



Republic of the Philippines  
**Supreme Court**  
 Baguio

EN BANC

**AMALIA R. CENIZA,**  
 Complainant,

**A.C. No. 8335**

Present:

BERSAMIN, *C.J.*,  
 CARPIO,  
 PERALTA,  
 \* DEL CASTILLO,  
 \*\* PERLAS-BERNABE,  
 LEONEN,  
 \*\*\* JARDELEZA,  
 CAGUIOA,  
 REYES, JR., A.,  
 GISMUNDO,  
 REYES, JR., J.,  
 HERNANDO,  
 CARANDANG, and  
 LAZARO-JAVIER, *JJ.*

- versus -

Promulgated:

**ATTY. ELISEO B. CENIZA, JR.,**  
 Respondent.

April 10, 2019

X-----X

**DECISION**

***PER CURIAM:***

The abandonment by an attorney of his legitimate family in order to cohabit with a married woman constitutes gross immorality that warrants his disbarment.<sup>1</sup>

The Office of the Bar Confidant (OBC) received the complainant's letter-complaint denouncing the immoral conduct committed by her husband, a member of the Integrated Bar of the Philippines.<sup>2</sup> She submitted

\* On official leave.

\*\* On leave.

\*\*\* On official leave.

<sup>1</sup> *Rollo*, pp. 46-47.

<sup>2</sup> *Id.*

therewith her affidavit detailing the grounds for her denunciation.<sup>3</sup>

The complainant stated that she and the respondent were married on November 12, 1989 at the Sacred Heart Parish in Cebu City; that in time they had two children, Marie Agnes (Agnes) and Christopher Chuck;<sup>4</sup> that on April 21, 2008, he told her that he would be attending a seminar in Manila, but because she had some business to attend to in General Santos City, he seemingly agreed to her request to forego with his trip to Manila; and that upon her return from General Santos City on April 26, 2008, however, he had already moved out of their home, taking along with him his car and personal belongings.

On May 23, 2008, the complainant went to the Mandaue City Hall where the respondent worked as a legal officer in order to inquire about his situation. She learned from members of his staff that they had suspected him of carrying on an extra-marital affair with one Anna Fe Flores Binoya (Anna). On the next day, the complainant, accompanied by her daughter and a nephew, went to the address provided by the staff to verify the information. They were able to meet Anna's sister who informed them that she had moved out of their address; that Anna and her second husband, Atty. Eliseo Ceniza, Jr., the herein respondent, had been living together in Aldea Subdivision; and that in the evening of said date the complainant and her daughter proceeded to the new address where they found and confronted the respondent, who simply denied having committed any wrongdoing.

On July 9, 2008, the respondent commenced a civil action seeking the declaration of nullity of his marriage with the complainant,<sup>5</sup> alleging her psychological incapacity under Art. 36 of the Family Code.

On August 11, 2008, the respondent visited the complainant at work and requested her to agree to the nullification of their marriage. She refused and instead pleaded with him to avoid displaying his paramour in public. Her pleas notwithstanding, he continued with the illicit relationship.

On November 18, 2008, the complainant brought a complaint for immorality against the respondent in the Office of the Ombudsman (OMB-V-A-10-0345-G).

On April 2, 2009, the complainant sent a letter to President Macapagal-Arroyo alleging therein that her husband had abandoned her and their children in order to live with another woman.

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<sup>3</sup> Id. at 6.

<sup>4</sup> Id. at 6.

<sup>5</sup> *Rollo*, pp. 24-29.

On May 18, 2009, the Presidential Action Center of the Office of the President forwarded the complainant's letter to President Macapagal-Arroyo to the Office of the Bar Confidant (OBC).<sup>6</sup> In due course, the OBC directed the respondent to comment on the complaint against him.

On October 26, 2009, the respondent filed his comment,<sup>7</sup> wherein he denied having engaged in immoral conduct and maintained that Anna had only been a business partner. He insisted that he had moved in with his parents after leaving their family home; and that he had left the complainant because her behavior had become unbearable.

In the meantime, on August 5, 2011, the Office of the Ombudsman issued its decision in OMB-V-A-10-0345-G,<sup>8</sup> in which it found the respondent guilty of disgraceful and immoral conduct for having an extra-marital affair with a woman in violation of the *Code of Conduct and Ethical Standards for Public Officials and Employees* which required that:

.... all public officials and employees shall at all times be accountable to the people and shall discharge their duties with utmost responsibility, integrity, competence, and loyalty, act with patriotism and justice, lead modest lives, and uphold public interest over personal interest.<sup>9</sup>

The Office of the Ombudsman disposed:

**WHEREFORE, PREMISES CONSIDERED,** judgment is hereby rendered finding respondent **ELISEO B. CENIZA** guilty of Disgraceful and Immoral Conduct. The said respondent is hereby meted the penalty of **SUSPENSION from the service for a period of SIX (6) MONTHS without pay** with a stern warning that subsequent violations of similar nature will be dealt with a more severe penalty.<sup>10</sup>

The respondent appealed to the Court of Appeals (CA), which upheld the decision of the Office of the Ombudsman.<sup>11</sup>

### **Report and Recommendation of the IBP**

On October 7, 2010, Commissioner Salvador Hababag of the Integrated Bar of the Philippines Commission on Bar Discipline (IBP-CBD), to which the complaint against the respondent had been referred for investigation, submitted his findings and recommended the dismissal of the

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<sup>6</sup> Id. at 45.

<sup>7</sup> Id. at 110-117.

<sup>8</sup> Id. at 429-451.

<sup>9</sup> Id. at 449.

<sup>10</sup> Id. at 450.

<sup>11</sup> Id. at 499-514.

complaint, opining that the respondent be cautioned to be more circumspect in his actuations to avoid the impression of committing immorality.

Commissioner Hababag rendered the following observations, to wit:

The issue is whether or not respondent is guilty of immorality in his relationship with Anna Fe Binoya.

Immoral conduct has been defined as “that conduct which is willful, flagrant, or shameless, and which shows a moral indifference to the opinion of the good and respectable members of the community.

To be the basis of disciplinary action, the lawyer’s 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. (Emma T. Dantes vs. Atty. Crispin Dantes A.C. No. 6486 September 22, 2004).

Upon the other hand good moral character is a requirement not only upon one’s application for admission but it is rather a continuing requirement even after admission for the enjoyment of the privilege to practice. Good moral character includes at least common honesty. (Boyong vs. Oblema, 7 SCRA 859).

WHEREFORE, premises considered, it is most respectfully recommended that the administrative suit be dismissed but with WARNING to the respondent to be more circumspect in his actuation to avoid the impression of committing immorality.<sup>12</sup>

On February 13, 2013, the IBP Board of Governors issued its Resolution No. XX-2013-148 adopting the recommendation of Commissioner Hababag,<sup>13</sup> to wit:

*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, the case is hereby **DISMISSED**. However, the Warning imposed against respondent is hereby ordered deleted.*

On February 26, 2014, the case was considered closed and terminated for failure of the complainant to seek a reconsideration or appeal by petition for review.<sup>14</sup>

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<sup>12</sup> *Rollo*, p. 923.

<sup>13</sup> *Id.* at. 367.

<sup>14</sup> *Id.* at 371.

On June 4, 2014, however, the complainant transmitted a letter of appeal vis-à-vis the resolution of February 26, 2014, attaching thereto her motion for reconsideration.<sup>14</sup>

Thereupon, the Court referred the case to the OBC for report and evaluation.

Upon the recommendation of the OBC,<sup>15</sup> the Court set aside its resolution of February 26, 2014, and required the respondent to comment on the complainant's motion for reconsideration.<sup>16</sup>

On February 23, 2016, the Court promulgated a resolution referring the case to the IBP for investigation, report and recommendation.<sup>17</sup>

On March 1, 2017, the IBP Board of Governors issued Resolution No. XXII-2017-889 denying the motion for reconsideration.

### **Issue**

Should the respondent be disciplined for the actions attributed to him by the complainant?

### **Ruling of the Court**

We disagree with the recommendation of the IBP Board of Governors for the dismissal of the charge of immorality.

It appears to us that Commissioner Hababag utterly failed to conscientiously discharge his responsibility as the factfinder; and that he also did not properly appreciate the facts in relation to the relevant laws and the canons of ethics. All that he accomplished was to rehash the principles of law that he believed were applicable, but without calibrating such principles to whatever facts were found by him to be established. He did not even explain why the principles were relevant to the case of the respondent. Such nonchalant discharge of the responsibility of fact-finding was almost perfunctory, certainly lackluster, and bereft of the requisite enthusiasm. What makes it worse for the timid, if not lethargic, recommendation was the unquestioning affirmance by the IBP Board of Governors, which seemingly failed to even notice the glaring inadequacy.

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<sup>14</sup> *Rollo*, pp. 520-521.

<sup>15</sup> *Id.* at 478-490.

<sup>16</sup> *Id.* at 491.

<sup>17</sup> *Id.* at 517.

For sure, the finding of insufficient evidence against the respondent was unwarranted. He had not even put forward anything of substance in his defense. He had been content with merely denying the imputed wrongdoing, but his denial did not disprove the substantial evidence adduced against him. He had been sufficiently shown to have abandoned his legitimate spouse and family in order to live with a married woman.

The findings made by the Office of the Ombudsman in the administrative case brought against the respondent more than sufficed to show his immorality, thereby showing his failure to live up to the legal and ethical obligations of a lawyer. In this regard, we adopt and reiterate the apt findings of the Office of the Ombudsman, to wit:

Respondent is adamant in his denial that he has a relationship with Binoya. He insists that complainant's accusation that he was having an affair with Binoya was purely speculative and unsupported by evidence.

Complainant, for her part, presented affidavits not only of their daughter, Marie Agnes ("Marie"), but also of two others, namely: Roberto Joseph Galvan ("Galvan") and Gabriel Jadraque ("Jadraque").

Marie declared, in part, that:

9. That we found out on May 24, that he had another woman named Anna Fe Flores Binoya, and he was currently living with her in Block 11, Lot 27, Aldea Subd., Timpolok, Lapulapu City.

10. That I was there in Umapad dump site when I met Myrna Flores, Ann's mother, Ann and Ann's daughter. She tried to deny her relationship with my father, but just a few minutes after, I heard her three aunts tell us that she had a new husband. She identified the new husband as Atty. Eliseo B. Ceniza, Jr.

Meanwhile, Galvan alleged that:

2. That I have been living at Aldea Buena Subdivision, Timpolok, Mactan, Lapu-Lapu City since February 2005;

3. That I regularly stroll in our subdivision on board my bicycle or motorcycle with my kids;

4. That on several occasions in the month of December 2008 and January 2009, I saw the black Honda care (sic) with plate no. YDX 692 or sometimes the red Toyota Corolla care (sic) with plate no. GEJ 877 belonging to ATTY. ELISEO B. CENIZA, JR., parked in front of the house located on Block 11 Lot 27 of Aldea Buena Subdivision;

5. That more particularly, I have seen these vehicles

parked for long periods of time and in some days overnight at the said place;

6. That on December 22, 2008 at around 8:00 PM, I personally saw ATTY. ELISEO B. CENIZA, JR. taking dinner, half-naked, facing the table in the above-mentioned house together with a woman whom I later identified as ANN FLORES from the picture that AMALIA R. CENIZA showed me;

7. That I saw them again inside the house on December 23, 2008 at around nine o'clock in the morning up to past twelve o'clock noontime;

Finally, Jadraque averred that:

That sometime on the first week of January 2009, Mrs. Amalia R[,] Ceniza approached me and sought assistance to conduct a surveillance of her husband's activities.

That Mrs. Ceniza provided me information that her husband has a girlfriend who is residing at blk 11, lot 27[,] ALDEA BUENA SUBD. [,] Timpolok[,] Lapu-Lapu City Cebu, which she also believed that her husband frequently slept there at night and most of the time uses their car a RED TOYOTA with LTO plate GEJ-877;

That on the ninth(sic) of January Mrs. Ceniza contacted me thru my mobile phone that the classes of her daughter will end at 6:30 in the afternoon at Cebu Doctor's College at Mandaue City and her husband will be the one to pick up and brought [her] home.

That at about 6:00 in the afternoon that day[,] I went ahead with a videocam with me in Blk 11, Lot 27[,] ALDEA BUENA SUBD.[,] Timpolok[,] Lapu-lapu City and strategically positioned myself in order to observed(sic) the place and the activities of the people in the surroundings;

That few minutes after I saw a RED TOYOTA with LTO plate GEJ-877 approaching the place this time I remembered the car mentioned by Mrs. Ceniza that [was] frequently driven by her husband, so I immediately turn[ed] on the video cam, and while the tape is running[,] I saw the RED TOYOTA with LTO Plate GEJ-877 parked in front of the house #27[,] at the same time[,] I saw one lady [who] went out from the house and proceeded to the gate and unlocked it then she went back inside the house;

That a moment after, one man went out from the driver aside of the RED TOYOTA with LTO Plate # GEJ-877 wearing white T-shirt and proceeded to the house # 27, he opened the gate[,] went inside, then he locked it and proceeded to the main door of the house where the lady who unlocked the gate waited near the main door;

(sic) That later[,] I identify (sic) the man who went out from the RED TOYOTA with LTO Plate GEJ-877 and proceeded to the house #27 as ATTY. ELISEO B. CENIZA JR.

Complainant likewise proffered photographs proving her claim that respondent frequents Binoya's house, as well as, proofs that the place which her husband visits was indeed owned by Binoya. Complainant also adduced evidence to the effect that facts of marriage appear in the Office of the City Civil Registrar, Cebu City, between Binoya and a certain Ebrahim Angeles Yap who were married on 18 October 2002 at Al Khariah Mosque, San Nicolas, Mambaling, Cebu City. The corresponding Certificate of Marriage was likewise submitted.

*Vis-à-vis* complainant's overwhelming allegations, respondent offered only self-serving denials. It is elementary that denials are weak especially if unsupported by evidence. Denial is an intrinsically weak defense which must be buttressed with strong evidence of non-culpability to merit credibility.

It bears stressing that aside from his general claim that complainant only wanted to destroy his reputation and that the instant complaint is purely a vendetta on her part, respondent did not even attempt to present countervailing evidence to substantiate his bare allegations.

No less than respondent's own daughter, Marie Agnes, spoke her piece about the nature of her father's association with Binoya. His daughter is a budding teen-ager and has already attained a certain level of maturity to understand the dynamics of the relationship of her parents.

Moreover, the photographs and declarations of Galvan and Jadraque negate respondent's assertion that he merely visits Binoya as a business associate. His vehicles were seen in front of Binoya's house for long periods of time and in some days, on overnight stays. He was also seen in Binoya's house half-naked while having a meal. Under the prevailing circumstances, these cannot be deemed as actuations of a business partner or the usual business meetings as respondent insists.

It is true that complainant was unable to present photograph/s of respondent and Binoya together. Still, from the foregoing, she has given several pieces of evidence which yield the unmistakable conclusion that respondent and Binoya are having an illicit affair. Under the present scheme of things, these circumstances meet the requirement of substantial evidence in administrative proceedings. In the extant case, there is such relevant evidence as a reasonable mind might accept as adequate to support a conclusion that respondent and Binoya are engaged in an illicit relationship.

We are cognizant of the fact that cases like this usually entail a '*He said – She said*' version. However, complainant was able to build her case against respondent. As afore-discussed, complainant presented evidence to support her claims. There were documentary evidence and affidavits proving, to the best of her ability, her accusations against respondent."<sup>19</sup>

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<sup>19</sup> Rollo, pp. 443-448.



The CA upheld the findings of the Office of the Ombudsman, observing as follows:<sup>20</sup>

Petitioner [Atty. Ceniza] maintains that the insinuations and accusations that he is having a relationship with Anna Fe Binoya is unfounded and baseless. Petitioner claims that he had a friendly relationship with the family of Anna Fe, and that they are far from being intimate. Petitioner contends that public respondent based its findings purely on circumstantial evidence. Petitioner emphasizes that not even a picture of him and Anna Fe was ever presented. Instead, the circumstantial evidence relied upon by public respondent at most would only prove that indeed the petitioner visited Anna Fe at her residence. A grave charge of disgraceful and immoral conduct according to petitioner requires direct and competent evidence which is absent in the extant case.

Petitioner's protestations fail to persuade. Evidence on record is awash of the immoral and disgraceful conduct of petitioner. We find no reason therefore to disturb the findings of public respondent that petitioner is guilty of Disgraceful and Immoral Conduct.

x x x x

In the face of the evidence presented by private respondent, the bare denial and self-serving statements of petitioner crumble. The positive and categorical assertions of private respondent and the uncontradicted statements of the witnesses that they saw petitioner staying overnight at Anna Fe's house on numerous occasions, have sufficiently established the administrative liability of petitioner. They reasonably and logically lead to the conclusion that petitioner was intimately and scandalously involved with Anna Fe. In fact, petitioner even admitted having visited Anna Fe's home several times but claimed that Anna Fe is her distant relative and client. If this was so, petitioner could have presented proof showing his business transaction with Anna Fe. Also, petitioner's claim that Anna Fe is his distant blood relative is wanting of any evidence. Nonetheless, if petitioner and Anna Fe are indeed relatives, this fact would not help prove petitioner's innocence from the charge of immoral conduct. Rather, it would only make petitioner's actions appear more scandalous and distasteful and would only tend to validate petitioner's inclination to thoughtless indiscretions.

Also quite untenable is petitioner's protestation that the evidence presented would prove at most his causal visits to his friend and relative Anna Fe. In his vain attempt for absolution, petitioner pointed out that neither a single photograph of him and Anna Fe going out together was ever presented nor even an allegation that they were seen holding hands or that they had a 'friendly kiss, or *beso-beso*'.

It is morally reprehensible for a married man or woman to maintain intimate relations with another person of the opposite sex other than his or her spouse. In the context of and during such an illicit affair, acts which are otherwise morally acceptable (such as having lunch or dinner, working overtime or watching a movie together) become tainted with immorality when done by a married man or woman with a person not

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<sup>20</sup> Docketed as CA-G.R. CEB- SP No. 06367, May 12, 2015, pp. 509-512.

his or her spouse. These otherwise innocent acts (like petitioner's casual visits to Anna Fe's house and his overnight stays) are deemed unclean because they are done in furtherance of and in connection with something immoral.

Moreover, immorality is not confined to sexual matters, but includes conduct inconsistent with rectitude, or indicative of corruption, indecency, depravity, and dissoluteness; or is willful, flagrant or shameless conduct showing moral indifference to opinions of respectable members of the community, and as an inconsiderate attitude toward good order and public welfare.

The Court will not deviate from the findings of the Office of the Ombudsman as fully affirmed by the CA.

The members of the legal profession must conform to the highest standards of morality because the *Code of Professional Responsibility* mandated them so, to wit:

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

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.

There is no question that a married person's abandonment of his or her spouse in order to live and cohabit with another constitutes immorality. The offense may even be criminal – either as concubinage or as adultery. Immoral conduct, or immorality, is that which is so willful, flagrant, or shameless as to show indifference to the opinion of good and respectable members of the community. As a basis of disciplinary action, such immoral conduct, or immorality must be so corrupt as to virtually 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.<sup>21</sup> That the illicit partner is himself or herself married compounds the immorality.

In disbarment proceedings, the burden of proof rests upon the complainant. The Court will exercise its disciplining authority only if the case against the respondent is established by clear, convincing and satisfactory evidence. Given the serious and far-reaching consequences of disbarment, only a clearly preponderant showing can warrant the imposition of the harsh penalty of disbarment.<sup>22</sup> Preponderance of evidence means that the evidence adduced by one side is, as a whole, superior to or

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<sup>21</sup> *Advincula v. Advincula*, A.C. No. 9226, June 14, 2016, 793 SCRA 237, 248.

<sup>22</sup> *Cawaling v. Menese*, A.C. No. 9698, November 13, 2013, 709 SCRA 304, 313-314.

has greater weight than that of the other; it means evidence that is more convincing as worthy of belief than that which is offered in opposition thereto.<sup>23</sup>

Herein, the complainant presented clearly preponderant evidence showing that the respondent, while being lawfully married to her, had maintained an illicit relationship with a married woman. It is of no moment that she presented no direct evidence of the illicit relationship between him and his mistress; or that her proof of his immorality was circumstantial. Direct evidence is that evidence which proves a fact in issue directly without any reasoning or inferences being drawn on the part of the factfinder. Circumstantial evidence is that evidence which indirectly proves a fact in issue; the factfinder must draw an inference or reason from circumstantial evidence.<sup>24</sup> The lack of direct evidence should not obstruct the adjudication of a dispute, for circumstantial evidence may be available for the purpose. The *Rules of Court* has really made no distinction between direct evidence of a fact and evidence of circumstances from which the existence of a fact may be inferred.<sup>25</sup> Thus, for the respondent to insist that the complainant did not discharge her burden of proof because she did not adduce direct evidence of the immorality is utterly fallacious. As the records amply indicated, the circumstantial evidence adduced herein compelled the conclusion that he had abandoned the complainant and their children in order to cohabit with his married mistress.

Time and again, the Court has pointed out that when the integrity or morality of a member of the Bar is challenged, it is not enough that he or she denies the charge, for he or she must meet the issue and overcome the evidence presented on the charge. He or she must present proof that he or she still maintains the degree of integrity and morality expected of him or her at all times.<sup>26</sup> The respondent failed in this regard.

In keeping with the high standards of morality imposed upon every lawyer, the respondent should have desisted from the illicit relationship with his mistress, and should have avoided the impression on the part of the public that he was defying the moral standards required of him.<sup>27</sup> His leaving his wife and family to cohabit with his married mistress definitely transgressed the clearly-defined bounds of decency and morality. His transgression inflicted on his wife and children a lot of suffering, including depression, as borne out by one child's attempt at suicide out of despair for what he had caused to their family. These circumstances were more than sufficient to establish the charge of gross immorality.

<sup>23</sup> *Castro v. Bigay, Jr.*, A.C. No. 7824, July 19, 2017, 831 SCRA 274, 280.

<sup>24</sup> Gardner, *Criminal Evidence, Principles, Cases and Readings*, West Publishing Co., 1978 ed., p. 124.

<sup>25</sup> See *People v. Ramos*, G.R. No. 104497, January 18, 1995, 240 SCRA 191, 198-199; citing *Robinson v. State*, 18 Md. App. 678, 308 A2d 734 (1973).

<sup>26</sup> *Fabie v. Real*, A.C. No. 10574, September 20, 2016, 803 SCRA 388, 397.

<sup>27</sup> *Advincula v. Advincula*, A.C. No. 9226, June 14, 2016, 793 SCRA 237, 248.

That the immoral conduct of the respondent pertained to his private life did not diminish the gravity of his ethical violation. In *Advincula v. Advincula*,<sup>28</sup> we have exhorted all lawyers to always conduct themselves in a manner as to avoid scandalizing the public by creating the belief that they are flouting the moral standards of the legal profession, thusly:

.... it is expected that every lawyer, being an officer of the Court, must not only be in fact 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 required not only to refrain from adulterous relationships or keeping mistresses but also to conduct himself as to avoid scandalizing the public by creating the belief that he is flouting those moral standards. If the practice of law is to remain an honorable profession and attain its basic ideals, whoever is enrolled in its ranks should not only master its tenets and principles but should also, in their lives, accord continuing fidelity to them. The requirement of good moral character is of much greater import, as far as the general public is concerned, than the possession of legal learning.

Indeed, any lawyer guilty of gross misconduct should be suspended or disbarred even if the misconduct relates to his or her personal life for as long as the misconduct evinces his or her lack of moral character, honesty, probity or good demeanor.<sup>29</sup> Every lawyer is expected to be honorable and reliable at all times, for a person who cannot abide by the laws in his private life cannot be expected to do so in his professional dealings.<sup>30</sup>

In view of the foregoing, the respondent's immoral conduct violated Rule 1.01 and Rule 7.03 of the *Code of Professional Responsibility*.

We now deal with the penalty to be imposed.

In *Narag v. Narag*,<sup>31</sup> the Court disbarred the respondent attorney for abandoning his family and living with his paramour. In *Dantes v. Dantes*,<sup>32</sup> the Court disbarred the respondent attorney for having maintained two illicit relationships, thereby not keeping up with the strict requirements of law for the continued practice of the noble profession. In *Bustamante-Alejandro v. Alejandro*,<sup>33</sup> disbarment was also imposed on the respondent who had abandoned his wife and maintained an illicit affair with another woman.

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<sup>28</sup> Id. at 247-248.

<sup>29</sup> *Manaois v. Diciembre*, A.C. No. 5364, August 20, 2008, 562 SCRA 359, 363.

<sup>30</sup> *Bustamante-Alejandro v. Alejandro*, A.C. No. 4256, February 13, 2004, 422 SCRA 527, 532.

<sup>31</sup> A.C. No. 3405, June 29, 1998, 291 SCRA 451.

<sup>32</sup> A.C. No. 6486, September 22, 2004, 438 SCRA 582.

<sup>33</sup> A.C. No. 4256, February 13, 2004, 422 SCRA 527, 533.

Likewise, in *Guevarra v. Eala*,<sup>34</sup> disbarment was the penalty for a lawyer who carried on an extra-marital affair with a married woman while he was also married.

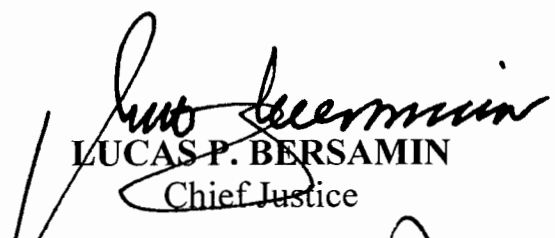
By his scandalous and highly immoral conduct, therefore, the respondent showed that he did not possess the requisite good moral character needed for the continued practice of law. He deserves the extreme penalty of disbarment.


**WHEREFORE**, the Court **FINDS** and **DECLARES** respondent **ATTY. ELISEO B. CENIZA, JR.** guilty of gross immorality in violation of Rule 1.01 and Rule 7.03 of the *Code of Professional Responsibility*; **DISBARS** him from the practice of law effective upon receipt of this decision; and **ORDERS** his name stricken off the Roll of Attorneys.


Let a copy of this decision be attached to the respondent's personal record in the Office of the Bar Confidant.

Furnish a copy of this decision to the Integrated Bar of the Philippines for its information and guidance; and the Office of the Court Administrator for dissemination to all courts of the Philippines.

**SO ORDERED.**

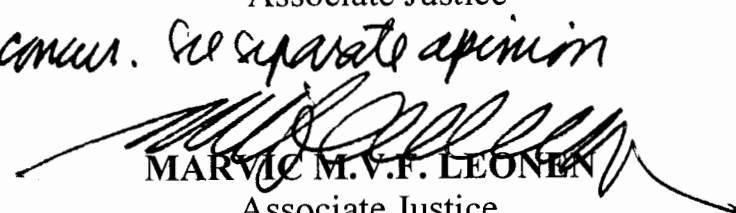
  
LUCAS P. BERSAMIN  
Chief Justice

  
ANTONIO T. CARPIO  
Associate Justice

  
DIOSDADO M. PERALTA  
Associate Justice

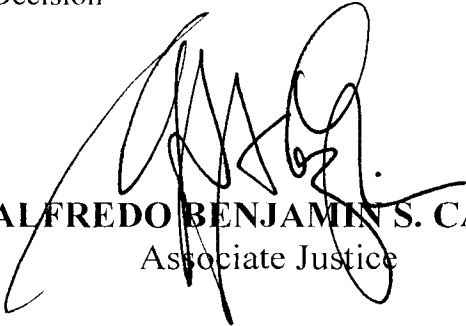
(On official leave)  
MARIANO C. DEL CASTILLO  
Associate Justice

(On leave)  
ESTELA M. PERLAS-BERNABE  
Associate Justice

*I concur. See separate opinion*  
  
MARVIC M.V.F. LEONEN  
Associate Justice

(On official leave)  
FRANCIS H. JARDELEZA  
Associate Justice

<sup>34</sup> A.C. No. 7136, August 1, 2007, 529 SCRA 1.




**ALFREDO BENJAMIN S. CAGUIOA**  
Associate Justice




**ANDRES B. REYES, JR.**  
Associate Justice



**ALEXANDER G. GESMUNDO**  
Associate Justice



**JOSE C. REYES, JR.**  
Associate Justice



**RAMON PAUL L. HERNANDO**  
Associate Justice



**ROSMARI D. CARANDANG**  
Associate Justice



**AMY C. LAZARO-JAVIER**  
Associate Justice

