

Title:

****Dorothy B. Terre vs. Atty. Jordan Terre, A.C. No. 2349****

Facts:

1. ****Initiation of Complaint:**** On 24 December 1981, Dorothy B. Terre filed a sworn complaint with the Supreme Court against Atty. Jordan Terre for “grossly immoral conduct.” Specifically, she accused him of contracting a second marriage and living with another woman while his marriage to her was still valid and subsisting.
2. ****Evasion of Service:**** Respondent Jordan Terre evaded service of the Court’s resolution and the complaint by changing locations frequently. Five unsuccessful attempts were made to serve him at his residential and employment addresses.
3. ****Suspension by the Court:**** On 24 April 1985, due to Jordan’s consistent evasion of service, the Court resolved to suspend him from the practice of law until he appeared and/or filed an answer to the complaint.
4. ****Submission of Answer:**** On 28 September 1985, Jordan Terre filed his Answer with a Motion to Set Aside and/or Lift Suspension Order. He claimed that his marriage to Dorothy was null and void because she had misrepresented her single status when they wed. He also claimed that Dorothy drove him away after he confronted her about her previous marriage to Merlito A. Bercenilla.
5. ****Referral to the Office of the Solicitor General:**** The Court denied Jordan’s motion to lift the suspension and referred the case to the Office of the Solicitor General (OSG) for investigation.
6. ****OSG Hearings:**** The OSG scheduled hearings where Dorothy presented her evidence. Jordan did not appear despite notices. Multiple opportunities were given for him to present his defense, but he consistently failed to show up, and the case was declared submitted for resolution without his input.
7. ****OSG Report:**** On 26 February 1990, the OSG submitted a report to the Court summarizing Dorothy’s testimony and confirming her accusations. The report indicated that Dorothy and Jordan met in high school, later moved to Manila where Jordan courted her persistently, and they got married on 14 June 1977. Dorothy financially supported him through law school, and they had a child, Jason Terre. Jordan subsequently abandoned Dorothy and married Helina Malicdem on 3 May 1981.

Issues:

1. **Validity of Second Marriage:** Whether Atty. Jordan Terre's second marriage to Helina Malicdem, while his marriage to Dorothy B. Terre was subsisting, constitutes grossly immoral conduct justifying disbarment.
2. **Implications of Good Faith Belief:** Whether Jordan Terre's claimed good faith belief that his marriage to Dorothy was null and void ab initio due to her alleged prior marriage, which he used to justify his second marriage, is a valid defense.

Court's Decision:

1. **Validity of Second Marriage:**

- The Supreme Court found that Jordan Terre's second marriage was void given that his first marriage to Dorothy was subsisting. There had been no judicial declaration of nullity for the first marriage, confirming its continued validity.

2. **Implications of Good Faith Belief:**

- The Court rejected Jordan's defense of good faith belief. Even if he genuinely believed Dorothy's first marriage null due to alleged incest (which was not proven), as a lawyer, he should have known or did know that a court declaration was necessary to determine the nullity of a marriage. Without this, he could not legally contract a second marriage.

- The Court emphasized that lawyers are held to a higher standard of knowledge and conduct and must approach matters, especially those involving the sanctity of marriage, with due diligence and respect for the law.

Doctrine:

1. **Judicial Declaration Necessity:** A judicial declaration of nullity is essential before a person can be considered legally free to contract a subsequent marriage.
2. **Gross Immorality in Legal Profession:** A lawyer engaging in deceitful behavior, such as inveigling someone into an invalid marriage and abandoning familial responsibilities, displays "grossly immoral conduct" warranting disbarment.

Class Notes:

- **Essential Legal Principle:** Judicial action is required to declare a marriage null and void ab initio before entering into another marriage (Article 40, Family Code of the Philippines).
- **Moral Fitness for Bar Membership:** Acts like abandonment, deception, and bigamy are considered violations of the moral standards expected of a lawyer.

- **Disbarment Standard:** The conduct undermining the integrity of legal professionals and disrespecting social institutions like marriage can lead to disbarment under Section 27 of Rule 138 of the Rules of Court.

Historical Background:

- **Legal Context:** This case highlights the need for strict adherence to judicial processes regarding marriage nullification in the Philippines, emphasizing the judiciary's role in upholding the sanctity of marriage and the ethical conduct required of lawyers.

- **Social Context:** Reflects societal values where marriage is institutionally protected, aligning with provisions of the Civil Code and subsequent Family Code amendments that regulate marriage validity and dissolution processes.