

## EN BANC

[ A.M. No. P-04-1844, July 23, 2004 ]

**GIORGIO RATTI, COMPLAINANT, VS. LUCILA MENDOZA-DE CASTRO, INTERPRETER I, MUNICIPAL TRIAL COURT, CALAPAN CITY, ORIENTAL MINDORO, RESPONDENT.**

### DECISION

#### PER CURIAM:

The instant administrative case arose when Italian national Giorgio Ratti charged Lucila Mendoza-De Castro, Interpreter I, Municipal Trial

Court in a Sworn Letter-Complaint<sup>[1]</sup> with conduct grossly prejudicial to the best interest of the service, conduct unbecoming a government employee, immorality and falsification of public documents.

The complainant averred that when the respondent applied for a position of court interpreter, she did not disclose the fact that she was convicted of the crime of grave slander. She was, likewise, charged with bigamy and several other cases which, albeit dismissed by the court, show her unfitness for government service.

According to the complainant, the respondent has been "lawyering and meddling with the court's business." The respondent instigated the filing of several cases against him, and handled collection cases of certain businessmen in Calapan City. The complainant narrated that the respondent had the habit of leaking information pertaining to search warrants applied for by law enforcement officers against gambling lords and drug lords, thereby causing the warrants to yield negative results. Furthermore, according to the complainant, the respondent also leaks decisions which are yet to be promulgated, and discloses them to the prevailing party. The complainant requested that the respondent be formally investigated and that, if so warranted, be meted the appropriate penalty.

Thereafter, the complainant enumerated the criminal and civil cases filed against the respondent in a Sworn Supplemental Letter-Complaint<sup>[2]</sup> dated October 28, 1999.

The respondent denied the charges against her, claiming that she did not falsify any document. She admitted, however, that she was convicted of simple slander, and that such offense does not necessarily involve moral turpitude. On the charges of immorality and bigamy, the respondent averred that until the bigamy case was filed, she did not know that her husband was twice previously married. She disclosed that she and her husband had been married for twenty (20) years.

Anent the accusations of lawyering and meddling with cases filed in court, the respondent maintained that she only assisted those who needed her help. She denied instigating the filing of cases against the complainant, and asserted that the

collection cases of businessmen in Calapan were handled by practicing lawyers who, unlike her, are trained for such jobs and have the time to work on the cases. The respondent maintained that she never meddled in the issuances of search warrants, and that she only learns of the court's decisions when she reads them on the day of their promulgation.

Finally, the respondent averred that except for Criminal Case No. 3741, where she was convicted of simple slander, the cases referred to by the complainant were either dismissed or are still pending in court.

The case was referred to Executive Judge Manuel C. Luna, Jr., Regional Trial Court, Calapan City, Oriental Mindoro, for investigation, report and recommendation.<sup>[3]</sup>

After hearing the parties on their respective arguments, the Executive Judge submitted his Report dated October 3, 2002. He opined that the respondent was a "mere victim of unfortunate circumstances," and, as such, the immorality charge against the respondent did not merit serious consideration.<sup>[4]</sup> However, the Executive Judge found the respondent to have deliberately concealed her conviction for grave slander by the Municipal Trial Court of Pinamalayan, Oriental Mindoro, as well as the fact that she had several pending criminal cases in the different courts of Oriental Mindoro in her personal data sheet on June 20, 1994 when she applied for the position of court stenographer. Thus:

... [R]espondent's assertion that she did not falsify any public document must necessarily fail in view of the fact that the respondent while applying for the position of Court Interpreter in the Municipal Trial Court in Cities as stated in her "Personal Data Sheet" that she has not yet been convicted of any crime, when in truth and in fact, as certified by the Clerk of Court of [the] Municipal Trial Court – Pinamalayan, Oriental Mindoro (Exhibit "A"), she was found guilty of Grave Slander by said court. Respondent's defense that the offense which she was convicted of does not necessarily involve moral turpitude, and, therefore, could be omitted from her application form, is unavailing. A mere superficial reading of the "Personal Data Sheet" (Exhibits "B" and "B-1") would readily reveal that the said form did not qualify the question, whether the applicant has been convicted of any crime, i.e., whether the crime the applicant has been convicted has committed, if there be any, involves moral turpitude or not.

Furthermore, respondent utterly failed to disclose that at the time she filed her "Personal Data Sheet" on June 20, 1994, she had several pending criminal cases in the different courts of Oriental Mindoro, namely:

- A. Criminal Case No. 6288 for Grave Oral Defamation which was filed against the respondent on July 30, 1981;
- B. Criminal Case No. 6456 for Violation of Batas Pambansa [Blg.] 22 which was filed against respondent on April 19, 1982;
- C. Criminal Case No. 8765 for Malicious Mischief which was filed against respondent on July 08, 1984;

- D. Criminal Case No. 981 for Violation of Article 133 of the Revised Penal Code which was filed against respondent on April 7, 1983;
- E. Criminal Case No. 982 for Grave Oral Defamation which was filed against respondent on April 07, 1983;
- F. Criminal Case No. 3754 for Grave Oral Defamation which was filed against the respondent sometime in 1983.<sup>[5]</sup>

Moreover, the Executive Judge noted that the respondent herself admitted that she acted as the collector of receivables of Antonio S. Catibog II and Macario Macalalad and other well-known businessmen in Calapan City. Thus, the Executive Judge recommended the dismissal of the respondent from the service.

In a Resolution dated November 25, 2002, the case was referred to the Office of the Court Administrator (OCA) for evaluation, report and recommendation. The OCA recommended that Executive Judge Luna's findings be adopted accordingly, and the respondent be dismissed from the service with prejudice to re-employment in the government service, including government-owned and controlled corporations.<sup>[6]</sup>

### **The Court's Ruling**

*The respondent is guilty of  
Gross immorality, and her claim  
of good faith is not a defense*

We are constrained to rule that the respondent is guilty of immoral and disgraceful conduct.

It must be stressed that *every employee of the judiciary should be an example of integrity, uprightness and honesty*. Like any public servant, she must exhibit the highest sense of honesty and integrity not only in the performance of her official duties but in her personal and private dealings with other people. In order to preserve the good name and integrity of the courts of justice, court personnel are enjoined to adhere to the exacting standards of morality and decency in their professional and private conduct <sup>[7]</sup>

In a recent case,<sup>[8]</sup> a court stenographer was suspended for one year without pay for living with a married man, and her claim of good faith was belied by her own evidence, as in the case at bar. Here, while the respondent claimed that she did not know that her husband Rogelio de Castro<sup>[9]</sup> was twice previously married when they were wed, she admitted that she eventually found out in 1984 when a bigamy case was filed against him. While she claimed that she was not immoral as she was then single and "never had any other affair with any other man" except her husband, she admitted that she continued to cohabit with him despite her knowledge of his previous marriages.<sup>[10]</sup>

Indeed, disgraceful and immoral conduct is a grave offense that cannot be countenanced.<sup>[11]</sup> As we held in the recent case of *Acebedo v. Arquero*,<sup>[12]</sup> where the respondent was suspended for six (6) months and one (1) day without pay for

maintaining an illicit relationship with a married woman for eight (8) to nine (9) months:

Although every office in the government service is a public trust, no position exacts a greater demand for moral righteousness and uprightness from an individual than in the judiciary. That is why this Court has firmly laid down the exacting standards of morality and decency expected of those in the service of the judiciary. Their conduct, not to mention behavior, is circumscribed with the heavy burden of responsibility, characterized by, among other things, propriety and decorum so as to earn and keep the public's respect and confidence in the judicial service. It 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; court employees are also judged by their private morals.<sup>[13]</sup>

*The respondent violated the Code of Conduct and Ethical Standards for Public Officials In providing collection services To businessmen in Calapan, Oriental Mindoro*

Anent the charge of interfering with cases pending in various courts, we agree with the Court Administrator's adoption of the Executive Judge's findings, viz:

Moreover, respondent's act of interfering in the cases pending in various courts in Oriental Mindoro, in spite of her avowals to the contrary, is inimical to the service. This too warrants severe disciplinary measures. The facts and evidence, coupled with respondent's admissions that she acted as collector of receivables of Antonio Catibog (private complainant in Criminal Cases Nos. 12105 and 12268, entitled "People vs. Jocelyn Guyutin" filed before the MTCC of Calapan, Oriental Mindoro), Macario Macalalad and other well-known businessmen in Calapan City, sufficiently establish her culpability.<sup>[14]</sup>

Furthermore, the respondent admitted to having acted as "collector" for the following persons and was given a "commission" for every amount collected: Mr. and Mrs. Antonio S. Catibog II, Henry Tan, Mrs. Josefa Cacha, Violeta Aguilon, and Cherrie Fatalla, the complainant's wife.<sup>[15]</sup> When questioned further by the complainant's counsel, the respondent hesitated and was evasive:

ATTY. F. S. LEGASPI:	Who else, Madam witness?
LUCILA M. DE CASTRO:	I cannot remember of ( <i>sic</i> ) anyone else.
ATTY. F. S. LEGASPI:	But there were others; only that, you cannot remember.
LUCILA M. DE CASTRO:	Maybe.
ATTY. F. S.	How many more?