

THIRD DIVISION

[A.C. No. 5333, October 18, 2000]

**ROSA YAP PARAS, COMPLAINANT, VS. ATTY. JUSTO DE JESUS
PARAS, RESPONDENT**

DECISION

MELO, J.:

This has reference to a case for disbarment initiated by complainant Rosa Yap Paras against her husband, Atty. Justo de Jesus Paras. The parties exchanged tirades and barbs in their copious pleadings, hurling invectives, cutting remarks and insults at each other. Reduced to its essentials, Rosa Paras charged her husband with dishonesty and falsification of public documents, harassment and intimidation, and immorality for siring a child with another woman. Respondent denied the allegations, contending that his wife, in cahoots with her family, is out to destroy and strip him of his share in their multi-million conjugal assets.

The parties come from wealthy families in Negros Oriental. They were married on May 21, 1964 and have two grown-up children. They have vast sugarlands and other businesses. Respondent was a Municipal Judge for 14 years and served as Mayor in their town for 2 terms during the administration of President Aquino. Complainant is a businesswoman. Sometime in 1988, their marriage fell apart when due to "marital strain that has developed through the years," respondent left his wife and children to live with his mother and sister in Dumaguete City and thence started his law practice. Complainant, in the meantime, filed a case for the dissolution of their marriage, which case is still pending in court.

The complaint charged:

DISHONESTY, FALSIFICATION and FRAUD

... respondent obtained loans from certain banks in the name of complainant by counterfeiting complainant's signature, falsely making it appear that complainant was the applicant for said loans. Thereafter, he carted away and misappropriated the proceeds of the loans. . . . to guarantee the above loans, respondent mortgaged some personal properties belonging to the conjugal partnership without the consent of complainant.

GROSSLY IMMORAL CONDUCT AND CONCUBINAGE

Respondent is . . . engaged in the immoral and criminal act of concubinage as he maintained an illicit relationship with one Ms. Jocelyn A. Ching, siring an illegitimate child with her while married to complainant.

UNETHICAL AND UNPROFESSIONAL CONDUCT

Respondent abused courts of justice and misused his legal skills to frighten, harass and intimidate all those who take a position diametrically adverse to his sinister plans by unethically filing complaints and other pleadings against them. He utilized strategies to obstruct justice.

OBSTRUCTION OF JUSTICE

(Respondent) utilized strategies to obstruct justice. In the criminal actions initiated against him, respondent used his legal skills not to prove his innocence but to derail all the proceedings.

(Complaint, Rollo, p.
2)

In his Answer, respondent interposed the following defenses

(1) On the Charge of Falsification of Public Documents:

That during the sugarboom in the 1970's, his wife executed in his favor a Special Power of Attorney to negotiate for an agricultural or crop loan authorizing him "to borrow money and apply for and secure any agricultural or crop loan for sugar cane from the Bais Rural Bank, Bais City . . ." (Rollo, Annex "3", p. 262)

(2) On the Charge of Forgery:

That the Report of the National Bureau of Investigation which found that "the questioned signatures (referring to the alleged forged signatures of complainant) and the standard sample signatures JUSTO J. PARAS were written **by one and the same person...**"(Annex"B" of the Complaint, Rollo, p. 26) was doctored, and that his wife filed against him a string of cases for falsification of public documents because he intends to disinherit his children and bequeath his inchoate share in the conjugal properties to his own mother.

(3) On the Charge of Grossly Immoral Conduct and Concubinage:

That this is a malicious accusation fabricated by his brother-in-law, Atty. Francisco D. Yap to disqualify him from getting any share in the conjugal assets. He cites the dismissal of the complaint for concubinage filed against him by his wife before the City Prosecutor of Negros Oriental as proof of his innocence.

Respondent, however, admits that he, his mother and sister, are solicitous and hospitable to his alleged concubine, Ms. Jocelyn Ching and her daughter, Cyndee Rose (named after his own deceased daughter), by allowing them to stay in their house and giving them some financial assistance, because they pity Ms. Ching, a secretary in his law office, who was deserted by her boyfriend after getting her pregnant.

(4) On the Charge of Obstruction of Justice:

That "the legal remedies pursued by (him) in defense and offense are legitimate courses of action done by an embattled lawyer."

The Commission on Bar Discipline (CBD) of the Integrated Bar of the Philippines investigated the complaint against respondent summarizing the causes of action as follows:

- (1) Falsification of complainant's signature and misuse of conjugal assets;
and
- (2) Immorality and criminal acts of concubinage with one Ms. Ma. Jocelyn A. Ching (for) siring an illegitimate child with her while married to complainant, and, abandonment of his own family.

(Rollo, Report of the
IBP, p. 34)

No actual hearing was conducted as the parties agreed to merely submit their respective memoranda, depositions, and other pieces of evidence attached to their pleadings.

Thereafter, the CBD found respondent guilty as charged and recommended:

- (1) Respondent's suspension from the practice of law for three (3) months on the first charge; and
- (2) Respondent's indefinite suspension from the practice of law on the second charge.

(*ibid.*, p. 57)

The CBD held that the dismissal of the criminal cases against respondent for falsification and use of falsified documents (Criminal Case No. 11768) and for concubinage (I.S. No. 93-578) will not bar the filing of an administrative case for disbarment against him. In a criminal case, proof beyond reasonable doubt is required for conviction, while in an administrative complaint, only a preponderance of evidence is necessary.

The CBD gave credence to the NBI Report that "the questioned signatures (referring to the signatures appearing in the loan agreements, contracts of mortgage, etc.) and the standard sample signatures of respondent were **written by one and the same person.**" This affirms the allegation of complainant Rosa Yap Paras that her husband forged her signatures in those instruments. Respondent denies this but his denial was unsubstantiated and is, therefore, self-serving.

In finding respondent liable for Immorality, the CBD relied heavily on the uncontroverted sworn affidavit-statements of respondent's children and three other eyewitnesses to respondent's illicit affair with Ms. Jocelyn Ching. For a better appreciation of their statements, their affidavits are hereby reproduced in full. Thusly,

"I, DAHLIA Y. PARAS, of legal age, single,
resident of Bindoy, Negros Oriental, but
presently living in Dumaguete City, after
being duly sworn hereby depose and say:

1. I am a nurse by profession. I finished my
BSN degree at the College of Nursing,

Silliman University.

2. My mother is Rosa Yap Paras and my father Justo J. Paras. My father has left the family home in Bindoy and now lives at his mother's house at San Jose Ext., Dumaguete City.

3. My father has a "kabit" or concubine by the name of Ma. Jocelyn Ching. They have a child named Cyndee Rose, who was delivered at the Silliman University Hospital Medical Center on July 19, 1990.

4. Jocelyn used to be the secretary of my father and Atty. Melchor Arboleda when they practice law together in 1988 to 1989. Their relationship started in 1989. When she became pregnant, my father rented an apartment for her at the Amigo Subdivision, Dumaguete City.

5. Following delivery of the baby, my father built a house for Jocelyn in Maayong Tubig, Dauin, Negros Oriental. My father spend time there often with Jocelyn and their child.

6. I used to visit my father at San Jose Extension these past years, and almost every time I was there, I would see Jocelyn, sitting, watching TV, serving coffee in my father's law office, and one time, she was washing my father's clothes.

7. I first saw their child Cyndee Rose in 1992, about early May, at San Jose Extension. I was there to ask for my allowance. He was there at the time, and when I looked at Cyndee Rose closely, I became convinced that she was my father's daughter with Jocelyn.

8. Incidentally, I had an elder sister also named Cindy Rose (now deceased).

9. In September 1992 when I went to visit my father, I saw toys and child's clothes in my father's room.

10. Whenever, I saw Jocelyn at San Jose Extension, I wanted to talk to her or be alone with her, but she would deliberately avoid me. I could see that she was hiding something from me." p. 109, Records.

SUPPLEMENTAL AFFIDAVIT

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1. . . . sometime during the period of April-September, 1992, I made several visits to my father at his mother's house in San Jose Extension, Dumaguete City, where he had moved after he left our home in Bindoy;
2. That these visits were made on different times and different days of the week;
3. That most of my visits, I would meet a woman who was also living at my father's place. This woman is now known to me to be Ma. Jocelyn Ching;
4. That my basis for observing that Ms. Ching was living in my father's house is that during my visits, whether during office hours or after office hours, I would meet her at my father's place, not his office; she was wearing house clothes and slippers, such as skimpy clothes, shorts and T-shirt, not street or office clothes; she was generally unkempt, not made up for work or going out; on one occasion, I even saw her, washing my father's clothes as well as a small child's clothing; and she conducted herself around the house in the manner of someone who lived there;
5. That on one of my visits, I confirmed that Ms. Ching was living with my father from Josie Vailoces, who was then a working student living at my father's place;
6. Ms. Vailoces subsequently confirmed under oath the fact that my father and Ms. Jocelyn Ching were living together as husband and wife at my father's place in a deposition taken in connection with Civil Case No. 10613, RTC-Dumaguete City, Branch 30, the Honorable Enrique C. Garovillo, presiding. A copy of the transcript of the deposition of Ms. Vailoces is already part of the record of this case. For emphasis, photocopies of the pertinent portion of the written deposition of Josie Vailoces is hereto attached as Annexes "A" and "A-1." p. 111, Records

Respondent's son has this to say:

"I, RHOUEL Y. PARAS, 15 years old, single, resident of Bindoy, Negros Oriental, but presently living in Dumaguete City, after being duly sworn according to law, depose and say: