

PRISCILLA CASTILLO VDA. DE MIJARES, COMPLAINANT, VS. JUSTICE ONOFRE A. VILLALUZ (RETIRED), RESPONDENT.

A.C. No. 4431. June 19, 1997

Ponente: REGALADO, J.

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REGALADO, J.:

Doubly distressing as the subject of administrative recourse to this Court is the present case where the cause celebre is a star-crossed marriage, and the unlikely protagonists are in incumbent and a retired member of the Judiciary.

In a sworn complaint for disbarment filed with this Court on June 6, 1995, complainant Judge Priscilla Castillo Vda. de Mijares charged respondent Onofre A. Villaluz, a retired Justice of the Court of Appeals, with gross immorality and grave misconduct.[1]

After an answer[2] and a reply[3] were respectively filed by respondent and complainant, the Court, in its Resolution dated February 27, 1996, resolved to refer the administrative case to Associate Justice Fidel P. Purisima of the Court of Appeals for investigation, report and recommendation.

On March 4, 1997, Justice Purisima submitted his Report to this Court, with the following recommendation:

WHEREFORE, in light of the foregoing and without prejudice to the outcome of the aforesaid Criminal Case No. 142481 for Bigamy, it is respectfully recommended that the respondent, former Justice Onofre A. Villaluz, be found guilty of gross misconduct, within the contemplation of Rule 138 of the Revised Rules of Court on removal or suspension of attorneys, and therefor(e), he be suspended from the practice of law for a period of two (2) years, commencing from the finality of the Decision in this case, with a warning that a repetition of the same or any other misconduct will be dealt with more severely.

On the bases of the evidence adduced by the parties, Justice Purisima summarized the antecedent facts in his aforestated Report and which we feel should be reproduced hereunder so that his disposition of this case may be duly appreciated:

Complainant is the Presiding Judge of Branch 108 of the Regional Trial Court, Pasay City, while respondent former Justice Onofre A. Villaluz is a consultant at the Presidential Anti Crime Commission (PACC) headed by Vice-President Joseph E. Estrada.

Widowed by the death of her first husband, Primitivo Mijares, complainant commenced Special Proceeding No. 90-54650 and therein obtained a decree declaring the said Primitivo Mijares presumptively dead, after an absence of sixteen (16) years.

Complainant narrated that on January 7, 1994, she got married to respondent in a civil wedding before Judge Myrna Lim Verano, then Presiding Judge of the Municipal Circuit Trial Court of Carmona, Cavite and now Judge of the Metropolitan Trial Court of Mandaluyong City. Their marriage was the culmination of a long engagement. They met sometime in 1977, when respondent, as Presiding Judge of the Criminal Circuit Court in Pasig, Metro Manila, was trying a murder case involving the death of a son of Judge Mijares. Since then,

respondent became a close family friend of complainant (TSN, p. 14; April 10, 1996). After the wedding, they received their guests at a German restaurant in Makati. With the reception over, the newlywed(s) resumed their usual work and activities. At 6:00 o'clock in the afternoon of the same day, respondent fetched complainant from her house in Project 8, Quezon City, and reached the condominium unit of respondent two hours later at which time, she answered the phone. At the other end of the line was a woman offending her with insulting remarks. Consternated, complainant confronted respondent on the identity of such caller but respondent simply remarked "it would have been just a call at the wrong number". What followed was a heated exchange of harsh words, one word led to another, to a point when respondent called complainant a "nagger", saying "Ayaw ko nang ganyan! Ang gusto ko sa babae, 'yong sumusunod sa bawa't gusto ko'. Get that marriage contract and have it burned." Such unbearable utterances of respondent left complainant no choice but to leave in haste the place of their would-be honeymoon. Since then, the complainant and respondent have been living separately because as complainant rationalized, contrary to her expectation respondent never got in touch with her and did not even bother to apologized for what happened (TSN, p. 13, April 10, 1996).

Several months after that fateful encounter of January 7, 1994, in a Bible Study session, the complainant learned from Manila RTC Judge Ramon Makasiar, a member of the Bible Group, that he (Judge Makasiar) solemnized the marriage between former Justice Onofre A. Villaluz and a certain Lydia Geraldez. Infuriated and impelled by the disheartening news, complainant lost no time in gathering evidence against respondent, such that, on June 6, 1995 she filed the instant Complaint for Disbarment against him (Exh. "A").

On August 7, 1995, when she discovered another incriminatory document against respondent, the complainant executed against respondent her "Supplemental Complaint Affidavit for Falsification" (Exhs. "D" and "D-1").

Exhibit "C", marriage contract of respondent and Lydia Geraldez, dated May 10, 1994, was offered by complainant to prove that respondent immorally and bigamously entered into a marriage, and to show that the respondent distorted the truth by stating his civil status as SINGLE, when he married Lydia Geraldez. This, the respondent did, to lead an immoral and indiscreet life. He resorted to falsification to distort the truth, complainant lamented. Also presented for complainant were: Marriage Contract between her and respondent (Exh. "B"); Order declaring her first husband, Primitivo Mijares, presumptively dead (Exh. "E"); and Affidavit of Judge Myrna Lim Verano, who solemnized the marriage between her (complainant) and respondent (Exhs. "F" and "F-1").

Respondent gave a different version. According to him, what he inked with the complainant on January 7, 1994 was merely but a "sham marriage". He explained that he agreed as, in fact, he voluntarily signed the Marriage Contract marked Exh. "B", in an effort to help Judge Mijares in the administrative case for immorality filed against her by her Legal Researcher, Atty. Joseph Gregorio Naval, Jr., sometime in 1993. Respondent theorized that when his marriage with complainant took place before Judge Myrna Lim Verano, his marriage with Librada Peña, his first wife, was subsisting because the Decision declaring the annulment of such marriage had not yet become final and executory, for the reason that said Decision was not yet published as required by the Rules, the service of summons upon Librada Peña having been made by publication, and subject Decision was not yet published. To this effect was the Certification by Mrs. Nelia B. Rosario, Acting Branch Clerk of Court of Branch 37 of the Regional Trial Court of Manila (Exh. "4").

After a thorough review of the records, the Court finds itself in full accord with the findings and recommendation of Justice Purisima. Herein respondent is undeniably guilty of deceit and grossly immoral conduct. He has made a mockery of marriage which is a sacred institution demanding respect and dignity.[4] He himself asserts that at the time of his marriage to herein complainant, the decision of the court annulling his marriage to his first wife, Librada Peña, had not yet attained finality. Worse, four months after his marriage to petitioner, respondent married another woman, Lydia Geraldez, in Cavite, after making a false statement in his application for marriage

license that his previous marriage had been annulled.

Respondent's subterfuge that his marriage to petitioner was just a "sham" marriage will not justify his actuations. Even if the said marriage was just a caper of levity in bad taste, a defense which amazes and befuddles but does not convince, it does not speak well of respondent's sense of social propriety and moral values. This is aggravated by the fact that he is not a layman nor even just an ordinary lawyer, but a former Judge of the Circuit Criminal Court and, thereafter, a Justice of the Court of Appeals who cannot but have been fully aware of the consequence of a marriage celebrated with all the necessary legal requisites.[5]

On this score, we rely once again on the perceptive findings and discussion of Investigating Justice Purisima which we quote with approval:

That, on January 7, 1994 respondent knowingly and voluntarily entered into and signed a Marriage Contract with complainant before Judge Myrna Lim Verano, then Presiding Judge of the Municipal Circuit Trial Court of Carmona, Cavite, competent under the law to solemnize a civil marriage, is beyond cavil. As stated under oath by respondent himself, he could not be forced to do anything not of his liking (TSN, April 2, 1996, p. 15a).

That what complainant and respondent contracted was a valid marriage is borne out by law and the evidence. To be sure, all the essential and formal requisites of a valid marriage under Articles 2 and 3 of the Family Code, i.e., legal capacity of the contracting parties, who must be a male and a female; consent freely given in the presence of the solemnizing officer; authority of the solemnizing officer; a valid marriage license except in the cases provided for in Chapter 2 of Title I on marriage, Family Code; and a marriage ceremony with the appearance of the contracting parties before the solemnizing officer, and their personal declaration that they take each other as husband and wife, in the presence of not less than two witnesses of legal age, were satisfied and complied with.

The theory of respondent that what (was) solemnized with complainant was nothing but a "sham" marriage is too incredible to deserve serious consideration. According to respondent, he entered into subject marriage in an effort to save the complainant from the charge of immorality against her. But, to repeat: regardless of the intention of respondent in saying "I do" with complainant before a competent authority, all ingredients of a valid marriage were present. His consent thereto was freely given. Judge Myrna Lim Verano was authorized by law to solemnize the civil marriage, and both contracting parties had the legal capacity to contract such marriage.

Without in anyway pre-empting whatever the Regional Trial Court of Manila will find in the criminal case for Bigamy against herein respondent, and even assuming for the sake of argument that the judgment in Civil Case No. 93-67048 decreeing the annulment of the marriage between respondent and Librada Peña had not attained complete finality due to non publication of said judgment in a newspaper of general circulation; that circumstance, alone, only made subject marriage voidable and did not necessarily render the marriage between complainant and respondent void.

Besides, as stressed upon by complainant, respondent stated under oath that his marriage with Librada Peña had been annulled by a decree of annulment, when he (respondent) took Lydia Geraldez as his wife by third marriage, and therefore, he is precluded, by the principle of estoppel, from claiming that when he took herein complainant as his wife by second marriage, his first marriage with Librada Peña was subsisting and unannulled.

But, anyway, as it is not proper to make here a definitive finding as to whether or not respondent can be adjudged guilty of bigamy under the attendant facts and circumstances, a crucial issue pending determination in Criminal Case No. 142481 before Branch 12 of the Manila Regional Trial Court, even assuming *arguendo* that what respondent contracted with complainant on January 7, 1994 was a "sham" marriage, as he terms it,

the ineluctible conclusion is – that what respondent perpetrated was a gross misconduct on his part as a member of the Philippine Bar and as former appellate Justice, at that. Even granting that the immorality charge against herein complainant in the administrative case instituted against her by Atty. Joseph Gregorio Naval, Jr., is unfounded, respondent was not justified in resorting to a “sham” marriage to protect her (complainant) from said immorality charge. Being a lawyer, the respondent is surely conversant with the legal maxim that a wrong cannot be righted by another wrong. If he never had any immoral love affair with Judge Priscilla Castillo Vda. de Mijares and therefore, he felt duty bound to help her in ventilating the whole truth and nothing but the truth, respondent could have testified in her favor in said administrative case, to assure all and sundry that what Atty. Joseph Gregorio Naval, Jr. complained of in said administrative case was without any factual and legal basis.

In this only Christian country of the Far East, society cherishes and protects the sanctity of marriage and the family as a social institution. Consequently, no one can make a mockery thereof and perform a sham marriage with impunity. To make fun of and take lightly the sacredness of marriage is to court the wrath of the Creator and mankind. Therefore, the defense of respondent that what was entered into by him and complainant on January 7, 1994 was nothing but a “sham” marriage is unavailing to shield or absolve him from liability for his gross misconduct, nay sacrilege.

From the foregoing, it is evident that respondent dismally fails to meet the standard of moral fitness for continued membership in the legal profession. The nature of the office of an attorney at law requires that he shall be a person of good moral character. This qualification is not only a condition precedent for admission to the practice of law; its continued possession is also essential for remaining in the practice of law.[6] Under Rule 1.01 of the Code of Professional Responsibility, a lawyer shall not engage in unlawful, dishonest, immoral or deceitful conduct. The commission of grossly immoral conduct and deceit are grounds for suspension or disbarment of lawyers.[7]

However, considering that respondent is in the declining years of his life; that his impulsive conduct during some episodes of the investigation reveal a degree of aberrant reactive behavior probably ascribable to advanced age; and the undeniable fact that he has rendered some years of commendable service in the judiciary, the Court feels that disbarment would be too harsh a penalty in this peculiar case. Hence, a suspension of two years, as recommended, would suffice as a punitive but compassionate disciplinary measure.

WHEREFORE, finding herein respondent, former Justice Onofre A. Villaluz, GUILTY of immoral conduct in violation of the Code of Professional Responsibility, he is hereby SUSPENDED from the practice of law for a period of two (2) years effective upon notice hereof, with the specific WARNING that a more severe penalty shall be imposed should he commit the same or a similar offense hereafter.

SO ORDERED.

Padilla, Davide, Jr., Romero, Melo, Puno, Vitug, Kapunan, Mendoza, Hermosisima, Jr., Panganiban, and Torres, Jr., JJ., concur.

Narvasa, C.J., no part due to close relation to party.

Belosillo, and Francisco, JJ., on leave.

[1] Rollo, 1-2.

[2] Ibid., 15-16.

[3] Ibid., 19-20.

[4] Pangan v. Ramos, Adm. Case No. 1053, August 31, 1981, 107 SCRA 1.

[5] See Pomperada vs. Jochico, Bar Matter No. 68, November 21, 1984, 133 SCRA 309.

[6] People vs. Tuanda, Adm. Case No. 3360, January 30, 1990, 181 SCRA 682.

[7] Section 27, Rule 138, Rules of Court.

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