

## SECOND DIVISION

**[ A.M. No. HOJ-10-03 (Formerly A.M. OCA IPI No. 09-04-HOJ), November 15, 2010 ]**

**THELMA T. BABANTE-CAPLES, COMPLAINANT, VS. PHILBERT B. CAPLES, UTILITY WORKER II, HALL OF JUSTICE, MUNICIPAL TRIAL COURT, LA PAZ, LEYTE, RESPONDENT.**

### DECISION

**NACHURA, J.:**

In an Affidavit-Complaint<sup>[1]</sup> dated March 5, 2009, Thelma T. Babante-Caples (complainant) charged her husband, Philbert B. Caples (respondent), Utility Worker II, Hall of Justice, Municipal Trial Court (MTC), La Paz, Leyte, with Immorality.

In his Counter-Affidavit<sup>[2]</sup> dated May 12, 2009, respondent vehemently denies all the allegations stated in the complaint. He contends that the same are untrue, baseless, malicious, and exaggerated.

The Report<sup>[3]</sup> dated October 5, 2009 of the Office of the Court Administrator (OCA) recommended that the complaint be referred to the Executive Judge of the Regional Trial Court (RTC) of Abuyog, Leyte, for investigation, report, and recommendation.

In a Resolution<sup>[4]</sup> dated November 25, 2009, the Court referred the instant case to Judge Buenaventura A. Pajaron (Judge Pajaron), Executive Judge, RTC, Abuyog, Leyte, for investigation, report, and recommendation.

Lengthy hearings were conducted by Judge Pajaron, at which complainant and her witnesses Pedro A. Caducoy, Jr. and Francisco Cadion Daro, Jr. testified in support of the complaint. On the other hand, counsel for respondent manifested that respondent was not willing to testify, and waived his right to present evidence because respondent already submitted his resignation letter to the OCA.

The testimonies of the witnesses are summarized as follows.

Complainant, 39 years old, married, and a public school teacher, narrated that she is the legal wife of respondent and that they have two (2) legitimate children. She stated that their happy and blissful marriage was shattered because of the infidelity of respondent, who had an illicit relationship with one Rennalyn Cordovez.<sup>[5]</sup> She further narrated that the affair of the two has become public knowledge in their community, and the public display of their immorality has caused so much pain to her and to their children.

On February 6, 2008, complainant pleaded with her philandering husband, who had a drinking session with his paramour in a nearby videoke house, to stop his immoral

conduct. She stated that, instead of heeding her plea, respondent physically assaulted her by slapping her face several times. As if the beating he inflicted on complainant was not enough, respondent left the conjugal dwelling on March 18, 2008 to join his mistress Rennalyn Cordovez in Dulag, Leyte.

On April 14, 2008, complainant sought the assistance of the MTC Judge of La Paz, Leyte, where her husband was working, to help her with her problem. She claims that, during the meeting arranged by the Judge, her husband asked for forgiveness for what he had done. However, after a short while, her husband resumed his immoral act and deprived his family of moral and financial support. Complainant alleged that her husband's mistress has given birth to a child, and that they are now living in the poblacion of the Municipality of Tolosa, Leyte.

Pedro A. Caducoy, Jr., 25 years old, married, and a *barangay tanod* of Barangay Palale, MacArthur, Leyte, testified that he personally knows respondent because his house is located 10 meters away from the conjugal home of complainant and respondent; that he personally knows Rennalyn Cordovez because she is also a resident of Barangay Palale, and his house is located 15 meters away from her house; that in December 2007, he saw respondent enter the compound of Rennalyn Cordovez on board a motorcycle at eleven o'clock in the evening; that he saw Rennalyn Cordovez standing outside the gate and holding a cellphone before respondent would enter the compound, which happened several times; and that there is a street light located in front of the gate of the compound.

Francisco Cadion Dado, Jr. testified that, when he visited his aunt in Tolosa, Leyte, he saw the house where respondent and his paramour lived together behind the marketplace, and that the house of his aunt was about 50 meters away from the house where respondent and his paramour lived. The witness also testified that he saw them twice.

Respondent manifested through his counsel that he would not testify; thus, the Investigating Judge considered respondent to have waived his right to present evidence on his behalf. Respondent was given the opportunity to be heard and refute the charges against him by adducing evidence; yet, he chose not to testify and adduce evidence. Instead, respondent tendered his resignation letter to the OCA of the Supreme Court.

The Investigating Judge averred that he proceeded to receive further evidence because, in *Faelden v. Lagura*,<sup>[6]</sup> we held that "where the resignation of a court employee has not been acted upon, he remains an employee of the judiciary."

On the basis of the foregoing findings, Judge Pajaron recommended that respondent be dismissed from the service.

In administrative proceedings, only substantial evidence,<sup>[7]</sup> i.e., that amount of relevant evidence that a reasonable mind might accept as adequate to support a conclusion, is required. The standard of substantial evidence is satisfied when there is reasonable ground to believe that the person indicted was responsible for the alleged wrongdoing or misconduct.

We find Judge Pajaron's findings to be in order • a result of a meticulous and