



Republic of the Philippines
Supreme Court
Office of the Court Administrator
Manila

OCA CIRCULAR NO. 49-2005

TO : THE COURT OF APPEALS, SANDIGANBAYAN, COURT OF TAX APPEALS, REGIONAL TRIAL COURTS, SHARI'A DISTRICT COURTS, METROPOLITAN TRIAL COURTS, MUNICIPAL TRIAL COURTS IN CITIES, MUNICIPAL TRIAL COURTS, MUNICIPAL CIRCUIT TRIAL COURTS, SHARI'A CIRCUIT COURTS, THE OFFICE OF THE STATE PROSECUTOR, PUBLIC ATTORNEY'S OFFICE AND THE INTEGRATED BAR OF THE PHILIPPINES

SUBJECT : DISBARMENT OF ATTY. CRISPIN G. DANTES

For the information and guidance of all concerned, quoted hereunder is the Resolution of the Court En Banc dated September 22, 2004 in Administrative Case No. 6486, entitled "Emma T. Dantes vs. Atty. Crispin G. Dantes", to wit:

"Despite variations in the specific standards and provisions, one requirement remains constant in all the jurisdictions where the practice of law is regulated: the candidate must demonstrate that he or she has "good moral character," and once he becomes a lawyer he should always behave in accordance with the standard. In this jurisdiction too, good moral character is not only a condition precedent¹ to the practice of law, but an unending requirement for all the members of the bar. Hence, when a lawyer is found guilty of grossly immoral conduct, he may be suspended or disbarred.²

In an *Affidavit-Complaint*³ dated June 6, 2001, filed with the Integrated Bar of the Philippines (IBP), Emma T. Dantes, sought the disbarment of her husband, Atty. Crispin G. Dantes on the ground of immorality, abandonment, and violation of professional ethics and law. The case was docketed as CBD Case No. 01-851.

Complainant alleged that respondent is a philanderer. Respondent purportedly engaged in illicit relationships with two women, one after the other, and had illegitimate children with them. From the time respondent's illicit affairs started, he failed to give regular support to complainant and their children, thus forcing complainant to work abroad to provide for their children's needs. Complainant pointed out that these acts of respondent constitute a

¹ Section 2, Rule 138 of the Rules of Court.

² Section 27, Rule 138 of the Rules of Court.

³ Rollo, pp. 1-2.

violation of his lawyer's oath and his moral and legal obligation to be a role model to the community.

On July 4, 2001, the IBP Commission on Bar Discipline issued an *Order*⁴ requiring respondent to submit his answer to the *Affidavit-Complaint*.

Respondent submitted his *Answer*⁵ on November 19, 2001. Though admitting the fact of marriage with the complainant and the birth of their children, respondent alleged that they have mutually agreed to separate eighteen (18) years before after complainant had abandoned him in their Balintawak residence and fled to San Fernando, Pampanga. Respondent claimed that when complainant returned after eighteen years, she insisted that she be accommodated in the place where he and their children were residing. Thus, he was forced to live alone in a rented apartment.

Respondent further alleged that he sent their children to the best school he could afford and provided for their needs. He even bought two lots in Pampanga for his sons, Dandelo and Dante, and gave complainant adequate financial support even after she had abandoned him in 1983.

Respondent asserted that complainant filed this case in order to force him to remit seventy percent (70%) of his monthly salary to her.

Subsequently, the IBP conducted its investigation and hearings on the complaint. Complainant presented her evidence, both oral and documentary,⁶ to support the allegations in her *Affidavit-Complaint*.

From the evidence presented by the complainant, it was established that on January 19, 1979, complainant and respondent were married⁷ and lived with the latter's mother in Balintawak. At that time, respondent was just a fourth year law student. To make ends meet, complainant engaged in the buy and sell business and relied on dole-outs from the respondent's mother.

Three children were born to the couple, namely, Dandelo, Dante and Daisy, who were born on February 20, 1980,⁸ October 14, 1981⁹ and August 11, 1983,¹⁰ respectively. Complainant narrated that their relationship was marred by frequent quarrels because of respondent's extra-marital affairs.¹¹ Sometime in 1983, she brought their children to her mother in Pampanga to enable her to work

⁴ *Id.* at 18.

⁵ *Id.* at 23-30.

⁶ Exhibits "A" to "Z", Rollo, pp. 72-96.

⁷ Rollo, p. 72.

⁸ *Id.* at 74.

⁹ *Id.* at 73.

¹⁰ *Id.* at 75.

¹¹ TSN, April 17, 2002, p. 11.

because respondent had failed to provide adequate support. From 1986 to 2001, complainant worked abroad as a domestic helper.

Denying that there was a mutual agreement between her and respondent to live separately, complainant asseverated that she was just compelled to work abroad to support their children. When she returned to the Philippines she learned that respondent was living with another woman. Respondent, then bluntly told her, that he did not want to live with her anymore and that he preferred his mistresses.

Complainant presented documentary evidence consisting of the birth certificates of Ray Darwin, Darling, and Christian Dave,¹² all surnamed Dantes, and the affidavits of respondent and his paramour¹³ to prove the fact that respondent sired three illegitimate children out of his illicit affairs with two different women. Letters of complainant's legitimate children likewise support the allegation that respondent is a womanizer.¹⁴

In an *Order* dated April 17, 2002, respondent was deemed to have waived his right to cross-examine complainant, after he failed to appear during the scheduled hearings despite due notice. He however, submitted his *Comment/Opposition to the Complainant's Formal Offer of Evidence with Motion to Exclude the Evidence from the Records of the Proceedings*¹⁵ on August 1, 2002.

Subsequently, on May 29, 2003, respondent submitted a *Motion to Adopt Alternative Dispute Resolution Mechanism*. Respondent's motion was denied because it was filed after the complainant has already presented her evidence.¹⁶ Respondent was given a final chance to present his evidence on July 11, 2003. Instead of presenting evidence, respondent filed a *Motion for Reconsideration with Motion to Dismiss*, which was likewise denied for being a prohibited pleading under the Rules of Procedure of the Commission on Bar Discipline. Respondent submitted his *Position Paper* on August 4, 2003.

In respondent's *Position Paper*,¹⁷ he reiterated the allegations in his *Answer* except that this time, he argued that in view of the resolution of the complaint for support with alimony *pendente lite*¹⁸ filed against him by the complainant before the Regional Trial Court (RTC) of Quezon City,¹⁹ the instant administrative case should be dismissed for lack of merit.

¹² Exhibit "G". "G-1", "G-2"; Exhibit "H", "H-1", "H-2"; Exhibit "M", "M-1", "M-2", Rollo, pp. 77-78, 83.

¹³ Exhibit "I"; Exhibit "J"; Exhibit "K"; and Exhibit "L", Rollo, pp. 79-81.

¹⁴ Exhibits "S"; Exhibit "T"; and Exhibit "U", Rollo, pp. 89-91.

¹⁵ Rollo, pp. 105-107.

¹⁶ *Id.* at 139.

¹⁷ *Id.* at 145-156.

¹⁸ Civil Case No. Q-01-45222.

¹⁹ Presided by Judge Rosalina L. Luna Pison of the Quezon City Regional Trial Court, Branch 107, National Capital Judicial Region, Rollo, pp. 157-158.

On July 7, 2004, the IBP submitted to us through the Office of the Bar Confidant its *Report*²⁰ and *Resolution No. XVI-2004-230* involving CBD Case No. 01-851.²¹ The IBP recommended that the respondent be suspended indefinitely from the practice of law.

Except for the penalty, we find the above recommendation well-taken.

The Code of Professional Responsibility provides:

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

"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."

"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."

The Code of Professional Responsibility forbids lawyers from engaging in unlawful, dishonest, immoral or deceitful conduct. Immoral conduct has been defined as that conduct which is so willful, flagrant, or shameless as to show indifference to the opinion of good and respectable members of the community.²² To be the basis of disciplinary action, the lawyer's conduct must not only be immoral, but grossly immoral. That is, it must be so corrupt as to constitute a criminal act or so unprincipled as to be reprehensible to a high degree²³ or committed under such scandalous or revolting circumstances as to shock the common sense of decency.²⁴

In *Barrientos vs. Daarol*,²⁵ we ruled 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. More specifically, a member of the Bar and officer of the court is not only required to refrain from adulterous relationships or keeping mistresses but must also so behave himself as to avoid scandalizing the public by creating the belief that he is flouting those moral standards. If the practice of law is to remain an honorable profession and attain its basic ideals, those enrolled in its ranks should not only master its tenets and principles but should also, in their lives, accord continuing fidelity to them. The requirement of good moral character is of much greater import, as far as the general public is concerned, than the possession of legal learning.

²⁰ Rollo, pp. 198-201.

²¹ *Id.* at 197.

²² BLACK'S LAW DICTIONARY, 6th ed., p. 751 *citing* In re: Monaghan, 126 VT, 53m 222 A 2d 665, 674.

²³ Reyes vs. Wong, A.C. No. 547, January 29, 1975, 63 SCRA 667.

²⁴ Royong vs. Oblena, A.C. No. 376, April 30, 1963, 7 SCRA 859, 869.

²⁵ A.C. No. 1512, January 29, 1993, 218 SCRA 30.

It should be noted that the requirement of good moral character has three ostensible purposes, namely: (i) to protect the public; (ii) to protect the public image of lawyers; and (iii) to protect prospective clients. A writer added a fourth: to protect errant lawyers from themselves.²⁶

Lawyers are expected to abide by the tenets of morality, not only upon admission to the Bar but also throughout their legal career, in order to maintain their good standing in this exclusive and honored fraternity.²⁷ They may be suspended from the practice of law or disbarred for any misconduct, even if it pertains to his private activities, as long as it shows him to be wanting in moral character, honesty, probity or good demeanor.²⁸

Undoubtedly, respondent's acts of engaging in illicit relationships with two different women during the subsistence of his marriage to the complainant constitutes grossly immoral conduct warranting the imposition appropriate sanctions. Complainant's testimony, taken in conjunction with the documentary evidence, sufficiently established respondent's commission of marital infidelity and immorality. Evidently, respondent had breached the high and exacting moral standards set for members of the law profession. He has made a mockery of marriage which is a sacred institution demanding respect and dignity.²⁹

In *Toledo vs. Toledo*,³⁰ we disbarred respondent for abandoning his unlawful wife and cohabiting with another woman who had borne him a child. Likewise, in *Obusan vs. Obusan*,³¹ we ruled that abandoning one's wife and resuming carnal relations with a paramour fall within that conduct which is willful, flagrant, or shameless, and which shows moral indifference to the opinion of the good and respectable members of the community.

We reiterate our ruling in *Cordova vs. Cordova*,³² that moral delinquency which 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 as exemplified by behavior which makes a mockery of the inviolable social institution of marriage.

The power to disbar must be exercised with great caution, and only in a clear case of misconduct that seriously affects the standing and character of the lawyer as an officer of the Court and as a member of the bar.³³ Where a lesser penalty, such as temporary

²⁶ Elliston, F.A. *The Ethics of Ethics Tests for Lawyers*, published in *The Bar Examiner*, vol. 51, no. 3 (August 1982) 8:16.

²⁷ *Cordon vs. Balicanta*, A.C. No. 2797, October 4, 2002, 390 SCRA 299.

²⁸ *Rural Bank of Silay, Inc. vs. Pilla*, A.C. No. 3637, January 24, 2001, 350 SCRA 138; *Saburnido vs. Madroño*, A.C. No. 4497, September 26, 2001, 366 SCRA 1.

²⁹ *Pangan vs. Ramos*, Adm. Case No. 1053, August 31, 1981, 107 SCRA 1

³⁰ Adm. Case No. 266, April 27, 1963, 7 SCRA 757

³¹ Adm. Case No. 1392, April 2, 1984, 128 SCRA 485

³² November 29, 1989, 179 SCRA 680

³³ *Tapucar vs. Tapucar*, A.C. No. 4148, July 30, 1998, 293 SCRA 331.

suspension, could accomplish the end desired, disbarment should never be decreed.³⁴ However, in the present case, the seriousness of the offense compels the Court to wield its power to disbar as it appears to be the most appropriate penalty.

WHEREFORE, in view of the foregoing Atty. Crispin G. Dantes is hereby DISBARRED and his name is ORDERED STRICKEN from the Roll of Attorneys. Let a copy of this *Decision* be entered in the respondent's record as a member of the Bar, and notice of the same be served on the Integrated Bar of the Philippines, and on the Office of the Court Administrator for circulation to all courts in the country.

SO ORDERED.”

Copy of the decision was received by respondent on October 8, 2004 as manifested in his Motion for Reconsideration dated October 19, 2004 which was denied with finality by the Court in its resolution dated November 23, 2004.

29 April 2004.

PRESBITERO J. VELASCO, JR.
Court Administrator

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³⁴ *Resurreccion vs. Sayson*, A.C. No. 1037, December 14, 1998, 300 SCRA 129.