

EN BANC

[A.C. No. 3405, June 29, 1998]

JULIETA B. NARAG, COMPLAINANT, VS. ATTY. DOMINADOR M. NARAG, RESPONDENT.

DECISION

PER CURIAM:

Good moral character is a continuing qualification required of every member of the bar. Thus, when a lawyer fails to meet the exacting standard of moral integrity, the Supreme Court may withdraw his or her privilege to practice law.

On November 13, 1989, Mrs. Julieta B. Narag filed an administrative complaint^[1] for disbarment against her husband, Atty. Dominador M. Narag, whom she accused of having violated Canons 1 and 6, Rule 1.01 of the Code of Ethics for Lawyers.^[2]

The complainant narrated:

"The St. Louis College of Tuguegarao engaged the services of Atty. Dominador M. Narag in the early seventies as a full-time college instructor in the College of Arts and Sciences and as a professor in the Graduate School. In 1984, Ms. Gina Espita, 17 years old and a first year college student, enrolled in subjects handled by Atty. Narag. Exerting his influence as her teacher, and as a prominent member of the legal profession and then member of the Sangguniang Bayan of Tuguegarao, Atty. Narag courted Ms. Espita, gradually lessening her resistance until the student acceded to his wishes.

They then maintained an illicit relationship known in various circles in the community, but which they managed to keep from me. It therefore came as a terrible embar[r]assment to me, with unspeakable grief and pain when my husband abandoned us, his family, to live with Ms. Espita, in utterly scandalous circumstances.

It appears that Atty. Narag used his power and influence as a member of the Sangguniang Panlalawigan of Cagayan to cause the employment of Ms. Espita at the Department of Trade and Industry Central Office at Makati, Metro Manila. Out of gratitude perhaps, for this gesture, Ms. Espita agreed to live with Atty. Narag, her sense of right[e]ousness and morals completely corrupted by a member of the Bar.

It is now a common knowledge in the community that Atty. Dominador M. Narag has abandoned us, his family, to live with a 22-year-old woman, who was his former student in the tertiary level[.]”^[3]

This Court, in a Resolution dated December 18, 1989, referred the case to the Integrated Bar of the Philippines (IBP) for investigation, report and

recommendation.^[4]

On June 26, 1990, the office of then Chief Justice Marcelo B. Fernan received from complainant another letter seeking the dismissal of the administrative complaint. She alleged therein that (1) she fabricated the allegations in her complaint to humiliate and spite her husband; (2) all the love letters between the respondent and Gina Espita were forgeries; and (3) she was suffering from "emotional confusion arising from extreme jealousy." The truth, she stated, was that her husband had remained a faithful and responsible family man. She further asserted that he had neither entered into an amorous relationship with one Gina Espita nor abandoned his family.^[5] Supporting her letter were an Affidavit of Desistance^[6] and a Motion to Dismiss,^[7] attached as Annexes "A" and "B," which she filed before the IBP commission on bar discipline.^[8] In a Decision dated October 8, 1991, the IBP Board of Governors^[9] dismissed the complaint of Mrs. Narag for failure to prosecute.^[10]

The case took an unexpected turn when, on November 25, 1991, this Court^[11] received another letter^[12] from the complainant, with her seven children^[13] as co-signatories, again appealing for the disbarment of her husband. She explained that she had earlier dropped the case against him because of his continuous threats against her.^[14]

In his Comment on the complainant's letter of November 11, 1991, filed in compliance with this Court's Resolution issued on July 6, 1992,^[15] respondent prayed that the decision of the Board of Governors be affirmed. Denying that he had threatened, harassed or intimidated his wife, he alleged that she had voluntarily executed her Affidavit of Desistance^[16] and Motion to Dismiss,^[17] even appearing before the investigating officer, Commissioner Racela, to testify under oath "that she prepared the Motion to Dismiss and Affidavit of Desistance on her own free will and affirmed the contents thereof."

In addition, he professed his love for his wife and his children and denied abandoning his family to live with his paramour. However, he described his wife as a person emotionally disturbed, viz.:

"What is pitiable here is the fact that Complainant is an incurably jealous and possessive woman, and every time the streak of jealousy rears its head, she fires off letters or complaints against her husband in every conceivable forum, all without basis, and purely on impulse, just to satisfy the consuming demands of her 'loving' jealousy. Then, as is her nature, a few hours afterwards, when her jealousy cools off, she repents and feels sorry for her acts against the Respondent. Thus, when she wrote the Letter of November 11, 1991, she was then in the grips of one of her bouts of jealousy."^[18]

On August 24, 1992, this Court issued another Resolution referring the Comment of respondent to the IBP.^[19] In the hearing before IBP Commissioner Plaridel C. Jose, respondent alleged the following:^[20]

"2. Your Respondent comes from very poor parents who have left him not even a square meter of land, but gave him the best legacy in life: a purposeful and meaningful education. Complainant comes from what she

claims to be very rich parents who value material possession more than education and the higher and nobler aspirations in life. Complainant abhors the poor.

3. Your Respondent has a loving upbringing, nurtured in the gentle ways of love, forgiveness, humility, and concern for the poor. Complainant was reared and raised in an entirely different environment. Her value system is the very opposite.

4. Your Respondent loves his family very dearly, and has done all he could in thirty-eight (38) years of marriage to protect and preserve his family. He gave his family sustenance, a comfortable home, love, education, companionship, and most of all, a good and respected name. He was always gentle and compassionate to his wife and children. Even in the most trying times, he remained calm and never inflicted violence on them. His children are all now full-fledged professionals, mature, and gainfully employed. x x x

xxx xxx xxx

Your Respondent subscribes to the sanctity of marriage as a social institution.

On the other hand, consumed by insane and unbearable jealousy, Complainant has been systematically and unceasingly destroying the very foundations of their marriage and their family. Their marriage has become a torture chamber in which Your Respondent has been incessantly BEATEN, BATTERED, BRUTALIZED, TORTURED, ABUSED, and HUMILIATED, physically, mentally, and emotionally, by the Complainant, in public and at home. Their marriage has become a nightmare.

For thirty-eight years, your Respondent suffered in silence and bore the pain of his misfortune with dignity and with almost infinite patience, if only to preserve their family and their marriage. But this is not to be. The Complainant never mellowed and never became gentl[e], loving, and understanding. In fact, she became more fierce and predatory.

Hence, at this point in time, the light at the tunnel for Your Respondent does not seem in sight. The darkness continues to shroud the marital and familial landscape.

Your Respondent has to undergo a catharsis, a liberation from enslavement. Paraphrasing Dorfman in 'Death and the Maiden', can the torturer and the tortured co-exist and live together?

Hence, faced with an absolutely uncomprehending and uncompromising mind whose only obsession now is to destroy, destroy, and destroy, Your Respondent, with perpetual regret and with great sorrow, filed a Petition for Annulment of Marriage, Spl. Proc. No. 566, RTC, Branch III, Tuguegarao, Cagayan. x x x.

5. Complainant is a violent husband-beater, vitriolic and unbending. But your Respondent never revealed these destructive qualities to other people. He preserved the good name and dignity of his wife. This is in compliance with the marital vow to love, honor or obey your spouse, for

better or for worse, in sickness and in health. . . Even in this case, Your Respondent never revealed anything derogatory to his wife. It is only now that he is constrained to reveal all these things to defend himself.

On the other hand, for no reason at all, except a jealous rage, Complainant tells everyone, everywhere, that her husband is worthless, good-for-nothing, evil and immoral. She goes to colleges and universities, professional organizations, religious societies, and all other sectors of the community to tell them how evil, bad and immoral her husband is. She tells them not to hire him as professor, as Counsel, or any other capacity because her husband is evil, bad, and immoral. Is this love? Since when did love become an instrument to destroy a man's dearest possession in life - his good name, reputation and dignity?

Because of Complainant's virulent disinformation campaign against her husband, employing every unethical and immoral means to attain his ends, Your Respondent has been irreparably and irreversibly disgraced, shamed, and humiliated. Your Respondent is not a scandalous man. It is he who has been mercilessly scandalized and crucified by the Complainant."^[21]

To prove the alleged propensity of his wife to file false charges, respondent presented as evidence the following list of the complaints she had filed against him and Gina Espita:

- "3.1 Complaint for Immorality/Neglect of Duty x x x
- 3.2 Complaint for Immorality/Neglect of Duty, DILG, Adm. Case No. P-5-90. x x x
- 3.3 Complaint for Concubinage. Provincial Prosecutor's Office of Cagayan. I.S No. 89-114. x x x
- 3.4 Complaint for Anti-Graft and Corrupt Practices and concubinage. OMBUDSMAN Case No. 1-92-0083. x x x
- 3.5 Complaint for Civil Support. RTC, Tuguegarao, Civil Case No. 4061. DISMISSED.
- 3.6 Complaint for Concubinage. Provincial Prosecutor's Office of Cagayan. I.S. No. 92-109. DISMISSED. (x x x). Complainant filed Motion for Reconsideration. DENIED. (x x x).
- 3.7 Complaint for Disbarment (x x x) with S[upreme] C[ourt]. Withdrawn (x x x). DISMISSED by IBP Board of Governors (x x x). Re-instituted (x x x).
- 3.8 Complaint for Disbarment, again (x x x). Adm. Case No. 3405. Pending.
- 3.9 Complaint for Concubinage, again (x x x). Third MCTC, Tumauni, Isabela. Pending. x x x"^[22]

In his desperate effort to exculpate himself, he averred:

"I. That all the alleged love letters and envelopes (xxx), picture (xxx) are inadmissible in evidence as enunciated by the Supreme Court in 'Cecilia Zulueta vs. Court of Appeals, et. al.', G.R. No. 107383, February 20, 1996. (xxx).

II. That respondent is totally innocent of the charges: He never courted Gina Espita in the Saint Louis College of Tuguegarao. He never caused the employment of said woman in the DTI. He never had or is having any illicit relationship with her anywhere, at any time. He never lived with her as husband and wife anywhere at any time, be it in Centro Tumauni or any of its barangays, or in any other place. He never begot a child or children with her. Finally, respondent submits that all the other allegations of Mrs. Narag are false and fabricated, xxx

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III. Respondent never abandoned his family[.] Mrs. Narag and her two sons forcibly drove respondent Narag out of the conjugal home. After that, Atty. Narag tried to return to the conjugal home many times with the help of mutual friends to save the marriage and the family from collapse. He tried several times to reconcile with Mrs. Narag. In fact, in one of the hearings of the disbarment case, he offered to return home and to reconcile with Mrs. Narag. But Mrs. Narag refused all these efforts of respondent Narag. xxx

IV. Complainant Julieta B. Narag is an unbearably jealous, violent, vindictive, scandalous, virulent and merciless wife since the beginning of the marriage, who incessantly beat, battered, brutalized, tortured, abuse[d], scandalized, and humiliated respondent Atty. Narag, physically, mentally, emotionally, and psychologically, xxx.

V. Complainant Julieta Narag's claim in her counter-manifestation dated March 28, 1996, to the effect that the affidavit of Dominador B. Narag, Jr., dated February 27, 1996 was obtained through force and intimidation, is not true. Dominador, Jr., executed his affidavit freely, voluntarily, and absolutely without force or intimidation, as shown by the transcript of stenographic notes of the testimonies of Respondent Atty. Narag and Tuguegarao MTC Judge Dominador Garcia during the trial of Criminal Case No. 12439, People vs. Dominador M. Narag, et. al., before the Tuguegarao MTC on May 3, 1996. x x x.

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VI. Respondent Atty. Narag is now an old man - a senior citizen of 63 years - sickly, abandoned, disgraced, weakened and debilitated by progressively degenerative gout and arthritis, and hardly able to earn his own keep. His very physical, medical, psychological, and economic conditions render him unfit and unable to do the things attributed to him by the complainant. Please see the attached medical certificates, x x x, among many other similar certificates touching on the same ailments. Respondent is also suffering from hypertension."^[23]

On July 18, 1997, the investigating officer submitted his report,^[24] recommending the indefinite suspension of Atty. Narag from the practice of law. The material portions of said report read as follows:

"Culled from the voluminous documentary and testimonial evidence submitted by the contending parties, two (2) issues are relevant for the disposition of the case, namely: