

## EN BANC

[ A.M. No. SCC-00-5, November 29, 2000 ]

**SALAMA S. ANSA, COMPLAINANT, VS. JUDGE SALIH MUSA,  
SHARI'A CIRCUIT COURT, BULUAN, MAGUINDANAO,  
RESPONDENT.**

### RESOLUTION

#### PER CURIAM:

In a verified complaint dated December 27, 1996, complainant Salama S. Ansa charged respondent Judge Salih Musa of the Shari'a Circuit Court, Buluan, Maguindanao, with Gross Immorality.

Complainant is a court stenographer assigned at the Sharia's Court, Midsayap, Cotabato. In her affidavit-complaint she alleged that prior to her present assignment, she was assigned at the Sharia's Court of Isulan, Sultan Kudarat. She was under the supervision of respondent who was then the Clerk of Court and at the same time an ULAMA. Sometime in June 1994, respondent made amorous advances towards her. Finding the behavior of respondent disgraceful and immoral since he was a married man, she took courage in telling him, "*Hindi kita maaring patulan, sir, nirerespeto kita, hindi lamang na dahil "Boss" kita kundi sa iyong pagkaulama, mahiya ka naman sa akin at lalo na sa mga tao.*"<sup>[1]</sup> Respondent ignored her and persisted in his amorous advances. He told her that he knew the law, and there were no legal impediments to their marrying so she should not worry that the affair was immoral. As time went by, she succumbed and gradually gave in to respondent's insistence culminating in their trysts in hotels, lodges, and theaters. Their affair continued until respondent was appointed as Shari'a judge. Since respondent did not try to right things by marrying her and making her one of his wives, she decided to end the relationship, but she was appeased by respondent. Their affair continued but she realized he had no intention of rectifying the situation he had put her in. She realized she was just going to be the "other woman". Deeply disappointed she sought the help of a mediator but instead respondent insulted her. She filed the complaint against respondent, charging him with gross immorality. She asked the Court to punish respondent accordingly.

In his Comment dated May 28, 1997,<sup>[2]</sup> respondent judge strongly and vehemently denied the charges. He averred that he did not and had never taken advantage of his public position and moral influence, nor made amorous, disgraceful and immoral advances on complainant. He did not write any note, memo or letter to complainant inviting her to hotels, lodges and theaters to tryst with her. He did not cajole her to become his so-called "other woman". He claimed that the accusations were the product of her sick mind and the notes and letters all fabricated and forged.

On July 20, 1998, the Court referred the complaint to Executive Judge Santos Adiong, Regional Trial Court, Marawi City, Branch 8, for investigation, report and



recommendation.

In his Report dated June 1, 2000, the investigating Judge reported that:

"Despite all the opportunities and time accorded, respondent Musa did not present any evidence to refute complainant's allegations. He only appeared once before the investigating judge. However, in his comment dated May 28, 1997, the respondent judge strongly and vehemently denied the imputations against him but failed to offer any evidence to support such denial.

Complainant's testimony, though uncorroborated, appears to be credible and is supported by substantial evidence.

Complainant would not have publicly disclosed their immoral affair with the respondent and in the process risk undergoing all the troubles and humiliations attendant thereto if her motive was not to bring to justice the man who brings dishonor to her and her family. It would be highly improbable for her to fabricate her charge for no reason at all.

Complainant's determination and courage in coming and appearing before the undersigned all the way from far away Midsayap, Cotabato (a day's travel by land) taking all the risks and dangers along the Narciso Ramos Highway passing through rebel infested and lawless elements areas cannot just be ignored. She appeared no less than three (3) times while respondent appeared only once. She also incurred so much expenses in so appearing.

Respondent's love letters or love notes to complainant (Exhibits "C" to "O" inclusive) are more than sufficient to prove that there exists a mutual love affair between them and that respondent, a married man, took advantage of his official position and used his influence and moral ascendancy over the complainant as her subordinate, in attaining his amorous advances towards her to the extent of making her fall in love with him.

Considered likewise is Exhibit "P" which is respondent's letter to Judge Kambal informing the latter on his side to complainant's report dated November 1, 1996 and that complainant even sought the amicable settlement of her problem by asking Judge Kambal to negotiate the respondent to answer the wrong he had done by marrying complainant".

[3]

Judge Adiong concluded that there was sufficient evidence to hold respondent liable for gross immorality. He recommended that Judge Salih Musa be suspended from the service for a period of three (3) months.

Indeed, there is sufficient basis for Judge Adiong's conclusion. We have gone over the testimonies as well as the notes and letters on record and find them convincing proof of his offensive conduct. Respondent's bare denials and unproven allegations of forgery cannot prevail over the positive evidence submitted by complainant. We agree with the investigating Judge that respondent is guilty. However, we are