

SECOND DIVISION

[A.M. No. P-03-1674, October 14, 2003]

JUDGE PABLO B. FRANCISCO, COMPLAINANT, VS. OLIVIA M. LAUREL, COURT STENOGRAPHER III, RTC-BR. 25, BIÑAN, LAGUNA, RESPONDENT.

D E C I S I O N

BELLOSILLO, J.:

This is an administrative case for *Immorality* and *Falsification of a Public Document* filed by Judge Pablo B. Francisco, RTC-Br. 26, Sta. Cruz, Laguna, against respondent Stenographer III Olivia M. Laurel, RTC-Br. 25, Biñan, Laguna. Complainant alleged that respondent is guilty of *Immorality* for having a child with a married man, Prosecutor Alberto R. Nofuente of Laguna assigned to the Regional Trial Court of Biñan, and of *Falsification of Public Document* for falsely stating in the Certificate of Live Birth of her son who was born on 7 February 2000 that she got married to Prosecutor Nofuente on 23 September 1997 in Makati City when in truth and in fact no record of such marriage appears in the Civil Registrar's Office of Makati;^[1] that Prosecutor Nofuente is legally married to one Elizabeth Rubio since 1974;^[2] and, that respondent has up to the present professed her civil status in employment records with the Supreme Court as "single."

Respondent branded the charges as malicious and untrue. She is neither guilty of immorality nor of falsification of public document since she does not cohabit with Prosecutor Nofuente, and there is no legal obligation to disclose in a certificate of live birth whether the parents of the child are married or not. Besides, the acts complained of do not constitute an administrative offense since they do not relate to her official functions and duties as court stenographer.

Respondent countered that this administrative case is but complainant's revenge against her for filing, together with other employees of the RTC-Biñan, an administrative case against complainant for *Ignorance of the Law, Grave Misconduct and Incompetence*, docketed as A.M. OCA IPI 98-603-RTJ. Moreover, respondent Judge has always disliked Prosecutor Nofuente since the latter is a member of the Prosecutor's Office which complainant had always referred to as "*katayan ng kaso*." Complainant Judge, in turn, is disliked by employees, lawyers and judges alike not only in RTC-Biñan, his temporary station, but also in his permanent station at RTC-Sta. Cruz, Laguna.

In his reply to respondent's comment complainant insisted that bearing a child with a married man and then registering the infant as legitimate amounts to immorality. With respect to respondent's denial of the charge of falsification, complainant alleged that all documents making up the civil register are public documents and are *prima facie* evidence of the facts contained therein, hence, there is legal obligation to disclose only the truth therein. In fact, under Rule 25, par. (2), Title Two,

Administrative Order No. 1, Series of 1993, of the Office of the Civil Registrar General, the Affidavit for Delayed Registration located at the back of a certificate of live birth, which is required to be duly accomplished in cases of delayed registration, requires information as to the date and place of marriage of the parents of a legitimate child.

We referred this case to a consultant of the Office of the Court Administrator (OCA) for investigation, report and recommendation within sixty (60) days from notice of our Resolution of 13 January 2003.

Investigation was initially assigned to retired Justice Romulo Quimbo. However upon complainant's "*Motion to Appoint Another Hearing Officer*" on the ground that Justice Quimbo was once a consultant of the audit team which recommended the filing of administrative charges against respondent in the past, investigation was re-assigned to Hearing Officer-Designate Narciso T. Atienza.

In his Report dated 22 July 2003 Investigator Atienza recommended that respondent be suspended for fifteen (15) days without pay for immorality. Her sexual intercourse with a lawfully married man which produced a child, regardless of whether the intercourse was merely a one-night stand or an occasional event, warrants the imposition of administrative sanction. The falsification of the certificate of live birth of respondent's son, although falling under Art. 172 of *The Revised Penal Code*, was recommended for dismissal because it does not relate to, or is connected with, the performance of respondent's duties and functions as court stenographer.

We agree with the Investigator that respondent is liable for disgraceful and immoral conduct punishable under civil service rules^[3] as a grave offense^[4] and penalized with suspension for six (6) months and one (1) day to one (1) year for the first offense, and dismissal for the second offense. This is true both under the then *Omnibus Civil Service Rules and Regulations*^[5] and the now applicable *Uniform Rules on Administrative Cases in the Civil Service*^[6] adopted and approved by the Civil Service Commission in its Resolution No. 991936 dated 31 August 1999.

That respondent does not cohabit with Prosecutor Nofuente as alleged by her is of no moment as the mere fact alone of a woman, even if single, entering into an illicit relationship with a married man and having a child with him is certainly contrary to the acceptable norms of morality by which we live. This is especially so when the persons concerned are public employees who are supposed to maintain a high standard of morality in order to live up to their role as models in society.^[7] Thus we have in a number of cases punished such conduct with suspension ranging from six (1) months and one (1) day to one (1) year in accordance with civil service rules.^[8] There is therefore no basis to impose a penalty of only fifteen (15) days suspension upon respondent, as recommended by the Investigator, when no mitigating circumstance could be cited in her favor to reduce the prescribed penalty.

That complainant may have been disliked by almost everyone in RTC-Biñan and may have filed this case solely to exact revenge on respondent for spearheading the filing of administrative charges against him in the past, is neither here nor there. This case is going to be decided on the basis of the merits of the charges against respondent, and not on a supposed flaw in complainant's character or the less than