

**\*\*Title: Ceniza v. Ceniza (A.C. No. 851 PHIL 372) – Disbarment for Gross Immorality\*\***

**\*\*Facts:\*\***

Amalia R. Ceniza filed a complaint against her husband, Atty. Eliseo B. Ceniza, Jr., for gross immorality, alleging abandonment of the family to live with a married woman. They were married on November 12, 1989, and had two children. On April 21, 2008, Eliseo claimed he was attending a seminar but left the family home, taking his car and personal belongings. Amalia discovered from her husband's staff at the Mandaue City Hall that he was suspected of having an affair with Anna Fe Flores Binoya.

On May 23, 2008, Amalia, along with her daughter and nephew, verified Eliseo's frequenting of Anna's residence in Aldea Subdivision, where they confronted him. He denied wrongdoing but initiated a nullity of marriage complaint on July 9, 2008, citing Amalia's psychological incapacity.

Further claims and pleas by Amalia for Eliseo to stop displaying his paramour were ignored. On November 18, 2008, Amalia filed a complaint for immorality with the Office of the Ombudsman. The Ombudsman found Eliseo guilty of disgraceful and immoral conduct, resulting in a six-month suspension. Eliseo's appeal to the Court of Appeals was denied.

Despite repeated warnings and recommendations from the Integrated Bar of the Philippines (IBP) Commission on Bar Discipline on conduct, the IBP ultimately dismissed the charges. Amalia's motion for reconsideration was eventually supported by the Office of the Bar Confidant (OBC), leading to a review by the Supreme Court.

**\*\*Issues:\*\***

1. Should the respondent be disciplined for the actions attributed to him by the complainant?
2. Does abandoning one's family to cohabit with a married woman constitute gross immorality warranting disbarment?

**\*\*Court's Decision:\*\***

The Supreme Court found that Eliseo B. Ceniza, Jr. engaged in gross immorality by abandoning his lawful spouse and family to cohabit with a married woman, violating ethical standards for lawyers. The Court disbarred Eliseo, striking his name from the Roll of Attorneys.

1. **\*\*Conduct and Evidence:\*\***

- The Court noted substantial evidence substantiated by affidavits and observations from multiple witnesses. Eliseo's mere denial lacked substantiative evidence. The Court rested on ample documentation, testimonies, and solid circumstantial evidence, upholding the Ombudsman and the CA's findings.

2. **Legal and Ethical Obligations:**

- Such conduct by Eliseo not only tarnished the legal profession's image but exhibited a flagrant disregard for the moral expectations from a member of the Bar. The actions violated Rule 1.01 and Rule 7.03 of the Code of Professional Responsibility.

**Doctrine:**

1. **Immortality as Grounds for Disbarment:**

- Immorality constituting gross misconduct such as abandonment of one's family to live with another person, especially a married woman, meets the threshold for disbarment.

- Direct evidence is not necessary if circumstantial evidence compellingly points to unethical conduct.

2. **Preponderance of Evidence in Disbarment:**

- Disbarment cases hinge on preponderance rather than absolute proof. Such decisions significantly rely on evidence that convincingly outweighs opposition, maintaining a high standard for the legal profession's integrity.

**Class Notes:**

- **Key Legal Principles:**

- **Code of Professional Responsibility - Rules 1.01 and 7.03:** Standards regarding not engaging in immoral conduct and the expectation of professional and personal behavior.

- **Immorality Standard:** Behavior must be flagrantly indecorous, shock public morals, and significantly undermine public confidence in the legal profession.

- **Burden of Proof in Disbarment:** Rests upon showing evidence that is more convincing than that presented by the defense.

**Historical Background:**

This case contextualizes evolving norms regarding marital fidelity and professional ethics within the Philippine legal framework. The stringent observation of moral conduct for lawyers emphasizes society's demand for upholding public trust and decency. Reflecting ongoing tensions between private life and professional expectations, this case underscores the judiciary's high threshold for maintaining the bar's integrity amidst personal

indiscretions.