



**Republic of the Philippines
Supreme Court
Manila**

THIRD DIVISION

MA. LOURDES A. GALIT-INOY,

Complainant,

- versus -

**MELVIN DC. INOY, Court
Stenographer III, Branch 266,
Regional Trial Court, Taguig
City,**

Respondent.

**A.M. No. P-22-051 [Formerly
OCA IPI No. 18-4831-P]**

Present:

**CAGUIOA, J., Chairperson,
INTING,
GAERLAN,
DIMAAMPAO, and
SINGH, JJ.**

Promulgated:

July 20, 2022

~~Miss P. C. A. T.~~

X-----X

RESOLUTION

INTING, J.:

This administrative matter arose from the affidavit-complaint¹ of Ma. Lourdes A. Galit-Inoy (complainant), Court Stenographer III, Branch 163, Regional Trial Court (RTC), Taguig City, charging Melvin DC. Inoy² (respondent), Court Stenographer III, Branch 266, RTC, Taguig City, with immorality.

Antecedents

Complainant alleged that she is the legal wife of respondent as evidenced by their Certificate of Marriage.³ On February 16, 2018, while complainant was browsing their laptop, she saw romantic and intimate

¹ *Rollo*, pp. 2-7.

² Referred to as "Melvin D. Inoy" in some parts of the *rollo* (See *rollo* pp. 2, 8, 17, 28, 33, and 37-39).

³ *Id.* at 3, 8.

photographs⁴ of respondent and his alleged mistress named Mary Ann. Complainant also saw a sex video involving the two. She suspected that some of the photographs were taken at a motel room. She confronted respondent about what she saw and the latter allegedly admitted that it was indeed him in the photographs and video.⁵

On the other hand, respondent in his Comment⁶ denied the charge and asserted that the photographs were taken by complainant from his Google account without his knowledge and consent.⁷ He further asserted that the photographs and screenshots were inadmissible in evidence as these were obtained in violation of his constitutional right to privacy of communication and correspondence.⁸

Further, respondent explained that Mary Ann was one of his business partners and coaches at Unlimited Network of Opportunities, Inc., a networking business which he joined some time in November 2017. Since he was new in the business, respondent alleged that Mary Ann accompanied him to meet prospective clients and gain familiarity with the business. Respondent alleged that Mary Ann was only his mentor and that their relationship was purely professional. He also explained that the photographs attached to the affidavit-complaint only showed his networking business and did not establish any illicit relationship between him and Mary Ann.⁹

Lastly, respondent alleged that complainant only took the screenshots showing two naked persons having sexual intercourse from an adult website. Respondent denied that it was him and Mary Ann appearing in the screenshots.¹⁰

On November 20, 2018, the complainant filed an Affidavit of Desistance¹¹ requesting the dismissal of the case she filed against respondent. Complainant alleged that whatever transpired between her and respondent was due to misunderstanding and misapprehension of

⁴ Id. at 11-16.

⁵ Id. at 5.

⁶ Id. at 29-33.

⁷ Id. at 30.

⁸ Id. at 32-33.

⁹ Id. at 31.

¹⁰ Id.

¹¹ Id. at 37.

facts.¹²

On January 7, 2019, the Office of the Court Administrator (OCA) issued a letter¹³ informing complainant that the Affidavit of Desistance could not be given due course because the latter has no option to withdraw her complaint once the matter has been raised before the OCA and the Court.¹⁴

The case was transmitted from the OCA to the Judicial Integrity Board (JIB) pursuant to the Internal Rules of the JIB.

JIB Report and Recommendation

In its Report and Recommendation¹⁵ dated June 21, 2021, the JIB held that the totality of the evidence presented by complainant established respondent's illicit affair with Mary Ann and was sufficient to hold respondent guilty of Disgraceful and Immoral Conduct.¹⁶ It found that it was morally reprehensible for a married man or woman to maintain intimate relations with a person other than his or her spouse.¹⁷ The JIB recommended that: (1) the present complaint against respondent be re-docketed as a regular administrative matter and (2) respondent be found guilty of Disgraceful and Immoral Conduct and be suspended from the service for six (6) months without pay, with a stern warning that a repetition of the same or similar offense would be dealt with more severely.¹⁸

The Issue

Whether respondent should be held administratively liable for disgraceful and immoral conduct.

¹² Id.

¹³ Id. at 40-41. Signed by Court Administrator Jose Midas P. Marquez (now a Member of the Court).

¹⁴ Id. at 40.

¹⁵ Id. at 42-50. Penned by Justice Angelina Sandoval Gutierrez (Ret.) and concurred in by Justices Romeo J. Callejo, Sr. (Ret.), Sesinando E. Villon (Ret.), Rodolfo A. Ponferrada (Ret.), and Cielito N. Mindaro-Grulla (Ret.).

¹⁶ Id. at 46-47.

¹⁷ Id. at 47.

¹⁸ Id. at 49.

The Court's Ruling

The Court adopts the findings of the JIB with modification in view of the Further Amendments to Rule 140 of the Rules of Court¹⁹ issued on February 22, 2022.

“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.”²⁰ To stress, “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.”²¹

In the case, the Court finds that complainant was able to show, through the photographs she submitted, that respondent has an illicit relationship with Mary Ann. As ruled by the JIB, these photographs of respondent and Mary Ann undeniably displayed their romantic, passionate, and amorous relationship.²²

The Court does not subscribe to respondent's defense that his relationship with Mary Ann was purely professional. In fact, a closer scrutiny of the photographs submitted by complainant contradicted respondent's claims as these photographs showed a very personal and intimate relationship between respondent and Mary Ann.²³

Further, as correctly found by the JIB, respondent did not present any evidence to prove his alleged membership in Unlimited Network of Opportunities, Inc.²⁴ Thus, as a rule, mere denial, if unsubstantiated by clear and convincing evidence, is a self-serving assertion that deserves no weight in law.²⁵

Respondent claims that the Complaint should be dismissed outright for violation of his constitutional right to privacy of

¹⁹ A.M. No. 21-08-09-SC.

²⁰ *Re: Letter of Rafael Dimaano Requesting Investigation of the Alleged Illegal Activities Purportedly Perpetrated by Justice Lantion, CA-CDO*, 813 Phil. 510, 517 (2017).

²¹ *Id.* at 517-518.

²² *Rollo*, p. 45

²³ *Id.* at 46.

²⁴ *Id.*

²⁵ *Navarrete v. People*, 542 Phil. 496, 513 (2007).

communication and correspondence, which made complainant's evidence inadmissible in any proceeding.²⁶

The Court is not persuaded. As the JIB ruled, administrative proceedings do not adhere to the technical rules on evidence as usually observed in judicial proceedings,²⁷ thus:

x x x It is basic that technical rules of procedure and evidence are relaxed in administrative proceedings in order to assist the parties in obtaining just, speedy[,] and inexpensive determination of their respective claims and defenses. By relaxing technical rules, administrative agencies are, therefore, given leeway in coming up with an appropriate decision. x x x.²⁸ (Citations omitted)

All things considered, the JIB is correct in finding respondent guilty of Disgraceful and Immoral Conduct on the ground that it is morally reprehensible for a married man or woman to maintain intimate relations with a person other than his or her spouse.²⁹

Disgraceful and Immoral Conduct has been defined as “*an act which violates the basic norm of decency, morality and decorum abhorred and condemned by the society.*”³⁰ It is such conduct that is willful, flagrant, or shameless, which shows moral indifference to the opinion of the good and respectable members of the community,³¹ and that is indicative of corruption, indecency, depravity, and dissoluteness.³²

Further, the immoral acts may be committed in a scandalous or discreet manner, within or outside the workplace.³³ As in the case, respondent's immoral acts were committed outside the confines of his work as an employee of the Judiciary, but this fact does not exempt him from administrative liability.³⁴

²⁶ *Rollo*, pp. 32-33.

²⁷ *Id.* at 46.

²⁸ *Id.* at 46-47.

²⁹ *Id.* at 47. See *Judge Sealana-Abbu v. Laurenciana-Huraño*, 558 Phil. 24, 32 (2007).

³⁰ Section 1 of the Civil Service Commission Resolution No. 100912, Amending Certain Provisions of the Rules on the Administrative Offense of Disgraceful and Immoral Conduct, issued on May 17, 2010.

³¹ *Id.*

³² *Lamsis v. Sales*, 823 Phil. 131, 137 (2018).

³³ *Re: Cloyd D. Garra*, A.M. No. 2019-14-SC, February 10, 2020.

³⁴ *Rollo*, p. 47.

The JIB in its Report and Recommendation ratiocinated as follows:

x x x It is a settled rule that the conduct of all court personnel must be free from any whiff of impropriety not only with respect to their duties in the Judiciary but also as to their behavior outside the court as private individuals. *In the Judiciary, moral integrity is more than a virtue, it is a necessity. The image of a court of justice is mirrored in the conduct, official and otherwise, of the personnel who work thereat, from the judge to the lowest of its personnel.* Court employees 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 courts of justice. The Court has consistently disciplined and penalized court personnel who have been found wanting of such standards.³⁵ (Citation omitted; italics supplied)

Applying Section 50(B)(3),³⁶ Rule 10 of the 2017 Revised Rules on Administrative Cases in the Civil Service, the JIB held that Disgraceful and Immoral Conduct, which is a grave offense, is punishable by suspension of six (6) months and one (1) day to one (1) year for the first offense, and dismissal from the service for the second offense.³⁷

However, the Court, in A.M. No. 18-01-05-SC,³⁸ amended the Rules of Court and included the personnel of the lower courts—such as herein respondent—within the coverage of Rule 140.³⁹ Under Section

³⁵ Id. at 47-48.

³⁶ Section 50. *Classification of Offenses.* Administrative offenses with corresponding penalties are classified into grave, less grave and light, depending on their gravity or depravity and effects on the government service.

x x x x

B. The following grave offenses shall be punishable by suspension of six (6) months and one (!) day to one (1) year for the first offense and dismissal from the service for the second offense:

x x x x

3. Disgraceful and Immoral Conduct;

x x x x

³⁷ *Rollo*, p. 48.

³⁸ Entitled “Establishment of the Judicial Integrity Board (JIB) and the Corruption Prevention and Investigation Office (CPIO),” issued on October 2, 2018.

In a Resolution dated July 7, 2020, the Court further amended Rule 140 and clarified that the rule shall cover discipline of personnel of the Judiciary. See also *Hon. Brasales v. Borja*, A.M. No. P-21-024, June 16, 2021.

³⁹ Rule 140 - Discipline of Members, Officials, Employees, and Personnel of the Judiciary. See A.M. No. 21-08-09-SC dated February 22, 2022. See also *Discreet Investigation Report Relative to the Anonymous Complaint Against Presiding Judge Renante N. Bacolod*, A.M. No. MTJ-18-

14(i) of the same rule, as further amended by A.M No. 21-08-09-SC, Gross Immorality is classified as a serious charge.

For an immoral conduct to warrant disciplinary action, it 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.”⁴⁰ The Court, in *Dela Cueva v. Omega*,⁴¹ defined immorality to include not only sexual matters but also “*conduct inconsistent with rectitude, or indicative of corruption, indecency, depravity, and dissoluteness; or is willful, flagrant or shameless conduct showing moral indifference to opinions of respectable members of the community, and an inconsiderate attitude toward good order and public welfare.*”⁴²

From the foregoing, the Court finds respondent guilty of the serious charge of Gross Immorality in having an illicit relationship with a person other than his spouse.

Anent the proper penalty to be imposed, paragraph 1 of Section 17, Rule 140, as further amended by A.M. No. 21-08-09-SC, provides:

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 -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 year; or

(c) A fine of more than ₱100,000.00 but not exceeding ₱200,000.00.

x x x x

To emphasize, the Court has ruled in a plethora of cases that it is

1914, September 15, 2020; *Anonymous Complaint v. Judge Dagala*, 814 Phil. 103, 118-120 (2017).

⁴⁰ *Dela Cueva v. Omega*, 637 Phil. 14, 25 (2010).

⁴¹ 637 Phil. 14 (2010).

⁴² *Id.* at 23, citing *Regir v. Regir*, 612 Phil. 771, 779 (2009).

morally reprehensible for a married man or woman to maintain an intimate or amorous relationship with another person other than his or her spouse.⁴³ *“The actions of [respondent] do not only violate the moral standards expected of employees of the judiciary, but also desecrate the sanctity of the institution of marriage which this Court abhors and punishes.”*⁴⁴

All told, the Court finds it proper to suspend respondent from office without salary and other benefits for a period of six (6) months and one (1) day for the serious charge of Gross Immorality.

WHEREFORE, the instant administrative complaint against Melvin DC. Inoy, Court Stenographer III, Branch 266, Regional Trial Court, Taguig City is **RE-DOCKETED** as a regular administrative matter.

Accordingly, Melvin DC. Inoy is found **GUILTY** of the serious charge of Gross Immorality and is **SUSPENDED** for six (6) months and one (1) day with **STERN WARNING** that a commission of the same or similar acts shall be dealt with more severely.

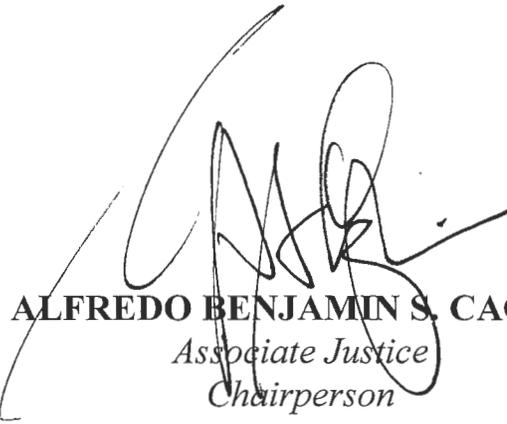
SO ORDERED.


HENRI JEAN PAUL B. INTING
Associate Justice

⁴³ See *Villena-Lopez v. Lopez*, A.M. No. P-15-3411, September 8, 2020; See also *Banaag v. Espeleta*, 677 Phil. 552, 558 (2011).

⁴⁴ *Id.*

WE CONCUR:



ALFREDO BENJAMIN S. CAGUIOA
Associate Justice
Chairperson



SAMUEL H. GAERLAN
Associate Justice



JAPAR B. DIMAAMPAO
Associate Justice



MARIA FILOMENA D. SINGH
Associate Justice

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