



Republic of the Philippines
Supreme Court
Manila

THIRD DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, Third Division, issued a Resolution dated **October 5, 2022**, which reads as follows:*

“**JIB FPI No. 21-052-P (Anonymous vs. Emily J. Castos)**.— Via an anonymous Complaint¹ dated 30 May 2018, Emily J. Castos (respondent), Court Interpreter II of the Municipal Trial Court in Cities (MTCC), Canlaon City, Negros Oriental, stands accused of immorality for purportedly engaging in an illicit relationship with a married man named “Lemuel” and for being “a mother of two kids born out of wedlock with two different men.”²

The Office of the Court Administrator (OCA) referred the Complaint to Executive Judge Rosario Santos Carriaga of the Regional Trial Court (RTC), Branch 75, Bais, Negros Oriental for discreet investigation.³ Thereafter, in her Report⁴ dated 21 February 2020, Judge Carriaga narrated that from 2011 to 2012, two court personnel witnessed respondent and a married man named “Roel” behaving “like a married couple.” The investigation further revealed that respondent and Roel’s relationship ended when she got together with Lemuel.⁵

On the contrary, respondent vehemently denied the accusation against her, which she averred to be merely fabricated and intended to malign her dignity and reputation on account of her recent promotion.⁶ To show that she was generally known to be a good and respectable member of her community and debunk the theory that her children were products of illicit relationships with married men, she submitted their birth certificates, as well as Certifications⁷ of Good Moral Character issued by the mayor and *Punong Barangay* of Canlaon City.⁸

¹ *Rollo*, p. 6.

² *Id.*

³ *Id.* at 8.

⁴ *Id.* at 9-10.

⁵ *Id.* at 10.

⁶ *Id.* at 21-23.

⁷ *Id.* at 57-58.

⁸ *Id.* at 22-23.

Subsequently, the case was referred to the General Counsel of the Judicial Integrity Board (JIB). After a thorough consideration of the differing averments of the parties, the General Counsel recommended the dismissal of the Complaint, elucidating that apart from the bare asseverations contained therein, no morsel of proof was adduced to show that respondent willfully engaged in illicit relationships with married men. He further opined that absent any detailed description of specific, indecent acts, the imputation of “behaving like a married couple” as narrated in Judge Carriaga’s Report was insufficient to sustain the charge of immorality.⁹ Ensuingly, on 25 May 2022, the JIB issued a Report¹⁰ adopting the findings of the General Counsel.

Plainly, the focal issue for this Court’s resolution is whether respondent is guilty of immorality to warrant the imposition of administrative sanctions.

The Court emphatically answers in the negative.

Immorality has been defined to include “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.”¹¹ Undoubtedly, engaging in an illicit relationship with a married man is not only a violation of the moral standards expected of employees of the judiciary, but is also a desecration of the sanctity of the institution of marriage which this Court abhors and punishes.¹²

Notwithstanding the imputation of immorality against respondent in the case at bench, it bears stressing that in administrative proceedings, the burden of proving the charge with substantial evidence falls on the complainant. Verily, reliance on mere allegations, conjectures, and suppositions will leave an administrative complaint with no leg to stand on.¹³

Here, nary an iota of evidence was adduced to prove respondent’s illicit affair with a married man. Both the Complaint and Judge Carriaga’s Report were unsupported by affidavits or other documents which could have validated the charge of immorality against respondent. Strikingly, there was neither a mention of Lemuel or Roel’s surnames nor accompanying proofs of their identification. Moreover, the avouchments in both the Complaint and the Report were couched in general terms without any specific details or acts to establish that respondent behaved in a scandalous and disgraceful manner.

⁹ Id. at 61-63.

¹⁰ Id. at 64-71. Penned by JIB Vice-Chairperson, Justice Angelina Sandoval-Gutierrez (ret.), with the concurrence of Chairperson Romeo J. Callejo, Sr. (ret.), First Regular Member Justice Sesinando E. Villon (ret.) and Second Regular Member Justice Rodolfo A. Ponferada (ret.).

¹¹ See *Villena-Lopez vs. Lopez*, A.M. No. P-15-3411, 8 September 2020.

¹² Id.

¹³ See *Re: Letter of Rafael Dimaano Requesting Investigation of the Alleged Illegal Activities Purportedly Perpetrated by Justice Lantion*, CA-CDO, 813 Phil. 510, 517-518 (2017).

Above all, a perusal of Judge Carriaga's Report divulges that the court personnel's knowledge was based on hearsay, thusly—

“Upon my request to be discreet and to keep things confidential, he called up Jocelle (since he already stopped taking that early morning van ride) what had happened to Emilie. Jocelle told Jomar that Roel, the van driver, came to understand that Emilie was with another man so he split up with Emilie. Emilie is now living in Canlaon City with her two (2) children. She said that Emilie is now with this Lemuel, who is married, and both of them were called by the Barangay Captain there because somebody complained about them.

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I decided against personally checking this out with Jocelle; since the investigation might no longer become discreet and word might get back to Emilie and this Lemuel.”¹⁴

Certainly, for a court employee to be disciplined for an administrative offense, the evidence against her must be sufficient, competent, and derived from direct knowledge.¹⁵ Otherwise, the accusation against her holds no water. Verily, in *Anonymous Complaint Against Judge Edmundo P. Pintac and Ms. Lorelei T. Sumague*,¹⁶ the Court dismissed the complaint for gross immorality against a judge who supposedly had an illicit relationship with his court stenographer for being based on mere rumors.

Anent the issue of respondent's children being sired by two different fathers, this Court has consistently held that mere private sexual relations between two unmarried and consenting adults, even if the relations result in pregnancy or miscarriage out of wedlock, are not enough to warrant liability for illicit behavior. The voluntary intimacy between two unmarried adults, where both are not under any impediment to marry, is neither criminal nor so unprincipled as to warrant disciplinary action.¹⁷

In *précis*, the Court echoes with approbation the findings and recommendation of the JIB and the General Counsel that respondent be absolved from the charge of immorality, the same not being duly supported by the evidence on record.

WHEREFORE, the Report dated 25 May 2022 of the Judicial Integrity Board is hereby **APPROVED** and **ADOPTED**. Accordingly, the Complaint against Emily J. Castos, Court Interpreter II, Municipal Trial Court in Cities, Canlaon City, Negros Oriental, is **DISMISSED** for lack of merit.

¹⁴ Rollo, p. 16.

¹⁵ See *Ever Emporium, Inc. vs. Judge Maceda*, 483 Phil. 323, 338-339 (2004).

¹⁶ A.M. No. RTJ-20-2597, 22 September 2020.

¹⁷ See *Inocente vs. St. Vincent Foundation for Children and Aging, Inc./Veronica Merginto*, 788 Phil. 80(2016).

SO ORDERED.” (Inting, J., on official business; Singh, J., on leave)

By authority of the Court:

Misael DC Batt
MISAEAL DOMINGO C. BATTUNG III
Division Clerk of Court

Qw
01/17/22

[Anonymous]
Complainant
[Present address unknown]

Ms. Emily J. Castos
Court Interpreter II
MUNICIPAL TRIAL COURT IN CITIES
6223 Canlaon City, Negros Oriental

The Presiding Judge
REGIONAL TRIAL COURT
Branch 64, Guihulngan City,
Negros Oriental

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Hon. Jenny Lind R. Aldecoa-Delorino
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