



Republic of the Philippines  
**Supreme Court**  
 Manila

SUPREME COURT OF THE PHILIPPINES  
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**EN BANC**

**PAULINE S. MOYA,**

*Complainant,*

**A.C. No. 13082**

Members:

-versus-

GESMUNDO, C.J.,  
 PERLAS-BERNABE,\*  
 LEONEN,  
 CAGUIOA,  
 HERNANDO,  
 CARANDANG,  
 LAZARO-JAVIER,  
 INTING,  
 ZALAMEDA,  
 LOPEZ, M.\*\*  
 GAERLAN,  
 ROSARIO,  
 LOPEZ, J.  
 DIMAAMPAO, JJ.

**ATTY. ROY ANTHONY S. ORETA,**

*Respondent.*

Promulgated:

November 16, 2021

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**DECISION**

**PER CURIAM:**

**Antecedents**

Complainant Pauline S. Moya sought the disbarment of respondent Atty. Roy Anthony Salameda Oreta for immorality, gross misconduct, and acts of violence. She essentially alleged:

\* On official leave.  
 \*\* On official leave.

paramours whom she discreetly called “HB.” But he found out she never let go of her other lovers. He got hurt but chose to just let her be since he unconditionally loved her.<sup>13</sup>

Then they decided to live together. Complainant made it a point to make his presence felt by her children who at first called him “Tito” till eventually, they grew fond of him and started calling him “Daddy Roy.” He gladly assumed the responsibilities of a good husband to complainant and a good father to her children.<sup>14</sup>

It was not true that he never shared in the expenses at home. In fact, he defrayed the expenses for electricity, water, telephone, and internet. It was his idea to have a phone line and internet installed in their house for a monthly bill of ₱1,349.00 which he regularly paid. He also purchased two (2) brand new cars for the family – a Nissan Livina and a Nissan Sentra. He contributed to the grocery expenses which ran from ₱20,000.00 to ₱40,000.00 a month. Though his parents taught him to save for rainy days, he set aside his thriftiness for complainant and her children because he considered them his own family. He paid for the children’s tuition fees and other educational needs. He bought the appliances they were using in the house.<sup>15</sup>

During their cohabitation, complainant exhibited the so-called “*Youngest Child Syndrome*” characterized by being spoiled, obnoxious, attention-seeking, demanding, sensitive, dependent, absent-minded, and flaky. The eldest among siblings like him typically falls in love with people of such character traits.<sup>16</sup>

During their arguments, he never verbally abused complainant. He tenderly loved her and would often give in to her whims just to end a fight with her. Once, following a fight, she deleted all the female contacts listed on his cellphone, but again, he just let it pass because she was his boss.<sup>17</sup>

During those times he could not readily accommodate her demands, she would threaten to leave him to find another man: “*Iwanan mo lang ako at marami papalit sa iyo, ang daming offers dyan. Iwanan mo lang ako at magkakaroon na ako ng bagong bahay, condo pa, at bagong kotse, may kasama pang driver. May monthly allowance pa ako!*” His consistently bruised ego left him emotionally and psychologically scarred. Lest it be forgotten, “Men have feelings too!”<sup>18</sup>

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<sup>13</sup> Id. at 272.

<sup>14</sup> Id.

<sup>15</sup> Id. at 276-280.

<sup>16</sup> Id. at 270.

<sup>17</sup> Id. at 274.

<sup>18</sup> Id.

Among her sweethearts was Police Officer I Emmanuel Lugartos (PO1 Lugartos). This man would message and call her even during late hours of the day. One evening, he blurted out "*Maawa ka naman. Tigilan mo na yang pagtetext. Gabi na. Madaling araw na nga eh. Matulog na tayo, please! Feeling ko tatlo tayo dito sa kama eh.*" After her breakup with PO1 Lugartos, she also charged the latter with violation of the VAWC Law. She indeed had the propensity to file VAWC cases against her former boyfriends to exact revenge or win them back.<sup>19</sup>

He never raped her. It was he who refused to have sexual congress with her after she admitted to him that she was sleeping with different men including PO1 Lugartos. He could have his cellphone inspected to prove he did not take nude photos of her nor took videos of their love making.<sup>20</sup>

He also never laid a hand on her; in truth, it was he who would turn black and blue whenever they had a fight. She would hit him with a metal décor, a pan, or anything she would get her hands on. He never laid a hand on her children either since he considered them his own. Toward the end of their relationship, her father even thanked him for being a father to her children.<sup>21</sup>

Before he finally bade her goodbye, he asked her for one last serious talk but all she uttered was "*P\*\*\*\*\* i\*\* m\*! Wala kang kwenta! Wala ka sa mga kakilala kong lalaki!*" Then she proudly broadcast how she had rough sex with a hot man the night before. To this, he unabashedly wailed like a baby, then drove miles and miles away, and just completely got lost.<sup>22</sup>

Complainant's accusations against him are intended solely to spite and take revenge on him because he bade her goodbye for good in April 2010.<sup>23</sup> She later wanted to reconcile with him, but it will never happen. Not now, not ever.<sup>24</sup>

He is filled with remorse for his indiscretion and apologizes for his moral weakness and momentary lapse of judgment. He promises to be more circumspect in his future private dealings.<sup>25</sup>

On August 1, 2014, respondent manifested that the Office of the City Prosecutor - Quezon City dismissed the criminal complaint against him.

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<sup>19</sup> Id. at 275-276.

<sup>20</sup> Id. at 284.

<sup>21</sup> Id.

<sup>22</sup> Id. at 282.

<sup>23</sup> Id. at 222.

<sup>24</sup> Id. at 270.

<sup>25</sup> Id. at 221.

**Report and Recommendation of the Integrated Bar of the Philippines –  
Commission on Bar Discipline (IBP–CBD)**

By its Report and Recommendation<sup>26</sup> dated December 12, 2014, the IBP-CBD recommended that respondent be suspended from the practice of law for six (6) months.

It held that complainant and respondent openly admitted their cohabitation as husband and wife while they were still legally married to their respective spouses. The fact that both of them were then separated *de facto* from their respective spouses was inconsequential.

As for the charges of sexual, physical, psychological, economic abuse, and unconsented taking of her nude pictures and videos of their lovemaking, the IBP-CBD found that complainant failed to substantiate the same.

**Resolutions of the Integrated Bar of the Philippines –  
Board of Governors (IBP–BOG)**

By Resolution<sup>27</sup> dated April 19, 2015, the IBP–BOG recommended the penalty of disbarment.

In respondent's subsequent motion for reconsideration, he prayed to reduce the penalty to reprimand or fine. He posited that although his indiscretion was something he would regret forever, it was he who ended the adulterous relationship in 2010. Since then, he had returned to the fold of decency and had been living a moral and upright life completely remorseful for his past indiscretion. Thus, rather than blame him, he should be praised for taking the first big step towards moral rehabilitation. He again signified his apologies to his brethren for his moral weakness and momentary lapse in judgment. He already has a new family whom he dearly loves.<sup>28</sup>

Under Resolution<sup>29</sup> dated October 28, 2017, the IBP–BOG resolved to reduce the recommended penalty from disbarment to suspension from the practice of law for three (3) years.

It opined that while respondent's cohabitation with complainant was immoral, it did not amount to gross immorality considering that he already ended the relationship and expressed remorse and apologies for his indiscretion.

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<sup>26</sup> Id. at 842-847.

<sup>27</sup> Id. at 841.

<sup>28</sup> Id. at 859-861.

<sup>29</sup> Id. at 873.

Per verification with the Office of the Bar Confidant (OBC), no motion for reconsideration or petition for review was filed by either party as of May 28, 2021. The IBP, nevertheless, elevated the entire case records to the Court since the IBP Resolution is merely recommendatory.

### Our Ruling

Membership in the Bar is a privilege burdened with conditions. As a privilege bestowed by law through the Supreme Court, membership in the Bar may be withdrawn where circumstances concretely show the lawyer's lack of essential qualifications<sup>30</sup> including good moral character.

Indeed, good moral character is not only a condition precedent for admission to the legal profession, but it must also remain intact to maintain one's standing in this exclusive and honored society. There is perhaps no profession after that of the sacred ministry in which a high-toned morality is more imperative than that of law.<sup>31</sup>

A high sense of morality, honesty, and fair dealing is expected and required of members of the Bar. They must conduct themselves with great propriety, and their behavior must be beyond reproach anywhere and at all times.<sup>32</sup> The Code of Professional Responsibility (CPR), which respondent vowed to uphold, clearly affirms this kind of conduct,<sup>33</sup> viz.:

**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 should he, whether in public or private life, behave in a scandalous manner to the discredit of the legal profession.

It is, thus, expected that every lawyer, being an officer of the Court, must not only be of good moral character, but must also be seen to be leading lives in accordance with the highest moral standards of the community.<sup>34</sup> Unfortunately, respondent failed to live up to these standards.

<sup>30</sup> See *Garrido v. Garrido*, 625 Phil. 347, 366 (2010).

<sup>31</sup> See *Tapucar v. Tapucar*, 355 Phil. 66, 72 (1998).

<sup>32</sup> *Mendoza v. Diciembre*, 599 Phil. 182, 191 (2009).

<sup>33</sup> See *Villarente v. Villarente, Jr.*, A.C. No. 8866, September 15, 2020.

<sup>34</sup> See *Advincula v. Advincula*, 787 Phil. 101, 112 (2016).

***Complainant sufficiently proved her claim of physical abuse.***

In disbarment cases, the complainant bears the burden of proof to satisfactorily prove the allegations in his or her complaint through substantial evidence or such relevant evidence as a reasonable mind might accept as adequate to support a conclusion.<sup>35</sup>

Here, the Court does not agree with the finding of the IBP–CBD that complainant failed to prove her accusation of physical abuse against respondent.

In her Reply-Affidavit, complainant recalled the harrowing incidents she suffered in the abusive hands of respondent:

68. [On] March 14, 2010[,] me and Roy had an argument that ended up to our very first physical fight then. I incurred bruises in this fight, and it was my very first physical abuse in my entire life. My parents never hit me or slap me, nor did Jun. I was never traumatized until this earth-shattering day with Roy. We already had some misunderstanding[s] those days because of the tremendous throwing of foul words of Roy with me in front of my kids and friends. Then, we started to argue more because Roy wanted to leave the house with his mother without telling me that he will leave, nor tell me where they will proceed on that day. So, I went to my room and tried to change my clothes. Plain and simple. Roy followed me and locked the door and pulled the pants I was half wearing already. Making me f[a]ll [to] the floor, with my hands, then became reddish and painful. I picked up my pants again and tried to wear it for several times, but Roy kept on pulling my pants, thus making me f[a]ll to the floor so many times. I decided to get a new pants or shorts or anything that I can wear so that I can leave my room instantly. But, [sic] Roy started to throw me against my bed and bed frame for several times. I asked Roy to stop hurting me and let me leave my room at once. I also asked Roy to stop throwing me or else I will start fighting back too.

69. x x x He held my hands so tightly so that I cannot fight him back after I showed Roy the reddish hands I had and the bruises I got from the throwing he did to me. I would try to get my hands freed from his hard grip on my hands and arms. x x x Contrary to what he claims that he never hit me nor slap me, there was a second time on April 22, 2010 which I will recap later on.

70. x x x My kids saw my bruises, my friends Daisy, Jay[,] and Susie came over and saw themselves the bruises too. My father and brother saw the bruises too on that very agonizing and upsetting day for us. The next day, even our batchmates saw the said bruises. Three days after, Roy came back and begged for my kids to leave me in my bedroom so he can talk to me. At first, my kids[,] specially AAA and BBB were hesitant to leave my room for Roy might be hitting me again. x x x

<sup>35</sup> See *Domingo-Agaton v. Cruz*, A.C. No. 11023. May 4, 2021.

*Done*

x x x x

73. [On] April 22, 2010[,] Roy left early this day [while] I stayed in the house for I will be having a meeting nearby. I had a meeting with some of our batchmates regarding our past activities and since I was an officer[,] I needed to attend this meeting. And this was the reason why I wanted Roy to just tell the so-called no partner party that he cannot attend, for we will have a meeting, or we can only stay for a while in that party. x x x Anyway, as expected[,] Roy went to that party without me x x x When I went home, I slept at the living room initially, but he pulled my cell phone from me to the extent that it fell into pieces. He just want to read my cell phone that time, so I left him with my phone and went to my kids['] room because I could already smell that he would be violent again.

74. x x x We argued and I reiterated why he can afford to still attend the party I was doubting so much and even attended without me. He attended this party without even prioritizing our relationship that was in a bad condition at that time. On the other hand, I attended our own meeting wherein Roy was also supposed to be present as part of the team. He said that, why am I angry for attending the party. I reiterated that it was not because he attended the party but I was mad because of the manner the message was sent to him. It is as if I was the only one not invited, because both the parts of the women cannot really attend and that the wife of the other man was out of town. x x x. In addition, the text message contained that Roy has to pick up the other woman and bring her home too. Such a surprising lines [sic] that I know any partner or wife would ask why that kind of text message.

75. x x x Then to my shock, Roy slapped me on my face. I was astonished. I cried and tried to leave the room due to fear that he might do hit me again. He pulled me and threw me on the bed again but I stood up and then he slapped me again. I stood up once more and went to the door. He blocked the doorway, so I tried to pull his left hand by my left hand while my right hand tried to push his elbow too. Unfortunately, since we were both perspiring due to our fight, I slipped my right hand and accidentally scratched his left arms[sic] by my right finger nails. I apologized and said that he knew my hand only slipped and I did not mean to scratch him. Besides, I was never physical with him at all. I was shocked again that Roy got his cellphone beside the drawer and took a photo shot on his left arms. I asked what was his purpose and why the shot? [H]e never replied but instead he slapped and threw me again for the third time.<sup>36</sup>

x x x x

To prevent respondent from further laying his hand on her and her children, she applied for and after due proceedings before the *barangay*, was issued a BPO. Notably, the issuance of a BPO is not ministerial in nature. It is issued only after the *punong barangay* is convinced that an imminent danger of violence against the woman and her children exists or is about to recur.<sup>37</sup>

<sup>36</sup> *Rollo*, pp. 251-254.

<sup>37</sup> See *Garcia v. Drilon*, 712 Phil. 44, 69 (2013).

She, too, initiated before the Regional Trial Court-Branch 94, Quezon City a petition for issuance of a PPO *via* Civil Case No. Q-10-67984. We refer to the factual findings of the trial court, as borne in its Decision dated January 5, 2012, thus:

The facts are undisputed. Respondent inflicted physical harm not only to petitioner but also to the latter's youngest child as well.

The incidents that transpired on March 14, 2010 and April 23, 2010 cannot be discounted. Respondent slapped petitioner for no reason at all. She was thrown against the wall and into her bed by respondent. The arguments that ensued on those dates led to physical abuse as petitioner incurred bruises. The bruises were seen by Susan Salumbides and petitioner's daughter, BBB.

Also, not only did respondent commit violence against petitioner in contemplation of RA 9262, but likewise commit the same to petitioner's children. BBB experienced [firsthand] the temerity of respondent to unleash verbal abuses. She likewise witnessed how respondent inflicted "harm" on her youngest sibling, DDD.

The Barangay Protection Order dated August 8, 2010 issued by Barangay Sangandaan, Quezon City bolstered petitioner's contention that she suffered abuses in the hands of respondent. Petitioner narrated in full the abuses she experienced in the hands of respondent for the last seven (7) years, culminating [i]n the physical abuses inflicted to her on April 23, 2010.

Until the last moment, petitioner considered talking things over with respondent. However, the incident that transpired in respondent's office, wherein he shouted for no reason at all towards petitioner upon seeing her, and eventually blaming her for his performance at work, broke the camel's back. Petitioner was humiliated by respondent in front of other people. Not knowing what to do, petitioner just cried and left.

These instances, to say the least, added emotional and psychological stress not only to petitioner but to her children as well. The acts of violence employed by respondent to petitioner caused the latter physical, emotional[,] and psychological distress that made her and her family paranoid and wary upon the sight of respondent. These cannot be countenanced for the same violate the basic precepts enshrined in Section [2] of RA 9262, that is, guaranteeing full respect to human rights and valuing the dignity of women and children.

Respondent was given the chance to refute the allegations imputed against him. His counsel thoroughly examined every witness and piece of evidence presented by petitioner. However, when the time to present his evidence came, he opted not to. This actuation of respondent prevented the court from hearing his side of the story.



**WHEREFORE**, the Temporary Protection Order issued on September 23, 2010, under Republic Act 9262, otherwise known as “Anti Violence Against Women and their Children Act of 2004” is hereby made **PERMANENT** with some modifications, x x x

x x x x

SO ORDERED.<sup>38</sup>

Verily, respondent slapped complainant, repeatedly slammed her against the wall and on the bed, and threw her to the floor. Complainant suffered bruises which were seen by her friends and children who could only feel sorry for her. Respondent, too, would call complainant “*puta*” or “*pokpok*” and brazenly declare “*nanlalake kasi mommy mo*” in front of her children. These are established facts.

There is no cogent reason why the Court should depart from these factual findings which are matters of judicial record. The same speak volumes of respondent’s repeated physical abuse not only toward complainant but her children, as well. Notably, the trial court heard the parties’ respective positions and had the opportunity to observe their demeanor and determine their credibility up close. We also note that respondent chose not to refute the damning inculpatory evidence of his physical and verbal abuse toward complainant and her family despite ample opportunity given him. At any rate, the decision in the civil case already attained finality, a fact which respondent does not deny.

To be sure, the issuance of a protection order requires preponderance of evidence<sup>39</sup> or that evidence which is of greater weight, or more convincing than that which is offered in opposition to it.<sup>40</sup> Preponderance of evidence in civil cases is greater than substantial evidence required in disbarment proceedings such as the case at bar.<sup>41</sup> Thus, the judicial truths established by the trial court should also be deemed established here.

The principle remains true despite the dismissal of the criminal complaint for violation of RA 9262.<sup>42</sup> Indeed, administrative cases against lawyers are distinct from and proceed independently of civil and criminal

<sup>38</sup> *Rollo*, pp. 549-551.

<sup>39</sup> Section 34. *When petition may proceed separately from or be deemed instituted with the civil action for damages.* - (a) An offended party may file a petition for protection order ahead of a civil action for damages arising from the same act. The same shall proceed separately from the civil action and shall require only a preponderance of evidence. Upon motion of the petitioner, the court may consolidate the petition with the civil action. (Rule on Violence Against Women and Their Children, A.M. No. 04-10-11-SC, October 19, 2004).

<sup>40</sup> See *Rivera v. Court of Appeals*, 348 Phil. 734, 742 (1998).

<sup>41</sup> In the hierarchy of evidentiary values, We find proof beyond reasonable doubt at the highest level, followed by clear and convincing evidence, preponderance of evidence, and substantial evidence, in that order, See *Spouses Manalo v. Roldan-Confesor*, 290 Phil. 311, 323 (1992).

<sup>42</sup> Anti-Violence Against Women and their Children Act of 2004, Republic Act No. 9262, March 8, 2004.

cases.<sup>43</sup> In other words, there need not be a predicate crime for the Court to impose its disciplinary action on erring lawyers. The rationale is clear:

x x x disciplinary proceedings against lawyers are sui generis. Neither purely civil nor purely criminal, they do not involve a trial of an action or a suit, but is rather an investigation by the Court into the conduct of one of its officers. Not being intended to inflict punishment, it is in no sense a criminal prosecution. Accordingly, it also involves neither a plaintiff nor a prosecutor. It may be initiated by the Court motu proprio. Public interest is its primary objective, and the real question for determination is whether or not the attorney is still a fit person to be allowed the privileges as such. Hence, in the exercise of its disciplinary powers, the Court merely calls upon a member of the Bar to account for his actuations as an officer of the Court with the end in view of preserving the purity of the legal profession and the proper and honest administration of justice by purging the profession of members who by their misconduct have proved themselves no longer worthy to be entrusted with the duties and responsibilities pertaining to the office of an attorney. In such posture, there can thus be no occasion to speak of a complainant or a prosecutor.<sup>44</sup>

x x x x

To repeat, the dismissal of the criminal complaint for violation of RA 9262 should not therefore preclude the imposition of disbarment on respondent for violation of Rules 1.01<sup>45</sup> and 7.03<sup>46</sup> of the CPR. Disbarment on ground of final conviction of crime involving moral turpitude is one thing; disbarment on ground of violation of CPR is another. They are separate grounds for disbarment which the Court may deal with separately.

If at all, the dismissal of the criminal complaint against respondent only meant that complainant failed to muster the required quantum of proof in that particular case alone. But the dismissal of the criminal complaint did not automatically mean complainant could not prove, by substantial evidence, respondent's abusive behavior toward her and her children. For administrative cases only require substantial evidence to prove a claim. We emphasize the well-settled rule that a criminal case is different from an administrative case and each must be disposed of according to the facts and the law applicable to each case.<sup>47</sup>

<sup>43</sup> See *Gonzalez v. Alcaraz*, 534 Phil. 471, 481-482 (2006).

<sup>44</sup> See *Rico v. Salutan*, 827 Phil. 1, 6-7 (2018).

<sup>45</sup> Rule 1.01 A lawyer shall not engage in unlawful, dishonest, immoral or deceitful conduct. (Code of Professional Responsibility, June 21, 1988).

<sup>46</sup> 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. (Code of Professional Responsibility, June 21, 1988).

<sup>47</sup> *Office of the Court Administrator v. Lopez*, 654 Phil. 602, 607 (2011).

Thus, in *Tucay v. Tucay*,<sup>48</sup> the Court resolved to disbar Atty. Manuel Tucay for carrying on an illicit affair with a married woman despite the pendency of a separate bigamy charge against him. According to the Court, complainant sufficiently proved in the disbarment proceeding that respondent had been carrying on an illicit affair with a married woman, though the trial court has yet to render a verdict of conviction or acquittal in the criminal case.

In any event, Resolution dated March 12, 2013 of the Office of the City Prosecutor's Office – Quezon City left much to be desired. We quote:

After analysis of the allegations and the evidence adduced by the complainant and the respondent in relation to the provisions material to this complaint, it appears that there is no sufficient basis to indict respondent for sexual, physical, psychological[,] and economic abuse under Republic Act No. 9262. Respondent could not be charged for economic abuse since the evidence proves that he gave financial support to the complainant and her children while they were living together. x x x Neither could respondent be charged for psychological and physical abuse as the complainant's allegations relative thereto appear to be not in accordance with common experience and observations of mankind that is probable under the circumstance[s]. x x x The same is true with the alleged sexual abuses – x x x. Even if complainant has secured a Barangay Protection Order, it does not necessarily prove that the respondent is a violent person since the alleged threat on her life could either be imagined or real considering that the Barangay issues the Order summarily and *ex-parte* or merely on the basis of the application.

x x x x

As can be gleaned, the investigating prosecutor did not show how he was supposed to have logically and reasonably processed the case in consideration of the applicable law and the evidence on record.

The investigating prosecutor simply concluded that the issuance of the BPO, without more, did not prove respondent's abusive behavior. He in fact reduced the evidentiary value of the BPO as a mere scrap of document not worthy of credence. To emphasize though, complainant was under oath when she applied for the issuance of the BPO. More, to side with the prosecutor's disregard of the BPO is anathema to the very State policy<sup>49</sup> of RA 9262 – the protection of the dignity of women and children and guaranteed respect for human rights. If the very mechanism and refuge accorded by law to women and children are reduced to a mere scrap of paper, the following questions linger – are we really instruments for the protection of women and children's

<sup>48</sup> See *Tucay v. Tucay*, 376 Phil. 336, 340 (1999).

<sup>49</sup> Section 2. *Declaration of Policy*. - It is hereby declared that the State values the dignity of women and children and guarantees full respect for human rights. The State also recognizes the need to protect the family and its members particularly women and children, from violence and threats to their personal safety and security. x x x x (Anti-Violence Against Women and their Children Act of 2004, Republic Act No. 9262, March 8, 2004).

rights? Or did we just devise a formal mechanism to provide a picture of protection on paper?

In any case, it cannot be said that the dismissal of the criminal complaint against respondent precludes the refileing thereof based on whatever additional evidence may later on be mustered and presented by the complainant against him. The dismissal of the criminal complaint cannot therefore be regarded as an accurate measure of the state of the relationship between complainant and respondent.

On the contrary, the fact that respondent repeatedly abused her and her children which, as shown, had already been established with finality by preponderance of evidence, more than the required quantum of substantial evidence in administrative cases against members of the bar. Hence, in accordance with the trial court's ruling in Civil Case No. Q-10-67984, we find respondent guilty of violating Rules 1.01<sup>50</sup> and 7.03<sup>51</sup> of the CPR for repeatedly abusing complainant and her children.

As for respondent's own claim of physical abuse he suffered in the hands of complainant, suffice it to state that mere allegation, without more, cannot be given credence. At any rate, respondent's claim of physical abuse, even if true, does not grant him the license to become abusive of complainant and her children.

***Complainant failed to substantiate her claim of sexual and economic abuse.***

The Court nevertheless adopts the recommendation of the IBP to dismiss complainant's accusation of sexual and economic abuse for lack of substantiating evidence.<sup>52</sup> The trial court's Decision dated January 5, 2012, does not bear any finding of sexual or economic abuse against respondent either.

At any rate, the receipts for groceries, provisions, utility bills, transportation, and tuition fees submitted by respondent show that he did share in the living expenses and gave financial support to complainant's family during their cohabitation.

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<sup>50</sup> Rule 1.01 A lawyer shall not engage in unlawful, dishonest, immoral or deceitful conduct. (Code of Professional Responsibility, June 21, 1988).

<sup>51</sup> 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. (Code of Professional Responsibility, June 21, 1988).

<sup>52</sup> See *Vitug v. Rongcal*, 532 Phil. 615, 631 (2006).

But being financially supportive of complainant's family does not give respondent the right to lay a hand on complainant and her children. Violence is never a normal occurrence in any family set up. To justify the same is egregious and goes against the very essence of a civilized society.<sup>53</sup> The Court will never tolerate this kind of attitude or practice.

***Respondent's illicit relationship with complainant eroded the sanctity of marriage***

As a member of the Bar and officer of the Court, respondent is required not only to refrain from adulterous relationships or keeping mistresses, but also to conduct himself in such a way 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 a member of its ranks should not only master its tenets and principles, but must also, in their lives, accord continuing fidelity to them.<sup>54</sup>

Here, both complainant and respondent openly admitted to cohabiting as husband and wife from November 2003 until April 2010. At the start of their cohabitation, they were still legally married to their respective spouses. In fact, the nullity of respondent's marriage became final only in July 2004 while complainant's marriage to Carlos has not been dissolved at all.

By living together as husband and wife despite the subsistence of their respective marriages, both complainant and respondent openly gave the impression that a married man or woman may very well cohabit with individuals beside their lawful spouses. And although the decree of nullity of respondent's marriage became final in July 2004, his continuous cohabitation with complainant until April 2010 did not diminish his liability. For he knew full well that complainant's marriage with Carlos has not been severed at all.

Nor did his covetous desires for complainant, nay, his so-called unconditional love for her justify his flagrant violation of our penal laws on adultery and concubinage. His illicit relationship with complainant undeniably eroded the sanctity of marriage and the protection accorded to such vital institution by the Constitution itself.

Respondent attempts to throw all the blame on complainant by painting her as a gold digger and woman of ill-repute. But complainant's moral fitness is simply *not* what is at stake here; it is respondent's fitness to continue as a member of the Bar which hangs in the balance.

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<sup>53</sup> *Cristobal v. Cristobal*, A.C. No. 12702, November 08, 2020.

<sup>54</sup> *Supra* note 33.

In *Samaniego v. Ferrer*,<sup>55</sup> respondent claimed he was not entirely to blame because complainant knew he was married, yet, she chose to continue their illicit affair. The Court ruled, however, that complainant's complicity in the immoral act could not mitigate, let alone, negate respondent's liability. Whether complainant was *in pari delicto with respondent* is wholly immaterial to the issue of respondent's liability here.

For cohabiting with a married woman for almost seven (7) years, respondent violated Rule 1.01,<sup>56</sup> Canon 7,<sup>57</sup> and Rule 7.03<sup>58</sup> of the CPR. His liability, therefore, is not diminished just because during their first year of cohabitation, his own marriage got annulled. He may have become single again but complainant with whom he cohabited remained married to her husband all throughout their cohabitation.

***Respondent must be sanctioned for using offensive language and insolence.***

Lastly, we remind respondent that lawyers must refrain from using offensive language not only in writing pleadings but also in their public and private dealings.<sup>59</sup> Canon 8 and Rule 8.01 of the CPR decrees:

**CANON 8** — A lawyer shall conduct himself with courtesy, fairness and candor toward his professional colleagues, and shall avoid harassing tactics against opposing counsel.

**RULE 8.01** A lawyer shall not, in his professional dealings, use language which is abusive, offensive or otherwise improper.

Here, respondent described complainant as a woman of ill-repute who lent him a hand to hold and shoulder to lean on. Given his vulnerable state at that time though, he could not resist complainant as "even a saint would [have been] tempted at the sight of an open door."

Respondent's use of double *entendre* does not escape us, and we are offended. Such distasteful language is not welcome. True, a lawyer's language may be forceful and emphatic, but it should always be dignified and respectful, befitting the dignity of the legal profession.<sup>60</sup>

<sup>55</sup> 578 Phil 1, 5 (2008).

<sup>56</sup> Rule 1.01 A lawyer shall not engage in unlawful, dishonest, immoral or deceitful conduct. (Code of Professional Responsibility, June 21, 1988).

<sup>57</sup> 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. (Code of Professional Responsibility, June 21, 1988).

<sup>58</sup> 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. (Code of Professional Responsibility, June 21, 1988).

<sup>59</sup> See *Dimaculangan v. Jurado*, A.C. No. 12359, April 8, 2019, [Unsigned Resolution].

<sup>60</sup> See *Spouses Nuezca v. Villagarcia*, 792 Phil. 535, 540 (2016).

The use of intemperate language and unkind ascriptions has no place in the dignity of judicial forum. Language abounds with countless possibilities for one to be emphatic but respectful, **convincing but not derogatory**, and illuminating but not offensive. To emphasize, lawyers are licensed officers of the court who are mandated to maintain the dignity of the legal profession, hence, they must conduct themselves honorably and fairly at all times, in all places.<sup>61</sup>

The use of intemperate and highly derogatory language in pleadings is punishable by direct contempt. In fact, offensive and disrespectful observation is an act of direct contempt or contempt in *facie curiae* which could be summarily punished without hearing.<sup>62</sup>

The power to punish for contempt, however, should be exercised on the preservative and not the vindictive principle and on the corrective rather than retaliatory idea of punishment.<sup>63</sup> The Court, therefore, resolves to admonish respondent to deter him from using uncalled for derogatory remarks.

In the same vein, respondent must also be held accountable for displaying insolence in his pleadings. Although he signified his remorse for his indiscretion, he continues to exude a high degree of arrogance just the same. In fact, we find his so-called apology to the legal profession to be less than sincere. He even had the temerity to claim that he is worthy of commendation and praise for ending his illicit relationship with complainant. But the Court does not give medals to philanderers, abusers, and cheats. Nor do we exalt those who gaslight and manipulate their respective partners. Quite the reverse, we have consistently upheld the high moral standard required of all members of the bar. For a lawyer's moral fiber is a thread that tethers him or her to the legal profession.

In *Washington v. Dicen*, (Washington)<sup>64</sup> the Court found Atty. Dicen guilty of violating Rule 8.01, Canon 8 of the CPR for his use of language which not only maligned complainant's character, but also imputed a crime on her, *i.e.*, that she was committing adultery against her husband who was, at the time, living in the United States. In his pleadings before the IBP, Atty. Dicen referred to complainant as a "lunatic" who was on a "crazy quest for revenge" against him. In the same pleading, Atty. Dicen also called complainant "a puppet and a milking cow" of her paramour Martin.

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<sup>61</sup> Id.

<sup>62</sup> See *Calo, Jr. v. Tapucar*, 177 Phil. 72, 78 (1979).

<sup>63</sup> See *Yangson v. Salandanar*, 160-A Phil. 691, 693 (1975).

<sup>64</sup> 835 Phil. 837, 842-843 (2018).



Similarly, we find respondent guilty of violating Canon 8<sup>65</sup> and Rule 8.01<sup>66</sup> of the CPR for his insolence and use of offensive language in his pleadings.

### ***Penalties***

#### **a. Violation of Rules 1.01<sup>67</sup> and 7.03<sup>68</sup> of the CPR – Physical Abuse**

In recent years, domestic violence has begun to emerge from behind closed doors and drawn shades which have traditionally hidden it from public scrutiny. With its severity and pervasiveness now known, all elements of government must play its role to eradicate this social ill.<sup>69</sup> For its part, Congress has enacted the VAWC law to guarantee protection to women and children who are among the most vulnerable sectors of society. But we, too, have a role to play in this lofty campaign. We are uniquely positioned to mold behavior and culture through the cases we resolve. With the prompt and proper resolution of domestic abuse cases, we send a strong message that acts of abuse against women and children will not be tolerated but condemned.

No person should be subjected to physical abuse. The VAWC law, nonetheless, gives special protection to women and children who are the “usual victims” of violence and abuse which flows from the unequal power relationship between women and men and the widespread gender bias and prejudice against women.<sup>70</sup> The State’s policy of affording special protection to women and children who are victims of violence and child abuse is unequivocal and is a policy that the Court fully supports.<sup>71</sup>

The most protection, though, goes to children as their growth and development may be negatively affected by such trauma brought about by physical abuse on their person. But bearing witness to abuse carries the same risk of harm to children’s mental health and have the same serious and life-changing effects as being abused directly.<sup>72</sup> The abuses suffered by complainant are therefore comparable to the psychological trauma inflicted on her children who bore witness thereto. For nothing could be more painful

<sup>65</sup> Canon 8 - A lawyer shall conduct himself with courtesy, fairness and candor toward his professional colleagues, and shall avoid harassing tactics against opposing counsel.

<sup>66</sup> Rule 8.01 A lawyer shall not, in his professional dealings, use language which is abusive, offensive or otherwise improper.

<sup>67</sup> Rule 1.01 A lawyer shall not engage in unlawful, dishonest, immoral or deceitful conduct. (Code of Professional Responsibility, June 21, 1988).

<sup>68</sup> 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. (Code of Professional Responsibility, June 21, 1988).

<sup>69</sup> *Lawyers and Domestic Violence: Raising the Standard of Practice*, John M. Burman, University of Wyoming College of Law; Michigan Journal of Gender and Law, Volume 9, Issue 2, 2003.

<sup>70</sup> Supra note 37 at 91.

<sup>71</sup> Re: Recommendation of Victoria, A.M. No. 12-7-15-SC, September 4, 2012.

<sup>72</sup> <https://www.usatoday.com/story/news/health/2019/01/29/domestic-violence-research-children-abuse-mental-health-learning-aces/2227218002/>.

*anc*



than seeing one's beloved mother being subjected to physical abuse and verbal degradation by none other than the man whom she considered as her partner in life.

Indeed, the risk of post-traumatic stress disorder from domestic violence is high because it is a betrayal by someone who is supposed to be a protector; it happens in a place which is supposed to be safe; and is usually done at a time when children are totally dependent on their parental figures, hence, powerless.<sup>73</sup> This type of trauma is a double-edged sword that cuts deep. Aside from scarring the impressionable minds of children, it also imprints the idea that violence is a normal set up in families. Then such abuse breeds a new generation of abusers, *ad infinitum*. This should not be the case.

The Court's full support to the protection of women and children extends to the cleansing of its ranks of officers with audacity to lay their hands on women and children. Even without a conviction for violation of the VAWC Law, the Court can make the hammer fall, and heavily<sup>74</sup> when, as in this case, complainant sufficiently established by substantial evidence, her claim of abuse not only on her person, but also on her children.

Indeed, lawyers and judges alike should be at the forefront in combatting domestic abuse and mitigating its effects. But rather than become a vanguard against violence on women and children, respondent chose to be the perpetrator thereof. The Court, therefore, deems it proper to impose the supreme penalty of disbarment on respondent for violating Rules 1.01 and 7.03 of the CPR, for repeatedly laying his hand not only on complainant but on her children, too – an act which the Court abhors the most.

The noble legal profession is simply no place for abusers. We do not coddle violators of the VAWC law, nor do we allow them to tarnish our collective dignity. We have all vowed to uphold the protection of women and children when we took our sacred oath. This involves the imposition of administrative penalties, including the supreme penalty of disbarment, when our own officers of the Court violate this sworn duty.

**b. Violation of Rule 1.01,<sup>75</sup> Canon 7,<sup>76</sup> and Rule 7.03<sup>77</sup> of the CPR  
– Immoral Conduct**

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<sup>73</sup> Id.

<sup>74</sup> See *Sunville Timber Products, Inc. v. Abad*, 283 Phil. 400, 410 (1992).

<sup>75</sup> Rule 1.01 A lawyer shall not engage in unlawful, dishonest, immoral or deceitful conduct. (Code of Professional Responsibility, June 21, 1988).

<sup>76</sup> 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. (Code of Professional Responsibility, June 21, 1988)

<sup>77</sup> 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. (Code of Professional Responsibility, June 21, 1988).

Maintaining an illicit relationship is an immoral conduct punishable by either suspension or disbarment depending on the circumstances of the case. For a lawyer to be disbarred on ground of immorality, the conduct complained of must be grossly immoral or 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.<sup>78</sup>

In *Ceniza v. Atty. Ceniza*,<sup>79</sup> respondent got disbarred for violating Rules 1.01 and 7.03 of the CPR for abandoning his legitimate family in order to live with another married woman. His children pleaded with him to avoid displaying his paramour in public but their pleas went unheeded. This caused one of his children to suffer depression and attempt suicide. Despite the pain he had caused his family, respondent showed no remorse for his actions.

In *Narag v. Atty. Narag*,<sup>80</sup> *Dantes v. Atty. Dantes*,<sup>81</sup> *Bustamante-Alejandro v. Atty. Alejandro*,<sup>82</sup> and *Guevarra v. Atty. Eala*,<sup>83</sup> the Court resolved to disbar respondents for abandoning their legitimate spouses and maintaining illicit affairs.

Another. In *Tucay v. Atty. Tucay*,<sup>84</sup> *Villatuya v. Atty. Tabalingcos*,<sup>85</sup> *Bunagan-Bansig v. Atty. Celera*,<sup>86</sup> and *Dr. Perez v. Atty. Catindig*,<sup>87</sup> the Court has invariably imposed the penalty of disbarment against lawyers who entered into bigamous marriages.

Yet in *Ferancullo v. Ferancullo, Jr.*, (Ferancullo)<sup>88</sup> the Court merely suspended Atty. Sancho M. Ferancullo, Jr. from the practice of law for two (2) years for his intimate relationship with a woman other than his wife. We held that in the absence of any exacerbating circumstance such as abandonment of the lawful spouse, the ultimate penalty of disbarment would not be imposed.

*Ferancullo* applies here. Notably, when complainant and respondent started living together in November 2003, respondent was already separated from his wife, so was complainant from her husband. There is, therefore, no issue of abandonment or bigamous relationship here. As in *Ferancullo*, we also find that in the absence of any of these exacerbating circumstances, respondent's two (2) year suspension from the practice of law would suffice.

<sup>78</sup> See *Panagsagan v. Panagsagan*, A.C. No. 7733, October 1, 2019.

<sup>79</sup> A.C. No. 8335, April 10, 2019.

<sup>80</sup> 353 Phil. 643, 648 (1998).

<sup>81</sup> 482 Phil. 64, 71 (2004).

<sup>82</sup> 467 Phil. 139, 145 (2004).

<sup>83</sup> 555 Phil. 713, 719 (2007).

<sup>84</sup> *Supra* note 48.

<sup>85</sup> 690 Phil. 381, 388-389 (2012).

<sup>86</sup> 724 Phil. 141, 152 (2014).

<sup>87</sup> 755 Phil. 297, 304 (2015).

<sup>88</sup> 538 Phil. 501, 517 (2006).

In view of the earlier imposition of the supreme penalty of disbarment, however, the penalty of suspension here is rendered nugatory. A disbarred lawyer may no longer be suspended from the practice of law.

**c. Violation of Canon 8 and Rule 8.01 of the CPR – Insolence and Use of Derogatory Language**

In accordance with *Washington*,<sup>89</sup> respondent is admonished for his insolence and use of derogatory remarks against complainant and use of indecent language in his pleadings in the present case.

Let this be a reminder to all lawyers to resist the temptation brought about by the sight of an open door no matter how vulnerable they are, lest they live a life of regret like herein respondent. Indeed, lawyers are bound to maintain not only a high standard of legal proficiency, but also of morality, including honesty, integrity, and fair dealing. They are at all times subject to the watchful public eye and community approbation. Needless to state, those whose conduct – both public and private – fail this scrutiny like respondent have to be disciplined and, after appropriate proceedings, penalized.<sup>90</sup>

**ACCORDINGLY**, the Court finds **Atty. Roy Anthony S. Oreta** liable for:

1) Physical abuse in violation of Rules 1.01 and 7.03 of the Code of Professional Responsibility. Accordingly, he is **DISBARRED** from the practice of law effective upon receipt of this Decision, and his name **ORDERED** stricken off in the Roll of Attorneys;

2) Gross immorality in violation of Rule 1.01, Canon 7, and Rule 7.03 of the Code of Professional Responsibility, hence, **SUSPENDED** from the practice of law for two (2) years. Considering, however, that respondent has already been disbarred, this penalty may no longer be imposed;

3) Violation of Canon 8 and Rule 8.01 of the Code of Professional Responsibility for his derogatory and indecent remarks in his pleadings for which he is **ADMONISHED**; and

4) Violation of Canon 8 and Rule 8.01 of the Code of Professional Responsibility for displaying insolence and arrogance in his pleadings for which he is **ADMONISHED**.

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<sup>89</sup> Supra note 64 at 841.

<sup>90</sup> Supra note 30 at 362.

Let a copy of this Decision be attached to 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.**

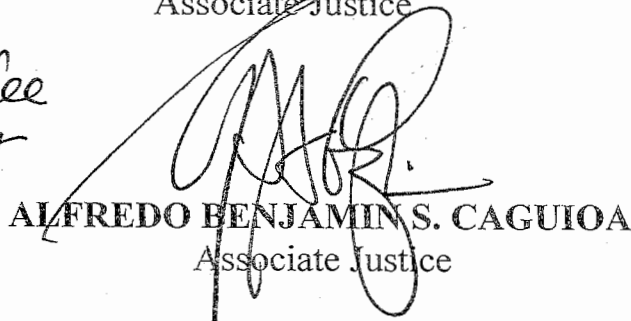
  
**ALEXANDER G. GESMUNDO**  
Chief Justice

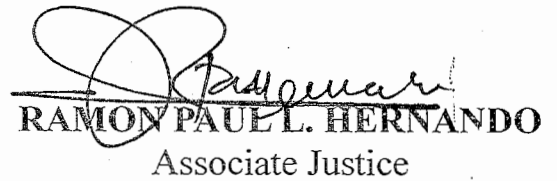
(On official leave)

**ESTELA M. PERLAS-BERNABE**  
Associate Justice

  
**MARVIC M.V.F. LEONEN**  
Associate Justice

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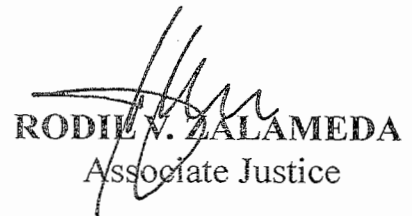
  
**ALFREDO BENJAMINS S. CAGUIOA**  
Associate Justice

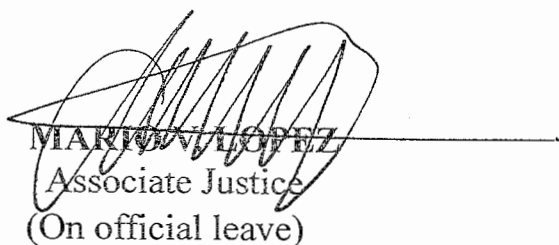
  
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Associate Justice

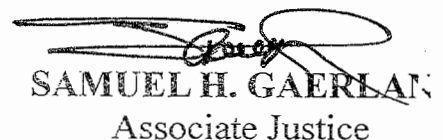
  
**ROSMARI D. CARANDANG**  
Associate Justice


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


  
**HENRI JEAN PAUL B. INTING**  
Associate Justice

  
**RODIE V. ZALAMEDA**  
Associate Justice

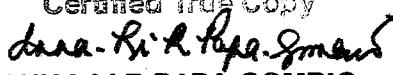
  
**MARION V. LOPEZ**  
Associate Justice  
(On official leave)

  
**SAMUEL H. GAERLAN**  
Associate Justice

  
**RICARDO R. ROSARIO**  
Associate Justice

  
**JHOSEP V. LOPEZ**  
Associate Justice

  
**JAPAR B. DIMAAMPAO**  
Associate Justice

Certified True Copy  
  
**ANNA-LI R. PAPA-GOMBIO**  
Deputy Clerk of Court En Banc  
OCC En Banc, Supreme Court