

FIRST DIVISION

[A.M. No. O.C.A.-00-01 (Formerly O.C.A. I.P.I. No. 99-02-OCA), September 06, 2000]

JULIETA B. NAVARRO, COMPLAINANT, VS. RONALDO O. NAVARRO AND ROBERLYN JOY C. MARIÑAS, RESPONDENTS.

RESOLUTION

KAPUNAN, J.:

On March 15, 1999, Mrs. Julieta B. Navarro filed with the Office of the Deputy Court Administrator Reynaldo Suarez, an affidavit-complaint charging for gross immorality Ronaldo O. Navarro, Legal Researcher, of the Office of Deputy Court Administrator Reynaldo Suarez, and Roberlyn Joy C. Mariñas, also a Legal Researcher in the Legal Office, Office of the Court Administrator. The affidavit-complaint alleges:

I, **JULIETA B. NAVARRO**, of legal age, and a resident of 276 Bunga Mayor, Bustos, Bulacan, under oath, depose and say:

1. That I am the lawful wife of **RONALDO O. NAVARRO**, the marriage having been solemnized at Sto Niño Church, Bustos, Bulacan on June 19, 1988. Attached herewith is a certified true copy of our Marriage Certificate as ANNEX "A."
2. That sometime in the year 1997, I received some information that my husband is keeping a mistress, which information I verified, as a result of which, I personally came to know that he is living with another woman named **ROBERLYN (sic) JOY C. MARIÑAS**, with whom he has a child named **MARIA LOURDES M. NAVARRO**. A certified true copy of the birth certificate and baptismal certificate is hereto attached as ANNEX "B" and "C" respectively;
3. That my husband has abandoned and stopped supporting us (me and our child) and as a consequence of which we are now living with my parents;
4. That my husband and his mistress are now living with each other at 82 Libis Espina, Kalooacan City and are deporting themselves as husband and wife, which fact appears in the birth certificate of their child.
5. That my husband and his mistress are both employees of the Supreme Court, both holding the position of Legal Researcher III and are assigned with the Office of DCA Suarez and Legal Office, OCA respectively;

6. That I am executing this affidavit to formally file an administrative complaint against them for GROSS IMMORALITY.

The case was in due course referred to the Office of the Court Administrator for evaluation report and recommendation.^[1] Court Administrator Alfredo L Benipayo in his memorandum report^[2] to the Chief Justice, summarizes the facts of the case as follows:

On March 15, 1999, a complaint for gross immorality was filed by Mrs. Julieta B. Navarro against Ronaldo O. Navarro, Legal Researcher, Office of DCA Reynaldo Suarez and Roberyn (sic) Joy C. Mariñas, also a Legal Researcher in the Legal Office, Office of the Court Administrator. The complaint was received at the Office of DCA Suarez.

Complainant alleged that she is the lawful wife of respondent Ronaldo O. Navarro, their marriage having been solemnized on June 19, 1988 at Sto. Niño Church, Bustos, Bulacan. According to her, sometime in 1997, she received information that her husband, respondent herein, is keeping a mistress. Complainant allegedly verified the information and personally discovered that respondent Navarro is indeed living with another woman with whom he has a child. The woman is respondent Roberyn (sic) Joy C. Mariñas. Attached to the complaint are certified true copies of the birth and baptismal certificates of the respondents' child, Maria Lourdes M. Navarro. Complainant further claims that respondent Navarro abandoned and stopped supporting her and their child. As a consequence, she has to live with her parents. It is also alleged that respondents are living together at 82 Libis Espina, Caloocan City and deport themselves as husband and wife.

In an undated letter addressed to the Chief Justice, complainant inquired about the status of her complaint. In the letter, she claimed that she was an employee of the Supreme Court assigned at MISO but she was made to resign by respondent Navarro so that she can take care of their only child; that respondent Navarro's motive in asking her to resign is to cover up his alleged affair with respondent Mariñas; and that respondent Navarro no longer provides any financial support to her and their child.

The Court En Banc, in a resolution dated November 16, 1999, required respondents to comment on the charge of gross immorality within ten (10) days from notice.

On December 10, 1999, respondent Mariñas requested for a copy of the complaint and supporting documents, which according to her was not attached to the resolution she received. The letter-request was forwarded to the Office of the Court Administrator on December 13, 1999.

On the other hand, respondent Navarro, submitted his comment on January 21, 2000. In his comment, respondent Navarro implored the Court's compassion and mercy for the dismissal of the complaint. He admits that complainant is his lawful wife and that he has a child by the name of Maria Lourdes M. Navarro with his co-respondent. Respondent Navarro likewise does not deny the veracity and truthfulness of the

child's birth and baptismal certificates. However, he denied that his co-respondent Mariñas is his mistress and that they are living together and deporting themselves as husband wife.

Respondent Navarro acknowledged having had an intimate relationship with respondent Mariñas while they were schoolmates at the Far Eastern University, Institute of Law. Allegedly, what drove them into that illicit affair were their respective personal problems. He claims that they did not realize the moral and legal repercussions of their relationship until respondent Mariñas got pregnant with his child. It was at that time that they decided to end their relationship but both agreed to jointly support their child. According to respondent Navarro he admits without any reservation and without any feeling of remorse that he had an affair with respondent Mariñas, such an affair being a product of mutual love, trust and respect. He however disputes complainant's allegation that he and respondent Mariñas live together and deport themselves as husband and wife. Respondent Navarro asserts that his co-respondent together with her sister used to rent a house at No. 82 Libis Espina, Caloocan City since they live separately from their parents. Now, the only reason he and respondent Mariñas see each other is when he delivers a meager financial support to their child who is asthmatic. Respondent Navarro further claims that whenever they are within the premises of the Court, they act as if they are strangers to each other to avoid the impression that they are proud of their relationship.

Anent the respondents' married status as reflected in the birth certificate of their child, Maria Lourdes, respondent Navarro explained that they were constrained to supply such information not because of any criminal intent but for the sole purpose of shielding their child from the shame and disgrace that the latter might encounter by reason of her illegitimacy.

Respondent Navarro denies that he had abandoned and has stopped supporting the complainant and their child. He contends that in the first place, he and complainant have no conjugal dwelling because the latter together with their son are staying at her parents' house in Bustos, Bulacan. According to respondent Navarro, he was driven out of the house by his parents-in-law without any objections from the complainant. He likewise claims that whenever he gives his financial support, he can only visit his son at a neighbor's house since he is prohibited to enter his parents-in-law's premises. And in case he is unable to personally deliver his support, he often requested complainant's distant relative who is an employee of the Supreme Court, assigned at MISO, to do so. Contrary to complainant's allegation, respondent Navarro avers that he has never forgotten his duties and obligations to his son. But allegedly, he is only capable of providing his son with a measly sum considering that his monthly take home pay amounts to merely P2,120.80. However, in case there are benefits received from the Court, respondent Navarro increases the amount of support given to complainant and their child. Prior to the filing of the instant administrative complaint, he even offered to give his son all the benefits that he will receive from the Court.

While admitting that he had an affair with respondent Mariñas,

respondent Navarro insists that his co-respondent can no longer be regarded as a "mistress" since they had already ended their illicit relationship. He even invoked sympathy and kindness for such women who carry on affairs with married men saying that they are merely human beings who are weak.

Respondent Navarro disclaims the allegation that he forced complainant to resign. According to him, complainant was merely a contractual employee assigned at MISO and as such, her employment was good only for a limited period of time. Due to the long absence of complainant, her contract was allegedly no longer renewed.

To mitigate his liability, respondent Navarro cited his almost fourteen years of dedicated and devoted service to the Supreme Court and alleged that during these years he had never been involved in any scandal nor had he even been a subject of an administrative complaint. He further claims that he is effective and responsible in the performance of his duties. Similarly, respondent Navarro entreats the Supreme Court to be lenient in the imposition of penalty in this administrative case considering that he is an ordinary employee upon whom the high standard of integrity and ethical conduct required of a judge should not be applied. Moreover, he avers that his infraction should not be measured against the standards of moral integrity expected of a lawyer. He insists that a very minor distinction should be made on the yardstick of morality between an ordinary employee and that of a judge or a lawyer.

Respondent Navarro waived the conduct of a formal investigation in this administrative case and agreed that the matter be evaluated on the basis of available documents on hand. He also informed the Court that an action for Declaration of Nullity of his marriage with complainant is presently pending before the Regional Trial Court, San Fernando, Pampanga.

The Supreme Court En Banc in a resolution dated February 1, 2000 referred the instant administrative case to the Office of the Court Administrator for evaluation, report and recommendation within twenty (20) days from notice.

The record of the administrative case shows that respondent Mariñas had not filed any comment. Thus, the Court Administrator required her to comment within five (5) days from notice. Respondent Mariñas received the memorandum on February 15, 2000. On February 15, 2000, the Office of the Court Administrator requested for an extension of fifteen (15) days within which to comply with the Court's resolution. The Court in a resolution dated February 22, 2000 granted the request and gave the Office of the Court Administrator until March 9, 2000 to submit the evaluation. Meanwhile, respondent Mariñas filed an Urgent Ex-Parte Motion (with reiteration of the letter dated December 10, 1999) wherein she prayed to: (a) be furnished with the supporting documents mentioned in the complaint; (b) be given a non-extendible period of ten (10) days from receipt of the subject documents within which to submit her comment; and (c) hold in abeyance the evaluation of the complaint