

EVANGELINE LEDA, COMPLAINANT, VS. ATTY. TREBONIAN TABANG, RESPONDENT.*Adm. Case No. 2505. February 21, 1992*Read online (full-text search, related cases, audio case brief): <https://batas.org/library/5872914e4068/>**PER CURIAM:**

Complainant, Evangeline Leda, squarely puts in issue respondent Atty. Trebonian Tabang's good moral character, in two Complaints she had filed against him, one docketed as Bar Matter No. 78 instituted on 6 January 1982, and the present Administrative Case No. 2505, which is a Petition for Disbarment, filed on 14 February 1983.

It appears that on 3 October 1976, Respondent and Complainant contracted marriage at Tigbauan, Iloilo. The marriage, solemnized by Judge Jose T. Tavarro of Tigbauan, was performed under Article 76 of the Civil Code[1] as one of exceptional character (Annex "A," Petition).

The parties agreed to keep the fact of marriage a secret until after Respondent had finished his law studies (began in 1977), and had taken the Bar examinations (in 1981), allegedly to ensure a stable future for them. Complainant admits, though, that they had not lived together as husband and wife (Letter-Complaint, 6 January 1982).

Respondent finished his law studies in 1981 and thereafter applied to take the Bar. In his application, he declared that he was "single." He then passed the examinations but Complainant blocked him from taking his Oath by instituting Bar Matter No. 78, claiming that Respondent had acted fraudulently in filling out his application and, thus, was unworthy to take the lawyer's Oath for lack of good moral character. Complainant also alleged that after Respondent's law studies, he became aloof and "abandoned" her (Petition, par. 5).

The Court deferred Respondent's Oath-taking and required him to answer the Complaint.

Respondent filed his "Explanation," dated 26 May 1982 which was received on 7 June 1982. Said "Explanation" carries Complainant's conformity (Records, p. 6). Therein, he admitted that he was "legally married" to Complainant on 3 October 1976 but that the marriage "was not as yet made and declared public" so that he could proceed with his law studies and until after he could take the Bar examinations "in order to keep stable our future." He also admitted having indicated that he was "single" in his application to take the Bar "for reason that to my honest belief, I have still to declare my status as single since my marriage with the complainant was not as yet made and declared public." He further averred that he and Complainant had reconciled as shown by her conformity to the "Explanation," for which reason he prayed that the Complaint be dismissed.

Respondent also filed a Motion to Dismiss, dated 2 June 1982. Attached to it was Complainant's Affidavit or Desistance, which stated that Bar Matter No. 78 arose out of a misunderstanding and communication gap and that she was refraining from pursuing her Complaint against Respondent.

Acting on the aforesaid Motion and Comment, the Court dismissed Bar Matter No. 78 and allowed Respondent to take his Oath in a Resolution dated 20 August 1982.

On 14 February 1983, however, Complainant filed this Administrative Case, this time praying for Respondent's disbarment based on the following grounds:

"a. For having made use of his legal knowledge to contract an invalid marriage with me assuming that our marriage is not valid, and making a mockery of our marriage institution.

"b. For having misrepresented himself as single when in truth he is already married in his application to take the bar exam.

"c. For being not of good moral character contrary to the certification he submitted to the Supreme Court;

"d. For (sic) guilty of deception for the reason that he deceived me into signing the affidavit of desistance and the conformity to his explanation and later on the comment to his motion to dismiss, when in truth and in fact he is not sincere, for he only befriended me to resume our marriage and introduced me to his family, friends and relatives as his wife, for a bad motive that is he wanted me to withdraw my complaint against him with the Supreme Court."

Attached to Complainant's Petition for Disbarment, as Annex "F," is an undated and unsigned letter addressed to Complainant, allegedly written by Respondent after he had already taken his Oath stating, among others, that while he was grateful for Complainant's help, he "could not force myself to be yours," did not love her anymore and considered her only a friend. Their marriage contract was actually void for failure to comply with the requisites of Article 76 of the Civil Code, among them the minimum cohabitation for five (5) years before the celebration of the marriage, an affidavit to that effect by the solemnizing officer, and that the parties must be at least twenty-one (21) years of age, which they were not as they were both only twenty years old at the time. He advised Complainant not to do anything more so as not to put her family name "in shame." As for him, he had "attain(ed) my goal as a full-pledge (sic) professional and there is nothing you can do for it to take away from me even (sic) you go to any court." According to Complainant, although the letter was unsigned, Respondent's initials appear on the upper left-hand corner of the airmail envelope (Exh. "8-A-1").

Respondent denies emphatically that he had sent such a letter contending that it is Complainant who has been indulging in fantasy and fabrications.

In his Comment in the present case, Respondent avers that he and Complainant had covenanted not to disclose the marriage not because he wanted to finish his studies and take the Bar first but for the reason that said marriage was void from the beginning in the absence of the requisites of Article 76 of the Civil Code that the contracting parties shall have lived together as husband and wife for at least five (5) years before the date of the marriage and that said parties shall state the same in an affidavit before any person authorized by law to administer oaths. He could not have abandoned Complainant because they had never lived together as husband and wife. When he applied for the 1981 Bar Examinations, he honestly believed that in the eyes of the law, he was single.

On 7 May 1984, the Court referred the Complaint to the Solicitor General for investigation, report and recommendation. On 5 March 1990, the Solicitor General submitted his Report, with the recommendation that Respondent be exonerated from the charges against him since Complainant failed to attend the hearings and to substantiate her charges but that he be reprimanded for making inconsistent and conflicting statements in the various pleadings he had filed before this Court.

On 26 March 1990, the Court referred the Solicitor General's Report to the Bar Confidant for evaluation, report and recommendation. In an undated Report, the latter recommended the indefinite suspension of Respondent until the status of his marriage is settled.

Upon the facts on record, even without testimonial evidence from Complainant, we find Respondent's lack of

good moral character sufficiently established.

Firstly, his declaration in his application for admission to the 1981 Bar Examinations that he was “single” was a gross misrepresentation of a material fact made in utter bad faith, for which he should be made answerable. Rule 7.01, Canon 7, Chapter II of the Code of Professional Responsibility explicitly provides: “A lawyer shall be answerable for knowingly making a false statement or suppression of a material fact in connection with his application for admission to the bar.” That false statement, if it had been known, would have disqualified him outright from taking the Bar Examinations as it indubitably exhibits lack of good moral character.

Respondent’s protestations that he had acted in good faith in declaring his status as “single” not only because of his pact with Complainant to keep the marriage under wraps but also because that marriage to the Complainant was void from the beginning, are mere afterthoughts absolutely wanting of merit. Respondent can not assume that his marriage to Complainant is void. The presumption is that all the requisites and conditions of a marriage of an exceptional character under Article 76 of the Civil Code have been met and that the Judge’s official duty in connection therewith has been regularly performed.

Secondly, Respondent’s conduct in adopting conflicting positions in the various pleadings submitted in Bar Matter No. 78 and in the case at bar is duplicitous and deplorable.

The records show that in Bar Matter No. 78, Respondent had submitted an “Explanation,” in paragraph 1, page 1 of which he admits having been “legally married” to Complainant. Yet, during the hearings before the Solicitor General, he denied under oath that he had submitted any such pleading (t.s.n., p. 21) contending instead that it is only the second page where his signature appears that he meant to admit and not the averments on the first page which were merely of Complainant’s own making (ibid., pp. 59-60). However, in his Comment in this Administrative Case, he admits and makes reference to such “Explanation” (pars. 3[f]) and [g]; 4[b]).

Again, while in said “Explanation” he admitted having been “legally married” to Complainant (par. 1), in this case, however, he denies the legality of the marriage and, instead, harps on its being void ab initio. He even denies his signature in the marriage contract.

In Bar Matter No. 78, Respondent also averred that the fact of marriage was not to be made public so as to allow him to finish his studies and take the Bar. In this case, however, he contends that the reason it was kept a secret was because it was “not in order from the beginning.”

Thirdly, Respondent denies that he had sent the unsigned letter (Annex “F,” Petition) to Complainant. However, its very tenor coincides with the reasons that he advances in his Comment why the marriage is void from the beginning, that is, for failure to comply with the requisites of Article 76 of the Civil Code.

Fourthly, the factual scenario gathered from the records shows that Respondent had reconciled with Complainant and admitted the marriage to put a quick finish to Bar Matter No. 78 to enable him to take the lawyer’s Oath, which otherwise he would have been unable to do. But after he had done so and had become a “full-fledge (sic) lawyer,” he again refused to honor his marriage to Complainant.

Respondent’s lack of good moral character is only too evident. He has resorted to conflicting submissions before this Court to suit himself. He has also engaged in devious tactics with Complainant in order to serve his purpose. In so doing, he has violated Canon 10 of the Code of Professional Responsibility, which provides that “a lawyer owes candor, fairness and good faith to the court” as well as Rule 1001 thereof which states that “a lawyer should do no falsehood nor consent to the doing of any in Court; nor shall he mislead, or allow the court to be misled by any artifice.” Courts are entitled to expect only complete candor and honesty from the lawyers appearing and pleading before them (Chavez v. Viola, Adm. Case No. 2152, 19 April 1991, 196 SCRA 10). Respondent,

through his actuations, has been lacking in the candor required of him not only as a member of the Bar but also as an officer of the Court.

It cannot be overemphasized that the requirement of good moral character is not only a condition precedent to admission to the practice of law; its continued possession is also essential for remaining in the practice of law (People v. Tuanda, Adm. Case No. 3360, 30 January 1990, 181 SCRA 622). As so aptly put by Mr. Justice George A. Malcolm: "As good character is an essential qualification for admission of an attorney to practice, when the attorney's character is bad in such respects as to show that he is unsafe and unfit to be entrusted with the powers of an attorney, the courts retain the power to discipline him (Piatt v. Abordo, 58 Phil. 350 [1933]).

WHEREFORE, finding respondent Trebonian C. Tabang grossly unfit and unworthy to continue to be entrusted with the duties and responsibilities belonging to the office of an attorney, he is hereby **SUSPENDED** from the practice of law until further Orders, the suspension to take effect immediately.

Copies of this Decision shall be entered in his personal record as an attorney and served on the Integrated Bar of Philippines and the Court Administrator who shall circulate the same to all Courts in the country for their information and guidance.

SO ORDERED.

Narvasa, C.J., Melencio-Herrera, Gutierrez, Jr., Cruz, Paras, Feliciano, Padilla, Bidin, Grino-Aquino, Medialdea, Regalado, Davide, Jr., Romero, and Nocon, JJ., concur.

[1] ART. 76. No marriage license shall be necessary when a man and a woman who have attained the age of majority and who, being unmarried, have lived together as husband and wife for at least five years, desire to marry each other. The contracting parties shall state the foregoing facts in an affidavit before any person authorized by law to administer oaths. The official, priest or minister who solemnized the marriage shall also state in an affidavit that he took steps to ascertain the ages and other qualifications of the contracting parties and that he found no legal impediment to the marriage.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.