



Republic of the Philippines
Supreme Court
 Manila

EN BANC

SUPREME COURT OF THE PHILIPPINES
 PUBLIC INFORMATION OFFICE

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ROGELIO PASAMONTE,
 Complainant,

A.C. No. 11104

Present:

PERALTA, *CJ.*, Chairperson,
 PERLAS-BERNABE,
 LEONEN,
 CAGUIOA,
 GESMUNDO,
 REYES, J., JR.,
 HERNANDO,
 CARANDANG,
 LAZARO-JAVIER,
 INTING,
 ZALAMEDA,
 LOPEZ,
 DELOS SANTOS,* and
 GAERLAN, *JJ.*

- versus -

ATTY. LIBERATO TENEZA,
 Respondent.

Promulgated:

June 9, 2020

X-----X

DECISION

PER CURIAM:

Before this Court is an administrative complaint¹ for disbarment filed by Rogelio Pasamonte against Atty. Liberato Teneza, charging him of being unfit to continue as a member of the Bar for violating the lawyer-client relationship and consenting to and engaging in a bigamous marriage.

* On leave.

¹ *Rollo*, pp. 2-6. Docketed as CBD Case No. 08-2267.

Facts

In his Complaint,² Rogelio alleged that he and Atty. Teneza have known each other for at least 25 years. Atty. Teneza handled Rogelio's ejectment cases and was even the godparent of one of his children.³

On June 9, 2006, Rogelio went to the house of Atty. Teneza. To his surprise, Atty. Teneza already planned and arranged Rogelio's wedding with Mary Grace dela Roca (Mary Grace). Rogelio objected since he is already married, which Atty. Teneza knew because of their prior dealings. However, Atty. Teneza assured him that their marriage will not be registered with the Local Civil Registry. Hence, reluctantly and "with a heavy heart," Rogelio was forced into the marriage.⁴

A few months later, Mary Grace, assisted by Atty. Teneza, filed a case against Rogelio for bigamy and violation of Republic Act (RA) No. 9262. Rogelio then discovered that Atty. Teneza himself was engaged in a bigamous marriage. Atty. Teneza was still married to one Victoria Reyes on April 18, 1979⁵ when he contracted a subsequent marriage with one Charina dela Roca on July 3, 1993.⁶ As such, Rogelio filed a bigamy case against Atty. Teneza.⁷ Further, Rogelio learned that Atty. Teneza was a witness in the marriage of Francisco dela Roca III to Cristina Villacarlos on June 11, 2004⁸ and also to Michelle Buhat on March 22, 2007.⁹ Rogelio alleged that Atty. Teneza had a propensity for meddling with the processes of the Local Civil Registry. Lastly, Atty. Teneza reneged on his promise not to register Rogelio's marriage with Mary Grace.

On August 11, 2008, the Integrated Bar of the Philippines Commission on Bar Discipline (IBP-CBD) directed Atty. Teneza to submit his answer to the complaint.¹⁰

In his Answer,¹¹ Atty. Teneza admitted that he was Rogelio's lawyer for certain ejectment cases and denied violating their lawyer-client relationship when he assisted Mary Grace in the unrelated bigamy case. Also, he did not register Rogelio and Mary Grace's marriage with the Local Civil Registry.

² *Id.* at 2-6.

³ *Id.* at 18.

⁴ *Id.* at 19.

⁵ *Id.* at 32.

⁶ *Id.* at 33.

⁷ The bigamy charge docketed as Crim. Case No. L-4392 before the Regional Trial Court of Libmanan, Camarines Sur, Branch 57, was provisionally dismissed on October 5, 2009. See *rollo*, p. 92.

⁸ *Rollo*, p. 51.

⁹ *Id.* at 52.

¹⁰ *Id.* at 53.

¹¹ *Id.* at 61-66.

Atty. Teneza admitted that he was a wedding sponsor in the marriage of Francisco with Cristina and with Michelle. He explained that “he acceded to the behest (*sic*) of Cristina, and Michelle, that he stood as one of their principal sponsors in their marriages with [Francisco] because, if something goes wrong in any of these marriage (*sic*), [he] would stand witness and testify on the facts of said marriages against his own brother-in-law [Francisco].” Atty. Teneza posits that “instead of [Rogelio] attributing an alleged wrong-doing against [him], he should even commend, and laud him for braving to stand against his own brother-in-law, if a complaint will be filed against [Francisco].”

During the mandatory conference on March 3, 2009, Rogelio appeared,¹² while Atty. Teneza requested for a resetting.¹³ The mandatory conferences on April 14, 2009¹⁴ and May 5, 2009¹⁵ were attended only by Atty. Teneza. Thereafter, the IBP-CBD ordered the parties to file their respective position papers.¹⁶

In his Position Paper,¹⁷ Atty. Teneza asserts that the allegations in the complaint are fabricated and are the products of Rogelio’s vindictive mind. He insists that he did not violate the lawyer-client relationship when he assisted his sister-in-law, Mary Grace, in the bigamy and RA No. 9262 cases. The ejectment cases that he handled for Rogelio were only on a case-to-case basis; he is not Rogelio’s exclusive lawyer. Further, he did not use the information he obtained from Rogelio in the ejectment cases in filing the bigamy and RA No. 9262 cases. Besides, Rogelio’s civil status is of public knowledge. Atty. Teneza reiterates that he did not meddle with the legal processes of the Local Civil Registry and insists that he only stood as sponsor in the wedding of Francisco and Cristina and also with Michelle upon the request of the brides.

On September 8, 2009, the IBP-CBP issued its Report and Recommendation¹⁸ finding Atty. Teneza to be wanting in integrity, honesty, probity, trustworthiness and morality when he conspired to a bigamous marriage. The IBP-CBD recommended that Atty. Teneza be suspended from the practice of law for two (2) years without prejudice to his criminal and civil liabilities.

On May 14, 2011, the IBP Board of Governors passed a Resolution¹⁹ modifying the penalty to suspension from the practice of law for five (5) years, *viz.*:

¹² *Id.* at 71-72.

¹³ *Id.* at 69-70.

¹⁴ *Id.* at 73-74

¹⁵ *Id.* at 75-76.

¹⁶ *Id.* at 76.

¹⁷ *Id.* at 77-81.

¹⁸ *Id.* at 85-86; penned by Commissioner Norberto B. Ruiz.

¹⁹ *Id.* at 84.

RESOLUTION NO. XIX-2011-230
CBD Case No. 08-2267
Rogelio Pasamonte vs. Atty. Liberato Teneza

*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, and finding respondent wanting in integrity, honesty, probity, trustworthiness and morality by conspiring to a bigamous marriage, Atty. Liberato Teneza, is hereby **SUSPENDED** from the practice of law for five (5) years without prejudice to his criminal and civil liabilities.*

Aggrieved, Atty. Teneza sought reconsideration.²⁰ On March 21, 2014, the IBP Board of Governors passed a Resolution²¹ affirming with modification the Resolution of the IBP-CBD, as follows:

RESOLUTION NO. XIX-2014-87
CBD Case No. 08-2267
Rogelio Pasamonte vs. Atty. Liberato Teneza

*RESOLVED to DENY Respondent's Motion for Reconsideration, there being no cogent reason to reverse the findings of the Commission and it being a mere reiteration of the matters which had already been threshed out and taken into consideration. Further, finding Respondent's (sic) guilty of gross immorality, the Board **RESOLVED** to **AFFIRM with modification**, Resolution No. XIX-2011-230 dated May 14, 2011 and accordingly increased the penalty earlier meted him of five years suspension from the practice [of] law to **Disbarment** and his name **stricken off from the Roll of Attorney**.*

The Extended Resolution issued on April 21, 2014 by the IBP Board of Governors held that Atty. Teneza's utter disregard for the sanctity of marriage, not only of his own but also those of around him, shows his unfitness to continue practicing law and his unworthiness of the principles that the privilege confers upon him.²²

Thereafter, the case was transmitted to this Court for review.

Issue

Should Atty. Teneza be disbarred from the practice of law due to his alleged immoral acts?

²⁰ *Id.* at 87-91.

²¹ *Id.* at 96-97.

²² *Id.* at 98-104; penned by Director for Bar Discipline Dominic C.M. Solis.

Ruling

The Court affirms the factual findings and recommendation of the IBP Board of Governors.

Possession of good moral character is both a condition precedent and a continuing requirement to membership in the legal profession.²³ Canon 1, Rule 1.01 and Canon 7, Rule 7.03 of the Code of Professional Responsibility (CPR) mandate all lawyers to possess good moral character at the time of their application for admission to the Bar, and require them to maintain such character until their retirement from the practice of law,²⁴ viz.:

CANON 1 — A lawyer shall uphold the Constitution, obey the laws of the land and promote respect for law and legal processes.

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

X X X X

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.

X X X X

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

In *Valdez v. Dabon*,²⁵ we held:

Lawyers have been repeatedly reminded by the Court that possession of good moral character is both a condition precedent and a continuing requirement to warrant admission to the Bar and to retain membership in the legal profession. This proceeds from the lawyer's bounden duty to observe the highest degree of morality in order to safeguard the Bar's integrity, and the legal profession exacts from its members nothing less. Lawyers are called upon to safeguard the integrity of the Bar, free from misdeeds and acts constitutive of malpractice. Their exalted positions as officers of the court demand no less than the highest degree of morality.

²³ *AAA v. De Los Reyes*, A.C. Nos. 10021 & 10022, September 18, 2018, 880 SCRA 268, 281.

²⁴ *Panagsagan v. Panagsagan*, A.C. No. 7733, October 1, 2019, citing *Advincula v. Advincula*, 787 Phil. 101 (2016).

²⁵ 773 Phil. 109, 121-122 (2015), quoted in *AAA v. De Los Reyes*, *supra*.

The Court explained in *Arnobit v. Atty. Arnobit* that “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. A member of the bar and an officer of the court is not only required to refrain from adulterous relationships or keeping a mistress but must also behave himself as to avoid scandalizing the public by creating the impression that he is flouting those moral standards.” Consequently, any errant behavior of the lawyer, be it in his public or private activities, which tends to show deficiency in moral character, honesty, probity or good demeanor, is sufficient to warrant suspension or disbarment.

Thus, a lawyer may be removed or suspended from the practice of law for grossly immoral conduct.²⁶ In administrative cases against lawyers involved in illicit relationships, grossly immoral conduct was defined as an act that is so corrupt as to constitute a criminal act, or so unprincipled as to be reprehensible to a high degree, or when committed under such scandalous or revolting circumstances as to shock the community’s sense of decency.²⁷ In this case, the evidence adduced by the parties and Atty. Teneza’s own admission establish that he committed acts of gross immorality.

First, Atty. Teneza contracted a second marriage while the first one was still subsisting. Notably, Atty. Teneza did not dispute the existence, due execution and authenticity of the Marriage Contracts²⁸ issued by the National Statistics Office (NSO). He merely asserts that these are “illegally fished evidence” obtained through unlawful means,²⁹ and that it was not proven that he was the same person who contracted the two marriages.³⁰ We are not persuaded. A marriage contract, being a public document, enjoys the presumption of regularity in its execution and is conclusive as to the fact of marriage.³¹ Thus, the marriage contracts bearing Atty. Teneza’s name are competent and convincing evidence to prove that he contracted two marriages.³² Moreover, in his counter-affidavit³³ in the charge for bigamy, Atty. Teneza admitted entering into a second marriage. This admission more

²⁶ See Section 27, Rule 138 of the Rules of Court.

Sec. 27. Attorneys removed or suspended by Supreme Court on what grounds. — **A member of the bar may be removed or suspended from his office as attorney by the Supreme Court** for any deceit, malpractice, or other gross misconduct in such office, **grossly immoral conduct**, or by reason of his conviction of a crime involving moral turpitude, or for any violation of the oath which he is required to take before the admission to practice, or for a willful disobedience of any lawful order of a superior court, or for corruptly or willful appearing as an attorney for a party to a case without authority so to do. The practice of soliciting cases at law for the purpose of gain, either personally or through paid agents or brokers, constitutes malpractice. (Emphasis supplied.)

²⁷ *Dr. Perez v. Atty. Catindig, et al.*, 755 Phil. 297 (2015). See also *Garrido v. Atty. Garrido*, 625 Phil. 347 (2010), citing *St. Louis University Laboratory High School (SLU-LHS) and Faculty and Staff v. Dela Cruz*, 531 Phil. 213 (2006).

²⁸ See notes 5 and 6.

²⁹ *Rollo*, pp. 34-37.

³⁰ See note 20.

³¹ *Diaz-Salgado v. Anson*, 791 Phil. 481 (2016). See also Section 44, Rule 130, Rules of Court.

³² *Villatuya v. Atty. Tabalingcos*, 690 Phil. 381 (2012).

³³ *Rollo*, pp. 34-37.

than proves his identity as husband in both marriages and the existence of the two marriages.

Atty. Teneza claims good faith because he had not heard from his first wife since 1983. This argument is futile and pathetic. We note that Atty. Teneza was already a lawyer when he contracted the second marriage in 1993, having been admitted to the bar on March 31, 1976.³⁴ As such, he cannot feign ignorance of the law that before a second marriage may be validly contracted, the first and subsisting marriage must first be annulled by the appropriate court.³⁵ We have consistently held that he who contracts a second marriage before the judicial declaration of the first marriage assumes the risk of being prosecuted for bigamy,³⁶ which renders him unfit to continue as member of the bar.³⁷

Moreover, it is of no moment that the bigamy charge against him was dismissed, *albeit* provisional. In *In re Almacen*,³⁸ we held that a disbarment case is *sui generis* for it is neither purely civil nor purely criminal; it is an investigation by the court into the conduct of its officers. Thus, the acquittal of a lawyer or the dismissal of the case in a criminal action is not determinative of an administrative case against him. As long as the quantum of proof in disciplinary proceedings against members of the Bar is met, as in this case, liability attaches.³⁹

Second, Atty. Teneza was complicit to two bigamous marriages. Atty. Teneza knew that Rogelio had a subsisting marriage when he contracted the second marriage with Mary Grace. The complaint for ejectment wherein Atty. Teneza was the counsel states that “[Rogelio] is ... married but separated in fact from his wife.”⁴⁰ This was filed in 2005. Thus, when he attended the marriage of Rogelio and Mary Grace in 2006, Atty. Teneza was fully aware that Rogelio is engaging in an unlawful act. However, he did not do anything to stop Rogelio. This is a violation of his sworn duty not to support activities aimed at defiance of the law.⁴¹

More, Atty. Teneza admitted that he was a witness in the two marriages of Francisco.⁴² He posits, however, that he should be lauded because he attended the two weddings so that he can testify against Francisco in case “something goes wrong in any of these marriages.” This excuse is

³⁴ <http://sc.judiciary.gov.ph/lawlist/137803/>. Last accessed on February 19, 2020.

³⁵ See *Marbella-Bobis v. Bobis*, 391 Phil. 648 (2000).

³⁶ See *Capili v. People*, 713 Phil. 256 (2013).

³⁷ See *Dr. Perez v. Atty. Catindig, et al.*, *supra* note 27; *Villatuya v. Atty. Tabalingcos*, *supra* note 32; and *Villasanta v. Peralta*, 101 Phil. 313 (1957).

³⁸ 31 Phil. 562 (1970), cited in *Cojuangco, Jr. v. Palma*, 481 Phil. 646 (2004).

³⁹ *Cojuangco, Jr. v. Palma*, *supra*.

⁴⁰ *Rollo*, pp. 13-15.

⁴¹ Canon 1, Rule 1.02, Code of Professional Responsibility.

Rule 1.02 – A lawyer shall not counsel or abet activities at defiance of the law or at lessening confidence in the legal system.

⁴² See *rollo*, pp. 51-52.

lame and does not merit credence. The fact remains that he did not do anything to prevent others from transgressing the law. He consented to the unlawful act.

We are not unmindful of the rule that the power to disbar must be exercised with great caution, and only the most imperative of reasons or in cases of clear misconduct affecting the standing and moral character of the lawyer as an officer of the court and member of the bar.⁴³ Thus, when a lesser penalty, such as temporary suspension, could accomplish the end desired, disbarment should never be decreed.⁴⁴

Here, the totality of the foregoing circumstances showed Atty. Teneza's utter disregard of the laws and highly immoral conduct that is so gross and so unprincipled as to be reprehensible to a high degree. Atty. Teneza not only entered into a second marriage knowing fully well that his first marriage is valid and subsisting, he likewise supported and allowed another to contract a bigamous marriage. Notably, he did not show remorse or sincere repentance for committing these acts. He even seeks to be admired and complimented for "braving" to be a witness in the marriages of Francisco. Indeed, Atty. Teneza's wanton disregard of the sanctity of marriage and his own vows of fidelity, not to mention his gross ignorance of the law demonstrate that he is morally and legally unfit to remain in the legal profession. He deserves the extreme penalty of disbarment.

In *Villasanta v. Peralta*,⁴⁵ the respondent married the complainant while his marriage with his first wife was subsisting. We held that respondent's "act of x x x contracting the second marriage (even his act in making love to another woman while his first wife is still alive and their marriage still valid and existing) is contrary to honesty, justice, decency and morality. Respondent made a mockery of marriage which is a sacred institution demanding respect and dignity." Respondent, who was then a 1954 successful bar candidate, was declared disqualified from being admitted to the bar.

Meanwhile, in *Villatuya v. Atty. Tabalingcos*,⁴⁶ the respondent attorney failed to dispute the authenticity or impugn the genuineness of the NSO-certified copies of the Marriage Contracts presented by the complainant to prove that respondent married three different women. Further, the respondent did not invoke any grounds in the Civil Code provisions on marriage in his petitions to annul the second and third marriages. We ruled that "[r]espondent exhibited a deplorable lack of that degree of morality required of him as a member of the bar. He made a mockery of marriage, a sacred institution demanding respect and dignity."

⁴³ *Genato v. Mallari*, A.C. No. 12486, October 15, 2019.

⁴⁴ *Dr. Perez v. Atty. Catindig, et al.*, *supra* note 27.

⁴⁵ 101 Phil. 313 (1957).

⁴⁶ *Supra* note 32.

We disbarred Atty. Tabalingcos for engaging in bigamy, a grossly immoral conduct.

In *Dr. Perez v. Atty. Catindig, et al.*,⁴⁷ we also disbarred the respondent for entering into a second marriage despite knowing fully well that his previous marriage still subsisted. We held that contracting a marriage during the subsistence of a previous one amounts to a grossly immoral conduct in violation of Rule 1.01 and Canon 7, Rule 7.03 of the CPR. We explained:

While the fact that Atty. Catindig decided to separate from Dr. Perez to pursue Atty. Baydo, in itself, cannot be considered a grossly immoral conduct, such fact forms part of the pattern showing his propensity towards immoral conduct. Lest it be misunderstood, **the Court's finding of gross immoral conduct is hinged not on Atty. Catindig's desertion of Dr. Perez, but on his contracting of a subsequent marriage during the subsistence of his previous marriage to Gomez.**

"The moral delinquency that affects the fitness of a member of the bar to continue as such includes conduct that outrages the generally accepted moral standards of the community, conduct for instance, which makes 'a mockery of the inviolable social institution of marriage.'" In various cases, the Court has held that disbarment is warranted when a lawyer abandons his lawful wife and maintains an illicit relationship with another woman who has borne him a child.

Atty. Catindig's subsequent marriage during the subsistence of his previous one definitely manifests a deliberate disregard of the sanctity of marriage and the marital vows protected by the Constitution and affirmed by our laws. By his own admission, Atty. Catindig made a mockery out of the institution of marriage, taking advantage of his legal skills in the process. He exhibited a deplorable lack of that degree of morality required of him as a member of the bar, which thus warrant the penalty of disbarment.⁴⁸ (Emphases supplied; citations omitted.)

Invariably, we disbarred lawyers who are engaged in or entered into a bigamous marriage, a grossly immoral conduct, in violation of Rules 1.01⁴⁹ and 7.03⁵⁰ of the CPR.

FOR THESE REASONS, this Court finds respondent Atty. Liberato Teneza **GUILTY** of gross immorality in violation of Canon 1, Rule 1.01 and Canon 7, Rule 7.03 of the Code of Professional Responsibility. He is **ORDERED DISBARRED** from the practice of law and his name stricken off the Roll of Attorneys, effective upon receipt of this Decision.

⁴⁷ *Supra* note 27.

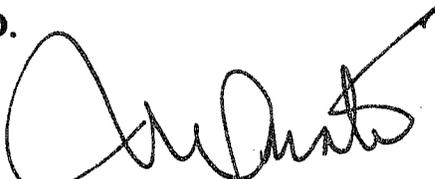
⁴⁸ *Id.* at 309-310.

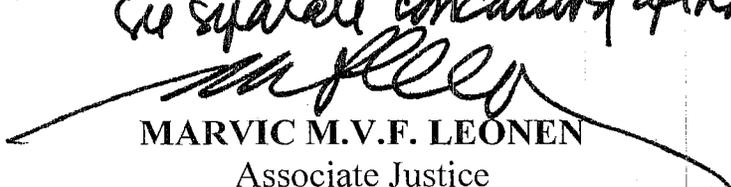
⁴⁹ *Supra.*

⁵⁰ *Supra.*

Let a copy of this decision be furnished to the Office of the Bar Confidant for immediate implementation; the Integrated Bar of the Philippines for its information and guidance; and the Office of the Court Administrator for circulation to all courts in the country.

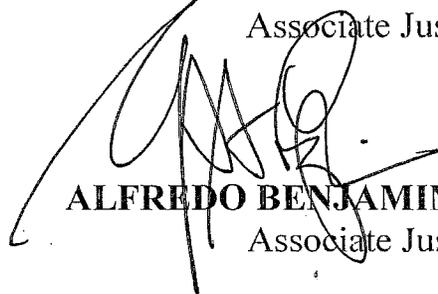
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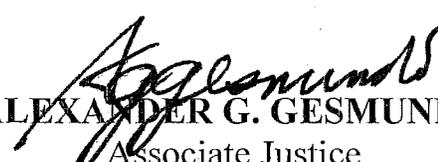

DIOSDADO M. PERALTA
Chief Justice

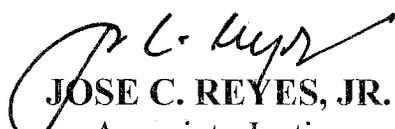
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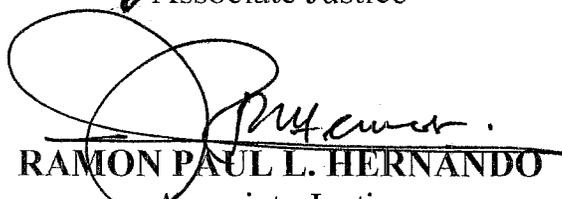

ESTELA M. PERLAS-BERNABE
Associate Justice

MARVIC M.V.F. LEONEN
Associate Justice


ALFREDO BENJAMIN S. CAGUIOA
Associate Justice


ALEXANDER G. GESMUNDO
Associate Justice


JOSE C. REYES, JR.
Associate Justice

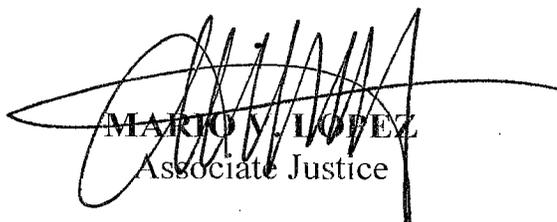

RAMON PAUL L. HERNANDO
Associate Justice


ROSMARIE D. CARANDANG
Associate Justice


AMY C. LAZARO-JAVIER
Associate Justice


HENRI JEAN PAUL B. INTING
Associate Justice


RODIL V. ZALAMEDA
Associate Justice


MARIO V. LOPEZ
Associate Justice

(On leave)
EDGARDO L. DELOS SANTOS
Associate Justice


SAMUEL H. GAERLAN
Associate Justice

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EDGAR O. ARICHETA
Clerk of Court En Banc
Supreme Court

EN BANC

A.C. No. 11104 – ROGELIO PASAMONTE, *Complainant*, v. ATTY. LIBERATO TENEZA, *Respondent*.

Promulgated:

June 9, 2020

X-----X

SEPARATE CONCURRING OPINION

LEONEN, J.:

I concur in the finding that respondent Atty. Liberato Teneza (Atty. Teneza) should be disbarred for violating the Lawyer's Oath and the Code of Professional Responsibility.

The basis of this penalty is clear. Atty. Teneza had no qualms in encouraging and witnessing two men's multiple marriages to different women. His comments did not satisfactorily justify his misconduct.

However, I reiterate my apprehension in entertaining administrative complaints for gross immorality filed by third parties before this Court. This is because "[a]s a ground for disbarment, gross immorality requires a nuanced analysis of our collective notions of morality, the prevailing reality of relationships and families, and the particular circumstances of each case."¹

I

The standard for determining morality of conduct in disciplinary proceedings must be measured by secular and not religious parameters.² "At best, religious morality weighs only persuasively on us."³ This Court's determination of what constitutes gross immorality must hinge on the lawyer's conduct as an officer of the court, and "only insofar as it involves conduct that affects the public or its interest."⁴ As the *ponencia* explained:

[A] lawyer may be removed or suspended from the practice of law for grossly immoral conduct. In administrative cases against lawyers involved in illicit relationships, grossly immoral conduct was defined as an act that is so corrupt as to constitute a criminal act, or so unprincipled as to be

¹ J. Leonen, Concurring Opinion in *Hierro v. Atty. Nava II*, A.C. No. 9459, January 7, 2020 [Per Curiam, En Banc].

² *Perfecto v. Judge Esidera*, 764 Phil. 384, 399 (2015) [Per J. Leonen, Second Division].

³ Id.

⁴ Id.

reprehensible to a high degree, or when committed under such scandalous or revolting circumstances as to shock the community's sense of decency.⁵

Hence, this Court must exercise caution when third parties raise gross immorality in disciplinary proceedings so as to not *unduly* intrude into the personal relationships of lawyers. "Marital indiscretion by itself is insufficient to strip one's license to practice law. To sensibly implement our notion of secular morality is to reckon with the prevailing realities of how marriage works, and not dwell on its idealized versions."⁶

As officers of the court, lawyers are held to exacting standards, and their indiscretions must be sanctioned. However, stripping them of their license to practice law on the ground of immorality requires a degree of moral depravity that severely erodes public trust in the rule of law.

In *Anonymous Complaint v. Dagala*,⁷ I proposed the following guidelines in resolving administrative complaints for gross immorality:

If at all, *any complaint for immorality should not be entertained except when it is commenced by its victims*. That is, the betrayed spouse, the paramour who has been misled, or the children who have to live with the parent's scandalous indiscretions.

I accept that in some cases, especially where there is some form of violence against women and children within the families affected, it would be difficult for the victims to come forward. It should only be then that a third party's complaint may be entertained. The third party must show that it acts for the benefit of the victims, not as a means to cause more harm on them. Furthermore, the inability of the victims must be pleaded and proven.

.....

I appreciate the ponente's acknowledgment that "immorality only becomes a valid ground for sanctioning members of the Judiciary when the questioned act challenges his or her capacity to dispense justice." This affirms this Court's principle that our jurisdiction over acts of lawyers and judges is confined to those that may affect the people's confidence in the Rule of Law. There can be no immorality committed when there are no victims who complain. And even when they do, it must be shown that they were directly damaged by the immoral acts and their rights violated. A judge having children with women not his wife, in itself, does not affect his ability to dispense justice. What it does is offend this country's predominantly religious sensibilities.⁸ (Citations omitted, emphasis supplied.)

⁵ Ponencia, p. 6.

⁶ J. Leonen, Concurring Opinion in *Hierro v. Atty. Nava II*, A.C. No. 9459, January 7, 2020 [Per Curiam, En Banc].

⁷ 814 Phil. 103 (2017) [Per Curiam, En Banc].

⁸ Id. at 154-155.

Accordingly, in a plethora of cases, I concurred with the finding of gross immorality based on the complaints of parties who were directly affected by and suffered from the respondents' indiscretions.

In *Tuvillo v. Laron*⁹ and *Hierro v. Atty. Nava II*,¹⁰ the complaints against a judge and a lawyer, respectively, were lodged by the paramour's husband. The mistresses also testified in both cases to support the charges.

In *Tumbaga v. Atty. Teoxon*,¹¹ it was the paramour, and in *Ceniza v. Atty. Ceniza, Jr.*,¹² the wife, who instituted the administrative proceedings against the lawyers. I submitted that in these cases, gross immorality was properly pleaded and established by the most interested persons—the parties who were rightfully distressed, directly affected, and outraged by the court officers' immoral conduct.

I concurred in dismissing the respondent judge in *Dagala*,¹³ but dissented from the majority in that immorality was among the proper grounds. The case involved an *anonymous* complaint against respondent Judge Exequil L. Dagala alleging that he had brandished a firearm in an altercation, taken part in illegal logging, and, in passing, claimed he had a mistresses, from which the issue of immorality arose.

There, respondent admitted to siring children with other women with his wife's knowledge. It was found that respondent and his wife amicably parted but that he continued to send her support. I opined that respondent's conduct was not grossly immoral, one that is of perverse nature that undermines the legal profession. While the other allegations of misconduct were clearly unethical and warranted his dismissal, the majority underscored his personal relationships. I remained consistent in my view that this Court must be cautious in acting upon charges of immorality where the most affected parties did not even participate:

Many of us hold the view that it is unethical to breach one's fervent commitments in an intimate relationship. At times however, the breach is not concealed and arises as a consequence of the couple's often painful realization that their marriage does not work. In reality, there are couples who already live separately and whose children have grown and matured understanding that their environment best nurtured them when their natural parents do not live with each other with daily pain.

⁹ See J. Leonen, Separate Opinion in *Tuvillo v. Laron*, 797 Phil. 449, 469–495 (2016) [Per Curiam, En Banc].

¹⁰ See J. Leonen, Concurring Opinion in *Hierro v. Atty. Nava II*, A.C. No. 9459, January 7, 2020 [Per Curiam, En Banc].

¹¹ See J. Leonen, Concurring Opinion in *Tumbaga v. Teoxon*, 821 Phil. 1, 20–27 (2017) [Per J. Leonardo-De Castro, En Banc].

¹² See J. Leonen, Concurring Opinion in *Ceniza v. Atty. Ceniza, Jr.*, A.C. No. 8335, April 10, 2019, <<http://elibrary.judiciary.gov.ph/thebookshelf/showdocs/1/65158>> [Per Curiam, En Banc].

¹³ 814 Phil. 103 (2017) [Per Curiam, En Banc].

In this case, the wife of the judge may have chosen to live separately. They have been childless due to an unfortunate disease suffered by the wife. It appears from the report of the National Bureau of Investigation that the wife had been regularly receiving support from the judge. There are no complaints from any of the children fathered by the respondent. Finally, there is the un rebutted manifestation of the judge that his wife has forgiven and even forgotten him.

It appears that the judge's indiscretions, which were rumors from the point of view of the Anonymous Complaint and unmentioned in the report of the investigating judge but which became the main basis for the interim report of the male agent of the National Bureau of Investigation, are now the main basis for dismissing the respondent. All these without consulting the spouse or any of his children. All these without regard to whether their lives should again be disrupted.

It is time that we show more sensitivity to the reality of many families. Immorality is not to be wielded high-handedly and in the process cause shame on many of its victims. It should be invoked in a calibrated manner, always keeping in mind the interests of those who have to suffer its consequences on a daily basis. There is a time when the law should exact accountability; there is also a time when the law should understand the humane act of genuine forgiveness.¹⁴

Likewise, in my dissent in *Sabillo v. Atty. Lorenzo*,¹⁵ where the grounds for disbarment were anchored on allegations of physical and psychological abuse, I also disagreed with the majority's finding of immorality which was not even pleaded:

This case arose out of a Complaint alleging that complainant was misled by respondent, and that she has suffered from psychological and physical abuse in his hands. However, it was found that complainant, respondent, and respondent's wife had forged an arrangement that worked for all those involved.

As opined, what this arrangement seems to offend is the religious sensibilities of our nation, which, by itself, is *not* immoral. It is not the business of the state to interfere with the intimate relationships of couples and assess their morality, unless their conduct is so depraved that it affects the public's confidence in the rule of law.

.....

I fail to see what scandalous circumstances were present here. The "arrangement" where respondent's two (2) children stayed with complainant and respondent in their condominium unit, as explicitly intended by the children's mother, is neither scandalous nor immoral. Save for respondent's supposedly abusive behavior toward complainant, they were living in harmony. There was no evidence of hostility between [the paramour] and the children's mother.

¹⁴ J. Leonen, Concurring and Dissenting Opinion in *Anonymous Complaint v. Dagala*, 814 Phil. 103, 156 (2017) [Per Curiam, En Banc].

¹⁵ A.C. No. 9392, December 4, 2018 [Per Curiam, En Banc].

.....

Thus, I cannot agree with the Investigating Commissioner's finding that "while respondent has an 'arrangement' with his legal spouse with whom he has two children, who stays with him and complainant, the same does not make the illicit relationship morally upright."

The Resolution, meanwhile, expressed that "this Court is appalled by respondent's brazen attitude in admitting his sexual relationship with a woman, other than his wife, in full knowledge and recognition of his minor daughters as if there was nothing unconventional about their situation."

Deeming an amicable arrangement outside of marriage as immoral is a view that no longer keeps in step with the times.¹⁶ (Citations omitted)

In *Sabillo*, the complainant, respondent's mistress, did not raise issues of immorality but alleged incidents of physical and psychological abuse. However, these were largely ignored by the Integrated Bar of the Philippines in its investigation and instead chose to focus on how respondent, his wife, and his paramour forged an arrangement where the paramour cared for the respondent's children. Even though there was no hostility among them, the majority viewed this "illicit relationship" as grossly immoral. However, I opined that this may have offended the majority's religious sensibilities only because secular standards would not view an amicable arrangement outside of marriage, by itself, as grossly immoral. I proposed for the case to be remanded to the Integrated Bar of the Philippines for further investigation on complainant's allegations of physical and psychological abuse.

II

Disinterested third parties who charge court officers of gross immorality are generally unbothered by the misconduct, until, for some reason, they deem it fit to wield it high-handedly against judges and lawyers. "This is not to say that complainants' motives are relevant to their causes of actions."¹⁷ Rather, it is why this Court must scrutinize allegations of gross immorality in a calibrated manner.

Here, complainant Rogelio Pasamonte lodged the Complaint against respondent, claiming that respondent is no longer fit to be a member of the bar "for violating the lawyer-client relationship and consenting to and engaging in a bigamous marriage."¹⁸ This is precisely the accusation of immorality described in *Dagala* and *Sabillo* which this Court must not entertain.

¹⁶ J. Leonen, Dissenting Opinion in *Sabillo v. Atty. Lorenzo*, A.C. No. 9392, December 4, 2018, 9-10 [Per Curiam, En Banc].

¹⁷ *Perfecto v. Judge Esidera*, 764 Phil. 384, 407 (2015) [Per J. Leonen, Second Division].

¹⁸ Ponencia, p. 1.

Respondent's acts of consenting to and engaging in multiple marriages were not inherently harmful to complainant. I do not see how complainant was injuriously affected by respondent's allegedly immoral conduct. The records are bereft of anything to indicate that he was outraged by respondent's indiscretions. Curiously, complainant 'discovered' respondent's two marriages after the latter assisted his second wife, Mary Grace dela Roca (dela Roca) in filing suits for bigamy and violation of Republic Act No. 9262 against him.¹⁹

Complainant also averred that he "reluctantly and with a heavy heart"²⁰ went on with the subsequent marriage with dela Roca when "[respondent] assured him that their marriage will not be registered with the Local Civil Registry."²¹ More interesting is how he alleged that "[respondent] had a propensity [for] meddling with the processes of the Local Civil Registry."²² Complainant at first appeared indifferent to respondent's seeming disobedience to the law. That is, until they had a falling out.

In any case, it is not this Court's business to speculate on his reasons for filing this complaint. I have previously stated that "an objective criterion of immorality is that which is tantamount to an illegal act."²³ However, even with this parameter, evidence is insufficient to support a claim of immorality on respondent's part.

In *Perfecto v. Judge Esidera*,²⁴ the respondent judge knowingly contracted a subsequent sacramental marriage before an unlicensed solemnizing officer. In ruling that respondent was not grossly immoral, this Court ratiocinated:

We cannot conclude that, for purposes of determining administrative liability, respondent judge disobeyed the law against bigamy when she and her second husband conducted a marriage ceremony on March 18, 1990.

Respondent judge claimed that this marriage was merely a sacramental marriage entered into only to comply with the requirements of their religious beliefs. It was valid only under the Roman Catholic Church but has no legal effect. Their solemnizing officer was not licensed to solemnize marriage from the National Archives or from the civil government.

Article 349 of the Revised Penal Code prohibits a second or subsequent marriage before the legal dissolution of a first marriage:

¹⁹ Id. at 2.

²⁰ Id.

²¹ Id.

²² Id.

²³ J. Leonen, Dissenting Opinion in *Sabillo v. Atty. Lorenzo*, A.C. No. 9392, December 4, 2018 [Per Curiam, En Banc] citing J. Leonen, Separate Opinion in *Anonymous Complaint v. Dagala*, 814 Phil. 103 (2017) [Per Curiam, En Banc].

²⁴ 764 Phil. 384 (2015) [Per J. Leonen, Second Division].

Art. 349. Bigamy. — The penalty of *prision mayor* shall be imposed upon any person who shall contract a second or subsequent marriage before the former marriage has been legally dissolved, or before the absent spouse has been declared presumptively dead by means of a judgment rendered in the proper proceedings.

The second or subsequent marriage contemplated under this provision is the marriage entered into under the law. Article 1 of the Family Code defines marriage as “a special contract of permanent union between a man and a woman entered into in accordance with law for the establishment of conjugal and family life[.]”

Thus, the validity of the second marriage, if not for the subsistence of the first marriage, is considered one of the elements of the crime of bigamy. The elements of bigamy are:

(a) the offender has been legally married; (b) the marriage has not been legally dissolved or, in case his or her spouse is absent, the absent spouse could not yet be presumed dead according to the Civil Code; (c) that he contracts a second or subsequent marriage; and, (d) the second or subsequent marriage has all the essential requisites for validity. The felony is consummated on the celebration of the second marriage or subsequent marriage. It is essential in the prosecution for bigamy that the alleged second marriage, having all the essential requirements, would be valid were it not for the subsistence of the first marriage. (Emphasis supplied, citations omitted)

Respondent judge’s act of participating in the marriage ceremony as governed only by the rules of her religion is not inconsistent with our law against bigamy. What the law prohibits is not second marriage during a subsisting marriage per se. What the law prohibits is a second marriage that would have been valid had it not been for the subsisting marriage. Under our law, respondent judge’s marriage in 1990 was invalid because of the solemnizing officer’s lack of authority.²⁵ (Citations omitted)

However, we cannot reasonably conclude that respondent’s subsequent marriage was bigamous in this case. “What the law prohibits is not second marriage during a subsisting marriage per se. What the law prohibits is a second marriage that would have been valid had it not been for the subsisting marriage.”²⁶ Here, we do not know the circumstances surrounding the marriages, whether both are valid and subsisting. Further, the *ponencia*’s justification in finding gross immorality based on the strength of the marriage certificates appears doubtful:

A marriage contract, being a public document, enjoys the presumption of regularity in its execution and is conclusive as to the fact of marriage. Thus, the marriage contracts bearing Atty. Teneza’s name are

²⁵ Id. at 401–402.

²⁶ Id. at 402.

competent and convincing evidence to prove that he contracted two marriages. Moreover, in his counter-affidavit in the charge for bigamy, Atty. Teneza admitted entering into a second marriage. This admission more than proves his identity as husband in both marriages and the existence of the two marriages.²⁷ (Citations omitted)

Marriage certificates alone are insufficient to support a bigamy charge, and cooperation of an offended party is crucial for it to prosper. It must also be noted that the criminal complaint for bigamy against respondent was provisionally dismissed, and there was no proof that any offended party participated in its proceedings. The *ponencia* narrated that respondent claimed good faith “because he had not heard from his first wife since 1983.”²⁸ There was also no evidence that the first wife, who is the most interested person, objected to the subsequent marriage, or that the supposedly second wife was misled. In my view, state coercion to litigate on marital indiscretion unduly tramples on the individual autonomy of those involved.

III

While I do not find respondent’s acts as grossly immoral, he is still administratively liable for violation of his oath and the Code of Professional Responsibility.

I agree with the majority that respondent’s complicity to multiple marriages of two men to different women, and his blasé attitude in seeking to be complimented for his imagined bravery for witnessing them, mocks our laws. His words and actions showed utter disregard for rules and is unbecoming of a court officer.

Respondent’s defense is reproduced from the *ponencia*’s discussion:

In his Answer, Atty. Teneza admitted that he was Rogelio’s lawyer for certain ejectment cases. He denied violating their lawyer-client relationship when he assisted Mary Grace in the bigamy case because bigamy is not related to the ejectment cases that he handled for Rogelio. He also denied registering Rogelio and Mary Grace’s marriage with the Local Civil Registry.

Atty. Teneza admitted that he was a wedding sponsor in the marriage of Francisco with Cristina and with Michelle. He explained that “he acceded to the behest of Cristina, and Michelle, that he stood as one of their principal sponsors in their marriages with [Francisco] because, if something goes wrong in any of these marriage, [he] would stand witness and testify on the facts of said marriages against his own brother-in-law [Francisco].” Atty. Teneza posits that “instead of [Rogelio] attributing an alleged wrong-doing against [him], he should even commend, and laud him

²⁷ Ponencia, pp. 6–7.

²⁸ Id. at 7.

for braving to stand against his own brother-in-law, if a complaint will be filed against [Francisco].”

.....

In his Position Paper, Atty. Teneza asserts that the allegations in the complaint are fabricated and are the products of Rogelio's vindictive mind. He insists that he did not violate the lawyer-client relationship when he assisted his sister-in-law, Mary Grace, in the bigamy and R.A. No. 9262 cases. The ejectment cases that he handled for Rogelio are only on a case-to-case basis; he is not Rogelio's exclusive lawyer. Further, he did not use the information he obtained from Rogelio in the ejectment cases in filing the bigamy and R.A. No. 9262 cases. Besides, Rogelio's civil status is of public knowledge.

Atty. Teneza denies meddling with the legal processes of the Local Civil Registry. He insists that he only stood as sponsor in the wedding of Francisco and Cristina and also with Michelle upon the request of the brides.²⁹ (Citations omitted)

Canon 1, Rules 1.01, and 1.02³⁰ mandate lawyers to “uphold the constitution, obey the laws of the land, and promote respect for law and for legal processes.” Meanwhile, Canon 7³¹ of the Code of Professional Responsibility requires them to “uphold the integrity and dignity of the legal profession.” However, respondent instead encouraged these men to defy the law, which act lessens the public confidence in our legal system. Certainly, his consent to multiple marriages of the same men defiles the integrity of his profession.

Lastly, Lawyers are called upon to avoid potential conflicts of interest.³² Here, respondent courted conflict when he assisted complainant's second wife in filing charges against complainant, his former client. It was his duty to be circumspect with his words and actions, and actively prevent scenarios where they may be deemed unethical and or cast in a bad light.

All told, I agree with the majority that respondent is unworthy of continuing as a member of the bar.

²⁹ Id. at 2-3.

³⁰ CODE OF PROFESSIONAL RESPONSIBILITY, Canon 1, Rules 1.01 and 1.02 provide:
CANON 1 — A lawyer shall uphold the constitution, obey the laws of the land and promote respect for law and for legal processes.
RULE 1.01 A lawyer shall not engage in unlawful, dishonest, immoral or deceitful conduct.
RULE 1.02 A lawyer shall not counsel or abet activities aimed at defiance of the law or at lessening confidence in the legal system.

³¹ CODE OF PROFESSIONAL RESPONSIBILITY, Canon 7 provides:
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.

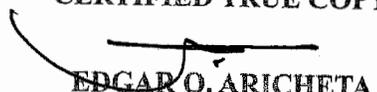
³² CODE OF PROFESSIONAL RESPONSIBILITY, Canon 15, Rule 15.01 provides:
CANON 15 — A lawyer shall observe candor, fairness and loyalty in all his dealings and transactions with his clients.
RULE 15.01 A lawyer, in conferring with a prospective client, shall ascertain as soon as practicable whether the matter would involve a conflict with another client or his own interest, and if so, shall forthwith inform the prospective client.

ACCORDINGLY, I vote that respondent Atty. Liberato Teneza be **DISBARRED**, and his name be stricken from the Roll of Attorneys.



MARVIC M.V.F. LEONEN
Associate Justice

CERTIFIED TRUE COPY



EDGAR O. ARICHETA
Clerk of Court En Banc
Supreme Court