

EN BANC

[A.C. No. 10439, September 03, 2019]

ANNALIZA C. CHAN, COMPLAINANT, VS. ATTY. REBENE C. CARRERA, RESPONDENT.

D E C I S I O N

PER CURIAM:

Before the Court is a Complaint-Affidavit^[1] filed by complainant, Annaliza C. Chan, on September 11, 2009 charging respondent, Atty. Rebene C. Carrera, with Gross Misconduct.

The antecedent facts are as follows:

In her complaint, Chan alleged that she met Carrera sometime in July 2006 while she was a trainee at Max's Restaurant. At that time, he was dining with a woman companion she thought was Carrera's wife. She was surprised when Carrera later introduced himself as a widower. After two (2) weeks, Carrera returned and requested for Chan to be his server. While waiting for his food, he told her that he just settled a case and earned P4 million. He then proceeded to ask her several questions such as whether she was interested in studying nursing or caregiving in a school that he owned in Dagupan City. After his meal, he left his calling card with her, but she threw the same away. From that time onwards, Carrera frequented the restaurant and requested for Chan to assist him. They had conversations where Carrera promised Chan a lot of things. He showed interest in pursuing her and even visited her house to meet her parents. At one point, however, Chan told Carrera that it was best he pursued somebody else as she was still married albeit separated. She told him that her husband left her for another woman and that she was raising their daughter alone. Carrera, however, did not seem to mind. He even represented that he can annul her marriage for her and support her daughter. Eventually, Chan grew fond of Carrera. He was able to convince her to join him on a trip to Hong Kong. Upon their return, he bought a house for them in Quezon City as well as a car for her with a special plate number "ANA" inspired by her name. They then went to his school in Dagupan City where he called for a board meeting during which he introduced her as his fiance and a new member of the board of trustees.^[2]

In September 2008, however, around the time when Chan and Carrera moved to another house at Project 8, Quezon City, Chan discovered that Carrera was not in fact a widower and that his wife was still alive. Even though his wife was confined in an institution, he was still validly married to her. Chan further discovered that Carrera also had a child with another woman. Because of this, Chan wanted to leave Carrera. Unfortunately, she found out that she was pregnant with his child. Nevertheless, while Chan decided to stay with Carrera, their relationship was no longer harmonious. Throughout her pregnancy, Carrera often scolded her and treated her badly. He accused her of stealing his credit card and withdrawing from his account. In one instance, Carrera even denied being the father of the child she

was carrying. Aside from this, Chan often caught Carrera having illicit relationships with other women. When confronted, he would usually make empty promises to change his ways. Chan thought about the welfare of their child and felt that she had no choice but to remain with Carrera.^[3]

Despite his infractions, Chan nonetheless helped Carrera during his time of need. When his business suffered from irreversible losses, she worked hard as his paralegal and referred him clients. Because of her help, he was able to recover his losses, save his school from closing, and was even able to purchase more properties. Still, Carrera refused to give up his womanizing. This time, when Chan confronted Carrera about it, he got furious, asked her to leave their home, to return the car he gave her, and forbade her from working as his paralegal. He also consistently humiliated her such that when she would visit his office to ask for financial support for their son, he would utter invective words first before giving her money.^[4]

For his part, Carrera denied the accusations against him. He alleged that the instant complaint was merely part of Chan's elaborate plan of extorting money from him. On Chan's narration of facts, Carrera admitted that he met her at Max's Restaurant when he was having lunch with a lady executive at St. Luke's Medical Center. He admitted that her smile and stare were so sweet and attractive that he gave her his calling card and that he dined at the restaurant almost every week. When she found out that he was going to Hong Kong, he granted her request and brought her along as she shared that she wanted to experience her first plane ride. There, their relationship intensified. Upon their return, Carrera initially brought Chan home to the house of her bachelor uncle's house where she lived. However, he was pressured into looking for a house for her in Novaliches, Quezon City when she told him that she was at risk of being harassed by her uncle who was physically attracted to her. Instantly, he bought a house for her and her daughter. But Chan did not stop there. She asked Carrera to leave his legitimate family and stay with her at the newly-purchased house. Since he was already emotionally attached, he acceded. He told his daughter of his decision to leave his original home in Commonwealth Avenue, Quezon City, and lived with Chan in said house from September 2006 to September 2008, the time when they transferred to another house at Project 8, Quezon City.^[5]

On December 4, 2007, Chan and Carrera's son, Rebene C. Carrera, Jr., was born. According to Carrera, from the time that he and Chan began living together up until the present, he was never remiss in providing for her, her daughter, and their son. He bought them houses, cars, toys, clothes, and enrolled their son at an educational center even when he was only 1-and-1/2 years old. In fact, he even paid for her education at St. Joseph's College where she took her Master of Arts in Special Education. This notwithstanding, Chan became very unreasonable. She prevented Carrera from seeing his own children of his previous relationship. She also became very jealous of all his lady friends and would often create a scene at his office when these ladies were merely his friends and business associates. Unsatisfied, Chan even clamored for the transfer of the Project 8 house and car in her name. But Carrera refused to give in to Chan's unreasonable demands any longer. On August 29, 2009, he decided to move out of their house and back to his legitimate family's abode.^[6]

Contrary to the claims of Chan, moreover, Carrera maintains that there is no truth to the assertion that he told her that he was a widower. She knew from the very beginning that he was married and that his wife was incapacitated and confined at

Estrella's Half-way House due to her "schizophrenia." She also knew that he was living in his house with the children he had with said wife. Carrera further claims that he informed Chan that the lady he was eating with during their first encounter at Max's Restaurant was not his wife but his classmate from high school who was an executive at St. Luke's Medical Center and who accompanied him at his check-up at said hospital. In fact, it was Chan who initially told him that she was single and that she told him of the fact that she was married only when they were in Hong Kong.^[7]

In the end, Carrera insisted that his only "sin" was that he was so sympathetic and charitable to Chan who was never satisfied with his generosity and with whom he fell deeply in love with. But this had nothing to do with his qualifications as a provider of the family and as lawyer. On the contrary, he was nothing but respectable having been a member of the Academe for more than 20 years, a Director and Treasurer of the Integrated Bar of the Philippines, Pangasinan Chapter, and a member of the bar in good standing since his admission in 1980. As such, he asked for compassion given that his infraction did not amount to the kind of "grossly immoral conduct" he was accused of engaging in.

In a Report and Recommendation^[8] dated August 9, 2010, the Investigating Commissioner of the Commission on Bar Discipline (CBD) of the Integrated Bar of the Philippines (IBP) recommended that Carrera be admonished and warned. In a Resolution^[9] dated December 14, 2012, however, the Board of Governors (BOG) of the IBP approved, with modification, the Report and Recommendation of the Investigating Commissioner and suspended Carrera from the practice of law for three (3) years. Subsequently, the BOG issued another Resolution^[10] on February 11, 2014 affirming its previous resolution, but with the modification that Carrera is suspended from the practice of law for one (1) year instead of three (3) years.

The Court's Ruling

In view of the circumstances of the instant case, the Court finds that the actuations of Carrera warrant the penalty of disbarment from the practice of law and not merely suspension therefrom as found by the BOG.

Prefatorily, the Court notes Chan's disinterest in pursuing her complaint against Carrera as she initially manifested in her Verified Position Paper^[11] dated June 6, 2010 and, in several pleadings, thereafter. She insists that she was merely induced into filing the same by some individuals who had a personal grudge against Carrera. At the time of her filing, she was angry and furious at Carrera who was leaving her for his wife who was seriously ill. She realized soon after, however, that she was only being irrational. In fact, Chan recounts that she originally wrote her complaint in Tagalog but was translated in English by a lady staff in the IBP. While the translation was blessed with Chan's consent, she revealed that she no longer read the same. It turned out that the translation was an exaggeration of the original complaint written in Tagalog. Accordingly, she seeks the withdrawal of her complaint.^[12]

We resolve to deny Chan's request.

In the first place, the Court is aware of the Investigating Commissioner's observation that Chan was not represented by counsel when she sought the withdrawal of her complaint. In the second place, We sustain the Investigating Commissioner's finding that Chan's motion to withdraw does not serve as a bar for the investigation of the administrative case against Carrera. Section 5, Rule 139-B