

EN BANC

[A.M. No. P-95-1167, December 21, 1998]

CARMELITA L. LLEDO, COMPLAINANT, VS. ATTY. CESAR V. LLEDO, BRANCH CLERK OF COURT, REGIONAL TRIAL COURT, BRANCH 94, QUEZON CITY, RESPONDENT.

DECISION

PER CURIAM:

Court personnel, from the judge to the lowest clerk, are invested with the sacred duty to maintain the good name and standing of the institution they serve. A court employee abdicates that duty when he abandons his family and openly cohabits with his mistress. He aggravates his culpability by falsely representing his paramour to be his lawful wife.

This principle is applied by the Court in resolving the present Administrative Complaint for immorality, abandonment and conduct unbecoming a public official. Filed on February 4, 1994 by Mrs. Carmelita Lledo against her husband, Atty Cesar V. Lledo, branch clerk of court of the Regional Trial Court (RTC) of Quezon City, said Complaint presented the facts as follows:

"That sometime last year (1993) I received some information that he is keeping a paramour, which information I verified, as a result of which, I personally came to know that my husband is living with another woman named Katrina Narvaez with whom he has children[. A] certified true copy of the Birth Certificate of his son named Ryan Narvaez Lledo, is hereto attached marked as 'Annex B';

"That the other children's birth certificates named Don and Kathleen are still for release by the National Statistics Office;

"That when I was able to secure a copy of the Birth Certificate of Ryan, I immediately went to see the specified address at 240 Rd. I Pag-asa, Quezon City, only to be informed by Mrs. Songco, their landlady that they transferred to another apartment in Burol I Sta Cruz Village, Balagtas Bulacan because they had a serious altercation which resulted in the filing of three (3) cases namely: IS No. 92-15883, Oral Defamation and Grave Threats, IS No. 92-16957, Grave Threats, Malicious Mischiefs and Physical Injuries and IS No. 92-15650 for Slight Physical Injuries, xerox copies of which are hereto attached and marked as Annex 'C', 'D' and 'E' respectively;

"That on November 12, 1992, Atty. Cesar Lledo executed an affidavit subscribed and sworn to on [the] same date by the Assistant City Prosecutor, Perpetuo L.B. Alonzo, Fiscal['s] Office, Quezon City, attesting to the truth that Katrina is his wife and that they are tenants or lessees

of one of the rooms of the house of Mrs. Dolores Songco, xerox copy of which is hereto attached as Annex 'G';

"That they lived as husband and wife at 240 Rd. I, Pag-asa as evidenced by a contract entered into by his paramour K.N. Lledo, xerox copy of which is attached and marked as Annex 'F' and that Katrina and Atty. Lledo are known in the community as husband and wife;

"That upon knowledge of my husband's infidelity which caused irreparable psychological and emotional damage to the children and gross humiliation I suffered as the lawful wife, I immediately wrote a formal letter (xerox copy of which is hereto attached as Annex 'H') to Judge Pedro Santiago, Executive Judge of the Quezon City Regional Trial Court, copy furnished Atty. Lledo's immediate superior, Judge Romeo Zamora, Regional Trial Court Branch 94, requesting xxx a dialogue which never transpire[d] because my husband refused to see me;

"That Atty. Lledo with his paramour Katrin had been transferring their residence from 240 Rd. I Pagasa, Quezon City, to Burol I Sta. Cruz Village, Balagtas, Bulacan and at present at Santol Burol 5, Balagtas, Bulacan, maintaining their illicit relationship up to the present;

"That such, actuations of Atty. Lledo [constitute] disgraceful and immoral conduct violative of the provisions of Administrative Code of 1987 (PD 807) and RA 6713 (Code of Conduct and Ethical Standards for Public Officials and Employees); and,

"That I am executing this affidavit to attest to the truthfulness of the foregoing statements and as basis for my complaint against my husband for immorality, abandonment and for conduct unbecoming xxx a public official."^[1]

In his Comment, respondent denied all the material allegations of the complainant and stated:

"That since the birth of all their children, respondent has not been remiss in his obligation to provide for their support as he is still paying the matriculation fees of their youngest daughter who is taking up [the] Degree of Bachelor of Psychology in an amount of not less than P9,000.00 per semester, more or less. Additionally, he (respondent) caused the employment of his two (2) sons, both married namely Eric - employed at the sala of Judge Lucas Bersamin, and Cesar, Jr., - employed at the National Power Corporation.

"Additionally, the amount obtained on the maturity of his GSIS Policy was all utilized for the payment of all the debts incurred due to advances made to pay the needs of his children especially for payment of tuition fees and other miscellaneous needs of the children.

"The filing of the case was triggered on the unfounded ground or claim that the petitioner [would] not [get] her alleged one-half share of the respondent's pension. The said ground is untrue and bias[ed]. The truth

of the matter is respondent will be paying the amortized house and lot and will give the complainant her one-half share of the pension."^[2]

On August 28, 1996, the Court referred the Complaint and the Comment to then Executive Judge Pedro T. Santiago, RTC, Quezon City, for investigation, report and recommendation.

Finding that the Report of Judge Santiago was not responsive, in fact totally irrelevant, to the issue in the case, the Court on September 30, 1997 asked the new executive judge, Hon. Estrella Trias-Estrada, to reinvestigate the matter.

After a thorough investigation, wherein both the complainant and the respondent were accorded the opportunity to present their respective causes and to cross-examine each other's witnesses, Judge Trias-Estrada submitted her Report, the pertinent portions of which are quoted hereunder:

"From the evidence on record, the undersigned has reason to believe the claim of complainant Carmelita Lledo that respondent ha[s] indeed abandoned her and their children sometime in 1987 without giving adequate support to their four legitimate children and [that] he had established a second family with one Katrina Narvaez and their own set of children. In the affidavit-complaint dated November 12, 1992 which respondent Cesar Lledo filed before the Quezon City Prosecutor's Office executed under oath (Exhibit 'J'), respondent Lledo gave the name [of] Katrina as his wife and [of] xxx Don as his child. The complaint-affidavit was filed in connection with a serious altercation he had with one Dolores Songco, the landlady/administrator of the house at No. 240, Road I, Pag-asa, Quezon City where he and Katrina lived together as husband and wife with their children. The cases filed by him were oral defamation through malicious mischief and slight physical injuries. These cases, however, were dismissed by Judge Tolentino of the MTC. The affidavit-complaint of respondent is in effect an admission that he considered Katrina Narvaez as his wife and Don as his child. Complainant was also able to secure a birth certificate of one Ryan Narvaez Lledo whose father's name is Czar Diaz Lledo with address at No. 240 Rd. I, Pag-asa, Quezon City. Although the name of the purported father appears to be different, Czar Diaz Lledo, it is obvious that it is a typographical error or perhaps, it was intentionally misspelled that way because it was Katrina Narvaez who furnished that dat[um] in said certificate of live birth. But despite the erroneous spelling, said certificate of live birth became the key to the discovery of the address of the respondent after he left their conjugal dwelling.

"The complainant was able to get information through Dolores Songco, the landlady of respondent and Katrina Narvaez Lledo who gave a full account of the relationship of respondent and Katrina who[m] she personally observed to have conducted themselves as husband and wife; that Don was four years old when he was brought to said residence as their son and where the two other children Ryan and Kat[h]leen were conceived and born. Dolores Songco categorically stated that respondent and Katrina lived in the house where she is the administrator together with her from June, 1988 up to November 7, 1992.