

**PURISIMA BARBA, COMPLAINANT, VS. HECTOR S. PEDRO,
RESPONDENT.***Adm. Case No. 545-SBC. December 26, 1974*

Ponente: FERNANDO, J.

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Hector S. Pedro, a successful bar candidate in the 1956 examinations, having obtained an average of 81.16%, but thus far unsuccessful in his efforts to be allowed to take the lawyer's oath, which had to be deferred because of a complaint for immorality filed against him by Purisima Barba, reiterates his plea for admission to the bar. It is unquestioned that he had amorous relations with the complainant resulting in the birth of a child. He failed, however, to marry her, having thereafter chosen another woman for his bride. After the lapse of eighteen years, and considering that his conduct in the meanwhile has not on the whole shown to be blameworthy, this Court feels that he has sufficiently atoned for that youthful indiscretion, having in mind likewise, that people of prominence in the municipality where he resides did intercede on his behalf. Accordingly, the long-sought privilege of membership in the bar will not be denied him any longer, but with this caveat. He must comply with his moral and legal obligation to his child born out of wedlock with complainant Purisima Barba.

He has in his favor a resolution of this Court that dates back to January 15, 1969: "In the matter of the petition of Hector S. Pedro to take the oath as member of the Philippine Bar, alleging that while he passed the bar examinations given by this Court in 1956 with an average of 81.16%, he was not permitted to take his oath as a member of the Philippine Bar by reason of an administrative complaint against him filed with this Court by a Miss Purisima Barba of San Nicolas, Ilocos Norte, the complaint alleging immorality in that petitioner, sometime in July, 1953, came to her house and with lewd designs succeeded in gratifying his carnal desires, an act repeated thereafter on three different occasions accompanied by pledges to marry, as a result of which a child was born on April 23, 1954, a matter which when investigated resulted in a report that the complaint was well-grounded, petitioner being prevented thus from taking his oath; the present petition alleging further that petitioner is now married to Mrs. Estela U. Pedro, a public school teacher of San Nicolas, Ilocos Norte, and that from January 4, 1960 up to the present, he has been employed as community development worker with the Presidential Arm on Community Development (PACD) that he has since then conducted himself well in his relations with the community as well as in the performance of his duties as such official, attaching to his petition certifications of his good behavior from the Municipal Mayor of San Nicolas, Ilocos Norte, the Provincial Development Officer of the PACD, the President of the San Nicolas Bar Association, and the Grand Knight of the Knights of Columbus of San Nicolas, Ilocos Norte. and a resolution of the Ilocos Norte Bar Association and likewise enclosing an affidavit of complainant Miss Purisima Barba attesting to petitioner's good conduct and behavior and expressing that she no longer has any opposition to his taking his oath as a lawyer this Court resolved to defer action on such petition until petitioner has given satisfactory proof to this Court as to the action subsequently pursued by him with reference to the child who was born out of his relations with complainant Miss Purisima Barba." Thereafter came this resolution of February 26, 1969: "Hector S. Pedro having offered proof as to the action subsequently pursued by him with reference to the child who was born out of his relations with complainant Purisima Barba, in

compliance with the resolution of January 15, 1969, [the Court resolved] to allow respondent Hector S. Pedro to take the lawyer's oath"[2] Unfortunately, before he could do so in accordance with the above resolution, there was a letter from the aforesaid complainant Purisima Barba objecting to his taking his oath as a lawyer, premised on the fact that the affidavit submitted by him as to her withdrawal of her opposition to his membership in the bar did not represent her true feelings.

Thereafter, on March 6, 1969, this Court suspended the effectivity of its previous resolution of February 26, 1969, which would have allowed him to take the lawyer's oath. Moreover, he was required to comment. This he did in a pleading submitted on March 28, 1969. He denied the allegation of falsity concerning the affidavit of complainant. This Court then, in another resolution of April 8, 1969, referred the matter to its Legal Officer, Ricardo Paras Jr., for investigation and report. A report was submitted on August 26, 1969. It stated that after a careful evaluation of the testimony given by the complainant and the respondent, the conclusion is warranted that complainant "had all along thought that the document Exhibit 'A' was an affidavit of recognition of their daughter, Imelda, and definitely not an affidavit of withdrawal of her opposition to Mr. Pedro's admission to the Philippine Bar." [3] The parties were heard on the matter on January 19, 1970, with the complainant standing fast on her firm resolve to prevent respondent from taking the lawyer's oath. That attitude she has maintained all this while. It remains her deep conviction that respondent lacks good moral character, as proven by his failure to marry her "after having carnal knowledge of her." As she pointed out in her last pleading dated July 5, 1972: "The respondent was twenty-seven years old when he committed the acts complained of and he was very much qualified to marry the complainant herein, but he did not comply with his promise to march her to the altar. Instead he married another woman." [4]

It cannot be denied that respondent's conduct left much to be desired. He had committed a transgression, if not against the law against the high moral standard requisite for membership in the bar. He had proven false to his word. What is worse, he did sully her honor. This on the one side. On the other hand, eighteen years had gone by from the time of the 1956 examinations. He was a successful bar candidate but because of this lapse from moral propriety, he has not been allowed to take the lawyer's oath. It likewise appears, from the testimonials submitted, that he has behaved rather well. At least, no other misdeed has been attributed to him. There is no affront to reason then in ruling that the punishment, while deserved, has lasted long enough. He has sufficiently rehabilitated himself. Retribution has been exacted. He has expiated for his offense. It is understandable that the bitterness in the heart of complainant cannot easily be erased, but that should not prove decisive. Even the most heinous of crimes prescribe after a certain period.⁵ Moreover, as the transgression resulted from the frailty of flesh, the sociologist MacIver referring to it as "so powerful an appetite,"⁵ an imperative of life closely associated with the "recklessness and the caprice of desire,"⁶ this Court feels that all the years he has been denied the privilege of being a lawyer would satisfy the requirement that failure to live up to the requisite moral standard is not to be taken lightly. It could also be said that in offenses of this character, the blame hardly belongs to the man alone.^[7]

It must be impressed on respondent Hector S. Pedro, however, that while his plea to take the lawyer's oath is to be granted, it is indispensable, if he expects to be a member of the bar in good standing, that he complies with the moral and legal obligation incumbent upon him as the father of the child born out of wedlock as a result of his relationship with complainant Purisima Barba.

WHEREFORE, the resolution of March 6, 1969, suspending a previous resolution of February 26, 1969, is set aside and in accordance therewith, respondent Hector S. Pedro is allowed to take the lawyer's oath as was provided in the February 26, 1969 resolution.

Barredo, Antonio, Fernandez, and Aquino, JJ., concur.

[1] Resolution dated January 15.

[2] 1969. Resolution of February 26, 1969.

[3] Report dated August 26, 1969. 7.

[4] Comment and Manifestation, par. 6.

[5] Cf. Article 90 of the Revised Penal Code.

[6] MacIver, the Web of Government, 18 (1966).

[7] Cf. Soberano v. Villanueva, Administrative Case No. 215, December 29, 1962, 6 SCRA 891.

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