salan in her Certificate of Baptism. The counter-affidavit is reproduced hereunder:

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1. That I was employed in the Office of the Municipal Circuit Trial Judge, 2nd Municipal Circuit Trial Court of Malitbog Tomas Oppus-Bontoc, Southern Leyte since November 2, 1978 and up to the present;

2. That within those years, I was studying in the Tomas Oppus Community College, San Isidro, Tomas Oppus, Southern Leyte in an evening classes for the purpose of attaining profession;

3. That due to the affidavit-complaint filed by the complainant in the provincial resident ombudsman, Hon. Benvolio K. Bascug and was duly endorsed for action to the Office of the Ombudsman of the Visayas, the Hon. Antonio B. Yap, Graft Investigation Officer I, issued an Order duly noted by the Hon. Vicente Y. Varela, Jr. Director of the OMB Visayas, requiring the undersigned to submit my counter-affidavit;

4. That the allegations stated in paragraph (1) one and three (3) is admitted but the pars. two (2), four (4), five (5), six (6), seven (7), eight (8), nine (9) and ten (10) are being objected to and highly considered as pure lies and fabricated testimonies;

5. That the allegation stated in par. two (2) of the affidavit-complaint filed by Lewelyn S. Estreller thru the Resident Ombudsman to the good office of the Hon. Juan M. Hagad and to the good office of the Hon. Vicente Y. Varela, Jr., is vehemently denied by me considering that since we were confronted in the Office of the Barangay Captain of San Isidro, Tomas Oppus, Southern Leyte, I never accepted and have explained scientifically that I am not the father of the said child even if the deceased barangay captain during such time applied a light threats against me that accordingly, if I am not going to amen something will happen to me badly;

6. That it is not true that I courted Lewelyn Salan Estreller during the time of our being classmates in few subjects as I could not do the same being known to be a married man by the public and whose residence is

about four (4) kilometers away from San Isidro Tomas Oppus, Southern Leyte, where she resides;

7. That it is a plain lie and very unbelievable to say that Lewelyn Salan Estreller did not know my status of being married considering that during our pre-acquaintances with and of all our classmates, we were made to introduce ourselves to the class as usually requested by the teachers and as a matter of fact, being member of the court will, tell to the students and faculty members the truths and honesty to them as an essence of being one of the standards of the community;

8. That years before our being classmates we were already schoolmates and it is only a matter of natural phenomenon that I, being the elected Prexy of the Student Body Council of that institution and that of being known by the public, that she could know my status of being married;

9. That it is also a plain lie and not true that I courted her and proposed her to a marriage because of the above-cited reasons and besides, my beautiful, loving and caring wife oftenly met me in the school carrying/bringing with her my snacks and dinner so that when going home, I have with her my companion;

10. That aside from being classmates, Lewelyn Salan Estreller has many classmates coming from our barrio and neighboring barangays;

11. That considering such facts, there runs the exact conclusions that Lewelyn Salan Estreller really is implying false and a fabricated statements;

12. That I realized that I was able to unexpectedly have a sexual intercourse with her but it happened not because I courted and proposed to have marriage with her but the same happened in one and only moment when I got drunk from a birthday party of our friend and have incidentally reached in blank mental sense that without the presence of my full consciousness that she brought me to the lodging house of my cousin which is her friend and lay down with me and declared the following morning that something that had happened between her and me;

13. That since such time I did no longer take a time to accede her invitations of any kind of party as people around told me that such woman accordingly has plenty of sweethearts and that her father and brothers are so brave and dangerous;

14. That I got worried to what had happened and I really could not forget that very unusual date and feel so uneasy counting the numbers of threats received by me from that woman that if I continued on having a gap with her, she will accordingly do something bad against me and my family which do I believed to be a sort of blackmailing;

15. That few months later, she, by letter, told me that she was

pregnant and then told me to escape from my wife and abandon my job as she have the intention to go to another place with me but I refused and ultimately informed her father about her situation and then summoned me to appear to the office of the Barangay Captain;

16. That I was surprised and wonder that when she delivered the baby and to count the number of months since that happening between me and her, there was only six months that had passed and so therefore, I firmly concluded that I am not the real father of the said child;

17. That conclusively, when that unexpected sexual intercourse so happens, that woman was already pregnant with three months old fetus in her womb;

18. That I confronted her these matters and she asked forgiveness from me and told me that it was because of her much love and affection for me that causes her to do such things upon me;

19. That according to Lewelyn S. Estreller that when she was mauled by her father, the latter told her to mention my name as the one responsible for that pregnancy and that because she could not be able to resist the pain, there she, even with negative minds, have the second thoughts of admitting that I am the father of the child because the man which really has the responsibility escaped away;

20. That in such admission by Lewelyn S. Estreller her confessed mistakes was known by me and with that I got pity on her but have no intention of giving her support but because of the continuous attempt of her parents for my life, I was forced to give her support financially and in any other way for the child;

21. That after giving the first support in terms of money we have reached and garnered back our good relationship with the parents of Lewelyn S. Estreller because they are my friends prior to the unexpected happenings or tragedy;

22. That since then I was always inviting them that a blood test and a bloody types analization will be made in Cebu known Hospitals in order to confirm that I am not the father of the child but instead they all got angry with me again and vehemently, refuses my request;

23. That in order to know the reality about the affidavit-complaint, I confronted her brother why they are again complaining against me and asked them whether they are not satisfied with the financial support and admitted thereto and to the second reason that they were only advised by third persons who, after my verification, are the people who are envious with my position now in the government being a court interpreter;

24. That I really could realized that nowadays, to comment, those people whose intentions are to always do good for the country and god are those people who are always going to be tortured mentally and