

Title: Dr. Elmar O. Perez vs. Atty. Tristan A. Catindig and Atty. Karen E. Baydo:
Administrative Complaint for Disbarment

Facts:

1. **Relationship History:**

- Dr. Elmar O. Perez (Dr. Perez) and Atty. Tristan A. Catindig (Atty. Catindig) met in mid-1960s as students of the University of the Philippines.
- They lost touch after graduation but reconnected in 1983, when Atty. Catindig started courting Dr. Perez.

2. **Marriage Background:**

- Atty. Catindig was already married to Lily Corazon Gomez (Gomez) since May 18, 1968. He claimed he married Gomez due to her pregnancy to avoid jeopardizing his Harvard Law School scholarship.

3. **Events Leading to Marriage to Dr. Perez:**

- Atty. Catindig informed Dr. Perez he was obtaining a foreign divorce to dissolve his marriage to Gomez, culminating in a divorce decree from the Dominican Republic in 1984.
- Believing the divorce was valid, Atty. Catindig married Dr. Perez on July 14, 1984, in Virginia, USA. They had a child named Tristan Jegar Josef Frederic.
- Years later, Dr. Perez learned their marriage was void under Philippine law as the foreign divorce was not recognized.

4. **Subsequent Developments:**

- Dr. Perez confronted Atty. Catindig, who promised to nullify his marriage with Gomez in the Philippines and adopt their son legally.
- In 1997, Dr. Perez reminded him to file for annulment. In 2001, she received an anonymous letter about Atty. Catindig's affair with Atty. Karen E. Baydo (Atty. Baydo).

5. **Separation and Disbarment Complaint:**

- Atty. Catindig filed for nullity of his marriage with Gomez on August 13, 2001, and left Dr. Perez on October 31, 2001.
- Dr. Perez filed the disbarment complaint against Atty. Catindig and Atty. Baydo on August 27, 2002, accusing them of gross immorality.

6. **Procedural History:**

- The complaint was directed to the Integrated Bar of the Philippines (IBP) for investigation.

- The Investigating Commissioner recommended disbarment for Atty. Catindig and dismissal of charges against Atty. Baydo.
- The IBP Board of Governors adopted the recommendation, leading Atty. Catindig to seek reconsideration, which was denied.

****Issues:****

1. ****Whether Atty. Catindig committed gross immorality warranting disbarment.****
2. ****Whether the charge of gross immorality against Atty. Baydo is substantiated.****

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

1. ****On Atty. Tristan A. Catindig:****

- The Court agreed with the IBP findings that Atty. Catindig was guilty of gross immorality, violating Rule 1.01, Canon 7, and Rule 7.03 of the Code of Professional Responsibility.

- ****Legal Resolution:****

- Contracting a subsequent marriage while still legally married is grossly immoral.

- By marrying Dr. Perez, knowing full well his marriage to Gomez still subsisted, Atty. Catindig exhibited a serious disregard for the sanctity of marriage and legal ethics.

- ****Admission and Conduct:****

- His admission that he knew the foreign divorce was not valid under Philippine law and his subsequent marriage actions were pivotal.

- Such actions seriously tainted his social propriety and thus, warranted disbarment.

2. ****On Atty. Karen E. Baydo:****

- The Court dismissed the charges against Atty. Baydo due to insufficient evidence.

- ****No Concrete Evidence:****

- Claims were based on an anonymous letter and a love letter which did not constitute preponderant evidence of an amorous relationship.

****Doctrine(s) Established:****

1. ****Gross Immorality:****

- Contracting a subsequent marriage while the first is still subsisting amounts to gross immorality and warrants disbarment.

- The conduct must outrage accepted moral standards, making a mockery of marriage.

****Class Notes:****

1. **Elements of Gross Immorality:**

- Willful, flagrant, or shameless acts disregarding upright members of the community's opinions.
- Conduct that constitutes a criminal act or one that is highly reprehensible.

2. **Relevant Statutes:**

- **Rule 1.01, Canon 7, Rule 7.03 of the Code of Professional Responsibility:**
 - A lawyer shall not engage in unlawful, dishonest, immoral, or deceitful conduct.
 - A lawyer must uphold the integrity and dignity of the profession and avoid conduct adversely reflecting on their fitness to practice law.
- **Section 27, Rule 138 of the Rules of Court:**
 - Grossly immoral conduct as a ground for disbarment.

Historical Background:

- The case highlights the Philippine legal system's strict adherence to protecting the sanctity of marriage and the ethical standards expected of legal practitioners.
- It emphasizes the non-recognition of foreign divorces unless certain exceptions are met, reflecting the Philippines' policy on family and marriage stability.