

CRISANTA G. HOSOYA, COMPLAINANT, VS. ATTY. ALLAN C. CONTADO, RESPONDENT.*A.C. No. 10731. October 05, 2021*Read online (full-text search, related cases, audio case brief): <https://batas.org/library/a-c-no-10731/>**PER CURIAM:**

This administrative case arose from a Complaint for Disbarment^[1] filed by complainant Crisanta G. Hosoya (Crisanta) charging respondent Atty. Allan C. Contado (Atty. Contado) with violations of the Lawyers' Oath and the Code of Professional Responsibility (CPR).

The Factual Antecedents:

This Complaint for Disbarment was filed before the Office of the Bar Confidant on February 15, 2015. The Court ordered respondent to file a comment,^[2] and subsequently, complainant to file a reply.^[3] The matter was referred to the Integrated Bar of the Philippines (IBP) for investigation, report and recommendation, and was docketed as CBD Case No. 16-5086.^[4] Proceedings before the IBP Commission on Bar Discipline (CBD) ensued.

Crisanta claimed that she met Atty. Contado in 2003.^[5] She alleged that he immediately courted her and represented that he was already separated-in-fact from his wife.^[6] Atty. Contado also mentioned that he was already working out the dissolution of his marriage through a petition for declaration of nullity of marriage or through annulment.^[7]

In 2010, Crisanta agreed with Atty. Contado's proposal to live together as husband and wife.^[8] During that time, however, Crisanta discovered that Atty. Contado was also cohabiting with and impregnated other women (apart from her).^[9] Despite knowledge of these, Crisanta admitted that she continued living with him.^[10] Their cohabitation resulted in two children that were born in 2011 and 2013.^[11]

Crisanta claimed that they were having financial problems, and that Atty. Contado left her alone in settling the obligations.^[12] At this point, the parties had already terminated their relationship. Crisanta and her children were constrained to move to another place.^[13]

Crisanta claimed that she and her children no longer received support from Atty. Contado.^[14] Thus, she sent him a demand letter asking him to provide support.^[15] In the letter though, Crisanta stated that Atty. Contado was providing support albeit not sufficient for their needs.^[16] She claimed that he did not respond to the demand as of the time of the filing of the instant complaint.^[17]

Crisanta also claimed that Atty. Contado took her vehicle (subject vehicle).^[18] She also sent him a demand letter asking for its return, but to no avail.^[19]

Crisanta alleged in her Complaint that Atty. Contado's acts constituted continuous violations of several laws: Republic Act No. (RA) 7610 or the Special Protection of Children Against Abuse, Exploitation and Discrimination Act;^[20] RA 9262 or the Anti-Violence Against Women and Their Children Act of 2004;^[21] and, carnapping.^[22]

In response, Atty. Contado denied the allegations in the Complaint. He posited that Crisanta's allegations were not supported by evidence and were meant to exact revenge for a relationship that had gone sour.[23]

Atty. Contado confirmed that he met Crisanta in 2003.[24] At that time, he represented that he was already separated-in-fact with his wife.[25] He and Crisanta became friends and they had a relationship where they agreed to help each other on mutual concerns.[26] She helped him in running for governor of Eastern Samar in 2009, although the run was unsuccessful.[27] It was during this election campaign when Crisanta used the subject vehicle to travel to Eastern Samar.[28] After his loss in the elections, they went back to Manila. He opened a law office, while Crisanta tended to her personal transactions.[29]

Atty. Contado likewise confirmed that they had their first child in 2011 and their second child in 2013.[30]

In 2013, Atty. Contado ran for mayor of the Municipality of Balangkayan, Eastern Samar, and won this time.[31] He claimed that Crisanta was again supportive and the subject vehicle was again used during the campaign.[32]

Atty. Contado claimed that their relationship became complicated, so they parted ways. Crisanta, however, threatened to destroy his reputation by going public online.[33]

On the allegation of non-support of his daughters, Atty. Contado insisted that he was not remiss in his obligations to them; he in fact provided support within his means.[34] In this connection, Atty. Contado attached receipts and deposit slips to show that he is sending money and supplies to Crisanta.[35] He asserted that the amount she demanded was huge and beyond his financial capabilities.[36] Atty. Contado deflected the blame and pointed out that Crisanta is the one guilty of child abuse in depriving their daughters of the right to see and be with him. He claimed that Crisanta did not inform him of the whereabouts of their children.[37]

On the allegations of having sexual relations with many other women, Atty. Contado pointed out that Crisanta offered no evidence to support these claims.[38]

On the subject vehicle, Atty. Contado admitted that it is still with him.[39] He insisted, however, that there is no carnapping as he did not take it through violence or intimidation. Crisanta voluntarily brought the subject vehicle to him for his use in the 2010 and 2013 election campaigns.[40] He reasoned that the subject vehicle could not be transported to Manila because it needs major repairs due to wear and tear.[41]

In her Reply,[42] Crisanta averred that Atty. Contado has abandoned their children by keeping silent on the demand for support.[43] She also cited discussions of the psychological effects of the father's absence or unavailability during the growth of daughters.[44] She also imputed immorality to Atty. Contado's acts of deceiving her in stating that his former marriage was already legally dissolved and in having sexual relations with many other women.[45]

The parties reiterated their allegations and discussions in their Position Papers[46] filed before the CBD.

Report and Recommendation of the IBP:

On May 2, 2017, the CBD, through Investigating Commissioner Jose Alfonso M. Gomos, rendered a Report and Recommendation[47] on the matter.

On the allegations of non-support, the CBD ruled that there is no sufficient evidence to fault Atty. Contado.[48] Crisanta was not able to rebut Atty. Contado's presentation of receipts and deposit slips.[49] The same was true with respect to the allegation of multiple sexual relations: this was also not supported by evidence.[50]

However, the CBD ruled that Atty. Contado is guilty of immorality.[51] Atty. Contado had a relationship and children with Crisanta despite having a legal wife, which he admitted although he stated that they were already separated-in-fact at that time.[52] Further, the Committee stated that Atty. Contado's failure to return Crisanta's

vehicle constituted conduct unbecoming of a member of the Bar; it was imperative for him to find a way to return the subject vehicle to her.[53] Hence, it recommended that Atty. Contado be suspended from the practice of law for one year. It also recommended that he be directed to return the subject vehicle to Crisanta. Further, respondent must be censured for failure to return the subject vehicle, and be admonished to regularly give support to their children. The pertinent portion of the Report and Recommendation reads:

It is, therefore, recommended that the respondent, for having had an immoral relationship with the complainant, be **SUSPENDED** from the practice of law for one (1) year.

It is further recommended that the respondent be **CENSURED** for holding on to the complainant's Ford Expedition, despite demand for its return, and that he be directed to immediately return the same.

It is finally recommended that the respondent be **ADMONISHED** to regularly give the necessary support to his children with the complainant.[54]

The IBP Board of Governors (BOG) adopted the findings of fact and recommendation of the CBD. However, it resolved to increase the penalty to disbarment. The BOG Resolution dated September 28, 2017 reads:

RESOLVED to **ADOPT** the findings of fact and recommendation of the Investigating Commissioner, with modification, to impose upon the Respondent the penalty of **DISBARMENT** and that his name be stricken off from the Roll of Attorneys for engaging in an illicit affairs [sic] and failure to support his children with complainant.[55]

Notably, the IBP BOG did not issue an extended resolution to explain the increase in penalty.

Our Ruling

The Court adopts the findings of fact by the IBP CBD as affirmed by the BOG, and agrees with the imposition of the penalty of disbarment.

Rules 1.01 and 7.03 of the CPR state:

Rule 1.01 - A lawyer shall not engage in unlawful, dishonest, immoral or deceitful conduct.

Rule 7.03 - A lawyer shall not engage in conduct that adversely reflects on his fitness to practice law, nor shall he whether in public or private life, behave in a scandalous manner to the discredit or the legal profession.

For the imposition of the penalty of disbarment on the ground of immorality, the conduct complained of must not only be immoral, but must be grossly immoral.[56] *Panagsagan v. Panagsagan*[57] (*Panagsagan*) defines grossly immoral conduct as "one that is so corrupt as to constitute a criminal act, or so unprincipled as to be reprehensible to a high degree or committed under such scandalous or revolting circumstances as to shock the common sense of decency." [58]

It is well-settled that married person's abandonment of his or her spouse to live with and cohabit with another constitutes gross immorality as it amounts to either adultery or concubinage.[59]

The Court finds the case of *Chan v. Carrera*[60] (*Chan*) applicable to the instant case. The instant case and *Chan* have similar factual settings, except that the paramour-complainant in *Chan* is also married, and that the respondent therein did not make a promise to terminate his previous marriage. Here, there is no allegation that Crisanta was also married at the time of their cohabitation.

In *Chan*, complainant met respondent lawyer who represented that he is a widower.[61] That time, complainant therein was still married, but her husband left her for another woman, leaving her to raise their daughter alone.[62] Respondent even promised to help her annul her previous marriage.[63] The two eventually had a

relationship and started to cohabit.[64] Their relationship resulted in the birth of their child.[65] After some time, complainant discovered that respondent was not in fact a widower and had children with other women.[66] Nonetheless, she continued to cohabit with him, though their relationship was no longer harmonious.[67] These events eventually led to their separation and the filing of the administrative case.[68] The Court imposed the penalty of disbarment on respondent, thus:

The facts of the present case are beyond dispute. Both Chan and Carrera acknowledged their undeniable love affair, with the latter designating the same as a "chemistry of two consensual adults." At the same time, both of them did not deny the reality that they were still legally married to another. In a heartbeat, they left their respective homes and moved into a house that Carrera had bought and where they wilfully resided for a good three (3) years. It is in said house that they played husband and wife to each other and father and mother to their child. All of these facts, both parties do not contest. x x x

It is this clear and outright admission that is the basis for Carrera's disbarment. His endless accomplishments listed in his curriculum vitae cannot render him innocent of the charges against him. On the contrary, the Court wonders how despite all these achievements in his professional career, Carrera allowed himself to falter in such a highly scandalous manner. His level of knowledge and experience should have alerted him of his duty to keep with the standards of morality imposed on every lawyer. To recall, he even proposed to Chan his services in annulling her marriage. Hence, all of this could have been avoided had he made an effort to make things right. In *Amalia R. Ceniza v. Atty. Ceniza, Jr.*, the Court enunciated that any lawyer guilty of gross misconduct should be suspended or disbarred even if the misconduct relates to his or her personal life for as long as the misconduct evinces his or her lack of moral character, honesty, probity or good demeanor. Every lawyer is expected to be honorable and reliable at all times, for a person who cannot abide by the laws in his private life cannot be expected to do so in his professional dealings.

As regards the penalty to be imposed, the Court has been consistent. In *Ceniza*, as well as in *Narag v. Atty. Narag*, *Dantes v. Atty. Dantes*, *Bustamante-Alejandro v. Atty. Alejandro*, and *Guevarra v. Atty. Eala*, We resolved to disbar the respondents therein for abandoning their legitimate spouses and maintaining illicit affairs with another. By necessary implication, as a consequence of Carrera's scandalous and highly immoral conduct, the Court similarly finds him to be deserving of the extreme penalty of disbarment, although three (3) of its members considered the penalty too harsh.[69] (Emphases supplied; citations omitted)

The respondent in Chan admitted that he was still married when he cohabited (that resulted in a child) with complainant therein. The Court gave weight and credence to this admission in finding that respondent therein violated the CPR, resulting in the imposition of the penalty of disbarment.

In the instant case, Atty. Contado likewise admitted the fact of his relationship with Crisanta, while being married to his wife. In so admitting, he effectively admitted to living a life of deceit and immorality. He also admitted that their relationship resulted in two daughters. In his Comment, he made the following statements:

x x x We supported each other. And with the relationship we had, she bore our love-child and christened her x x x on 24 October 2011.[70]

x x x Less than a month after I assumed office[,] our second child was born on 21 July 2013 and christened her x x x.[71]

It must stress [sic] that when I met complaint [sic] sometime in 2003. I was already separated-in-fact with my wife. Such fact was known to the complainant even before we were still friends until we had this relationship where we help each other on matters of mutual concerns.[72]

Atty. Contado made similar statements in his Position Paper as filed with the IBP, with the following specifically reiterating that he had a wife during the cohabitation: "Respondent has severed his relationship with complainant.

And respondent did not abandon his lawful wife."[73]

These admissions strongly support and corroborate Crisanta's statements that they cohabited. Instead of disputing Crisanta's allegations, he affirmed them in giving these statements; he did not present any denial on these specifics. Atty. Contados statements, therefore, made it clear to the Court that he abandoned his legal wife and family to cohabit with Crisanta that resulted in two children. Applying Chan, Atty. Contado's admissions can serve as basis to find him guilty of violating the CPR for committing grossly immoral acts.

Resultantly, and again based on Chan, the penalty of disbarment is proper. In other case law such as *Ceniza v. Ceniza*,^[74] *Panagsagan*,^[75] and *Villarente v. Villarente*,^[76] the Court imposed the penalty of disbarment on the erring lawyers in these cases for being guilty of committing grossly immoral conduct in abandoning the legal spouse in order to cohabit with another woman.

Further, the fact that Atty. Contado has not yet returned the subject vehicle to Crisanta despite demand bolsters this disciplinary case against him.

Refusal to return property despite lawful demand is akin to deliberate failure to pay debt. Jurisprudence is clear that a lawyer's failure to pay debts despite repeated demands constitutes dishonest and deceitful conduct^[77] also a violation of Rule 1.01 of the CPR. Prompt payment of financial obligations is one of the duties of a lawyer; this is in accord with a lawyer's mandate to "faithfully perform at all times his duties to society, to the bar, to the courts and to his clients."^[78] The Court may impose the penalty of disbarment or suspension from the practice of law against the erring lawyer for failure to pay debts.^[79]

In the instant case, Atty. Contado admitted that the subject vehicle is still with him but that it cannot be transported to Manila as it needs to undergo major repairs. The Court finds this excuse to be flimsy and unacceptable. He should have found a way to return the subject vehicle to Crisanta upon her demand. If he really had the intention to return it, he should have just taken the subject vehicle to the shop to undergo the "major repairs" he was insisting upon in order for the vehicle to be capable of transport to Manila. It would have been more prudent to do that instead of just alleging it as defense in this case.

Based on the foregoing, the Court finds Atty. Contado guilty of violating the CPR: for his abandonment of his legal wife and family in order to cohabit with another woman; and for failure to return the subject vehicle despite demand. The Court therefore imposes the penalty of disbarment upon respondent.

The Court, however, takes exception to IBP's recommendation of returning the subject vehicle to Crisanta. The Court cannot order Atty. Contado to return the vehicle, as this is not the proper forum. The instant case is a disciplinary proceeding, the issue of which is confined on whether Atty. Contado is still fit to continue to be a member of the Bar.^[80] Matters that have no relation to the lawyer's administrative liability, such as those civil or criminal nature, should be resolved in a proper proceeding, not in an administrative proceeding.^[81] As Atty. Contado's failure to return the subject vehicle is civil in nature (or may even be criminal in nature), the Court cannot properly order him to return the vehicle in this case. The proper remedy would be a civil or criminal case before the trial courts for its recovery.

WHEHEFORE, the Court FINDS Atty. Allan C. Contado GUILTY of gross immorality in violation of Rule 1.01 and Rule 7.03 of the Code of Professional Responsibility. He is DISBARRED from the practice of law effective upon receipt of this Decision. His name is ORDERED stricken off from the Roll of Attorneys.

Let a copy of this Decision be attached to Atty. Allan C. Contado's personal record in the Office of the Bar Confidant

Furnish a copy of this Decision to the Integrated Bar of the Philippines for its information and guidance, and the Office of the Court Administrator for dissemination to all courts of the Philippines.

SO ORDERED.

Gesmundo, C. J., Perlas-Bernabe, Caguioa, Hernando, Carandang, Lazaro-Javier, Inting, Zalameda, M. Lopez, Gaerlan, Rosario, J. Lopez, and Dimaampao, JJ., concur.
Leonen, J., on wellness leave.

[1] Rollo, pp. 1-8.

[2] Id. at 20.

[3] Id. at 45.

[4] Id. at 64.

[5] Report and Recommendation of the Commission on Bar Discipline Investigating Commissioner, p. 2 (Rollo, unpaginated).

[6] Id.

[7] Rollo, p. 2.

[8] Report and Recommendation of the Commission on Bar Discipline Investigating Commissioner, p. 2 (Rollo, unpaginated).

[9] Id. at 2-3.

[10] Id. at 3.

[11] Id.

[12] Id.

[13] Id.

[14] Id.

[15] Id. Rollo, pp. 5, 13-14.

[16] Rollo, pp. 13-14.

[17] Report and Recommendation of the Commission on Bar Discipline Investigating Commissioner, p. 3 (Rollo, unpaginated).

[18] Id.

[19] Id.

[20] Republic Act No. 7610 An Act Providing for Stronger Deterrence and Special Protection Against Child Abuse, Exploitation and Discrimination, Providing Penalties for its Violation, and for Other Purposes [SPECIAL PROTECTION OF CHILDREN AGAINST ABUSE, EXPLOITATION AND DISCRIMINATION ACT] (1992).

[21] Republic Act No. 9262, An Act Defining Violence Against Women and their Children, Providing for

Protective Measures for Victims, Prescribing Penalties Therefore, and for Other Purposes [ANTI-VIOLENCE AGAINST WOMEN AND THEIR CHILDREN ACT OF 2004] (2004), published in Today and the Manila Times on March 12, 2004.

[22] Crisanta did not specify if the carnapping allegation was under the special penal laws related to carnapping or simple theft of a vehicle under the Revised Penal Code.

[23] Report and Recommendation of the Commission on Bar Discipline Investigating Commissioner, p. 3 (Rollo, unpaginated).

[24] Id.

[25] Rollo, p. 26.

[26] Report and Recommendation of the Commission on Bar Discipline Investigating Commissioner, p. 3 (Rollo, unpaginated).

[27] Id. at 3-4.

[28] Id.

[29] Id. at 4.

[30] Id.

[31] Id.

[32] Id.

[33] Id.

[34] Id.

[35] Id.

[36] Id.

[37] Id. at 4-5.

[38] Id. at 5.

[39] Id.

[40] Id.

[41] Rollo, p. 28.

[42] Id. at 47-56.

[43] Id. at 49.

[44] Id. at 50-51.

[45] Id. at 51-52.

[46] Records, pp. 8-19, 28-47.

[47] Report and Recommendation of the Commission on Bar Discipline Investigating Commissioner, p. 1-7

(Rollo, unpaginated).

[48] Id. at 5-6.

[49] Id.

[50] Id. at 6.

[51] Id.

[52] Id.

[53] Id. at 6-7.

[54] Id. at 7.

[55] Rollo, unpaginated.

[56] Panagsagan v. Panagsagan, A.C. No. 7733, October 1, 2019.

[57] Id.

[58] Id.

[59] Id.

[60] A.C. No. 10439, September 3, 2019.

[61] Id.

[62] Id.

[63] Id.

[64] Id.

[65] Id.

[66] Id.

[67] Id.

[68] Id.

[69] Id.

[70] Rollo, p. 23.

[71] Id.

[72] Id. at 26.

[73] Records, p. 11.

[74] A.C. No. 8335, April 10, 2019, 900 SCRA 357.

[75] Supra note 54.

[76] A.C. No. 8866, September 15, 2020.

[77] Buenaventura v. Gille, A.C. No. 7446, December 9, 2020.

[78] Id.

[79] See Id; see *Sosa v. Mendoza*, 756 Phil. 490, 498 (2015).

[80] See *Vda. Francisco v. Real*, A.C. No. 12689, September 1, 2020.

[81] Id.

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