

**SANTA PANGAN, COMPLAINANT, VS. ATTY. DIONISIO RAMOS,
RESPONDENT.***Adm. Case No. 1053. August 31, 1981*

Ponente: DE CASTRO, J.

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On November 29, 1971, Santa Pangan filed before this Court a verified complaint charging respondent Atty. Dionisio Ramos with gross immorality, the latter having misrepresented himself as still "single" when he started courting complainant, proposed marriage to her and finally succeeded in marrying her even with full consciousness that his first marriage to his first wife was still valid and subsisting.[1] (A Criminal Case for bigamy was also filed by the complainant against the re-spondent in the Court of First Instance of Manila, Branch XXI, docketed as Criminal Case No. 15528).

In his answer to the complaint, respondent denied the material allegations thereof for being without legal or factual basis. He prayed for the dismissal of the complaint for fail-ure to state cause of action against respondent.[2]

The case was referred to the Office of the Solicitor General for report, investigation and recommendation. On June 1, 1976, the Solicitor General submitted his report finding respondent Ramos guilty as charged, with a recommendation for his suspension from the practice of law for a period of three (3) years, pursuant to Section 7, Rule 138 of the Rules of Court.[3] Subsequently, the corresponding complaint for his suspension from the practice of law was filed.

On September 13, 1976, respondent filed his answer to the complaint and moved for the appointment of a commissioner to hear and take additional evidence in his behalf, which, how-ever, was denied by the Court per its Resolution of October 6, 1976. At the hearing of February 25, 1977, respondent, acting as counsel for his own behalf, moved for the presenta-tion of additional evidence, which was, however, opposed by complainant's counsel on the ground that respondent is resorting to dilatory tactics. At the hearing of September 2, 1977, complainant and respondent appeared and the Court set the hearing of the case for the purpose of reception of additional evidence before its Legal Officer-Investigator.

Meanwhile, on September 7, 1979, the Court, speaking through Justice Felix Antonio, severely REPRIMANDED respondent Dionisio Ramos, with warning that a repetition of the same overt act may warrant his suspension or disbarment from the practice of law.[4] The reprimand was administered because respondent used the name "Pedro D.D. Ramos" in connection with Criminal Case No. 35906. He averred that he had a right to do so because in his Birth Certificate his name is "Pedro Dionisio Ramos," and his parents are Pedro Ramos and Carmen. Dayaw, and that the "D.D." in "Pedro D.D. Ramos" is but an abbreviation of "Dionisio Dayaw" his other given name and maternal surname. The Court opined that "respondent in effect resorted to deception. He demonstrated lack of candor in dealing with the courts."

At the hearing of October 23, 1979, Solicitor Celia Reyes appeared submitting the decision of the Court of First

Instance of Manila, Branch XXI, in Criminal Case No. 15528, acquitting respondent of the charges of bigamy on grounds of insufficiency of evidence, for having contracted the second marriage with the complainant.

On January 15, 1980, the Legal Officer-Investigator submitted his report concurring in the findings of the Solicitor General, although he recommended a penalty of a minimum five-year suspension from the practice of law, with prospect for the imposition of a total disbarment from the practice of law, as the Court finds fit and appropriate.[5]

On February 27, 1981, counsel for complainant filed its motion to expedite disposition of the case, further alleging that respondent Ramos is still using the name of Pedro Dionisio Ramos and P.D.D. Ramos in two pleadings filed before the Court of First Instance of Manila, disregarding the Resolution of this Court dated September 7, 1979.[6] Commenting, respondent admitted the allegations of complainant's counsel but alleged that he signed the pleadings inadvertently because of poor eyesight.

The facts, as found by the Solicitor General who investigated the case, and the Legal Officer-Investigator before whom the additional evidence was presented, are as follows: Respondent was admitted to the Philippine Bar in 1964. He was legally married to and living with Editha Encarnado, the marriage with her having been celebrated on September 4, 1963. Both complainant and respondent were officemates in the Office of Councilor Lito Puyat, City Hall, Manila since 1967. With the convenience thus offered, respondent, representing him-self to be "single," began courting complainant, proposed civil marriage to her to be later followed with a church celebration after which they will live together as husband and wife. From January 1968 to February 1971, they had carnal knowledge of each other in various hotels in Manila, particularly the Golden Gate Motel and Salem Motel. Some-time in June 1970, complainant informed respondent that she was pregnant. Whereupon, both agreed to get a quick marriage. Accordingly, complainant and respondent filed their respective applications for a marriage license (Exhs. "H", "H-1" and "H-2") and based thereon, they obtained a marriage license issued on June 16, 1970 (Exh. "D") and celebrated their marriage before Minister Isidro L. Dizon on June 18, 1970 (Exh. "B"). After the marriage, complainant and respondent agreed to have a church marriage before they live together as husband and wife, although they continued to have sexual trysts. Respondent was invited by complainant to meet the latter's mother to whom respondent expressed his desire to marry complainant, and to which proposal complainant's mother agreed, provided respondent bring his parents with him to ask for complainant's hand. Several weeks had passed and respondent failed to bring his parents to complainant's home. Complainant and her mother became suspicious. They made inquiries about the personal status of respondent and they ultimately discovered that respondent was already married to one Editha Encarnado (Exhs. "C" and "E"). After discovering that respondent was a married man, complainant resigned from her job as receptionist from the office of Councilor Lito Puyat. She stopped having intimate relationship with respondent and because of the humiliation and embarrassment she suffered before her friends and officemates, she filed the present disbarment case.

Upon the other hand, respondent tried to prove, through his affidavit subscribed before Asst. City Fiscal Primitivo Peñaranda of Manila, that he never misrepresented himself to be "single" and that complainant knew at the outset of his married status; that it was purely complainant's wish to carry on a love affair with him as described in his affidavit; that he was threatened and forced to sign blank marriage contract forms and applications for marriage license by the brothers of the complainant who are allegedly notorious police characters; that his signature in the marriage contract (Exh. B) was forged and falsified; that the marriage contract was only celebrated as a cover-up of the pregnancy of the complainant; and that the disbarment proceedings were initiated by complainant because he refused to elope with complainant and abandon his wife Editha Encarnado, and he stopped giving her money and avoided seeing her again.

Upon a review of the record, We are convinced that respondent Dionisio Ramos is guilty of grossly immoral

conduct which warrants proper action from this Court. His own declarations in his affidavit corroborate this imputation of immorality. Thus, in his affidavit subscribed before Asst. Fiscal Primitivo Peñaranda of Manila on Feb. 22, 1967, respondent frankly admitted having carnal relations with complainant for several times. What is more, respondent claimed that he was threatened and forced by complainant's brothers to celebrate the marriage dated June 18, 1980, but in the same breath, he admitted having carnal affair with complainant after the celebration of the marriage. Worse still, respondent misrepresented his civil status as "single", courted complainant, proposed marriage to her - knowing his legal impediments to marry complainant, respondent's motives were clearly and grossly immoral - won her confidence and married her while his first marriage to his present wife still validly subsists.

In *Villasanta vs. Peralta*,^[7] where respondent was dis-barred because he made love with complainant, procured the preparation of a false marriage contract and arranged a false wedding with complainant while his first wife was still alive and their marriage still valid and existing, this Court held: "the act of respondent of contracting the second marriage (even his act in making love to another woman while his first wife is still alive and their marriage still valid and exist-ing) is contrary to honesty, justice, decency and morality. Respondent made a mockery of marriage which is a sacred institution demanding respect and dignity."

It is of importance that members of the ancient and learned profession of law must conform with the highest standards of morality. As stated in paragraph 29 of the Canons of Judicial Ethics: "The lawyer should aid in guarding the Bar against the admission to the profession of candidates unfit or unqualified because deficient in either moral character or education. He should strive at all times to uphold the honor and to maintain the dignity of the profession and to improve not only the law but also the administration of justice."^[8]

Respondent, however, submits that having been acquitted by the Court of First Instance of Manila, Branch XXI, of the charge of bigamy, the immorality charges filed against him in this disbarment case should be dismissed. The acquittal of respondent Ramos upon the criminal charge is not a bar to these proceedings. The standards of legal profession are not satisfied by conduct which merely enables one to escape the penalties of the criminal law. Moreover, this Court in disbarment proceedings is acting in an entirely different capacity from that which courts assume in trying criminal cases.^[9]

This Court has already severely reprimanded respondent from using a name other than authorized name in the "Roll of Attorneys" and was warned that a repetition of the same overt act may warrant his suspension of disbarment from office in the future. Notwithstanding such reprimand and warning, however, respondent repeated the same overt act of using unauthorized name in two pleadings filed before the Court of First Instance of Manila. His explanation that he had done so inadvertently because of poor eyesight appears unsatisfactory. He should have employed more caution and prudence in filing pleadings before courts considering the fact that he had already been warned and reprimanded by this Court. Respondent's conduct, thus, suggests lack of candor and respect in his dealing with this Court. He has violated his oath of office of assuming the duty of good faith and honorable dealings with the court, of being respectful to it and of being obedient to its rules and lawful orders.

In the light of the foregoing, the Court finds that respondent committed a grossly immoral act, as found both by the Solicitor General and this Court's Legal Officer-Investigator, and as recommended by the Solicitor General, respondent is hereby suspended from the practice of law for a period of three (3) years, for gross immorality, and an additional one (1) year for his willful disregard of a law-ful order against his using an unauthorized name, in serious disrespect of this Court.

SO ORDERED.

Barredo, (Chairman), Aquino, Concepcion, Jr., and Guerrero, JJ., concur.

[1] pp. 1-3, Rollo.

[2] p. 21, Rollo.

[3] p. 30, Rollo

[4] Adm. Case No. 1053, September 7, 1979, 93 SCRA 87.

[5] pp. 305-322, Rollo.

[6] ????? ?????

[7] April 30, 1957, 101 Phil. 313, see also Mortel vs. Aspiras, 100 Phil. 591.

[8] Quingwa vs. Puno, Adm. Case No. 389, 19 SCRA 439.

[9] In re del Rosario, 52 Phil. 399.

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