

FIRST DIVISION

[G.R. No. 183678, March 15, 2010]

RENE VENTENILLA PUSE, PETITIONER, VS. LIGAYA DELOS SANTOS-PUSE, RESPONDENT.

D E C I S I O N

VILLARAMA, JR., J.:

Before this Court is a Petition for Review on Certiorari with Prayer for Injunction and Temporary Restraining Order filed by petitioner Rene V. Puse assailing the Decision [1] dated 28 March 2008 of the Court of Appeals in CA-G.R. SP No. 100421.

Petitioner is a registered Professional Teacher stationed at S. Aguirre Elementary School, East District, Jose Panganiban, Camarines Norte, while respondent is a Barangay Rural Health Midwife assigned at the Municipal Health Office of Jose Panganiban, Camarines Norte.

It appears that on 10 January 1992, petitioner married respondent Ligaya Delos Santos-Puse at the Municipal Trial Court (MTC) of Daet, Camarines Norte before the Hon. Judge Oscar T. Osorio. [2] He had two (2) children with her, and had a church wedding before respondent found out that petitioner was already married. Respondent discovered that petitioner had already gotten married to Cristina Pablo Puse at the Municipal Trial Court in Cities of Laoag City, Ilocos Norte on 27 December 1986. Respondent likewise learned that he has two (2) children with his first wife. [3]

Thus, on 2 August 2005, respondent filed a letter-complaint with the Director of the Professional Regulation Commission (PRC), National Capital Region, Manila, through the Director, PRC, Lucena City, seeking assistance regarding her husband against whom she had filed a criminal case for "Bigamy" and "Abandonment." She alleged that her husband has not been giving her and their children support. [4]

In a letter dated 16 August 2005, petitioner was directed by the PRC of Lucena City to answer the complaint for immorality and dishonorable conduct filed by respondent. [5] Per directive, petitioner submitted his Compliance [6] dated 31 August 2005 denying the charges against him. He adopted his counter-affidavit and the affidavits of his witnesses, Jocelyn Puse Decena and Dominador I. Blanco, which were submitted in Criminal Case Nos. 7228 and 7229 before the MTC of Jose Panganiban, Camarines Norte. He argued that if respondent's allegations were true, she herself would be equally guilty of immorality and dishonorable conduct, as she was fully aware that petitioner was already married when she married him. He added he has not abandoned respondent or their children and continually gives support for their children.

In her Reply to Answer/Compliance [7] dated 6 September 2005, respondent said she married petitioner in good faith, unaware that he was already married to Cristina N. Pablo. When she learned of petitioner's deception regarding his marital status, she filed a case for Bigamy before the MTC of Jose Panganiban, Camarines Norte, which found probable cause to hold petitioner for trial. She found petitioner's explanation "*Na ako ay wala ng balita o komunikasyon sa aking unang asawa at ang paniwala ko ay siya ay patay na at ang aking kasal ay nawala ng saysay*" to be lame and insufficient to justify his contracting a subsequent bigamous marriage. She claimed that petitioner should have instituted in court a summary proceeding for the declaration of presumptive death of his first wife before contracting a subsequent marriage. In the absence of such declaration, her marriage to petitioner is bigamous and void *ab initio*. She added that the affidavits of his sister and close friend should not be given weight.

In his Rejoinder [8] dated 11 October 2005, petitioner reiterated the arguments in his Answer and prayed for the dismissal of the complaint on the ground that it was not verified and for failure of the respondent to attach a valid certification against forum-shopping.

After due consideration of the complaint, affidavits, supporting documents and pleadings filed, the Board of Professional Teachers, PRC, Lucena City, found a *prima facie* case for Immorality and Dishonorable Conduct against petitioner, and directed respondent to pay docket and legal research fees. [9] The case was docketed as Adm. Case No. LCN-0016.

On 16 February 2007, the Board of Professional Teachers (Board), PRC, Manila, found petitioner administratively liable of the charges and revoked his license as a Professional Teacher. The dispositive portion of the Resolution reads:

IN VIEW OF ALL THE FOREGOING, the Board finds Rene Ventenilla Puse guilty as charged and accordingly revokes his license as a Professional Teacher. He is ordered to surrender his Certificate of Registration and his Professional Identification Card to the Professional Regulation Commission within ten (10) days from the time this decision becomes final and executory and to desist from the practice of the teaching profession under the pain of criminal prosecution.

SO ORDERED. [10]

The Board ruled that contrary to petitioner's contentions, it had jurisdiction over petitioner and could validly order the revocation of his license, as petitioner was a professional teacher. Under Section 23 of Republic Act No. 7836, otherwise known as the Philippine Teachers Professionalization Act of 1994, the Board has the power and authority to regulate the practice of teaching in the Philippines. The charge of Immorality and/or Dishonorable Conduct is also one (1) of the grounds for the revocation or suspension of a license of a professional teacher. For entering into a second marriage without first seeking a judicial declaration of the presumptive death of his first wife and thereafter cohabiting with his second wife and having children with her, petitioner is liable for Immorality and Dishonorable Conduct. The Board added that whether respondent had knowledge of the first marriage or not is

irrelevant and further found petitioner's claim that his cohabitation with respondent was under duress, force or intimidation untenable. Citing Section 3, [11] Article III and Section 3, [12] Article XI of the Code of Ethics of Professional Teachers, and the Oath of Professionals, [13] the Board also explained that petitioner's official life cannot be detached from his personal life, contrary to his contention that the acts complained of were purely private. His immorality and dishonorable conduct demonstrate his unfitness to continue practicing his profession as he is no longer the embodiment of a role model for young elementary school pupils, the Board ruled.

Petitioner moved for reconsideration of the decision but his motion was denied by the Board per Resolution dated 9 July 2007. [14]

Aggrieved, petitioner filed a petition for review, docketed as CA-G.R. SP No. 100421, before the Court of Appeals assailing the Resolutions dated 16 February 2007 and 9 July 2007 of the Board.

On 28 March 2008, the Court of Appeals dismissed petitioner's appeal. [15] The appellate court held that the applicable law was Rep. Act No. 4670 or the Magna Carta for Public School Teachers because petitioner was occupying the position of Teacher I at the S. Aguirre Elementary School. Under Rep. Act No. 4670, the one (1) tasked to investigate the complaint was the Board of Professional Teachers. Thus, it was the Board of Professional Teachers that had jurisdiction over the administrative case and not the Civil Service Commission (CSC) or the Department of Education (DepEd) as contended by petitioner. As to the finding of immorality and/or dishonorable conduct, the Court of Appeals agreed with the Board in finding as untenable petitioner's excuse that he believed his first wife to be dead and that his first marriage was no longer subsisting. It said that petitioner should have applied for a judicial order declaring his first wife presumptively dead before marrying respondent. It further found without merit petitioner's defense that the complaint is of a private nature, explaining that his actions relate to the very nature of his career: to teach, mold and guide the youth to moral righteousness.

As to petitioner's defense of *pari delicto*, the appellate court upheld the Board's finding that respondent was in good faith when she married petitioner. The Board also afforded petitioner due process.

On 30 June 2008, the Court of Appeals denied petitioner's motion for reconsideration for lack of merit. [16] Hence, the present recourse.

Petitioner argues that:

- I. THE HONORABLE COURT OF APPEALS GRAVELY ERRED IN VALIDATING THE RESOLUTIONS OF THE BOARD FOR PROFESSIONAL TEACHERS OF PRC-MANILA DESPITE THE LACK OF SUBSTANTIAL EVIDENCE SUPPORTING THE SAME AND ITS PATENT NULLITY FOR HAVING BEEN ISSUED OUTSIDE OF ITS JURISDICTION AND IN VIOLATION OF THE RIGHT OF YOUR PETITIONER TO DUE PROCESS;

- II. THE HONORABLE BOARD FOR PROFESSIONAL TEACHERS OF THE PROFESSIONAL REGULATION COMMISSION (PRC)-MANILA AND LUCENA CITY, GRAVELY ERRED AND COMMITTED GRAVE ABUSE OF DISCRETION, WHEN IT ASSUMED PRIMARY JURISDICTION OVER THE UNVERIFIED COMPLAINT OF THE RESPONDENT IN CONTRAVENTION WITH EXISTING RULES AND SETTLED JURISPRUDENCE ON THE MATTER;
- III. THE HONORABLE BOARD FOR PROFESSIONAL TEACHERS OF THE PRC-MANILA GRAVELY ERRED IN FINDING THE PETITIONER GUILTY OF IMMORALITY AND DISHONORABLE CONDUCT AND SUBSEQUENTLY REVOKING HIS TEACHER'S LICENSE AS A PENALTY NOTWITHSTANDING THE LACK OF SUBSTANTIAL EVIDENCE SUSTAINING THE COMPLAINT, WHICH IN EFFECT VIOLATED THE RIGHT OF YOUR PETITIONER TO DUE PROCESS OF LAW. [17]

From the foregoing, the issues may be summed up as follows: (1) Did the Board of Professional Teachers have jurisdiction to hear and decide the complaint filed by respondent against petitioner? (2) Was petitioner denied administrative due process? (3) Was there substantial evidence to sustain the complaint and to hold petitioner liable?

On the first issue, petitioner argues that the proper forum to hear and decide the complaint was either the CSC pursuant to CSC Resolution No. 991936 (Uniform Rules on Administrative Cases in the Civil Service) or the DepEd pursuant to Rep. Act No. 4670 (Magna Carta for Public School Teachers). Since the charge was for violation of the Code of Conduct and Ethical Standards for Public Officials and Employees, the complaint should have been brought before the CSC.

We do not agree. An administrative case against a public school teacher may be filed before the Board of Professional Teachers-PRC, the DepEd or the CSC, which have concurrent jurisdiction over administrative cases such as for immoral, unprofessional or dishonorable conduct.

Concurrent jurisdiction is that which is possessed over the same parties or subject matter at the same time by two or more separate tribunals. [18] When the law bestows upon a government body the jurisdiction to hear and decide cases involving specific matters, it is to be presumed that such jurisdiction is exclusive unless it be proved that another body is likewise vested with the same jurisdiction, in which case, both bodies have concurrent jurisdiction over the matter. [19] The authority to hear and decide administrative cases by the Board of Professional Teachers-PRC, DepEd and the CSC comes from Rep. Act No. 7836, Rep. Act No. 4670 and Presidential Decree (P.D.) No. 807, respectively.

Under Section 23 of Rep. Act No. 7836, the Board is given the power, after due notice and hearing, to suspend or revoke the certificate of registration of a professional teacher for causes enumerated therein. Among the causes is immoral, unprofessional or dishonorable conduct. Section 23 reads:

SEC. 23. *Revocation of the Certificate of Registration, Suspension from the Practice of the Teaching Profession, and Cancellation of Temporary or Special Permit.* - The **Board** shall have the power, after due notice and hearing, to **suspend or revoke the certificate of registration of any registrant**, to reprimand or to cancel the temporary/special permit of a holder thereof who is exempt from registration, for any of the following causes:

(a) Conviction for any criminal offense by a court of competent jurisdiction;

(b) **Immoral, unprofessional or dishonorable conduct;**

(c) Declaration by a court of competent jurisdiction for being mentally unsound or insane;

(d) Malpractice, gross incompetence, gross negligence or serious ignorance of the practice of the teaching profession;

(e) The use of or perpetration of any fraud or deceit in obtaining a certificate of registration, professional license or special/temporary permit;

(f) Chronic inebriety or habitual use of drugs;

(g) Violation of any of the provisions of this Act, the rules and regulations and other policies of the Board and the Commission, and the code of ethical and professional standards for professional teachers; and

(h) Unjustified or willful failure to attend seminars, workshops, conferences and the like or the continuing education program prescribed by the Board and the Commission. x x x [20]

Thus, if a complaint is filed under Rep. Act No. 7836, the jurisdiction to hear the same falls with the Board of Professional Teachers-PRC.

However, if the complaint against a public school teacher is filed with the DepEd, then under Section 9 of Rep. Act No. 4670 or the Magna Carta for Public School Teachers, the jurisdiction over administrative cases of public school teachers is lodged with the investigating committee created pursuant to said section, now being implemented by Section 2, Chapter VII of DECS Order No. 33, S. 1999, also known as the DECS Rules of Procedure. Section 9 of the Magna Carta provides:

SEC. 9. *Administrative Charges.* - Administrative charges against a teacher shall be heard initially by a committee composed of the corresponding School Superintendent of the Division or a duly authorized representative who should at least have the rank of a division supervisor, where the teacher belongs, as chairman, a representative of the local or, in its absence, any existing provincial or national teachers' organization and a supervisor of the Division, the last two to be designated by the