

**IN RE DISBARMENT PROCEEDING AGAINST ARTURO P. LOPEZ,
VIRGINIA C. ALMIREZ, ASSISTED BY HER FATHER, AGAPITO
ALMIREZ, COMPLAINANTS, VS. ARTURO P. LOPEZ, RESPONDENT.**

Adm. Case No. 481. February 28, 1969

Ponente: CONCEPCION, C.J.

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CONCEPCION, C.J.:

Respondent Arturo P. Lopez is sought to be disbarred upon the ground of immorality. Complainant Virginia C. Almirez, as-sisted by her father Agapito Almirez, charges him with having succeeded in having carnal knowledge of her, under promise of marriage, which he failed and refused to fulfill, despite a child begotten in consequence thereof.

In his answer, respondent denied having ever had or solicited any sexual relation with the complainant, but affirmed that they had agreed to be married as soon as he became financially stable; that he could not carry out his part of the agreement having discovered, on April 4, 1961, that complainant was pregnant by another man; and that she filed the present charges out of spite for him, in view of his refusal to marry her.

Upon investigation conducted by the Solicitor General, to whom the matter was referred, the latter submitted his report finding re-spondent guilty as charged, and then filed the corresponding complaint for his disbarment.

In his answer thereto, respondent reiterated, in effect, the al-legations and defenses made and set up in his previous answer. He, moreover, averred that, while the matter was being investigated in the Office of the Solicitor General, complainant had filed an affidavit stating that he (respondent) is not the father of her child and a motion withdrawing her complaint.

Respondent having, moreover, expressed the wish to introduce additional evidence, the Court designated its Legal Officer-Investigator for the reception thereof, after which the latter submitted his report concurring in the findings of the Solicitor General, although re-commending merely the suspension of respondent herein. After fur-nishing him with a copy of this report, the case was set for hearing, at which a representative of the Solicitor General and counsel for re-spondent appeared and were given a period to file their respective memoranda in lieu of oral argument.

The record shows that respondent was admitted to the Philippine Bar in 1957 and has been engaged in the practice of law in Manila. After meeting the complainant - then about 23 years of age - in Mauban, Quezon - of which their families are residents - sometime in December 1958, respondent courted her by correspondence. Presently, they be-came sweethearts. Complainant having come to Manila in November 1960 and operated therein a store, in partnership with others, respond-ent used to visit her. Although he had told the complainant, as early as May 1960, of his intent to marry her, it was understood that the wedding would take place upon consummation of a given deal in which he expected to make a big amount of money. From November, 1960 to April, 1961, they had carnal knowledge of each other, several times, in various hotels in Manila, particularly the Palo Alto Hotel, the Springfield Hotel, and the Shanghai Hotel. On December 31, 1960, complainant informed respondent that her

menstruation was overdue, whereupon he caused her to be examined by a lady physician, who found that she was in the family way. Thereupon, he gave her some pills, to be taken three (3) times a day, for the alleged purpose of hastening the flow of her menstruation. Then, he called her up, day and night, to inquire about her menses, and, when the same did not eventually come, he urged her to see another lady doctor, who could perform an abortion. Complainant was averse thereto, but, respondent was so insistent that she went to the clinic of said physician. The operation was not performed, however, for neither the latter nor complainant were agreeable thereto. On August 22, 1961, complainant gave birth to a baby boy, Francisco Arnold, at the Maternity and Children's Hospital in Manila.

Prior thereto, or late in February, 1961, their respective applications for a marriage license were filed and their marriage license was issued on March 13, but, the wedding, scheduled for March 18, 1961, did not take place, owing to the absence of the Mayor who was to solemnize it. On April 6, 1961, complainant learned, from her sister-in-law, that respondent had confided to the latter his unwillingness to marry her (complainant). When, soon thereafter, complainant asked him for his reason therefor, respondent blamed her for refusing to undergo an abortion. Thereupon, or on April 18, 1961, she filed the complaint herein.

It further appears that on September 25, 1962, while this case was pending in the Office of the Solicitor General, a motion signed by the complainant, withdrawing her complaint, was filed with said office. The reason given was that the complaint was "a result of serious misunderstanding" and had been filed "in the heat of anger" and that it would be unjustified to proceed further on account of complainant's belief in his innocence. This motion was, however, withdrawn by her, on November 25, 1963, for the reason that respondent had secured her signature thereto upon the assurance that he would thereupon marry her and that he did not only fail to do so, but, also, married another woman. In fact, respondent and one Evelyn Orense were married in January 1963.

Upon the other hand, respondent would have us believe that complainant had freely and voluntarily signed her aforesaid motion to withdraw her complaint. In fact, he added, she made the affidavit, Exhibit 34, stating that he is not the father of her child. In rebuttal, complainant testified, however, that she signed said motion and a blank sheet of paper, which is now the affidavit Exhibit 34, he having convinced her that they would be married soon thereafter.

He, likewise, tried to prove, through his testimony, that it was complainant who asked him to take her nightclubbing in Manila, which he did; that it was she who asked him, at the Bayside Night-club, on December 31, 1960, to marry her; that she reiterated this request in January 1961, for fear that her father may call her back to Mauban; that she having brought up the same subject in February 1961, they signed the necessary applications late in February 1961, and got the corresponding marriage license sometime later, although the wedding, scheduled for March 18, had to be postponed indefinitely because of the absence of the officer who was to solemnize it; that after a drinking spree in Manila, in the evening of April 4, 1961, he felt it would be unwise for him to drive his car home to Quezon City, in view of which he decided to spend the night at the Shanghai Hotel; that while there, he remembered having an appointment with complainant, whom he, accordingly, called by telephone to apologize to her and informed her of his condition and whereabouts; that soon later, complainant arrived unexpectedly at the hotel and asked permission to sleep with him there, stating that she had quarreled with her sister-in-law; that after switching off the light and undressing herself, complainant started massaging his head, for he had a slight headache; that as complainant kissed him, he noticed that she was pregnant and told her so; that after saying that she merely had a stomach ache, complainant eventually confessed that another man had abused her; that angered by this revelation, respondent dressed up and prepared to step out, but, before he left the hotel, she asked his forgiveness and promised to behave thereafter; that she went to his office, the next day, but he refused to talk to her; that as she insisted upon talking with him privately, they went to an ice cream parlor where

she begged him to marry her and save her honor, suggesting that their marriage would be in name only and that they need not live together, if he did not want to; that complainant even said that her father^[1] would give P5,000 if he, married her, but he rejected the offer and volunteered to prosecute the man responsible for her condition, if she would identify him; and that, when respondent still refused to marry her, complainant threatened to bring disbarment proceedings against him.

Upon a review of the record, we agree with the solicitor, who first investigated this case, and the Legal Officer-Investigator, before whom additional evidence were introduced, that respondent's version is unworthy of credence. Indeed, despite the averments in his answers to the effect that he had never solicited or had carnal relations with the complainant, his very testimony shows that they had met in a hotel room under conditions attesting to a condition of intimacy clearly revealing past extra-marital relations between them. Then, too, respondent's promise to marry complainant has been, not only admitted by him, but, also, bolstered up by their applications for a marriage license and the marriage license actually secured by them.

The breach of such promise on his part is thus patent. What is more, when her pregnancy was confirmed by a physician, respondent firstly, persuaded the complainant to take some pills for the avowed purpose of hastening the flow of her "menstruation", and, eventually, urged her to have an abortion, to which she did not agree. Worse still, when this case was pending in the office of the Solicitor General, respondent prevailed upon her to sign a motion withdrawing her complaint, under the false allegation that he is innocent of the charges preferred against him, as well as to sign blank sheet of paper - which now appears to be her aforementioned affidavit Exhibit 34 - under promise to thereupon marry her, without the slightest intention to keep it, because, instead, he married another woman soon later.

WHEREFORE, respondent Arturo P. Lopez is hereby found guilty of gross immoral conduct rendering him unfit to continue being a member of the Bar², for which reason he is hereby barred from the practice of law and his name ordered stricken from the roll of attorney.

IT IS SO ORDERED.

Reyes, J.B.L., Dizon, Makalintal, Zaldivar, Sanchez, Castro, Fernando, Capistrano, Teehankee, and Barredo, JJ., concur.

[1] Complainant's mother had died in 1955.

² In re Pelaez, 44 Phil. 567; Martel v. Aspiras, 100 Phil. 586; Sarmiento v. Cui, Adm. Case No. 141, March 29, 1957; Cab-rera v. Agustin, 106 Phil. 256; Quingwa v. Puna, Adm. Case No. 389, Feb. 28, 1967; In re Avanceña, Adm. Case No. 407, Aug. 15, 1967; In re Flores, Adm. Case No. 546, Dec. 18, 1967.

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