

FIRST DIVISION

[A.M. NO. P-05-2091, August 28, 2007]

**JUDGE FLORENCIA D. SEALANA-ABBU, PRESIDING JUDGE,
REGIONAL TRIAL COURT OF CAGAYAN DE ORO CITY, BRANCH
17, COMPLAINANT, VS. DOREZA LAURENCIANA-HURAÑO AND
PAULEEN SUBIDO, COURT STENOGRAPHERS, REGIONAL TRIAL
COURT OF CAGAYAN DE ORO CITY, BRANCH 17, RESPONDENTS.**

R E S O L U T I O N

CORONA, J.:

This administrative case calls to task respondents Doreza Laurenciana-Huraño and Pauleen A. Subido, court stenographers in the Regional Trial Court (RTC) of Cagayan de Oro City, Branch 17, for immorality.

Complainant Judge Florencia D. Sealana-Abbu, presiding judge of the RTC Cagayan de Oro City, Branch 17, instituted this case against respondents who are court stenographers in her sala.^[1] She stated that respondent Huraño is married to PO3 Leo Huraño while respondent Subido is a bachelor. They often ate lunch or had snacks together. They also frequently worked overtime together. Complainant noticed these things but saw no malice in them even when respondents' unusual closeness became the subject of nasty rumors among court employees.

Sometime thereafter, PO3 Huraño went to see complainant for advice regarding respondent Huraño's plan to separate from him. Complainant, being one of the sponsors at the wedding of the spouses Huraño, talked to the spouses and counseled them to save their 2-year marriage. Nonetheless, respondent Huraño proceeded with her plan and left her husband. She rented a house where she trysted with her co-respondent. Complainant warned respondents about their scandalous conduct.^[2]

Meanwhile, PO3 Huraño placed respondents under surveillance.^[3] At around 12:30 in the morning of October 23, 2004, he caught them *in flagrante*. He filed a criminal complaint for adultery against them. The criminal case^[4] is now pending in Branch 3 of the Municipal Trial Court in Cities of Cagayan de Oro City.^[5]

In his answer,^[6] respondent Subido denied the charge against him. He claimed that he and his co-respondent were in the company of other employees whenever they had their lunch or snacks or rendered overtime work. As stenographers in the same court, they often talked about their work. They had no amorous relationship, claiming that he even advised respondent Huraño to preserve her marriage. He admitted that he slept at respondent Huraño's apartment in the evening of October 22, 2004 but only because it was too late for him to go home as they had arrived there at around midnight. He also decided that it was better for him to spend the

night there since he undertook to prepare spaghetti and salad for respondent Huraño's 25th birthday the following day. He, however, slept alone in a separate room.^[7]

For her part, respondent Huraño made a similar denial.^[8] She claimed that she never had an illicit relationship with her co-respondent. She had lunch or rendered overtime work with other court employees and friends. She further alleged that she was only coerced to marry her husband.^[9] He often cussed her, "*Yawa ka, Ai! Peste ka, Ai! Kolera kang dako!*"^[10] and "*Pangit ka! Bogok kaayo ka, Ai! Yawa ka, Ai! Peste ka, kolera ka!*"^[11] He was irresponsible, abusive and insensitive. In fits of anger, he destroyed things which were of great sentimental value to her.^[12] At one point, he even threatened to kill her.^[13] He battered her emotionally, psychologically and verbally but she remained faithful to him. She left him when she could no longer put up with the situation. She moved to a rented apartment with her one-year-old son and Chona Laurenciana Villaroso,^[14] her helper.^[15] Her co-respondent was just a friend and co-worker. While the latter spent the night in her apartment on October 22, 2004, neither did she sleep with him nor did her husband catch them *in flagrante*.^[16]

In a resolution dated November 16, 2005, the Court referred the administrative complaint against respondents to Judge Edgardo T. Lloren, executive judge of the RTC of Cagayan de Oro City, for investigation, report and recommendation.^[17] In compliance therewith, Judge Lloren conducted a hearing on January 30, 2006. Subsequently, he submitted his report and recommendation.^[18]

He observed that complainant had no ill-motive in filing this administrative case. He added that respondents' denial could not prevail over the positive declaration and affirmative testimony of complainant and respondent Huraño's husband. He recommended that both respondents be found guilty for grossly immoral conduct and suspended for one year.^[19]

The report of Judge Lloren was referred to the Office of the Court Administrator (OCA) for evaluation, report and recommendation.^[20] In its memorandum-report,^[21] the OCA found substantial evidence that respondents had an amorous relationship. Complainant's charge was corroborated not only by the complaint-affidavit of PO3 Huraño but also by the sworn affidavit^[22] of Chona Laurenciana Villaroso who was in the employ of respondent Huraño. Villaroso, respondent Huraño's helper and first cousin, confirmed the illicit affair between respondents:

xxx xxx xxx

P Kinsay [k]auban nimo sa maong apartment? (*Who was with you at the said apartment?*)

T Si MRS. DOREZA L. HURAÑO, iyang anak nga si Michael Ruzzel nga nagpanuigon ug usa (1) ka tuig ug usa (1) ka bulan, si PAULEEN A. SUBIDO nga kauban ra sa opicina ni MRS. DOREZA L. HURAÑO. (*MRS. DOREZA HURAÑO, her child, Michael Ruzzel, who is about 1 year and 1 month old, and PAULEEN A. SUBIDO who is an officemate of MRS. DOREZA L. HURAÑO.*)

P Mahimo ba nimong ikasulti kung ngano nga tua didto si PAULEEN A. SUBIDO nga imong guiingon? (*Can you tell why PAULEEN A. SUBIDO, whom you referred to, was there?*)

T Kay sigi naman siyang anha sa apartment ug matulog dulog ni MRS. DOREZA L. HURAÑO bisan pa gani didto pa kami namuyo sa Door #6, Maunting [A]partment, Kauswagan, Cagayan de Oro city sa bulan sa August ning tuig 2004. (***Because he always go to the apartment and sleep beside MRS. DOREZA L. HURAÑO even when we were still staying at Door #6 of Maunting Apartment in Kauswagan, Cagayan de Oro City in August 2004.***)

P Buot ba nimong ipasabot nga dunay relasyon isip nagminahalay silang duha ni MRS. DOREZA L. HURAÑO ug PAULEEN A. SUBIDO? (***Do you mean to say there is a relationship, as lovers, between MRS. DOREZA L. HURAÑO and PAULEEN A. SUBIDO?***)

T Oo. (Yes.)

P Wala ka ba diay guihimo sa maong sitwasyon nga asawa pa gyod sa pulis kining imong ig-agaw nga si DOREZA L. HURAÑO? (*Did you not do anything about the situation when in fact your cousin DOREZA L. HURAÑO is married to a policeman?*)

T Nahadlok ako sa unang higayon samtang didto pa kami nagpuyo sa girentahan nga balay/apartment sa Kausawagan, Cagayan de Oro City ni MRS. DOREZA L. HURAÑO samtang akong nakita si PAULEEN SUBIDO nga gipaila kanako ni DOREZA L. HURAÑO nga iyang kauban sa opisina nga natulog silang duha uban sa kwarto morag magtiayon ug mao gihapon ang nahitabo didto sa namalhin na kami sa 4th/7th Sts., Nazareth, Cagayan (de) Oro. (*At first, I was afraid; we were then still staying at the rented apartment in Kauswagan, Cagayan de Oro City, when I saw PAULEEN SUBIDO, whom DOREZA L HURAÑO. introduced to me as her officemate, and both of them slept together in the room like couples do. The same thing happened when we transferred to 4th/7th Sts., Nazareth, Cagayan de Oro City.*)^[23]

xxx xxx xxx

P Mahimo ba nimong ikasulti kung aduna bay nahitabo nga dili kasagaran niadtong petsa 23 ning maong bulan sa October 2004 sa may ala 1:30 ang takna kapin kung kulang sa kadlawon? (*Can you tell what you witnessed in the early morning of October 23, 2004 at around 1:30 a.m.?*)

T Oo. (Yes.)

P Palihug isulti? (*Can you tell it then?*)

T Sa maong higayon miabot si [PO3] LEO P. HURAÑO sa among gipuy-an ug akong giignan nga tua ang iyang asawa sa iyang kuwato uban ni PAULEEN SUBIDO nga tulog ug didto nasapon niya ([PO3] LEO P. HURAÑO) ang duha (MRS. DOREZA L. HURAÑO ug PAULEEN SUBIDO) sa sulod sa maong kuwato sa second floor. (*At that time, [PO3] LEO P. HURAÑO arrived at our place and I told him that his wife is sleeping in her room with PAULEEN SUBIDO and he ([PO3] LEO P.*