

MARIA THERESA E. IMPERIAL, COMPLAINANT, PRESENT: VS. ATTY. PASTOR MARCELO M. REYES, JR., RESPONDENT.

A.C. No. 14228 [Formerly CBD Case No. 23-6845], July 15, 2025

Ponente: INTING, J.

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INTING, J.:

Before the Court is the Complaint[1] filed by Maria Theresa E. Imperial (complainant) before the Integrated Bar of the Philippines (IBP) against Atty. Pastor Marcelo M. Reyes, Jr. (respondent), for conduct unbecoming a member of the Bar.

The Antecedents

Respondent, a married man, was complainant's law professor in the subject "Secured Transactions" during the first semester of academic years 1994 to 1995 at San Sebastian College Recoletos. According to complainant, she initially rejected respondent's offers of affection; however, after years of enduring courtship, the former agreed to engage clandestinely in an extramarital relationship which started from 1998 until she was discarded by respondent sometime in 2019.[2]

Complainant narrated that sometime in December 2007, she was inside respondent's vehicle when the latter, in a phone conversation, stated "ikayat taka" or "I love you" in Ibanag dialect. Complainant asked respondent who he was talking to, to which respondent answered "Chit," referring to his wife. However, complainant knew that it was a blatant lie because Chit did not know how to speak Ibanag. She later discovered that respondent was talking to a certain Rosalinda Valdepena (Valdepena), respondent's townmate and the Dean of the College of Engineering at the Technological Institute of the Philippines. A decade later, or in December 2018, complainant discovered that respondent was still in touch with Valdepena.[3]

In support of the alleged illicit affair, complainant submitted pictures[4] of respondent and herself embracing each other, screenshots of various text messages,[5] and a handwritten letter[6] that reads:

My dearest Theresa,

Pls. accept my token of appreciation for being there as my best and closest friend. Sorry that I could not afford a "pink Mikimoto."

I hope you'll like it.

w/ all my love

PMR-SAN 11/25/97[7]

Complainant also alleged that a lawyer-client relationship was formed between them sometime in 2014 and that respondent agreed to handle the following cases for her, pro bono:[8]

- Civil Case No. RTC-3744-I, entitled "Maria Theresa E. Imperial v. Architects Del Rosario & Vergel," for collection of a sum of money and damages.

- Civil Case No. 14-851,[9] entitled: "Maria Theresa E. Imperial v. Cityland Condominium V Corporation," for damages.
- Civil Case No. 63, entitled "Maria Theresa E. Imperial v. Atty. Noel S. Ferrer," for collection of a sum of money.
- CBD Case No. 14-4319, entitled "Maria Theresa E. Imperial v. Atty. Noel S. Ferrer," for disbarment.
- Criminal Case No. 6940-I, entitled "Maria Theresa E. Imperial v. Datu & Mendoza," for Estafa.
- Civil Case No. 497, entitled "Maria Theresa E. Imperial v. The Filipino Mall Corporation," for damages.[10]

However, after their fight in December 2018, respondent refused to talk to complainant and started billing her for his legal services.[11]

On February 1, 2019, complainant paid respondent the amount of PHP 200,000.00.[12] However, respondent withheld her case files until July 3, 2019.[13] It was only after she retrieved the files that she learned the following: (i) that Civil Case No. 497 had been dismissed due to the plaintiffs failure to prosecute the action for an unreasonable length of time;[14] (ii) that the accused in Criminal Case No. 6940-I were acquitted on grounds of reasonable doubt;[15] and (iii) that on April 8, 2019, respondent unilaterally withdrew from Civil Case No. 14-851 without any notice to complainant.[16]

Hence, the present administrative complaint.

In his Answer,[17] respondent admitted the student-teacher relationship between him and complainant but denied having any affair with her. Complainant frequently visited respondent's law firm only because he mentored her in the Bar Examinations. Unfortunately, complainant failed the examinations multiple times.[18] Complainant then suffered a series of setbacks in her life—i.e., she was deported from the United States of America because she was working as an illegal alien—which made her bitter and litigious.[19]

Respondent also averred that he represented complainant as her lawyer in various cases, but he opted to disengage himself and his law firm from further handling her cases because complainant had become disrespectful and difficult to deal with.[20] In particular, complainant hurled invectives at respondent and accused him of having an affair when he refused to give her his cellphone while they were coming back from the trial of a criminal case in Iba, Zambales, sometime in December 2018.[21] He thus argued that the complaint is a mere harassment suit because he rejected complainant's request to handle her cases again.[22] According to respondent, complainant's real motive is to embarrass him because he billed her for his firm's legal services.[23]

Respondent added that the pictures and text messages presented by complainant were old, undated, unauthenticated, and thus, unreliable. He alleged that in this age of advanced technology, these pictures and messages could have been easily altered to make it appear as if there was an immoral affair between him and complainant.[24]

Anent the alleged neglect because of the dismissal of Civil Case No. 497, respondent argued that neither he nor his law firm was even aware of the case, as it was the complainant herself who filed it; hence, they cannot be held liable for its dismissal.[25]

Similarly, respondent averred that he cannot be held liable for his purported failure to discuss with the complainant the alternative remedies when she lost in Criminal Case No. 6940-I because neither he nor his law firm was the counsel of record when the court promulgated its decision.[26]

Respondent thus prayed for the dismissal of the complaint for lack of merit.[27]

The IBP's Report and Recommendation

In the Report and Recommendation[28] dated September 12, 2023, the Investigating Commissioner recommended that respondent be held guilty of a serious offense under Canon VI, Section 33 of the Code of Professional Responsibility and Accountability[29] for having breached his marital vows for more than 20 years and for having abused his position as a law professor when he engaged in an illicit affair with his student.

The pertinent portion of the Investigating Commissioner's observation reads:[30]

Both the Complainant and the Respondent showed extraordinary knowledge of each other's life. That kind of personal knowledge can only be done by someone who is truly intimate with each other. The consistency by the Complainant that she gave her all to the Respondent is translated by her desire [sic] to be with him. She expressed that she was jealous of another woman other than the wife of the Respondent. She manifested her appetite towards the Respondent by way of reaching out to the latter's friends and eventually by going to his house even if her advances were rejected.

....

The Respondent has shown personal knowledge of the life of Complainant like her failures in the [United States of America], her failure to pass the bar examination several times and the alleged assumption of the title of the lawyer that happened way back in 2007 as Atty. Tere. The facts alleged by the Respondent about the difficulties that Complainant encountered in the Philippines and in the [United States of America] are contrary to his claims that there was no intimacy between them.

....

The personal knowledge by Respondent of the private life of the Complainant even if she was already abroad must show that circumstantial evidence juxtaposition to the claims of the Complainant of that private affair. The Respondent had extra-marital affair with the Complainant for more than twenty (20) years. That was an injustice of the Respondent against the Code of Professional Responsibility as member of the Integrated Bar of the Philippines (IBP) and the laws of the Republic of the Philippines. He also abused his position as former faculty of the law school and took advantage of the same by advancing his amorous intentions that lead to that extra-marital affair with the Complainant. He took advantage of his ascendancy as the Professor of the Complainant in the educational premises. Worst, the Respondent committed an injustice against his wife by breaching his marital vow which caused an emotional abuse that is penalized under R.A. [No.] 9262. He failed to take custody of his emotion/feelings which made him engaged in that immoral and illicit relationship.[31]

However, given that complainant knew that respondent is already married and the fact that she even conspired to keep their relationship sub-rosa, the Investigating Commissioner opined that respondent should only be suspended from the practice of law for seven months:[32]

Thus, this Investigating Commissioner recommends that the Respondent must be provided with the appropriate penalty in keeping with the afore-discussed provision of CPRA. In applying the penalty to be imposed against the Respondent, it is also recommended that the penalty of disbarment is so severe in view of the afore-stated circumstances. To be emphatic, the Complainant knew that he was married and conspired with him to hide that illicit affair. It appears that the complaint was filed against the Respondent after he was found to have engaged in another illicit relationship which of course remains to be an allegation. What is clear is [that] Respondent decided to end [the] illicit affair. Ergo, the Respondent should be reasonably be meted out with the penalty of seven (7) months suspension in the practice of law.

Wherefore, premises considered, it is most respectfully recommended that Respondent must be suspended from the practice of law for a period of seven (7) months.

RESPECTFULLY SUBMITTED.[33]

In the Resolution No. XXVI-CRM-2023-12-21[34] dated December 12, 2023, the IBP Board of Governors increased the recommended period of suspension from the practice of law from seven months to three years:

RESOLVED, to MODIFY, as it is hereby MODIFIED, the Report and Recommendation of the Investigating Commissioner, and to recommend instead to mete out upon respondent Atty. Pastor Marcelo M. Reyes, Jr., the penalty of SUSPENSION from the practice of law for THREE (3) YEARS.[35] (Emphasis omitted)

Subsequently, the IBP Board of Governor's Resolution, the records of the case, and the Flash Drive File, were forwarded to the Court.[36]

The Issue

The issue for the Court's resolution is whether respondent should be held administratively liable for the complained acts against him.

The Ruling of the Court

After a circumspect review of the case, the Court disagrees with the findings and recommendation of the IBP.

At the outset, it is well to stress that administrative cases are an avenue for the Court to compel lawyers to deal fairly and honestly with their clients, to keep lawyers in check for their professional conduct,[37] and to protect the public from lawyers whose conduct transgresses professional ethics.[38] It was not meant to deprive lawyers of their livelihood and should never be used as a vehicle to assert private rights that have no material and/or direct connection to the professional duties of lawyers.[39] Jurisprudence dictates that "[l]awyers are not and should not be expected to be saints. What they do as citizens of their faiths are beyond this court's power to judge. . . This court's jurisdiction over their actions is limited to their acts that may affect public confidence in the Rule of Law." [40]

Complainant charges respondent with grossly immoral conduct for having maintained an illicit affair with her for more or less two decades, which only ended when she accused him of having an affair with a fourth party, complainant already being the third party. On the other hand, respondent denied the extramarital affair with complainant. Respondent added that while he is no saint, he had never been charged with any offense before the IBP in his more than 40 years of law practice.[41]

Needless to state, marital infidelity can never be justified.

In *Atty. Rojas v. Atty. Quiambao*, [42] the Court elucidated that a breach of marital vows on fidelity offends no less than the Constitution, viz.:

Among the well-recognized immoral conduct warranting disciplinary action against lawyers is the engagement in extramarital affairs because it offends the sanctity of marriage and violates Article XV, Section 2, of the 1987 Constitution which recognizes marriage as an inviolable social institution. The Court's stance against extramarital affairs among members of the Bar is grounded on the continuing requirement for lawyers to possess good moral character, not only for admission to the Bar, but also to retain membership in the legal profession. Verily, even if not all forms of extramarital relations are punishable under our penal laws, the sanctity of marriage is still constitutionally recognized and even affirmed by the Family Code as a special contract of permanent union; thus, a breach of marital vows on fidelity is considered especially egregious when committed by a lawyer, whose duty is to apply and observe the law.[43] (Citations omitted)

Relatedly, the Court reiterated in the case of *Manauis-Taggug v. Atty. Taggug* [44] that it lent zero tolerance to lawyers who openly engage in extramarital affairs:

Jurisprudence abounds with iterations that a married lawyer's abandonment of his spouse in order to live and cohabit with another constitutes gross immorality. The offense may even be criminal, amounting to

concubinage or adultery. The Court has consistently lent zero tolerance to lawyers who openly engaged in illicit affairs during the subsistence of their marriages.[45] (Citation omitted)

In *Quiambao and Taggug*, the Court imposed upon both lawyers the ultimate penalty of disbarment after finding them guilty of Grossly Immoral Conduct under the Code of Professional Responsibility and Accountability. Following the foregoing jurisprudence, it appears that respondent should be disbarred for engaging in an extramarital affair.

Nonetheless, as pointed out by our esteemed colleague, Senior Associate Justice Marvic Mario Victor F. Leonen, not all cases of marital infidelity automatically translate to a ground for administrative liability for immorality.

For one, jurisprudence teaches us that the standard for determining morality of conduct in disciplinary proceedings must be secular and not religious.[46] Assuming that respondent committed a deplorable act in maintaining an extramarital affair with complainant, such misconduct had no real measurable impact on his duties as a lawyer.

For another, while the Court is vested with the discretion to disbar erring lawyers to weed out members of the legal profession that it deems unworthy, such discretion, however, must be exercised with the greatest caution based on its appreciation of the attendant circumstances of each case.[47]

In *Quiambao and Taggug*, the complainants therein are the lawful wives of the lawyers who were abandoned by the latter to cohabit with their respective paramours. In contrast, herein complainant came to the Court with unclean hands. Complainant admitted that she was herein respondent's paramour who purportedly loved her unconditionally; however, she wanted respondent to be held administratively liable solely because, after their relationship soured, respondent started to charge her for the services that his law firm had rendered on her behalf.

Verily, in the recent case of *Yao v. Atty. Aurelio*,[48] the Court refused to entertain a question of immorality because it was not raised by the victim:

In this connection, the State must not excessively intrude into the personal relationships of lawyers as it may unduly affect their professional standing. Thus, complaints for immorality must not be entertained unless initiated by the victims. These are "the betrayed spouse, the paramour who has been misled, or the children who have to live with the parent's scandalous indiscretions."

The essence of an administrative case involving gross immorality, in relation to marital relations, are allegations of illicit affairs and allegations that are undoubtedly and deeply private that only these victims "can credibly recount as borne from their own personal knowledge and firsthand experience." Further, these issues "... will put relationships and families in a vulnerable state." Unlike any other person whose concern may be relegated to a mere curiosity, academic, or sentimental desire, the interest of these victims is actual and material.

Thus, "in administrative cases that ostensibly implicate private familial and marital matters, the Court is called upon to take into consideration the very deep sensitivities attendant to such cases that bear down on the victims."

....

The offense of a respondent in an administrative case involving grossly immoral conduct may involve marital infidelity, concubinage, or adultery. In this regard, the policy of affording the aggrieved spouse the decision to seek judicial redress under these circumstances is in recognition of and respect for familial and marital privacy. This Court thus defers to the choice and wisdom of these victims in deciding whether to institute an administrative case against the respondents.[49] (Citation omitted)

Considering complainant's admission that she conspired to keep their alleged illicit relationship "sub rosa," the Court cannot entertain the allegation of immorality because she is neither the aggrieved spouse nor an unwilling victim.

Anent the other allegations, it is well-settled that in administrative disciplinary cases, the complainant has the burden of proof to establish their allegations against the respondent with substantial evidence or that amount of relevant evidence that a reasonable mind might accept as adequate to justify a conclusion.^[50] Otherwise, the complaint shall be dismissed outright.^[51] Unfortunately, there is nothing in the record, except complainant's bare allegations, that would prove that respondent and his law firm were providing free legal services in consideration of the alleged illicit affair.^[52] Further, respondent cannot be held administratively liable for the alleged negligence based on mere conjectures, suppositions, or surmises.^[53]

ACCORDINGLY, the instant administrative case against respondent Atty. Pastor Marcelo M. Reyes, Jr. is DISMISSED for lack of merit.

SO ORDERED.

Caguioa[***] (Acting C.J.), Lazaro-Javier, Zalameda, Gaerlan, Rosario, J. Lopez, Dimaampao, Marquez, Kho, Jr., and Villanueva, JJ., concur.

Gesmundo,[*] C.J., on official leave.

Leonen,**] SAJ., on official business but left a concurring vote.

Hernando,[****] J., on official business.

Singh,[*****] J., on leave.

[*] On official leave.

[**] On official business, but left a concurring vote.

[***] Per Special Order No. 3207 dated July 11, 2025.

[****] On official business.

[*****] On leave.

[1] Rollo, pp. 4-13.

[2] Id. at 5-6.

[3] Id. at 6-10.

[4] Id. at 136-139.

[5] Id. at 140-169.

[6] Id. at 137.

[7] Id.

[8] Id. at 8-9.

[9] Id. at 67. Civil Case No. 114-851 in other parts of the rollo.

[10] Id. at 9.

[11] Id. at 9-11.

[12] Id. at 43.

[13] Id. at 11.

[14] Id. at 18-19. Order dated July 3, 2018 of the 1st Municipal Circuit Trial Court, Sta. Cruz-Candelaria, Zambales. Penned by Judge Rebecca A. Guillen-Ubaña.

[15] Id. at 20-38. Decision dated January 31, 2019 of Branch 71, Regional Trial Court, Iba, Zambales. Penned by Judge Consuelo Amog-Bocar.

[16] Id. at 39-40.

[17] Id. at 55-75.

[18] Id. at 56, 63, and 183.

[19] Id. at 400.

[20] Id. at 71 and 329.

[21] Id. at 58, 71, and 329.

[22] Id. at 74.

[23] Id. at 340.

[24] Id. at 339.

[25] Id. at 333.

[26] Id.

[27] Id. at 344.

[28] Id. at 390-408. Penned by Commissioner Ramiro R. Borres, Jr.

[29] A.M. No. 22-09-01-SC, took effect on May 30, 2023.

[30] Rollo, pp. 403-405.

[31] Id. at 403-407.

[32] Id. at 408.

[33] Id.

[34] Id. at 388.

[35] Id.

[36] Id. at 387.

[37] *Diaz v. Atty. Gerong*, 225 Phil. 44, 48 (1986).

[38] *Yap-Paras v. Atty. Paras*, 551 Phil. 338, 344 (2007).

[39] See *Yao v. Atty. Aurelio*, A.C. No. 12354, November 5, 2024, at 6. This pinpoint citation refers to the copy of the Decision uploaded to the Supreme Court website.

[40] Perfecto v. Judge Esidera, 764 Phil. 384, 407 (2015). (Emphasis supplied)

[41] Rollo, p. 344.

[42] A.C. No. 13496, June 4, 2024.

[43] Id. at 11. This pinpoint citation refers to the copy of the Decision uploaded to the Supreme Court website.

[44] 945 Phil. 25 (2023).

[45] Id. at 32.

[46] Perfecto v. Judge Esidera, 764 Phil. 384, 399-400 (2015).

[47] Alitagtag v. Atty. Garcia, 451 Phil. 420, 426 (2003). (Emphasis supplied)

[48] A.C. No. 12354, November 5, 2024.

[49] Id. at 7-8. This pinpoint citation refers to the copy of the Decision uploaded to the Supreme Court website.

[50] CODE OF PROFESSIONAL RESPONSIBILITY AND ACCOUNTABILITY, Canon VI, Section 32.

[51] CODE OF PROFESSIONAL RESPONSIBILITY AND ACCOUNTABILITY, Canon VI, Section 11.

[52] Rollo, p. 10.

[53] See Re: Resolution Dated August 30, 2017 in OMB-C-C-13-0357 v. Atty. Talaboc, A.C. No. 11889, November 13, 2024, at 7-9. This pinpoint citation refers to the copy of the Decision uploaded to the Supreme Court website.

CONCURRING OPINION

LEONEN, SAJ.:

I concur. Immorality should no longer be a basis for disciplining a lawyer unless it interferes with their professional work.

Administrative cases are an avenue for this Court to keep lawyers in check for their professional conduct. As part of its power to regulate membership in the legal profession,[1] this Court can find administrative liability for erring lawyers and impose appropriate penalties in relation to their practice of law. Rules concerning the conduct of lawyers are meant to ensure that lawyers contribute to their important role, one imbued with public interest, in the administration of justice within the bounds of professional ethics. The Court sets unique standards which lawyers should live up to because of this responsibility.

Be that as it may, I reiterate my position that the Court should refrain from exercising its disciplinary power over matters that are purely within the private sphere. An administrative case is not the proper venue to ventilate personal grievances.

Lawyers' oaths are attached to the roles they perform, and because the function of a member of the Bar is intricately connected to the rule of law, their conduct must be regulated. In my Concurring and Dissenting Opinion in Anonymous Complaint v. Judge Dagala,[2] I have already expressed the view that lawyers, as well as judges, have unique oaths of office against which their actions are measured: "A lawyer and a judge take a specific oath of office. A lawyer and a judge should not be required to be saints. We should not confuse the morality of our secular law with the ethical requirements of our religious faiths." [3]

Charges of immorality against erring lawyers should be decided within the context of a non-religious model of morality. The standard of morality against which members of the Bar are measured should be a secular form of morality, for we live in a secular society where the powers of the State and the church are separate.[4] The Court should be careful not to make pronouncements, much less doctrines, that are essentially grounded on religious sensibilities. Admittedly, there will be overlaps between religious and secular standards of morality. Thus, the difficulty of adjudicating questions of morality lies in grappling with the dangerous tendency to conflate morality as dictated by religion, which is often the majority religion, and the secular morality which the law upholds. In *Perfecto v. Judge Esidera*: [5]

Thus, for purposes of determining administrative liability of lawyers and judges, "immoral conduct" should relate to their conduct as officers of the court. To be guilty of "immorality" under the Code of Professional Responsibility, a lawyer's conduct must be so depraved as to reduce the public's confidence in the Rule of Law. Religious morality is not binding whenever this court decides the administrative liability of lawyers and persons under this court's supervision. At best, religious morality weighs only persuasively on us.[6]

A clear and relevant standard, therefore, is to gauge a lawyer's actions vis-à-vis their impact on the public's confidence in the rule of law. While a lawyer's private life can still be scrutinized, the relevant measure remains to be the effect of their acts on the rule of law. Considerations beyond that may run the risk of overreaching into matters in where the Court should have no business. In my Dissenting Opinion in *Zerna v. Atty. Zerna*, [7] I stated that "a clear, objective, and secular standard should be applied in cases of gross immorality, so that this Court can avoid imposing arbitrary standards of morality as benchmarks for the legal profession." [8]

Given these premises, complaints charging lawyers with immorality based on infidelity should be evaluated with strict caution. Not all cases of marital infidelity automatically translate to a ground for administrative liability for immorality. In my view, this reasoning seems too simplistic, which betrays the complex nature of human relationships. This is not to say that marital infidelity should be normalized or justified. But unless shown otherwise, marital infidelity, for the most part, is a private matter that has no direct impact on a lawyer's ability to discharge their duties or live up to their professional oath.

Thus, in handling these types of cases, I proposed in *Dagala* to not entertain complaints for immorality unless it is initiated by "the betrayed spouse, the paramour who has been misled, or the children who have to live with the parent's scandalous indiscretions," [9] with the acknowledgement that in some cases:

... especially where there is some form of violence against women and children within the families affected, it would be difficult for the victims to come forward. It should only be then that a third party's complaint may be entertained. The third party must show that it acts for the benefit of the victims, not as a means to cause more harm on them. Furthermore, the inability of the victims must be pleaded and proven. [10]

This requirement ensures that only those truly damaged by a lawyer's actions have standing to question their character. The right to file a disbarment case, a proceeding which is *sui generis*, is a right reserved to those who were directly damaged and whose rights were violated. [11] "There can be no immorality committed when there are no victims who complain." [12] This condition also insulates private relations from the State's overreach through the litigation process.

The question on who has standing to raise issues of immorality relative to marital infidelity has been settled by the *En Banc* in *Yao v. Atty. Aurelio*. [13] Cautioning against unwarranted intrusions into a lawyer's personal relationships, *Yao* identifies the reason why not anyone can be a complainant in these types of administrative cases:

In this connection, the State must not excessively intrude into the personal relationships of lawyers as it may

unduly affect their professional standing. Thus, complaints for immorality must not be entertained unless initiated by the victims. These are "the betrayed spouse, the paramour who has been misled, or the children who have to live with the parent's scandalous indiscretions."

The essence of an administrative case involving gross immorality, in relation to marital relations, are allegations of illicit affairs and allegations that are undoubtedly and deeply private that only these victims "can credibly recount as borne from their own personal knowledge and firsthand experience." Further, these issues "[w]ill put relationships and families in a vulnerable state." Unlike any other person whose concern may be relegated to a mere curiosity, academic, or sentimental desire, the interest of these victims is actual and material.

Thus, "in administrative cases that ostensibly implicate private familial and marital matters, the Court is called upon to take into consideration the very deep sensitivities attendant to such cases that bear down on the victims."

. . . .

The offense of a respondent in an administrative case involving grossly immoral conduct may involve marital infidelity, concubinage, or adultery. In this regard, the policy of affording the aggrieved spouse the decision to seek judicial redress under these circumstances is in recognition of and respect for familial and marital privacy. This Court thus defers to the choice and wisdom of these victims in deciding whether to institute an administrative case against the respondents.[14] (Citations omitted)

Yao involved a disbarment case against Atty. Aurelio filed by his wife's siblings. Particularly on the charge of immorality, the complainants who were Atty. Aurelio's siblings-in-law alleged that he had a child with another woman borne out of an extramarital affair. The Integrated Bar of the Philippines Board of Governors initially suspended Atty. Aurelio from the practice of law "due to siring a child out of wedlock." [15] In his petition before this Court, Atty. Aurelio alleged that his wife had already forgiven him and that she even urged her siblings to drop the charges against him.[16] The Board of Governors even noted the wife's statement that "their relationship was harmonious and that Atty. Aurelio had served her and their family well, showed remorse, recognized his child, and regularly gave financial support." [17]

Thus, the Court refused to entertain the question of immorality because it was not raised by the spouse. Before proceeding to the rule on the other charges, Yao made this clear:

To clarify, this Court does not condone marital infidelity. Further, our ruling in this case is not intended to apply generally to all administrative cases involving gross immorality. What we aim is to limit legal standing to file a complaint for gross immorality only to the aggrieved spouse and victims only in cases of grossly immoral conduct that involve[] marital infidelity, concubinage[,] or adultery, as in this case where the respondent--spouse engaged in an extramarital affair but where the respondent-spouse appeared to be penitent and has been forgiven by his wife and children. We uphold the autonomy of spouses who have reconciled and moved beyond a spouse's extramarital affair and siring of a child out of wedlock.

This is without prejudice, however, to the inherent power of the Court to act *motu proprio* to discipline any lawyer, judge, or court employee.[18]

Similarly, in the present case, complainant cannot be considered a "victim" who can initiate the disbarment complaint. Complainant is not respondent's spouse. As she admits, she had an extramarital affair with him. In other words, she was the paramour, but she was never misled. Respondent did not represent himself to be single. Neither is complainant a third person acting for the benefit of the victims.

In fact, complainant knew from the beginning that respondent was a married man, and "she even conspired to

keep their relationship sub-rosa." [19] Complainant therefore had complete knowledge of and fully consented to the kind of illicit relationship they had that endured for 20 years. She was as much a participant and has as much involvement as respondent in the affair; she therefore loses all standing to call it an act of immorality of which she is a victim. The irony is glaring when we see that complainant's basis for charging respondent is the very same act of which she was an integral part. This requirement, in administrative cases involving charges of immorality, should therefore be clarified to exclude those who took part in the alleged immoral act from being complainants.

Notably, the investigating commissioner's report also made this observation:

To be emphatic, the [c]omplainant knew that [respondent] was married and conspired with him to hide that illicit affair. It appears that the complaint was filed against [r]espondent after he was found to have engaged in another illicit relationship which of course remains to be an allegation. What is clear is the [r]espondent decided to end that illicit affair. [20]

The filing of the complaint was seemingly complainant's response to respondent entering into another relationship. The timing of the events show that this disbarment complaint may have been complainant's way of getting back at respondent for breaking off their relationship. This is precisely the kind of private issue that the Court should steer clear from. Disbarment cases should not be the avenue to settle these matters.

Guevarra v. Banach, [21] a case for damages for a breach of promise to marry, acknowledged the limitations of the Court's jurisdiction on matters that are private to individuals. Although Guevarra was about an engagement that had gone sour due to fraud resulting in a cancelled wedding, the same constitutional basis remains true in this case. The freedom to enter into intimate relationships, whatever form they may be, is inherently tied to a person's dignity and autonomy:

Thus, choosing a person to marry is intimately connected to a person's autonomy. Any State interest in the institution of marriage must not lead to an unjustified intrusion into one's individual autonomy and human dignity. It must only be done when public interest is imperiled. It is not within the courts' competence to reach too far into intimate relations. Courts, through litigation, should not dictate on or even pressure a person into accepting a life of marriage with a person they reject. Courts must, as much as possible, refrain from meddling in these personal affairs.

The Constitution directs the State to "[value] the dignity of every human person and [guarantee] full respect for human rights." Freedom of choice to associate or to identify forms part of one's dignity. [22] (Citations omitted)

In the same way, incidental choices that come with having a relationship—including the choice to break it up and enter another—are choices that should be left to the individual's will, free from any State interference or pressure. As in Guevarra, "litigation to the sorrows caused by a broken heart and a broken promise must be discouraged." [23] We should not allow administrative cases against lawyers to be vehicles where litigants ventilate these private affairs, unless there is a showing that the act already interferes with the lawyer's professional role.

As the ponencia observes: "Assuming that respondent committed a deplorable act in maintaining an extramarital affair with complainant, such misconduct had no real measurable impact on his duties as a lawyer." [24] It already recognizes that the act complained of here had no effect on respondent's duties as a lawyer. There is no reason for this Court to constrain itself in supplying the missing link between respondent's act and his standing as a lawyer when it does not exist.

In truth, extramarital affairs are a renunciation of a promise made between two persons. They often result in complicated, bitter, and painful experiences, and we recognize that these are unfortunate parts of the complexities of intimate relationships. They are part of being human.

However, complainant in this case was not even a part of that promise; in fact, she was instrumental in the violation of that marital oath. Neither was it shown that respondent's act interfered with his duties as a lawyer. He should not be held administratively liable.

ACCORDINGLY, I vote to DISMISS the Complaint.

[1] See CONST., art. VIII, sec. 5(5).

[2] 814 Phil. 103 (2017) [Per Curiam, En Banc].

[3] J. Leonen, Concurring and Dissenting Opinion in Anonymous Complaint v. Judge Dagala, 814 Phil. 103, 149 (2017) [Per Curiam, En Banc].

[4] See CONST., art. II, sec. 6, which states:

Section 6. The separation of Church and State shall be inviolable.

[5] 764 Phil. 384 (2015) [Per J. Leonen, Second Division].

[6] Id. at 399-400.

[7] Zerna v. Atty. Zerna, 882 Phil. 19 (2020) [Per Curiam, En Banc].

[8] Id. at 30.

[9] J. Leonen, Concurring and Dissenting Opinion in Anonymous Complaint v. Dagala, 814 Phil. 103, 154 (2017) [Per Curiam, En Banc].

[10] Id.

[11] Id. at 155.

[12] Id.

[13] 960 Phil. 148 (2024) [Per Curiam, En Banc]

[14] Id. at 155-157.

[15] Id. at 152.

[16] Id. at 150, 153-154.

[17] Id. at 152-153.

[18] Id. at 157.

[19] Ponencia, p. 6.

[20] Id.

[21] 916 Phil. 471 (2021) [Per J. Leonen, Third Division].

[22] Id. at 480.

[23] Id.

[24] Ponencia, p. 9.

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