

THIRD DIVISION

[A.M. No. P-11-2948 [Formerly OCA I.P.I. No. 09-3049-P], April 23, 2012]

EVELYN V. JALLORINA, COMPLAINANT, VS. RICHELLE TANEO-REGNER, DATA ENTRY MACHINE OPERATOR II, REGIONAL TRIAL COURT, OFFICE OF THE CLERK OF COURT, SAN MATEO, RIZAL, RESPONDENT.

DECISION

PERALTA, J.:

Before this Court is an Administrative Complaint^[1] filed by Evelyn V. Jallorina, against Richelle Taneo-Regner, Data Entry Machine Operator II, Regional Trial Court (RTC), Office of the Clerk of Court, San Mateo, Rizal, for Immorality and Gross Misconduct.

Complainant Jallorina claimed that she is the wife of Assistant Provincial Prosecutor La Verne A. Jallorina, who is presently assigned at the Pasig City Hall of Justice. She has four (4) children with Prosecutor Jallorina, namely: Caselyn, Juris, La Verne I and Wolf Hector. They have been separated *de facto* since November 2000. She claimed that in the year 2003, Prosecutor Jallorina filed a petition for annulment of their marriage in order to marry his paramour, respondent Richelle T. Regner, who is a single woman. The case is still pending at the RTC, Branch 75 of San Mateo, Rizal.

Complainant Jallorina asserted that the illicit affair between her husband and respondent Taneo-Regner was well-known in the entire court as well as in the Halls of Justice of Pasig City. She further averred that her brother-in-law, a policeman who usually visits Pasig City Hall of Justice for inquest purposes, personally witnessed Prosecutor Jallorina's blatant display of indiscretion. She was told that Prosecutor Jallorina even displayed the photo of his mistress, respondent, beside his photo and their son's on his office table. She added that the illicit affair between her husband and respondent had roused gossips in the towns of San Mateo and Montalban, Rizal, where they were seen together in gatherings and wakes of friends, showing their intimate relationship.

Complainant Jallorina further alleged that her children, Caselyn and La Verne I, were aware of the illicit affair of their father with respondent.

In an Affidavit^[2] dated February 25, 2004, La Verne I attested that while he was sleeping at his father's house, he was awakened when he felt the bed rocking, and saw respondent Taneo-Regner having intercourse with his father.

In another Affidavit^[3] dated February 25, 2004, Caselyn stated that at one time, she went to her father's house to ask for allowance, she discovered an engagement gold ring with engraved name "Richelle."

Complainant further narrated that she had caught her husband and respondent in a very compromising situation. In one incident, while her husband was still holding office at the San Mateo Hall of Justice, she caught respondent performing fellatio on her husband, in his own table near a refrigerator. She asserted that her husband then was half-naked, with a towel wrapped around his waist, and that respondent's hair was in shambles.

At the time of the filing of the complaint, complainant asserted that the illicit affair can be proven by the fact that respondent, who is unmarried, is four (4) to five (5) months pregnant. The pregnancy is evident by respondent's bulging tummy, and her husband's effort to fetch respondent from her office.

Thus, complainant prayed that respondent Taneo-Regner: (1) be dismissed from the service, considering the shame and damage that she had caused to the integrity of the Court; and (2) damages in the amount of P600,000.00 be awarded to her.

In her Comment^[4] dated February 20, 2009, respondent Richelle Taneo-Regner vehemently denied that she has an illicit affair with complainant's husband, Prosecutor La Verne Jallorina. She claimed that there was never a time in her entire life that she went to gatherings in the company of complainant's husband. She alleged that the accusations against her were pure lies as complainant even failed to state specific dates and actual place of gatherings.

Respondent likewise maintained that she has never been in the house of Prosecutor Jallorina; thus, she was not the woman whom their son saw having intercourse with Prosecutor Jallorina. She also pointed out that in the affidavit of La Verne I, it did not state her name as the woman whom complainant's son saw having intercourse with his father.

As to the alleged engagement ring, respondent argued that complainant's daughter, Caselyn, did not state in her affidavit that the engraved name is Richelle T. Regner. Caselyn's affidavit only stated that her father "*has a mistress named Richelle which I saw through an engagement ring.*" Respondent emphasized that "Richelle" is not synonymous with "Richelle T. Regner."

Anent the alleged intercourse with Prosecutor Jallorina inside a public building, respondent argued that the same was purely a lie as complainant did not report the same to the security guard or proper authorities. She did not even state in the complaint the specific date when such incident happened.

Respondent further added that granting without admitting that she was pregnant, it does not necessarily mean that complainant's husband is the "father" of her unborn child.

Finally, respondent claimed that considering that complainant's accusation is unsupported by evidence, she prayed that the instant complaint against her be dismissed.

In her Reply^[5] dated March 12, 2009, complainant Evelyn V. Jallorina asserted that the comment of respondent only contained bare denials. She maintained that