

PERLA Y. LAGUITAN, COMPLAINANT, VS. ATTY. SALVADOR F. TINIO, RESPONDENT.*A.C. No. 3049. December 04, 1989*Read online (full-text search, related cases, audio case brief): <https://batas.org/library/a-c-no-3049/>**PER CURIAM:**

In the instant Petition for Disbarment dated 21 May 1987, petitioner Perla Y. Laguitan charged Atty. Salvador F. Tinio with immorality and acts unbecoming a member of the Bar.

After answer was filed on 27 October 1987, the Court, in its Resolution dated 16 November 1987, referred the Petition to the Solicitor General for Investigation, Report and Recommendation.

During the initial hearing of this case by the Solicitor General on 17 February 1988, only respondent and his counsel appeared: it turned out that complainant had not been duly served with notice of the hearing. The hearing scheduled for 24 March 1988 was likewise reset to 27 April 1988 upon motion of respondent and upon failure of complainant to appear before the Office of the Solicitor General.

This case was eventually transmitted by the Solicitor General to the Integrated Bar of the Philippines, Commission on Bar Discipline (Commission) for investigation and proper action. Thus, in an order dated 18 August 1988, the Commission set the case for hearing on 9 September 1988 and required both complainant and respondent to submit additional copies of their pleadings within ten (10) days from notice.

The initial hearing set by the Commission for 9 September 1988 was reset to 20 September 1988 because only complainant appeared, respondent having failed to present himself despite due notice to him. The hearing of 20 September 1988 was again reset to 20 October 1988 because neither complainant nor her counsel appeared. The hearing for 20 October 1988 was once again reset to 14 November 1988 as only complainant appeared. Finally, the hearing for 14 November 1988 was rescheduled two (2) more times, first to 15 December 1988 and second to 17 January 1989.

In its Order dated 27 January 1989, the Commission, upon the unexplained failure of respondent to appear at the hearing on 17 January 1989, required petitioner to make a formal offer of evidence *ex parte*, and thereafter submit the case for resolution. The Order was duly received by respondent's counsel on 31 January 1989.

On 9 February 1989, petitioner formally offered her exhibits as follows:

"1. Exh. 'A' - Certificate of Live Birth of Sheila Laguitan Tinio.

Purpose: To show and prove the filiation of the child as shown on the document;

2. Exh. 'B' - Certificate of Live Birth of Benedict Laguitan.

Purpose: To show and prove likewise the filiation of the child as shown on the document;

3. Exh. 'C' to 'C-6' - Receipts issued by the Mt. Carmel Maternity and Children's Hospital.

Purpose: To prove that petitioner herein gave birth to a baby girl at the Mt. Carmel Maternity and Children's

Hospital and for which respondent paid the bills for the hospital-ization, medicines and professional fees of doctors;

4. Exh. 'D' to 'D-2' - Receipts issued by the Paulino Medical Clinic.

Purpose: To show and prove that petitioner again gave birth to a baby boy at said clinic and for which respondent paid the bill for hospitalization, medicines and professional fees of doctors;

5. Exh. 'E' to 'E-1' - Baptismal certificates of Sheila L. Tinio and Benedict L. Tinio, respectively.

Purpose: To show and prove that respondent admits his paternity of the children:

6. Exh. 'F' to 'F-4' - The family pictures showing respondent either singly or with the rest of the family during happier times.

Purpose: To show and prove that petitioner and respondent really lived together as husband and wife and begot two children and the respondent admits these through the pictures;

7. Exh. 'G' to 'G-3' - The school records of Sheila L. Tinio at the St. Mary's Academy.

Purpose: To show and prove that respondent was supporting the schooling of the children as he himself signed the correspondence and was marked as Exh. 'G-2-A'."^[1]

Based on the aforequoted exhibits, the Integrated Bar of the Philippines Board of Governors submitted to us its findings and recommendation, which may be summed up as follows:

Sometime in June 1974, complainant and respondent Tinio met each other and in time became lovers. Beginning in 1976, the parties lived together as husband and wife. As a result, complainant bore respondent two (2) children: Sheila, now about ten (10) years old and Benedict, now approximately nine (9) years old. In the course of this relationship, petitioner discovered that respondent Tinio, before meeting her, had contracted marriage with someone else and that the prior marriage was subsisting. Nonetheless, complainant continued living in with respondent until eventually, ten (10) years later, she and her children by respondent Tinio were abandoned by the latter in November 1986. Feeling helpless and aggrieved, she sought the help of respondent's parents in supporting her children who were then already in school. Respondent's parents gave her P400.00 and advised her not to see them again.

After examination of the record of this case and noting that respondent Tinio appeared before the IBP Investigating Commissioner and candidly admitted his illicit relationship with complainant and his having begotten two (2) children by her, and promised the Commissioner that he would support his illegitimate children but had not lived to his promise, we agree with the findings of fact of the IBP Board. The IBP Board recommends that respondent Tinio be suspended from the practice of law "not for having cohabited with the complainant, but for refusal to support his illegitimate children," the suspension to remain in effect until respondent Tinio complies with his obligation of support.

The Court agrees that respondent Tinio deserves to be suspended from the practice of law but not merely because he has failed in his obligation to support the children complainant bore him but also because for a prolonged period of time, he lived in concubinage with complainant, a course of conduct inconsistent with the requirement of good moral character that is required for the continued right to practise law as a member of the Philippine Bar.^[2] Concubinage imports moral turpitude and entails a public assault upon the basic social institution of marriage.

ACCORDINGLY, the Court Resolved to SUSPEND respondent Salvador F. Tinio from the practice of law until

further orders from this Court. The Court will consider lifting the suspension upon evidence satisfactory to the Commission and to this Court that respondent is supporting or has made provision for the support of his illegitimate children and that he has given up his immoral course of conduct.

Fernan, C.J., Narvasa, Gutierrez, Jr., Cruz, Paras, Feliciano, Gancayco, Padilla, Bidin, Sarmiento, Cortes, Griño-Aquino, Medialdea, and Regalado, JJ., concur.
Melencio-Herrera, J., on leave.

[1] Rollo, p. 28.

[2] *Mortel v. Aspiras*, 100 Phil. 586 (1956); *Royong v. Oblena*, 117 Phil. 865 (1963); and *Cordova v. Cordova*. Adm. Case No. 3249, promulgated 28 November 1989.

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