

EN BANC

[A.C. No. 11104, June 09, 2020]

ROGELIO PASAMONTE, COMPLAINANT, VS. ATTY. LIBERATO TENEZA, RESPONDENT.

DECISION

PER CURIAM:

Before this Court is an administrative complaint^[1] for disbarment filed by Rogelio Pasamonte against Atty. Liberato Teneza, charging him of being unfit to continue as a member of the Bar for violating the lawyer-client relationship and consenting to and engaging in a bigamous marriage.

Facts

In his Complaint,^[2] Rogelio alleged that he and Atty. Teneza have known each other for at least 25 years. Atty. Teneza handled Rogelio's ejection cases and was even the godparent of one of his children.^[3]

On June 9, 2006, Rogelio went to the house of Atty. Teneza. To his surprise, Atty. Teneza already planned and arranged Rogelio's wedding with Mary Grace dela Roca (Mary Grace). Rogelio objected since he is already married, which Atty. Teneza knew because of their prior dealings. However, Atty. Teneza assured him that their marriage will not be registered with the Local Civil Registry. Hence, reluctantly and "with a heavy heart," Rogelio was forced into the marriage.^[4]

A few months later, Mary Grace, assisted by Atty. Teneza, filed a case against Rogelio for bigamy and violation of Republic Act (RA) No. 9262. Rogelio then discovered that Atty. Teneza himself was engaged in a bigamous marriage. Atty. Teneza was still married to one Victoria Reyes on April 18, 1979^[5] when he contracted a subsequent marriage with one Charina dela Roca on July 3, 1993.^[6] As such, Rogelio filed a bigamy case against Atty. Teneza.^[7] Further, Rogelio learned that Atty. Teneza was a witness in the marriage of Francisco dela Roca III to Cristina Villacarlos on June 11, 2004^[8] and also to Michelle Buhat on March 22, 2007.^[9] Rogelio alleged that Atty. Teneza had a propensity for meddling with the processes of the Local Civil Registry. Lastly, Atty. Teneza reneged on his promise not to register Rogelio's marriage with Mary Grace.

On August 11, 2008, the Integrated Bar of the Philippines Commission on Bar Discipline (IBP-CBD) directed Atty. Teneza to submit his answer to the complaint.^[10]

In his Answer,^[11] Atty. Teneza admitted that he was Rogelio's lawyer for certain

ejection cases and denied violating their lawyer-client relationship when he assisted Mary Grace in the unrelated bigamy case. Also, he did not register Rogelio and Mary Grace's marriage with the Local Civil Registry.

Atty. Teneza admitted that he was a wedding sponsor in the marriage of Francisco with Cristina and with Michelle. He explained that "he acceded to the behest (*sic*) of Cristina, and Michelle, that he stood as one of their principal sponsors in their marriages with [Francisco] because, if something goes wrong in any of these marriage (*sic*), [he] would stand witness and testify on the facts of said marriages against his own brother-in-law [Francisco]." Atty. Teneza posits that "instead of [Rogelio] attributing an alleged wrong-doing against [him], he should even commend, and laud him for braving to stand against his own brother-in-law, if a complaint will be filed against [Francisco]."

During the mandatory conference on March 3, 2009, Rogelio appeared,^[12] while Atty. Teneza requested for a resetting,^[13] The mandatory conferences on April 14, 2009^[14] and May 5, 2009^[15] were attended only by Atty. Teneza. Thereafter, the IBP-CBD ordered the parties to file their respective position papers.^[16]

In his Position Paper,^[17] Atty. Teneza asserts that the allegations in the complaint are fabricated and are the products of Rogelio's vindictive mind. He insists that he did not violate the lawyer-client relationship when he assisted his sister-in-law, Mary Grace, in the bigamy and RA No. 9262 cases. The ejection cases that he handled for Rogelio were only on a case-to-case basis; he is not Rogelio's exclusive lawyer. Further, he did not use the information he obtained from Rogelio in the ejection cases in filing the bigamy and RA No. 9262 cases. Besides, Rogelio's civil status is of public knowledge. Atty. Teneza reiterates that he did not meddle with the legal processes of the Local Civil Registry and insists that he only stood as sponsor in the wedding of Francisco and Cristina and also with Michelle upon the request of the brides.

On September 8, 2009, the IBP-CBP issued its Report and Recommendation^[18] finding Atty. Teneza to be wanting in integrity, honesty, probity, trustworthiness and morality when he conspired to a bigamous marriage. The IBP-CBD recommended that Atty. Teneza be suspended from the practice of law for two (2) years without prejudice to his criminal and civil liabilities.

On May 14, 2011, the IBP Board of Governors passed a Resolution^[19] modifying the penalty to suspension from the practice of law for five (5) years, *viz.*:

RESOLUTION NO. XIX-2011-230
CBD Case No. 08-2267
Rogelio Pasamonte vs. Atty. Liberato Teneza

*RESOLVED to ADOPT and APPROVE, as it is hereby unanimously ADOPTED and APPROVED, **with modification**, the Report and Recommendation of the investigating Commissioner in the above-entitled case, herein made part of this Resolution as Annex "A" and finding the recommendation fully supported by the evidence on record and the*

*applicable laws and rules, and finding respondent wanting in integrity, honesty, probity, trustworthiness and morality by conspiring to a bigamous marriage. Atty. Liberato Teneza. is hereby **SUSPENDED** from the practice of law for five (5) years without prejudice to his criminal and civil liabilities.*

Aggrieved, Atty. Teneza sought reconsideration.^[20] On March 21, 2014, the IBP Board of Governors passed a Resolution^[21] affirming with modification the Resolution of the IBP-CBD, as follows:

RESOLUTION NO. XIX-2014-87
CBD Case No. 08-2267
Rogelio Pasamonte vs. Atty. Liberato Teneza

*RESOLVED to DENY Respondent's Motion for Reconsideration, there being no cogent reason to reverse the findings of the Commission and it being a mere reiteration of the matters which had already been threshed out and taken into consideration. Further, finding Respondent's (sic) guilty of gross immorality, the Board RESOLVED to **AFFIRM with modification**. Resolution No. XIX-2011-230 dated May 14, 2011 and accordingly increased the penalty earlier meted him of five years suspension from the practice [of] law to **Disbarment** and his name **stricken off from the Roil of Attorney**.*

The Extended Resolution issued on April 21, 2014 by the IBP Board of Governors held that Atty. Teneza's utter disregard for the sanctity of marriage, not only of his own but also those of around him, shows his unfitness to continue practicing law and his unworthiness of the principles that the privilege confers upon him.^[22]

Thereafter, the case was transmitted to this Court for review.

Issue

Should Atty. Teneza be disbarred from the practice of law due to his alleged immoral acts?

Ruling

The Court affirms the factual findings and recommendation of the IBP Board of Governors.

Possession of good moral character is both a condition precedent and a continuing requirement to membership in the legal profession.^[23] Canon 1, Rule 1.01 and Canon 7, Rule 7.03 of the Code of Professional Responsibility (CPR) mandate all

lawyers to possess good moral character at the time of their application for admission to the Bar, and require them to maintain such character until their retirement from the practice of law,^[24] viz.:

CANON 1 — A lawyer shall uphold the Constitution, obey the laws of the land and promote respect for law and legal processes.

Rule 1.01. — A lawyer shall not engage in unlawful, dishonest, immoral or deceitful conduct.

x x x x

CANON 7 — A lawyer shall at all times uphold the integrity and dignity of the legal profession and support the activities of the integrated bar.

x x x x

Rule 7.03. — A lawyer shall not engage in conduct that adversely reflects on his fitness to practice law, nor shall he, whether in public or private life, behave in a scandalous manner to the discredit of the legal profession.

In *Valdez v. Dabon*,^[25] we held:

Lawyers have been repeatedly reminded by the Court that possession of good moral character is both a condition precedent and a continuing requirement to warrant admission to the Bar and to retain membership in the legal profession. This proceeds from the lawyer's bounden duty to observe the highest degree of morality in order to safeguard the Bar's integrity, and the legal profession exacts from its members nothing less. Lawyers are called upon to safeguard the integrity of the Bar, free from misdeeds and acts constitutive of malpractice. Their exalted positions as officers of the court demand no less than the highest degree of morality.

The Court explained in *Arnobit v. Atty. Arnobit* that "as officers of the court, lawyers must not only in fact be of good moral character but must also be seen to be of good moral character and leading lives in accordance with the highest moral standards of the community. A member of the bar and an officer of the court is not only required to refrain from adulterous relationships or keeping a mistress but must also behave himself as to avoid scandalizing the public by creating the impression that he is flouting those moral standards." Consequently, any errant behavior of the lawyer, be it in his public or private activities, which tends to show deficiency in moral character, honesty, probity or good demeanor, is sufficient to warrant suspension or disbarment.

Thus, a lawyer may be removed or suspended from the practice of law for grossly

immoral conduct.^[26] In administrative cases against lawyers involved in illicit relationships, grossly immoral conduct was defined as an act that is so corrupt as to constitute a criminal act, or so unprincipled as to be reprehensible to a high degree, or when committed under such scandalous or revolting circumstances as to shock the community's sense of decency.^[27] In this case, the evidence adduced by the parties and Atty. Teneza's own admission establish that he committed acts of gross immorality.

First, Atty. Teneza contracted a second marriage while the first one was still subsisting. Notably, Atty. Teneza did not dispute the existence, due execution and authenticity of the Marriage Contracts^[28] issued by the National Statistics Office (NSO). He merely asserts that these are "illegally fished evidence" obtained through unlawful means,^[29] and that it was not proven that he was the same person who contracted the two marriages.^[30] We are not persuaded. A marriage contract, being a public document, enjoys the presumption of regularity in its execution and is conclusive as to the fact of marriage.^[31] Thus, the marriage contracts bearing Atty. Teneza's name are competent and convincing evidence to prove that he contracted two marriages.^[32] Moreover, in his counter-affidavit^[33] in the charge for bigamy, Atty. Teneza admitted entering into a second marriage. This admission more than proves his identity as husband in both marriages and the existence of the two marriages.

Atty. Teneza claims good faith because he had not heard from his first wife since 1983. This argument is futile and pathetic. We note that Atty. Teneza was already a lawyer when he contracted the second marriage in 1993, having been admitted to the bar on March 31, 1976.^[34] As such, he cannot feign ignorance of the law that before a second marriage may be validly contracted, the first and subsisting marriage must first be annulled by the appropriate court.^[35] We have consistently held that he who contracts a second marriage before the judicial declaration of the first marriage assumes the risk of being prosecuted for bigamy,^[36] which renders him unfit to continue as member of the bar.^[37]

Moreover, it is of no moment that the bigamy charge against him was dismissed, *albeit* provisional. In *In re Almacen*,^[38] we held that a disbarment case is *sui generis* for it is neither purely civil nor purely criminal; it is an investigation by the court into the conduct of its officers. Thus, the acquittal of a lawyer or the dismissal of the case in a criminal action is not determinative of an administrative case against him. As long as the quantum of proof in disciplinary proceedings against members of the Bar is met, as in this case, liability attaches.^[39]

Second, Atty. Teneza was complicit to two bigamous marriages. Atty. Teneza knew that Rogelio had a subsisting marriage when he contracted the second marriage with Mary Grace. The complaint for ejectment wherein Atty. Teneza was the counsel states that "[Rogelio] is ... married but separated in fact from his wife."^[40] This was filed in 2005. Thus, when he attended the marriage of Rogelio and Mary Grace in 2006, Atty. Teneza was fully aware that Rogelio is engaging in an unlawful act. However, he did not do anything to stop Rogelio. This is a violation of his sworn duty not to support activities aimed at defiance of the law.^[41]