



SUPREME COURT OF THE PHILIPPINES
PUBLIC INFORMATION OFFICE

RECEIVED
MAR 06 2025

BY

TIME:

JOAN

9:58

Republic of the Philippines
Supreme Court
Manila

EN BANC

MICHELLE C. SOLORIA,

Complainant,

A.M. No. P-24-179

[Formerly JIB FPI No. 23-197-P]

Present:

-versus-

GESMUNDO, *C.J.*,
LEONEN,
CAGUIOA,
HERNANDO,
LAZARO-JAVIER,
INTING,
ZALAMEDA,
LOPEZ, M.,
GAERLAN,
ROSARIO,*
LOPEZ, J.,
DIMAAMPAO,
MARQUEZ,
KHO, JR., and
SINGH,* *JJ.*

**ALBERTO R. DAVID, UTILITY
WORKER I, MUNICIPAL
CIRCUIT TRIAL COURT,
ALCALA-BAUTISTA, ALCALA,
PANGASINAN,**

Promulgated:

Respondent.

November 26, 2024

x ----- x

DECISION

PER CURIAM:

* On official business.

The Case

Under her verified Letter-Complaint¹ dated January 16, 2023, Michelle C. Soloria (Soloria) charged respondent Alberto R. David (David), Utility Worker I, Municipal Circuit Trial Court, Alcala-Bautista, Alcala, Pangasinan with gross immorality, prejudicial conduct that gravely besmirches or taints the reputation of the service, and vulgar and unbecoming conduct under Section 14(i), Section 14(l), and Section 16(a) respectively, of Rule 140 of the Rules of Court, as further amended by A.M. No. 21-08-09-SC.²

Antecedents

Soloria claimed that she started a relationship with David in 2017. At the time, David was still legally married to his wife with whom he has a child.³ Still, she and David decided to live together in 2018. Shortly after, she gave birth to their daughter. Eventually, David got employed as a utility worker at the Municipal Circuit Trial Court (MCTC), Alcala-Bautista, Alcala, Pangasinan. Since then, David became selfish and refused to give financial support to her and their daughter. David would only give her money on the condition that she would pay him back.⁴

David's child with his wife could not read and write despite being already 17 years old. It was due to a lack of educational support from David. It was David's wife who provided financial support to her and her daughter. Worse, she (Soloria) caught David womanizing in 2022. After some time, David cohabited with his second mistress. David's work allegedly suffered greatly because of his womanizing. David has been caught sleeping during office hours, but his officemates could not complain because he was related to the presiding judge.⁵ Lastly, Soloria left David in December 2022 after confirming that he had been cohabiting with another woman since October 2022.⁶

In his Comment⁷ dated February 17, 2023, David admitted that he is legally married, that Soloria is not his wife, and that he has since moved on to another mistress. Still, he denied the other allegations against him. He particularly denied neglecting his children (i.e. his daughter with Soloria and his son with his wife). In fact, it was he who raised his first

¹ *Rollo*, pp. 2-3.

² Approved on February 22, 2022; *id.* at 30, 31.

³ *Id.* at 30.

⁴ *Id.* at 30-31.

⁵ *Id.* at 31.

⁶ *Id.*

⁷ *Id.* at 9, 11-13.

child with the help of family and relatives.⁸ He had not failed to support his child with Soloria, even though Soloria was “[m]insan sadyang mahirap lang kausapin si Michelle” (difficult to talk to at times).⁹ There was only one occasion that he was caught taking a nap (not sleeping) during office hours.¹⁰ Further, there was no truth to the claim that his officemates were hesitant to talk to him because he is the nephew of Presiding Judge Conchita R. Alcaya-Macabitas as he is not actually related to the judge and only calls her “auntie” as a show of respect.¹¹ Finally, he and Soloria agreed to amicably part ways once he “finds someone else.”¹²

In her Reply sent through email on February 20, 2023, Soloria maintained that David has not been a good provider because the money he gave her was not enough even for groceries. Even David’s child with his wife confided that David would ask for reimbursement whenever the child would ask David for something. Too, David’s aunt only took care of his child because David was an inattentive father. David’s officemates have expressed their concern regarding David’s performance and that David himself confessed to her that he had been called out at work for his mistakes. Though she was not David’s legal wife, she felt slighted when David left her for another woman.¹³

Report and Recommendation of the Judicial Integrity Board - Office of the Executive Director (JIB-OED)

By his Report and Recommendation¹⁴ dated January 24, 2024, Acting Executive Director Eduardo C. Tolentino found David guilty of gross immorality, viz.:

IN VIEW OF THE FOREGOING, it is respectfully submitted for the consideration of the Honorable Board that the instant matter be **RE-DOCKETED** and the following recommendations be made to the Supreme Court:

- 1) Respondent **Alberto R. David**, Utility Worker I, Municipal Circuit Trial Court, Alcala-Bautista, Alcala, Pangasinan, be found **GUILTY** of Gross Immorality; and
- 2) Respondent David be **DISMISSED FROM THE SERVICE**, with forfeiture of all benefits except accrued

⁸ *Id.* at 11.

⁹ *Id.* at 12.

¹⁰ *Id.*

¹¹ *Id.* at 32.

¹² *Id.*

¹³ *Id.*

¹⁴ *Id.* at 30-35.



leave credits, if any, and perpetual disqualification from re-employment in any branch or instrumentality of the government including government-owned or controlled corporations.¹⁵ (Emphasis in the original)

The JIB-OED held that the charge for gross immorality against David was proved by substantial evidence. David did not deny being married and starting an affair with Soloria. Neither did he deny leaving Soloria for another mistress. That they supposedly agreed to part ways once David found another mistress did not justify his acts.¹⁶ For it is morally reprehensible for a married man or woman to maintain intimate relations with another person of the opposite sex other than his or her spouse.¹⁷ Although the acts of David were committed outside the confines of his work as an employee of the judiciary, he should still be held liable because court personnel are enjoined to be free from impropriety even in their private lives.¹⁸

Applying Rule 140 of the Rules of Court, as further amended, the JIB-OED recommended that David be dismissed from the service for gross immorality, a serious offense, considering that he continues to live with his second mistress.¹⁹

Notably, the JIB-OED did not discuss the charge of prejudicial conduct that gravely besmirches or taints the reputation of the service, and vulgar and unbecoming conduct under Section 14(i), Section 14(l), and Section 16(a) respectively, of Rule 140, as amended.

Report of the JIB

In its Report²⁰ dated June 25, 2024, the JIB adopted and approved the JIB-OED's report and recommendation.

Ruling

The Court resolves to **ADOPT** and **APPROVE** the findings of fact, conclusions of law, and recommendations of the JIB in its Report dated June 25, 2024, with modification.

¹⁵ *Id.* at 35.

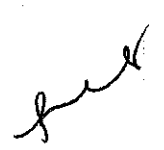
¹⁶ *Id.* at 33.

¹⁷ *Id.*

¹⁸ *Id.*, citing *Regir v. Regir*, 612 Phil. 771, 779 (2009) [Per J. Leonardo-De Castro, First Division].

¹⁹ *Rollo*, pp. 34.

²⁰ *Id.* at 38-44. Penned by Acting Chairperson Justice Angelina Sandoval-Gutierrez (Ret.) and Third Regular Member, Justice Cielito N. Mindaro-Grulla (Ret.).



Foremost, the Court has jurisdiction over administrative matters which invoke its authority to discipline judicial employees.²¹ Disciplinary proceedings against members, officials, employees, and personnel of the Judiciary may be brought by the Court *motu proprio* or through a verified complaint.²² Though this case was initiated by Soloria, the Court simultaneously takes cognizance of this case at its own instance, due to clear evidence of wrongdoing on the part of David. Thus, the Court deems it proper to exercise its power to find the court personnel guilty of the offense charged and impose the appropriate penalty.²³

In administrative proceedings, the quantum of proof necessary for a finding of guilt is substantial evidence or “that amount of relevant evidence that a reasonable mind might accept as adequate to support a conclusion.”²⁴ The burden of substantiating the charges in an administrative proceeding falls on the complainant, who must be able to prove the allegations in the complaint with substantial evidence.²⁵

On the charge of gross immorality

Here, David produced incriminating evidence against himself. In his Comment, he brazenly admitted:

Hindi po totoo na pinapabayaan ko **ang aking anak sa legal na asawa. . .**

Si Michelle Soloria po ay hindi ko legal na asawa. At pag-alis niya sa bahay, napagusapan namin kung paano kung dumating ang panahon na may mahanap na ako. At ang sabi ni Michelle, “magsabi ka lang ng totoo, hahayaan naman kita. Huwag ka magalala, hindi naman kita hahabulin. Basta magsabi ka lang ng mas maaga kung meron na talaga, hahayaan naman kita.” **Ipinaalam ko po sa kanya na ako ay may bago na, kaya hindi ko maintindihan bakit siya ganito magreact.**

Inaamin ko naman po na ako ay may bago nang nobya ngunit labas na si Michelle doon dahil hindi ko naman siya legal na asawa at hindi ko pinapabayaan ang aming anak.²⁶ (Emphasis supplied)

²¹ *Quilo v. Jundarino*, 611 Phil. 646, 664 (2009) [Per J. Chico-Nazario, Third Division].

²² Rule 140, as amended, Section 1(1) and (2).

²³ *See Maceda v. Genabe*, 619 Phil. 652, 665 (2009) [Per J. Carpio, Third Division].

²⁴ *Re: Letter of Rafael Dimaano*, 813 Phil. 510, 517 (2017) [Per J. Mendoza, *En Banc*].

²⁵ *Id.* at 517–518.

²⁶ *Rollo*, p. 11, 13.

These statements are admissions which require no further proof²⁷ and remove the admitted facts from the field of controversy.²⁸ Thus, the existence of an illicit relationship between Soloria and David, and eventually between David and another woman, even though David is legally married, is beyond dispute.

Immoral acts are those which violate the basic norms of decency, morality and decorum abhorred and condemned by society.²⁹ To warrant disciplinary action, an immoral act must be grossly immoral, i.e., "so corrupt and false as to constitute a criminal act or so unprincipled as to be reprehensible to a high degree."³⁰ In a plethora of cases, the Court has ruled that it is morally reprehensible for a married man or woman to maintain an intimate or amorous relationship with another person other than his or her spouse.³¹

The Court, therefore, finds David guilty of the serious charge of gross immorality for having an illicit relationship with at least two persons³² other than his spouse. That his womanizing is largely a personal matter is of no moment. He never sheds his character as an employee of the Judiciary even in his private life. It is well-settled³³ that this Court demands that every employee of the Judiciary must adhere to the exacting standards of honesty, integrity, morality, and decency in their professional and personal conduct:³⁴

Every employee of the judiciary should be an example of integrity, uprightness and honesty. Like any public servant, he [or she] must exhibit the highest sense of honesty and integrity not only in the performance of his [or her] official duties but in his [or her] personal and private dealings with other people, to preserve the court's good name and standing. It cannot be overstressed that the image of a court of justice is mirrored in the conduct, official and otherwise, of the personnel

²⁷ See Rule 129, Section 4 of the Revised Rules on Evidence; see *People v. Franco*, G.R. No. 230551, June 30, 2021 [Notice, First Division], citing *Silot, Jr. v. De La Rosa*, 567 Phil. 505, 512 (2008) [Per J. Quisumbing, Second Division].

²⁸ *Castil v. People*, 925 Phil. 786 (2022) [Per J. Hernando, First Division], citing *Leynes v. People*, 795 Phil. 927, 936 (2016) [Per J. Perez, Third Division].

²⁹ *Galit-Inoy v. Inoy*, 926 Phil. 185, 189 (2022) [Per J. Inting, Third Division].

³⁰ *Id.* at 191, citing *Dela Cueva v. Omega*, 637 Phil. 14, 25 (2010) [Per J. Mendoza, Second Division].

³¹ *Galit-Inoy v. Inoy*, 926 Phil. 185, 189 (2022) [Per J. Inting, Third Division], citing *Villena-Lopez v. Lopez*, 882 Phil. 60, 65 (2020) [Per J. Delos Santos, *En Banc*] and *Banaag v. Espeleta*, 677 Phil. 552, 558 (2011) [Per J. Perlas-Bernabe, *En Banc*].

³² *Rollo*, p. 13.

³³ See for example *Re: Investigation Relative to the Fake Decision in G.R. No. 211483*, 859 Phil. 102 (2019) [Per Curiam, *En Banc*]; *Re: Deceitful Conduct of Ignacio S. Del Rosario, Cash Clerk III, Records and Miscellaneous Matter Section, Checks Disbursement Division, FMO-OCA Ignacio S. Del Rosario*, 833 Phil. 390 (2018) [Per J. Carpio, *En Banc*].

³⁴ *Floria v. Sunga*, 420 Phil. 637, 650 (2001) [Per J. Sandoval-Gutierrez, Third Division].

who worked thereat, from the judge to the lowest of its personnel. **Court personnel have been enjoined to adhere to the exacting standards of morality and decency in their professional and private conduct** in order to preserve the good name and integrity of the courts of justice.³⁵ (Emphasis supplied; citations omitted)

As a utility worker in the Judiciary, the same standards apply to David. We have stressed that the duties of utility workers are equally imbued with public interest since they have access to pleadings and other official documents received and processed by the courts.³⁶

No position demands greater moral righteousness and uprightness from its holder than an office in the Judiciary.³⁷ Verily, in the Judiciary, moral integrity is more than a virtue; it is a necessity.³⁸ Those connected with dispensing justice, from judges to the lowliest clerk,³⁹ must bear this heavy burden of responsibility.⁴⁰

On David's alleged failure to take care of and provide support to his children

Soloria claims that David's persistent womanizing has led to his failure to take care of his children and provide them support.⁴¹ However, nothing in the record shows that David has failed to provide support to Soloria and their daughter. In her Letter-Complaint, Soloria claimed that David never supported them.⁴² However, she belied her own assertion, thus:

Sa anak naman po namin binibigyan lang niya ng gatas at kung hindi [ko] sasabihin na wala n[ang] gatas[,] hindi pa siya magbibigay.⁴³

[A]t sa ibinibigay niyang grocery, sapat na po ba yung 3 lata ng corn[ed] beef[,] 2 kilos ng gatas[,] at [chichirya], na kung minsan, pinapapalitan niya pa ang bayad sa akin[?]⁴⁴

³⁵ *Bucatcat v. Bucatcat*, 380 Phil. 555 (2000) [*Per Curiam, En Banc*].

³⁶ *Pizarro v. Villegas*, 398 Phil. 837, 844 (2000) [Per J. Panganiban, Third Division].

³⁷ *OCA v. Lopez*, 654 Phil. 602, 609 (2011) [*Per Curiam, En Banc*].

³⁸ *Banaag v. Espeleta*, 677 Phil. 552, 553 (2011) [Per J. Perlas-Bernabe, *En Banc*], citing *Lledo v. Lledo*, 360 Phil. 500 (1998) [*Per Curiam, En Banc*].

³⁹ *OCA v. Almanoché*, A.M. No. P-19-3923, January 30, 2024 [Per J. Lopez, *En Banc*].

⁴⁰ *OCA v. Lopez*, 654 Phil. 602, 609 (2011) [*Per Curiam, En Banc*].

⁴¹ *Rollo*, p. 3.

⁴² *Id.* at 2.

⁴³ *Id.*

⁴⁴ *Id.* at 16-17.

It appears, therefore that what Soloria assails is not the absence of, but the amount of financial support given to their child by David. On this score, it is settled that the amount of support shall be in proportion to the resources or means of the giver and to the necessities of the recipient.⁴⁵ The Court is not unmindful of the reality that David is a court employee with Salary Grade 1,⁴⁶ who receives around PHP13,530.00 monthly.⁴⁷ He has himself, his wife, and two children to support. Necessarily, his monthly salary must be apportioned among them all.

Further, Soloria's claim that David has not cared for their daughter, as well as his 17-year-old child with his wife is likewise unsubstantiated. Not one shred of evidence was offered depicting any abuse or neglect on the part of David. Curiously, Soloria admits that her daughter would stay with David every weekend.⁴⁸ If David was indeed neglectful, then it would be contrary to reason for Soloria to allow her daughter to be routinely in the company of her father.

The same is true for David's 17-year-old child. Though Soloria faults David for neglect and abandonment, she also acknowledges that David entrusts said child to the care of relatives.⁴⁹ Notably, said relatives, who are in the best position to observe and comment on the welfare of said child, have not attested to any of the supposed maltreatment Soloria speaks of.

Therefore, the Court finds no basis to hold David administratively liable for failure to take care of his children or provide them support. For it is settled that mere allegations, without more, is not evidence and is not equivalent to proof.⁵⁰

***On David's supposed
tardiness and poor work
performance***

Apart from Soloria's allegations, there is also no proof that David has been habitually tardy as a result of his womanizing. Nevertheless, the Court finds David liable for sleeping during office hours.

⁴⁵ *Cumigad v. AAA*, 917 Phil. 589, 601–602 (2021) [Per J. Leonen, Third Division], *citing* Family Code, Art. 201.

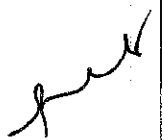
⁴⁶ *Id.* at 1.

⁴⁷ Executive Order No. 64, Section 3, August 2, 2024.

⁴⁸ *Id.* at 2.

⁴⁹ *Id.*

⁵⁰ *Manggagawa sa Komunikasyon ng Pilipinas v. PLDT, Inc.*, G.R. No. 244695, February 14, 2024 [Per J. Zalameda, First Division], *citing* *South Cotabato Communications Corporation v. Hon. Sto. Tomas*, 787 Phil. 494, 511 (2016) [Per J. Velasco, Third Division].



Soloria submitted a screenshot of a conversation between herself and one of David's co-employees whose name was redacted, viz.:

[P]ansin nga namin, buti l[a]ng kung hindi apektado trabaho niya, saan ka n[a]kakita ng utility na natutulog sa oras ng trabaho . . . [P]inagpapasensiyahan l[a]ng namin siya k[asi] ang iniisip namin ay yung mga anak niya.⁵¹

On its own, the foregoing statement is pure hearsay. To satisfy the substantial evidence requirement for administrative cases, the statement should necessarily be supplemented and corroborated by other evidence that are not hearsay.⁵² Here, the corroborating evidence is David's own admission:

Ang katotohanan po ay: yong sinasabi sa screenshot ay nangyar[i] lang po ng isang beses no[o]ng araw na ako ay sobrang puyat. At saglitan lang po iyon. Hindi ko pa nga po matawag na idlip sa sobrang napikit lang ako sa pagod at puyat.⁵³

Sleeping during office constitutes vulgar and unbecoming conduct. The light offense of vulgar and unbecoming conduct, although lacking in technical definition, may be construed to refer to any morally crude or improper behavior or inappropriate conduct that goes against the acceptable norms expected of a court personnel.⁵⁴

The proper penalty

Under Section 17 of Rule 140, as amended, a serious charge such as gross immorality⁵⁵ may be punished as follows:

SECTION 17. *Sanctions.* —

(1) If the respondent is guilty of a serious charge, any of the following sanctions shall be imposed:

- (a) Dismissal from service, forfeiture of all or part of the benefits as the Supreme Court may determine, and disqualification from reinstatement or appointment to any public office, including government-owned or

⁵¹ Rollo, p. 6.

⁵² *Re: Letter of Lucena Ofendo Reyes Alleging Illicit Activities Atty. Cajayon*, 810 Phil. 369, 373–374 (2017) [Per J. Perlas-Bernabe, *En Banc*].

⁵³ Rollo, p. 12.

⁵⁴ *Sandiganbayan Committee on Ethics v. Sordan*, A.M. No. SB-23-002-P, June 14, 2023 [Notice, Second Division].

⁵⁵ Rule 140, as amended, Section 14(i).

controlled corporations. *Provided, however,* that the forfeiture of benefits shall in no case include accrued leave credits;

- (b) Suspension from office without salary and other benefits for more than six (6) months but not exceeding one (1) year; or
- (c) A fine of more than [PHP] 100,000.00 but not exceeding [PHP] 200,000.00.

Notably, Section 19 of Rule 140, as further amended, authorizes the appreciation of modifying circumstances, viz.:

SECTION 19. *Modifying Circumstances.* — In determining the appropriate penalty to be imposed, the Court may, in its discretion, appreciate the following mitigating and aggravating circumstances:

....

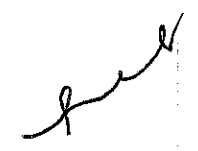
(2) Aggravating Circumstances:

- (a) Finding of previous administrative liability where a penalty is imposed, regardless of nature and/or gravity;
- (b) Length of service facilitated the commission of the offense;
- (c) Employment of fraudulent means to conceal the offense; and
- (d) Other analogous circumstances.

While the Court has the power to exercise its discretion under Section 19 of Rule 140, as further amended, there is no room for mitigation of the penalty when the acts involved are grave and there is lack of remorse on the part of the offender. More, the Court cannot grant leniency to those who are found guilty of serious offenses with deliberate intent to violate the rules.⁵⁶ Lastly, lack of remorse empowers the Court to impose the higher penalty authorized under Rule 140.⁵⁷

⁵⁶ *In re: Incorrect Entries in the Daily Time Record of Ms. Lorna M. Martin*, A.M. No. 15-05-50-MCTC, February 28, 2024 [*Per Curiam*, Third Division], citing *Anonymous Complaint Against Clerk of Court V Atty. Cuenco, et al., of RTC, Branch 72, Malabon City*, 879 Phil. 73, 105 (2020) [*Per Curiam, En Banc*].

⁵⁷ *See Atty. Ygnacio v. Olivar*, A.M. No. P-22-032, January 11, 2023 [Notice, Third Division].



As aptly observed by the JIB, David has no apparent qualms or feelings of guilt or remorse⁵⁸ for what he has done and what he is currently doing. Instead of expressing a desire to change his errant ways, he mindlessly admitted that he has committed his immoral act not once but twice. His lack of remorse is an analogous circumstance that reveals that there is no more justification for him to stay in the judiciary.⁵⁹ His incorrigibility warrants the imposition of the ultimate penalty of dismissal from the service.

In *Bucatcat v. Bucatcat*,⁶⁰ complainant Marta T. Bucatcat alleged that Court Interpreter Edgar Y. Bucatcat (Edgar), her husband, was maintaining an illicit relationship with Clerk of Court Gene S. Jaro (Gene). One of the pieces of evidence presented during the investigation was a letter written by Gene to Edgar, where Gene referred to the latter as "Everdearest Edgar" and ended the same with "I love you." There, the Court dismissed both Edgar and Gene from the service, holding them liable for gross immorality for maintaining an illicit relationship with each other.⁶¹

Similarly, in *Lim-Arce v. Arce*,⁶² complainant Conchita Lim-Arce (Conchita) alleged that Deputy Sheriff Alejandro S. Arce (Alejandro), her husband, and Staff Assistant I Carmen A. Barbasa (Carmen) were maintaining an illicit relationship. Conchita presented various letters and telegrams between and pictures of Alejandro and Carmen as evidence. Records also showed that although Alejandro and Carmen initially "would only rendezvous for a tryst surreptitiously" they progressed into living together openly under one roof. The Court found that Alejandro and Carmen were guilty of gross immorality, but only dismissed Carmen since dismissal could not be imposed on Alejandro who had already retired from the service.⁶³

As well, in *Re: Complaint of Mrs. Rotilla A. Marcos and Her Children Against Judge Ferdinand J. Marcos, RTC, BR. 20, Cebu City*,⁶⁴ the Court dismissed Judge Ferdinand J. Marcos (Judge Marcos) for flaunting his mistress, Maydelane Tacaldo (Tacaldo), during a fun run sponsored by the Philippine Judges Association as well as "candidly and frankly" admitting to Chief Justice Hilario G. Davide, Jr. that Tacaldo was indeed his mistress and that he had been living with her for the past three years.⁶⁵

⁵⁸ *Rollo*, p. 40.

⁵⁹ *Rapsing v. Judge Walse-Lutero and Celestina Rota*, 808 Phil. 389, 406 (2017) [Per J. Leonen, *En Banc*].

⁶⁰ *Bucatcat v. Bucatcat*, 380 Phil. 555 (2000) [Per Curiam, *En Banc*].

⁶¹ *Id.*

⁶² *Lim-Arce v. Arce*, 282 Phil. 26 (1992) [Per Curiam, *En Banc*].

⁶³ *Id.*

⁶⁴ 413 Phil. 65 (2001) [Per Curiam, *En Banc*].

⁶⁵ *Id.* at 91-92.

While the Court is mindful of the ruling in *Galit-Inoy v. Inoy*,⁶⁶ where a penalty of suspension of six months and one day with stern warning was imposed on therein respondent for having an illicit relationship with a person other than his spouse, the same penalty therein cannot be imposed here. In that case, respondent Melvin Inoy (Inoy) was shown to have had an illicit relationship with a certain Mary Ann through photographs depicting them in a “romantic, passionate, and amorous relationship.”⁶⁷ Consider however, that: (a) Inoy was only proven to have engaged in an illicit relationship with one other person and (b) he never explicitly admitted his transgression before the JIB.

This is in stark contrast to the circumstances in this case since in his Comment,⁶⁸ David **nonchalantly admitted** having relations with other women not his wife, **not only once, but twice**. More, David also admitted living together with Soloria under one roof.⁶⁹ Dissatisfied with the foregoing, David went the extra mile and **flaunted** the existence of said relationships before the JIB.

The Court cannot simply turn a blind eye to David’s admission that he has had two mistresses and his misplaced candor which is, in fact, a symptom of his explicit and arrogant dismissiveness of his ethical obligations as an employee of the Judiciary.

His defense that he and Soloria agreed that they would both move in once he finds his next mistress⁷⁰ does not, in any way, aid his cause. Instead, it shows his perverted notion that having mistresses is a suitable way of life, and that he can replace his legal spouse and his mistresses on a whim. It likewise betrays his significant misunderstanding that his obligation to be a morally upright employee of the Judiciary can be subject to or diminished by a private agreement between himself and Soloria. The Court cannot grant its *imprimatur* to David’s thoughtless disregard of his moral obligations as an employee of the Judiciary.

Neither can David’s liability be mitigated, let alone, negated because Soloria, the complainant in this case, is a jilted former mistress. Her characterization as a mistress, as opposed to a legal spouse, is irrelevant. David’s maintenance of two mistresses, as well as his nonchalant admission of such fact, are equally reprehensible regardless of who brought the same to the attention of the Court.

⁶⁶ 926 Phil. 185, 193 (2022) [Per J. Inting, Third Division]

⁶⁷ *Id.* at 188.

⁶⁸ *Id.* at 9, 11–13.

⁶⁹ *Rollo*, p. 13.

⁷⁰ *Id.*



Because the circumstances here are more akin to those in *Bucatcat, Lim-Arce*, and *Re: Judge Ferdinand J. Marcos*, the Court imposes the higher penalty of dismissal from the service imposed in the said cases.

With respect to the light charge of vulgar and unbecoming conduct for sleeping during office hours, Section 17 of Rule 140, as amended, provides:

SECTION 17. *Sanctions.* —

....

(3) If the respondent is guilty of a light charge, any of the following sanctions shall be imposed:


- (a) A fine of not less than P1,000.00 but not exceeding [PHP] 35,000.00;
- (b) Censure; or
- (c) Reprimand.

As such, the Court deems it proper to reprimand David for sleeping during office hours.

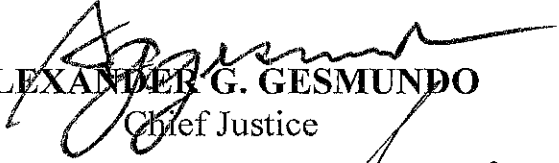
ACCORDINGLY, Alberto R. David is found **GUILTY** of the Serious Charge of Gross Immorality under Section 14(i), Rule 140 of the Rules of Court, as further amended by Administrative Matter No. 21-08-09-SC. He is **DISMISSED FROM THE SERVICE** with forfeiture of all benefits and disqualification from reinstatement or reappointment to any public office, including government-owned or -controlled corporations. The forfeiture shall in no case include accrued leave credits.

David is likewise found **GUILTY** of the Light Charge of Vulgar and Unbecoming Conduct under Section 16(a), Rule 140 of the Rules of Court, as amended by Administrative Matter No. 21-08-09-SC and is thus **REPRIMANDED**.

The charges against David for: (a) failure to take care of and support his children, and (b) habitual tardiness are **DISMISSED** for lack of merit.



SO ORDERED.



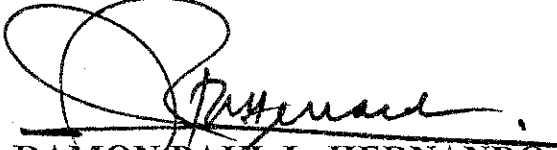
ALEXANDER G. GESMUNDO
Chief Justice




MARVIC M.V.F. LEONEN
Senior Associate Justice



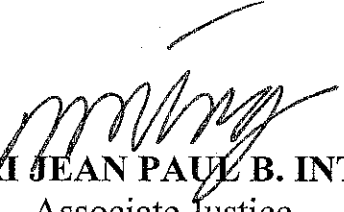
ALFREDO BENJAMIN S. CAGUIOA
Associate Justice



RAMON PAUL L. HERNANDO
Associate Justice



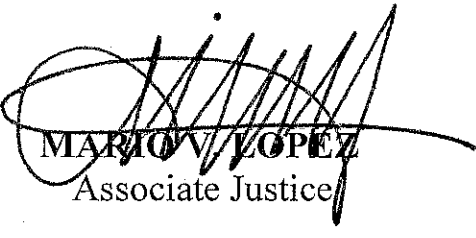
AMY C. LAZARO-JAVIER
Associate Justice




HENRI JEAN PAUL B. INTING
Associate Justice



RODIL V. ZALAMEDA
Associate Justice



MARIO V. LOPEZ
Associate Justice




SAMUEL H. GAERLAN
Associate Justice


(On official business)
RICARDO R. ROSARIO
Associate Justice



JHOSEP Y. LOPEZ
Associate Justice



JAPAR B. DIMAAMPAO
Associate Justice



MIDAS P. MARQUEZ
Associate Justice



ANTONIO T. KHO, JR.
Associate Justice

(On official business)
MARIA FILOMENA D. SINGH
Associate Justice