



SUPREME COURT OF THE PHILIPPINES
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Republic of the Philippines
Supreme Court
Manila

EN BANC

ANNALIZA C. CHAN,
Complainant,

A.C. No. 10439

Present:

BERSAMIN, C.J.,
CARPIO,
PERALTA,
PERLAS-BERNABE,
LEONEN,
JARDELEZA,
CAGUIOA,
REYES, A., JR.,
GESMUNDO,
REYES, J., JR.,
HERNANDO,
CARANDANG,
LAZARO-JAVIER,
INTING, and
ZALAMEDA, JJ.

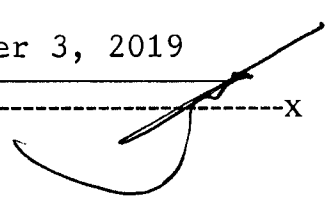
- versus -

ATTY. REBENE C. CARRERA,
Respondent.

Promulgated:

September 3, 2019

X-----X



DECISION

PER CURIAM:

Before the Court is a Complaint-Affidavit¹ 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:

¹ Rollo, pp. 2-4.

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 ₱4 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 fiancé 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,

² *Id.* at 172.

³ *Id.* at 172-173.

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-½ 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

⁴ *Id.* at 173-174.

⁵ *Id.* at 174-176.

⁶ *Id.* at 176-178.

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 Recommendation⁸ 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 Resolution⁹ 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 Resolution¹⁰ 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*.

⁷ *Id.* at 177.

⁸ *Id.* at 171-186.

⁹ *Id.* at 170.

¹⁰ *Id.* at 202.

Prefatorily, the Court notes Chan's disinterest in pursuing her complaint against Carrera as she initially manifested in her Verified Position Paper¹¹ 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 of the Rules of Court provides that "no investigation shall be interrupted or terminated by reason of the desistance, settlement, compromise, restitution, withdrawal of the charges, or failure of the complainant to prosecute the same." This rule finds application in *Ferancullo v. Atty. Ferancullo*¹³ where We held that:

x x x In view of its nature, administrative proceedings against lawyers are not strictly governed by the Rules of Court. As we held in *In re Almacen*, a disbarment case is *sui generis* for it is neither purely civil nor purely criminal but is rather an investigation by the court into the conduct of its officers. Hence, an administrative proceeding continues despite the desistance of a complainant, or failure of the complainant to prosecute the same.¹⁴

From the foregoing precepts, the Court holds that the Investigating Commissioner correctly denied Chan's request for the withdrawal of her complaint, proceeding with the investigation of the allegations against Carrera. It is a fundamental principle that members of the legal profession must conform to the highest standards of morality and that the Court is duty-bound to ensure compliance therewith. As such, any deviation initially raised as the private concern of a complainant becomes a matter of judicial

¹¹ *Id.* at 144-166.

¹² *Id.* at 197-199.

¹³ 538 Phil. 501, 517 (2006).

¹⁴ *Id.* at 512-513. (Citations omitted)

interest. Indeed, Chan may very well be disinterested in pursuing the instant complaint, but this shall not necessarily set Carrera free from any liability he may have already incurred.

But at any rate, even if We sustain Chan's contention that the English translation exaggerated the allegations she raised in her Tagalog complaint, both parties never denied, and even expressly admitted, that they freely engaged in an extra-marital affair. They cohabited under one roof from September 2006 to August 2009, or practically for a period of three (3) years, despite the fact that they were still legally married to their respective spouses. They also produced a child who they named after Carrera. This fact, standing alone, suffices to hold Carrera administratively liable for grossly immoral conduct. No amount of exaggeration can change the attending circumstances of the instant case.

At this juncture, We reproduce the provisions of Rules 1.01 and 7.03 of the Code of Professional Responsibility below:

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.

Time and again, the Court has ruled 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 wilful, 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. That the illicit partner is himself or herself married compounds the immorality.¹⁵

The facts of the present case are beyond dispute. Both Chan and Carrera acknowledged their undeniable love affair, with the latter designating the same as a “chemistry of two consensual adults.” At the same time, both of them did not deny the reality that they were still legally married to another. In a heartbeat, they left their respective homes and moved into a house that Carrera had bought and where they wilfully resided for a good three (3) years. It is in said house that they played husband and

¹⁵ *Amalia R. Ceniza v. Atty. Ceniza, Jr.*, A.C. No. 8335, April 10, 2019.

wife to each other and father and mother to their child. All of these facts, both parties do not contest. At most, their disagreement lies merely in the alleged time when each found out about the fact that the other was still legally married to his or her spouse. But the precise date and time one discovered the other party's existing marriage cannot affect the outcome of the case for both parties nonetheless openly and deliberately cohabited despite knowledge of their status, separating only when their relationship had turned sour.

It is this clear and outright admission that is the basis for Carrera's disbarment. His endless accomplishments listed in his *curriculum vitae* cannot render him innocent of the charges against him. On the contrary, the Court wonders how despite all these achievements in his professional career, Carrera allowed himself to falter in such a highly scandalous manner. His level of knowledge and experience should have alerted him of his duty to keep with the standards of morality imposed on every lawyer. To recall, he even proposed to Chan his services in annulling her marriage. Hence, all of this could have been avoided had he made an effort to make things right. In *Amalia R. Ceniza v. Atty. Ceniza, Jr.*,¹⁶ the Court enunciated that 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. 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.

As regards the penalty to be imposed, the Court has been consistent. In *Ceniza*,¹⁷ as well as in *Narag v. Atty. Narag*,¹⁸ *Dantes v. Atty. Dantes*,¹⁹ *Bustamante-Alejandro v. Atty. Alejandro*,²⁰ and *Guevarra v. Atty. Eala*,²¹ We resolved to disbar the respondents therein for abandoning their legitimate spouses and maintaining illicit affairs with another. By necessary implication, as a consequence of Carrera's scandalous and highly immoral conduct, the Court similarly finds him to be deserving of the extreme penalty of disbarment, although three (3) of its members considered the penalty too harsh.

WHEREFORE, the Court hereby **DECLARES** respondent Atty. Rebene C. Carrera 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. 9

¹⁶ *Supra.*

¹⁷ *Id.*

¹⁸ 353 Phil. 643 (1998).

¹⁹ 482 Phil. 64 (2004).

²⁰ 467 Phil. 139 (2004).

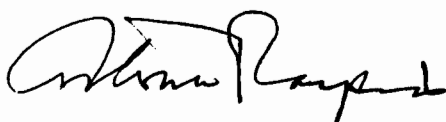
²¹ 555 Phil. 713 (2007).

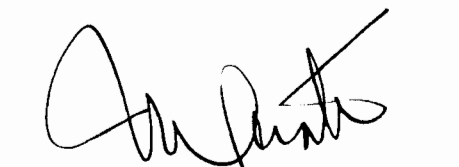
Let a copy of this Decision be attached to the respondent's personal record in the Office of the Bar Confidant.

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

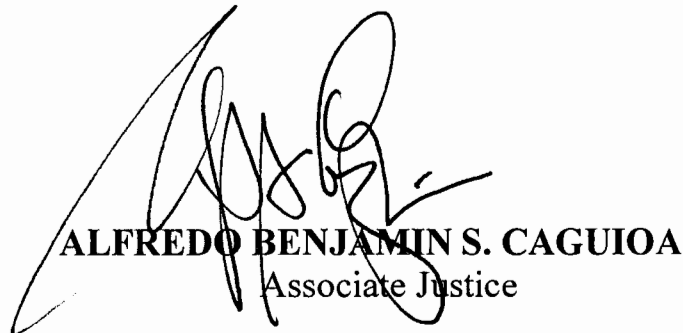

ANTONIO T. CARPIO
Associate Justice



DIOSDADO M. PERALTA
Associate Justice



ESTELA M. PERLAS-BERNABE
Associate Justice

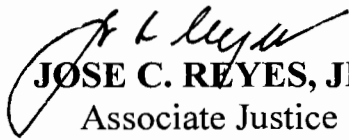

MARVIC MARIO VICTOR F. LEONEN
Associate Justice

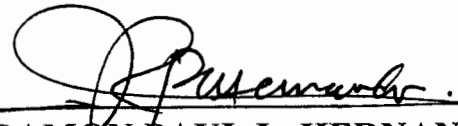

FRANCIS H. JARDELEZA
Associate Justice

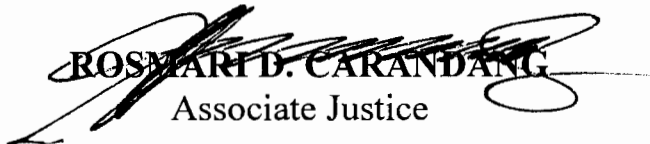

ALFREDO BENJAMIN S. CAGUIOA
Associate Justice


ANDRES B. REYES, JR.
Associate Justice


ALEXANDER G. GESMUNDO
Associate Justice



JOSE C. REYES, JR.
Associate Justice


RAMON PAUL L. HERNANDO
Associate Justice


ROSMARIE D. CARANDANG
Associate Justice


AMY C. LAZARO-JAVIER
Associate Justice


HENRI JEAN PAUL B. INTING
Associate Justice


RODIL V. ZALAMEDA
Associate Justice

