LILIA FERRER TUCAY, COMPLAINANT, VS. ATTY. MANUEL R. TUCAY, RESPONDENT.

A.C. No. 5170 (Formerly A.C. CBD-445). November 17, 1999

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PER CURIAM:

Complainant Lilia F. Tucay, feeling deeply aggrieved by the immoral conduct of her husband Atty. Manuel Tucay, seeks the latter's disbarment in the instant administrative proceedings.

Complainant and respondent have long been married, the two taking their vows years back on 14 July 1963 at the St. Ignatius church, Camp Murphy, in Quezon City. For thirty years, the couple have lived together with their children.

Just a few days before their thirtieth anniversary or on 07 July 1993 to be exact, with the first marriage still subsisting, respondent lawyers contracted another marriage with one Myrna C. Tuplano, herself married since 1983 to a certain Florante T. Tabilog. Respondent left the conjugal dwelling in July 1993 to cohabit with Myrna Tuplano.

Complainant also caused the filing of bigamy charge against respondent lawyer and his second wife, docketed Criminal Case No. Q-94-54709, before the Regional Trial Court, Branch 45, of Quezon City, which case still pends. In an attempt to defeat the early prosecution of the criminal case, respondent filed a petition with the Regional Trial Court of Quezon City seeking the judicial declaration of nullity of the second marriage. The petition was later dismissed due to lack of interest; subsequently, however, respondent filed a second petition for the same purpose, this time with the Regional Trial Court of Pasig City. In both petitions, he averred that neither he nor the other supposed party to the second marriage was physically present on the date of its alleged celebration thereby rendering void any such marriage, if at all, under the provisions of Article 3, paragraph 3, and Article 6 of the Family Code.

The IBP-CBD, through Commissioner Jaime V. Vibar gave neither credence nor validity to the explanation of respondent and recommended to the IBP Board of Governors the disbarment of Atty. Tucay for gross misconduct and failure to maintain the highest degree of morality expected and required of every member of the Bar. On 13 December 1997, the IBP Board of Governors passed Resolution No. XIII-97-164 which "RESOLVED to ADOPT and APPROVE" the report and recommendation of the Investigating Commissioner after being satisfied that the latter's findings were amply supported by the evidence on record.

The Court need not delve into the question of whether or not respondent did contract a bigamous marriage, a matter which apparently is still pending with the Regional Trial Court of Pasig City. It is enough that the records of this administrative case sufficiently substantiate the findings of the Investigating Commissioner, as well as the IBP Board of Governors, i.e., that indeed respondent has been carrying on an illicit affair with a married woman, grossly immoral conduct and only indicative of an extremely low regard for the fundamental ethics of his profession. This detestable behavior renders him regrettably unfit and undeserving of the treasured honor and privileges which his license confers upon him.

A lawyer may be disbarred or suspended for any violation of his oath, a patent disregard of his duties, or an odious deportment unbecoming of an attorney. The grounds enumerated in Section 27, Rule 138, of the Rules of Court, including deceit, malpractice, or other gross misconduct in office, grossly immoral conduct, or by reason of his conviction of a crime involving moral turpitude, or for any violation of the oath which he is required to take before admission to the practice of law, or for a willful disobedience of any lawful order of a superior court, or for corruptly or willfully appearing as an attorney for a party to a case without authority to do so, are not preclusive in nature even as they are broad enough as to cover practically any kind of impropriety that a lawyer does or commits in his professional career or in his private life. A lawyer at no time must be wanting in probity and moral fiber which not only are conditions precedent to his entrance to, but are likewise essential demands for his continued membership in, a great and noble profession.

The Court concurs with the IBP-CBD and IBP Board of Governors in their findings and thus accepts their recommendation that respondent lawyers, having ceased to meet and possess the qualifications required of every lawyer, must forthwith be disbarred.

ACCORDINGLY, the Court resolved to disbar respondent Atty. Manuel Tucay immediately upon his receipt of this Resolution. Let a copy hereof be made a part of the records of said respondent in the Office of the Bar Confidant, Supreme Court of the Philippines, and copies to be furnished the Integrated Bar of the Philippines and circulated to all courts.

SO ORDERED.

Davide, Jr., C.J., Bellosillo, Melo, Puno, Vitug, Kapunan, Mendoza, Panganiban, Quisumbing, Purisima, Pardo, Buena, Gonzaga-Reyes, Ynares-Santiago, and De Leon, Jr., JJ., concur.

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