

EN BANC

[A.C. No. 4921, March 06, 2003]

CARMELITA I. ZAGUIRRE, COMPLAINANT, VS. ATTY. ALFREDO CASTILLO, RESPONDENT.

DECISION

PER CURIAM:

Before this Court is a Petition for Disbarment filed by Carmelita I. Zaguirre against Atty. Alfredo Castillo on the ground of Gross Immoral Conduct.

The facts as borne by the records are as follows:

Complainant and respondent met sometime in 1996 when the two became officemates at the National Bureau of Investigation (NBI).^[1] Respondent courted complainant and promised to marry her while representing himself to be single.^[2] Soon they had an intimate relationship that started sometime in 1996 and lasted until 1997.^[3] During their affair, respondent was preparing for the bar examinations which he passed. On May 10, 1997, he was admitted as a member of the Philippine Bar.^[4] It was only around the first week of May 1997 that complainant first learned that respondent was already married when his wife went to her office and confronted her about her relationship with respondent.^[5] On September 10, 1997, respondent, who by now is a lawyer, executed an affidavit, admitting his relationship with the complainant and recognizing the unborn child she was carrying as his.^[6] On December 09, 1997, complainant gave birth to a baby girl, Aletha Jessa.^[7] By this time however, respondent had started to refuse recognizing the child and giving her any form of support.^[8]

Respondent claims that: he never courted the complainant; what transpired between them was nothing but mutual lust and desire; he never represented himself as single since it was known in the NBI that he was already married and with children;^[9] complainant is almost 10 years older than him and knew beforehand that he is already married;^[10] the child borne by complainant is not his, because the complainant was seeing other men at the time they were having an affair.^[11] He admits that he signed the affidavit dated September 10, 1997 but explains that he only did so to save complainant from embarrassment. Also, he did not know at the time that complainant was seeing other men.^[12]

After due hearing, the IBP Commission on Bar Discipline found Atty. Alfredo Castillo guilty of gross immoral conduct and recommends that he be meted the penalty of indefinite suspension from the practice of law.

The Court agrees with the findings and recommendation of the IBP.

The Code of Professional Responsibility provides:

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

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"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."

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

Immoral conduct has been defined as:

"xxx that conduct which is so willful, flagrant, or shameless as to show indifference to the opinion of good and respectable members of the community. Furthermore, such conduct must not only be immoral, but *grossly* immoral. That is, it must be so corrupt as to constitute a criminal act or so unprincipled as to be reprehensible to a high degree or committed under such scandalous or revolting circumstances as to shock the common sense of decency."^[13]

In his affidavit dated September 10, 1997, duly acknowledged before a notary public, he declared explicitly:

"1. That I had a relationship with one Carmelita Zaguirre, my officemate;

"2. That as a result of that relationship, she is presently pregnant with my child;

"3. That I hereby voluntarily recognize the child now under (sic) her womb to be my own;

"4. That I am willing to support the said child henceforth, including his/her personal and medical needs, education, housing, food, clothing and other necessities for living, which I will give through his/her mother, Carmelita Zaguirre, until he/she becomes of legal age and capable to live on his/her own;

"5. That I undertake to sign the birth certificate as an additional proof that he/she is my child; however, my failure to sign does not negate the recognition and acknowledgement already done herein;

"6. That I am executing this affidavit without compulsion on my part and being a lawyer, I have full knowledge of the consequence of such acknowledgment and recognition."^[14]

More incriminating is his handwritten letter dated March 12, 1998 which states in part:

"Ayoko ng umabot tayo sa kung saan-saan pa. All your officemates, e.g., Ate Ging, Glo, Guy and others (say) that I am the look like(sic) of your daughter.

"Here's my bargain. I will help you in supporting your daughter, but I cannot promise fix amount for monthly support of your daughter. However it shall not be less than P500 but not more than P1,000."^[15]

In the recent case of *Luguid vs. Judge Camano, Jr.*, the Court in castigating a judge stated that:

"...even as an ordinary lawyer, respondent has to conform to the strict standard of conduct demanded of members of the profession. Certainly, fathering children by a woman other than his lawful wife fails to meet these standards."^[16]

Siring a child with a woman other than his wife is a conduct way below the standards of morality required of every lawyer.^[17]

Moreover, the attempt of respondent to renege on his notarized statement recognizing and undertaking to support his child by Carmelita demonstrates a certain unscrupulousness on his part which is highly censurable, unbecoming a member of a noble profession, tantamount to self-stultification.^[18]

This Court has repeatedly held:

"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. More specifically, a member of the Bar and officer of the court is not only required to refrain from adulterous relationships or the keeping of mistresses but must also so behave himself as to avoid scandalizing the public by creating the belief that he is flouting those moral standards."^[19]

While respondent does not deny having an extra-marital affair with complainant he seeks understanding from the Court, pointing out that "men by nature are polygamous,"^[20] and that what happened between them was "nothing but mutual lust and desire."^[21] The Court is not convinced. In fact, it is appalled at the reprehensible, amoral attitude of the respondent.

Respondent claims that he did not use any deception to win her affection. Granting *arguendo* that complainant entered into a relationship with him knowing full well his marital status, still it does not absolve him of gross immorality for what is in question in a case like this is respondent's fitness to be a member of the legal profession. It is not dependent whether or not the other party knowingly engaged in an immoral relationship with him.