JOSELANO GUEVARRA, COMPLAINANT, VS. ATTY. JOSE EMMANUEL EALA, RESPONDENT.

A.C. No. 7136. August 01, 2007

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PER CURIAM:

Joselano Guevarra (complainant) filed on March 4, 2002 a Complaint for Disbarment[1] before the Integrated Bar of the Philippines (IBP) Committee on Bar Discipline (CBD) against Atty. Jose Emmanuel M. Eala a.k.a. Noli Eala (respondent) for "grossly immoral conduct and unmitigated violation of the lawyer's oath."

In his complaint, Guevarra gave the following account:

He first met respondent in January 2000 when his (complainant's) then-fiancee Irene Moje (Irene) introduced respondent to him as her friend who was married to Marianne (sometimes spelled "Mary Ann") Tantoco with whom he had three children.

After his marriage to Irene on October 7, 2000, complainant noticed that from January to March 2001, Irene had been receiving from respondent cellphone calls, as well as messages some of which read "I love you," "I miss you," or "Meet you at Megamall."

Complainant also noticed that Irene habitually went home very late at night or early in the morning of the following day, and sometimes did not go home from work. When he asked about her whereabouts, she replied that she slept at her parents' house in Binangonan, Rizal or she was busy with her work.

In February or March 2001, complainant saw Irene and respondent together on two occasions. On the second occasion, he confronted them following which Irene abandoned the conjugal house.

On April 22, 2001, complainant went uninvited to Irene's birthday celebration at which he saw her and respondent celebrating with her family and friends. Out of embarrassment, anger and humiliation, he left the venue immediately. Following that incident, Irene went to the conjugal house and hauled off all her personal belongings, pieces of furniture, and her share of the household appliances.

Complainant later found, in the master's bedroom, a folded social card bearing the words "I Love You" on its face, which card when unfolded contained a handwritten letter dated October 7, 2000, the day of his wedding to Irene, reading:

> My everdearest Irene,
>
> By the time you open this, you'll be moments away from walking down the aisle. I will say a prayer for you that you may find meaning in what you're about to do.
>
> Sometimes I wonder why we ever met. Is it only for me to find fleeting happiness but experience eternal pain? Is it only for us to find a true love but then lose it again? Or is it because there's a bigger plan for the two of us?
>
> I hope that you have experienced true happiness with me. I have done everything humanly possible to love you. And today, as you make your vows . . . I make my own vow to YOU!

> I will love you for the rest of my life. I loved you from the first time I laid eyes on you, to the time we spent together, up to the final moments of your single life. But more importantly, I will love you until the life in me is gone and until we are together again.
>
> Do not worry about me! I will be happy for you. I have enough memories of us to last me a lifetime. Always remember though that in my heart, in my mind and in my soul, YOU WILL ALWAYS
>
> . . . AND THE WONDERFUL THINGS YOU DO!
>
> BE MINE . . . . AND MINE ALONE, and I WILL ALWAYS BE YOURS AND YOURS ALONE!
>
> I LOVE YOU FOREVER, I LOVE YOU FOR ALWAYS. AS LONG AS I'M LIVING MY TWEETIE YOU'LL BE!"[2]
>
> Eternally yours,
>
> NOLI

Complainant soon saw respondent's car and that of Irene constantly parked at No. 71-B 11[th] Street, New Manila where, as he was to later learn sometime in April 2001, Irene was already residing. He also learned still later that when his friends saw Irene on or about January 18, 2002 together with respondent during a concert, she was pregnant.

In his ANSWER,[3] respondent admitted having sent the I LOVE YOU card on which the above-quoted letter was handwritten.

On paragraph 14 of the COMPLAINT reading:

> - Respondent and Irene were even FLAUNTING THEIR ADULTEROUS RELATIONSHIP as they attended social functions together. For instance, in or about the third week of September 2001, the couple attended the launch of the "Wine All You Can" promotion of French wines, held at the Mega Strip of SM Megamall B at Mandaluyong City. Their attendance was reported in Section B of the Manila Standard issue of 24 September 2001, on page 21. Respondent and Irene were photographed together; their picture was captioned: "Irene with Sportscaster Noli Eala." A photocopy of the report is attached as Annex C.[4] (Italics and emphasis in the original; CAPITALIZATION of the phrase "flaunting their adulterous relationship" supplied),

respondent, in his ANSWER, stated:

> - Respondent specifically denies having ever flaunted an adulterous relationship with Irene as alleged in paragraph 14 of the Complaint, the truth of the matter being that their relationship was low profile and known only to the immediate members of their respective families, and that Respondent, as far as the general public was concerned, was still known to be legally married to Mary Anne Tantoco.[5] (Emphasis and underscoring supplied)

On paragraph 15 of the COMPLAINT reading:

> - Respondent's adulterous conduct with the complainant's wife and his apparent abandoning or neglecting of his own family, demonstrate his gross moral depravity, making him morally unfit to keep his membership in the bar. He flaunted his aversion to the institution of marriage, calling it a "piece of paper." Morally reprehensible was his writing the love letter to complainant's bride on the very day of her wedding, vowing to continue his love for her "until we are together again," as now they are.[6] (Underscoring supplied),

respondent stated in his ANSWER as follows:

> - Respondent specifically denies the allegations in paragraph 15 of the Complaint regarding his adulterous relationship and that his acts demonstrate gross moral depravity thereby making him unfit to keep his

> membership in the bar, the reason being that Respondent's relationship with Irene was not under scandalous circumstances and that as far as his relationship with his own family:
>
> 5.1 Respondent has maintained a civil, cordial and peaceful relationship with [his wife] Mary Anne as in fact they still occasionally meet in public, even if Mary Anne is aware of Respondent's special friendship with Irene.
>
> x x x x
>
> 5.5 Respondent also denies that he has flaunted his aversion to the institution of marriage by calling the institution of marriage a mere piece of paper because his reference [in his above-quoted handwritten letter to Irene] to the marriage between Complainant and Irene as a piece of paper was merely with respect to the formality of the marriage contract.[7] (Emphasis and underscoring supplied)

Respondent admitted[8] paragraph 18 of the COMPLAINT reading:

> - The Rules of Court requires lawyers to support the Constitution and obey the laws. The Constitution regards marriage as an inviolable social institution and is the foundation of the family (Article XV, Sec. 2).[9]

And on paragraph 19 of the COMPLAINT reading:

> - Respondent's grossly immoral conduct runs afoul of the Constitution and the laws he, as a lawyer, has been sworn to uphold. In pursuing obsessively his illicit love for the complainant's wife, he mocked the institution of marriage, betrayed his own family, broke up the complainant's marriage, commits adultery with his wife, and degrades the legal profession.[10] (Emphasis and underscoring supplied),

respondent, in his ANSWER, stated:

> - Respondent specifically denies the allegations in paragraph 19 of the Complaint, the reason being that under the circumstances the acts of Respondent with respect to his purely personal and low profile special relationship with Irene is neither under scandalous circumstances nor tantamount to grossly immoral conduct as would be a ground for disbarment pursuant to Rule 138, Section 27 of the Rules of Court.[11] (Emphasis and underscoring supplied)

To respondent's ANSWER, complainant filed a REPLY,[12] alleging that Irene gave birth to a girl and Irene named respondent in the Certificate of Live Birth as the girl's father. Complainant attached to the Reply, as Annex "A," a copy of a Certificate of Live Birth[13] bearing Irene's signature and naming respondent as the father of her daughter Samantha Irene Louise Moje who was born on February 14, 2002 at St. Luke's Hospital.

Complainant's REPLY merited a REJOINDER WITH MOTION TO DISMISS[14] dated January 10, 2003 from respondent in which he denied having "personal knowledge of the Certificate of Live Birth attached to the complainant's Reply."[15] Respondent moved to dismiss the complaint due to the pendency of a civil case filed by complainant for the annulment of his marriage to Irene, and a criminal complaint for adultery against respondent and Irene which was pending before the Quezon City Prosecutor's Office.

During the investigation before the IBP-CBD, complainant's Complaint-Affidavit and Reply to Answer were adopted as his testimony on direct examination.[16] Respondent's counsel did not cross-examine complainant.[17]

After investigation, IBP-CBD Investigating Commissioner Milagros V. San Juan, in a 12-page REPORT AND RECOMMENDATION[18] dated October 26, 2004, found the charge against respondent sufficiently proven.

The Commissioner thus recommended[19] that respondent be disbarred for violating Rule 1.01 of Canon 1 of the Code of Professional Responsibility reading:

> Rule 1.01: A lawyer shall not engage in unlawful, dishonest, immoral or deceitful conduct (Underscoring

> supplied),

and Rule 7.03 of Canon 7 of the same Code reading:

> 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 of the legal profession. (Underscoring supplied)

The IBP Board of Governors, however, annulled and set aside the Recommendation of the Investigating Commissioner and accordingly dismissed the case for lack of merit, by Resolution dated January 28, 2006 briefly reading:

> RESOLUTION NO. XVII-2006-06
> CBD Case No. 02-936
> Joselano C. Guevarra vs.
> Atty. Jose Emmanuel M. Eala
>
> a.k.a. Noli Eala
>
> RESOLVED to ANNUL and SET ASIDE, as it is hereby ANNULLED AND SET ASIDE, the Recommendation of the Investigating Commissioner, and to APPROVE the DISMISSAL of the above-entitled case for lack of merit.[20] (Italics and emphasis in the original)

Hence, the present petition[21] of complainant before this Court, filed pursuant to Section 12 (c), Rule 139[22] of the Rules of Court.

The petition is impressed with merit.

Oddly enough, the IBP Board of Governors, in setting aside the Recommendation of the Investigating Commissioner and dismissing the case for lack of merit, gave no reason therefor as its above-quoted 33-word Resolution shows.

Respondent contends, in his Comment[23] on the present petition of complainant, that there is no evidence against him.[24] The contention fails. As the IBP-CBD Investigating Commissioner observed:

> While it may be true that the love letter dated October 7, 2000 (Exh. "C") and the news item published in the Manila Standard (Exh. "D"), even taken together do not sufficiently prove that respondent is carrying on an adulterous relationship with complainant's wife, there are other pieces of evidence on record which support the accusation of complainant against respondent.
>
> It should be noted that in his Answer dated 17 October 2002, respondent through counsel made the following statements to wit: "Respondent specifically denies having [ever] flaunted an adulterous relationship with Irene as alleged in paragraph [14] of the Complaint, the truth of the matter being [that] their relationship was low profile and known only to immediate members of their respective families . . . , and Respondent specifically denies the allegations in paragraph 19 of the complaint, the reason being that under the circumstances the acts of the respondents with respect to his purely personal and low profile relationship with Irene is neither under scandalous circumstances nor tantamount to grossly immoral conduct . . ."
>
> These statements of respondent in his Answer are an admission that there is indeed a "special" relationship between him and complainant's wife, Irene, [which] taken together with the Certificate of Live Birth of Samantha Louise Irene Moje (Annex "H-1") sufficiently prove that there was indeed an illicit relationship between respondent and Irene which resulted in the birth of the child "Samantha". In the Certificate of Live Birth of Samantha it should be noted that complainant's wife Irene supplied the information that respondent was the father of the child. Given the fact that the respondent admitted his special relationship with Irene there

> is no reason to believe that Irene would lie or make any misrepresentation regarding the paternity of the child. It should be underscored that respondent has not categorically denied that he is the father of Samantha Louise Irene Moje.[25] (Emphasis and underscoring supplied)

Indeed, from respondent's Answer, he does not deny carrying on an adulterous relationship with Irene, "adultery" being defined under Art. 333 of the Revised Penal Code as that "committed by any married woman who shall have sexual intercourse with a man not her husband and by the man who has carnal knowledge of her, knowing her to be married, even if the marriage be subsequently declared void."[26] (Italics supplied) What respondent denies is having flaunted such relationship, he maintaining that it was "low profile and known only to the immediate members of their respective families."

In other words, respondent's denial is a negative pregnant,

> a denial pregnant with the admission of the substantial facts in the pleading responded to which are not squarely denied. It was in effect an admission of the averments it was directed at. Stated otherwise, a negative pregnant is a form of negative expression which carries with it in affirmation or at least an implication of some kind favorable to the adverse party. It is a denial pregnant with an admission of the substantial facts alleged in the pleading. Where a fact is alleged with qualifying or modifying language and the words of the allegation as so qualified or modified are literally denied, it has been held that the qualifying circumstances alone are denied while the fact itself is admitted.[27] (Citations omitted; emphasis and underscoring supplied)

A negative pregnant too is respondent's denial of having "personal knowledge" of Irene's daughter Samantha Louise Irene Moje's Certificate of Live Birth. In said certificate, Irene named respondent - a "lawyer," 38 years old - as the child's father. And the phrase "NOT MARRIED" is entered on the desired information on "DATE AND PLACE OF MARRIAGE." A comparison of the signature attributed to Irene in the certificate[28] with her signature on the Marriage Certificate[29] shows that they were affixed by one and the same person. Notatu dignum is that, as the Investigating Commissioner noted, respondent never denied being the father of the child.

Franklin A. Ricafort, the records custodian of St. Luke's Medical Center, in his January 29, 2003 Affidavit[30] which he identified at the witness stand, declared that Irene gave the information in the Certificate of Live Birth that the child's father is "Jose Emmanuel Masacaet Eala," who was 38 years old and a lawyer.[31]

Without doubt, the adulterous relationship between respondent and Irene has been sufficiently proven by more than clearly preponderant evidence - that evidence adduced by one party which is more conclusive and credible than that of the other party and, therefore, has greater weight than the other[32] - which is the quantum of evidence needed in an administrative case against a lawyer.

> Administrative cases against lawyers belong to a class of their own. They are distinct from and they may proceed independently of civil and criminal cases.
>
> . . . of proof for these types of cases differ. In a criminal case, proof beyond reasonable doubt is necessary; in an administrative case for disbarment or suspension, "clearly preponderant evidence" is all that is required.[33] (Emphasis supplied)

Respondent insists, however, that disbarment does not lie because his relationship with Irene was not, under Section 27 of Rule 138 of the Revised Rules of Court, reading:

> SEC. 27. Disbarment or suspension of attorneys by Supreme Court, grounds therefor. - A member of the bar may be disbarred or suspended from his office as attorney by the Supreme Court for any deceit, malpractice, or other gross misconduct in such 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 practice, or for a willful disobedience appearing as an attorney for a party to a case without authority so to do.

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> The practice of soliciting cases at law for the purpose of gain, either personally or through paid agents or brokers, constitutes malpractice.
>
> The disbarment or suspension of a member of the Philippine Bar by a competent court or other disciplinatory agency in a foreign jurisdiction where he has also been admitted as an attorney is a ground for his disbarment or suspension if the basis of such action includes any of the acts hereinabove enumerated.
>
> The judgment, resolution or order of the foreign court or disciplinary agency shall be prima facie evidence of the ground for disbarment or suspension (Emphasis and underscoring supplied),

under scandalous circumstances.[34]

The immediately-quoted Rule which provides the grounds for disbarment or suspension uses the phrase "grossly immoral conduct," not "under scandalous circumstances." Sexual intercourse under scandalous circumstances is, following Article 334 of the Revised Penal Code reading:

> ART. 334. Concubinage. - Any husband who shall keep a mistress in the conjugal dwelling, or, shall have sexual intercourse, under scandalous circumstances, with a woman who is not his wife, or shall cohabit with her in any other place, shall be punished by prision correccional in its minimum and medium periods.
>
> x x x x,

an element of the crime of concubinage when a married man has sexual intercourse with a woman elsewhere.

"Whether a lawyer's sexual congress with a woman not his wife or without the benefit of marriage should be characterized as 'grossly immoral conduct' depends on the surrounding circumstances."[35] The case at bar involves a relationship between a married lawyer and a married woman who is not his wife. It is immaterial whether the affair was carried out discreetly. Apropos is the following pronouncement of this Court in Vitug v. Rongcal:[36]

> On the charge of immorality, respondent does not deny that he had an extra-marital affair with complainant, albeit brief and discreet, and which act is not "so corrupt and false as to constitute a criminal act or so unprincipled as to be reprehensible to a high degree" in order to merit disciplinary sanction. We disagree.
>
> x x x x
>
> While it has been held in disbarment cases that the mere fact of sexual relations between two unmarried adults is not sufficient to warrant administrative sanction for such illicit behavior, it is not so with respect to betrayals of the marital vow of fidelity. Even if not all forms of extra-marital relations are punishable under penal law, sexual relations outside marriage is considered disgraceful and immoral as it manifests deliberate disregard of the sanctity of marriage and the marital vows protected by the Constitution and affirmed by our laws.[37] (Emphasis and underscoring supplied)

And so is the pronouncement in Tucay v. Atty. Tucay:[38]

> The Court need not delve into the question of whether or not the respondent did contract a bigamous marriage . . . It is enough that the records of this administrative case 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, a grossly immoral conduct and 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.[39] (Underscoring supplied)

Respondent in fact also violated the lawyer's oath he took before admission to practice law which goes:

> I _____, having been permitted to continue in the practice of law in the Philippines, do solemnly swear that I recognize the supreme authority of the Republic of the Philippines; I will support its Constitution and obey the laws as well as the legal orders of the duly constituted authorities therein; I will do no falsehood, nor consent to the doing of any in court; I will not wittingly or willingly promote or sue any groundless, false or unlawful suit, nor give aid nor consent to the same; I will delay no man for money or malice, and will conduct myself as a lawyer according to the best of my knowledge and discretion with all good fidelity as well as to the courts as to my clients; and I impose upon myself this voluntary obligation without any mental reservation or purpose of evasion. So help me God. (Underscoring supplied)

Respondent admittedly is aware of Section 2 of Article XV (The Family) of the Constitution reading:

> Section 2. Marriage, as an inviolable social institution, is the foundation of the family and shall be protected by the State.

In this connection, the Family Code (Executive Order No. 209), which echoes this constitutional provision, obligates the husband and the wife "to live together, observe mutual love, respect and fidelity, and render mutual help and support."[40]

Furthermore, respondent violated Rule 1.01 of Canon 1 of the Code of Professional Responsibility which proscribes a lawyer from engaging in "unlawful, dishonest, immoral or deceitful conduct," and Rule 7.03 of Canon 7 of the same Code which proscribes a lawyer from engaging in any "conduct that adversely reflects on his fitness to practice law."

Clutching at straws, respondent, during the pendency of the investigation of the case before the IBP Commissioner, filed a Manifestation[41] on March 22, 2005 informing the IBP-CBD that complainant's petition for nullity of his (complainant's) marriage to Irene had been granted by Branch 106 of the Quezon City Regional Trial Court, and that the criminal complaint for adultery complainant filed against respondent and Irene "based on the same set of facts alleged in the instant case," which was pending review before the Department of Justice (DOJ), on petition of complainant, had been, on motion of complainant, withdrawn.

The Secretary of Justice's Resolution of January 16, 2004 granting complainant's Motion to Withdraw Petition for Review reads:

> Considering that the instant motion was filed before the final resolution of the petition for review, we are inclined to grant the same pursuant to Section 10 of Department Circular No. 70 dated July 3, 2000, which provides that "notwithstanding the perfection of the appeal, the petitioner may withdraw the same at any time before it is finally resolved, in which case the appealed resolution shall stand as though no appeal has been taken."[42] (Emphasis supplied by complainant)

That the marriage between complainant and Irene was subsequently declared void ab initio is immaterial. The acts complained of took place before the marriage was declared null and void.[43] As a lawyer, respondent should be aware that a man and a woman deporting themselves as husband and wife are presumed, unless proven otherwise, to have entered into a lawful contract of marriage.[44] In carrying on an extra-marital affair with Irene prior to the judicial declaration that her marriage with complainant was null and void, and despite respondent himself being married, he showed disrespect for an institution held sacred by the law. And he betrayed his unfitness to be a lawyer.

As for complainant's withdrawal of his petition for review before the DOJ, respondent glaringly omitted to state that before complainant filed his December 23, 2003 Motion to Withdraw his Petition for Review, the DOJ had already promulgated a Resolution on September 22, 2003 reversing the dismissal by the Quezon City Prosecutor's Office of complainant's complaint for adultery. In reversing the City Prosecutor's Resolution, DOJ Secretary

Simeon Datumanong held:

> Parenthetically the totality of evidence adduced by complainant would, in the fair estimation of the Department, sufficiently establish all the elements of the offense of adultery on the part of both respondents. Indeed, early on, respondent Moje conceded to complainant that she was going out on dates with respondent Eala, and this she did when complainant confronted her about Eala's frequent phone calls and text messages to her. Complainant also personally witnessed Moje and Eala having a rendezvous on two occasions. Respondent Eala never denied the fact that he knew Moje to be married to complainant[.] In fact, he (Eala) himself was married to another woman. Moreover, Moje's eventual abandonment of their conjugal home, after complainant had once more confronted her about Eala, only served to confirm the illicit relationship involving both respondents. This becomes all the more apparent by Moje's subsequent relocation in No. 71-B, 11[th] Street, New Manila, Quezon City, which was a few blocks away from the church where she had exchange marital vows with complainant.
>
> It was in this place that the two lovers apparently cohabited. Especially since Eala's vehicle and that of Moje's were always seen there. Moje herself admits that she came to live in the said address whereas Eala asserts that that was where he held office. The happenstance that it was in that said address that Eala and Moje had decided to hold office for the firm that both had formed smacks too much of a coincidence. For one, the said address appears to be a residential house, for that was where Moje stayed all throughout after her separation from complainant. It was both respondent's love nest, to put short; their illicit affair that was carried out there bore fruit a few months later when Moje gave birth to a girl at the nearby hospital of St. Luke's Medical Center. What finally militates against the respondents is the indubitable fact that in the certificate of birth of the girl, Moje furnished the information that Eala was the father. This speaks all too eloquently of the unlawful and damning nature of the adulterous acts of the respondents. Complainant's supposed illegal procurement of the birth certificate is most certainly beside the point for both respondents Eala and Moje have not denied, in any categorical manner, that Eala is the father of the child Samantha Irene Louise Moje.[45] (Emphasis and underscoring supplied)

It bears emphasis that adultery is a private offense which cannot be prosecuted de oficio and thus leaves the DOJ no choice but to grant complainant's motion to withdraw his petition for review. But even if respondent and Irene were to be acquitted of adultery after trial, if the Information for adultery were filed in court, the same would not have been a bar to the present administrative complaint.

Citing the ruling in Pangan v. Ramos,[46] viz:

> x x x The acquittal of respondent Ramos [of] the criminal charge is not a bar to these [administrative] proceedings. The standards of legal profession are not satisfied by conduct which merely enables one to escape the penalties of x x x criminal law. Moreover, this Court, in disbarment proceedings is acting in an entirely different capacity from that which courts assume in trying criminal case[47] (Italics in the original),

this Court in Gatchalian Promotions Talents Pools, Inc. v. Atty. Naldoza,[48] held:

> Administrative cases against lawyers belong to a class of their own. They are distinct from and they may proceed independently of civil and criminal cases.

WHEREFORE, the petition is GRANTED. Resolution No. XVII-2006-06 passed on January 28, 2006 by the Board of Governors of the Integrated Bar of the Philippines is ANNULLED and SET ASIDE.

Respondent, Atty. Jose Emmanuel M. Eala, is DISBARRED for grossly immoral conduct, violation of his oath of office, and violation of Canon 1, Rule 1.01 and Canon 7, Rule 7.03 of the Code of Professional Responsibility.

Let a copy of this Decision, which is immediately executory, be made part of the records of respondent in the Office of the Bar Confidant, Supreme Court of the Philippines. And let copies of the Decision be furnished the

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Integrated Bar of the Philippines and circulated to all courts.

This Decision takes effect immediately.

SO ORDERED.

Puno, C.J., Quisumbing, Ynares-Santiago, Sandoval-Gutierrez, Carpio, Austria-Martinez, Corona, Carpio-Morales, Azcuna, Tinga, Chico-Nazario, Garcia, Velasco, Jr., and Nachura, JJ., concur.

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[1] Rollo, pp. 1-8.

[2] Id. at 2-3; Exhibit "C," p. 10.

[3] Id. at 31-35.

[4]Id. at 6.

[5]Id. at 32.

[6] Id. at 6.

[7] Id. at 32-33.

[8] Id. at 31.

[9]Id. at 7.

[10] Ibid.

[11] Id. at 33.

[12] Id. at 37-42; Exhibit "E."

[13] Id. at 43; Exhibit "F."

[14] Id. at 71-76.

[15]Id. at 71.

[16]Id. at 199-200; TSN, February 21, 2003, pp. 41-42.

[17] Id. at 200; TSN, February 21, 2003, p. 42.

[18]Id. at 333-344.

[19] Rollo, pp. 340-344.

[20] Id. at 332.

[21] Id. at 345-354.

[22] RULES OF COURT, Rule 139-B, Section 12 (c):

If the respondent is exonerated by the Board or the disciplinary sanction imposed by it is less than suspension or disbarment (such as admonition, reprimand, or fine) it shall issue a decision exonerating respondent or imposing such sanction. The case shall be deemed terminated unless upon petition of the complainant or other interested party filed with the Supreme Court within fifteen (15) days from notice of the Board's resolution, the Supreme

Court orders otherwise.

[23]Rollo, pp. 429-445.

[24] Id. at 434-440.

[25]Id. at 342-343.

[26] REVISED PENAL CODE, Article 333.

[27] Republic v. Sandiganbayan, 453 Phil. 1059, 1107 (2003).

[28] Id. at 43; Exhibits "F" and "F-3"; TSN, December 2, 2003, pp. 226-227.

[29]Id. at 9; Exhibit "B."

[30]Id. at 63.

[31]Id. at 63, 215-219; TSN, December 2, 2003, pp. 12-14, vide p. 43.

[32] Habagat Grill v. DMC-Urban Property Developer, Inc., G.R. No. 155110, March 31, 2003, 454 SCRA 653, 664-665, citing Municipality of Moncada v. Cajuigan, 21 Phil. 184 (1912); Stronghold Insurance Company, Inc. v. Court of Appeals, 173 SCRA 619, May 29, 1989; Metro Manila Transit Corp. v. Court of Appeals, G.R. No. 104408, June 21, 1993, 223 SCRA 521, 534.

[33] Gatchalian Promotions Talents Pool, Inc. v. Naldoza, 374 Phil. 1, 9-10 (1999).

[34]Vide rollo, p. 443.

[35] Arciga v. Maniwang, 193 Phil. 731,735-736 (1981).

[36] A.C. No. 6313, September 7, 2006, 501 SCRA 166.

[37] Id. at 177-178.

[38]376 Phil. 336 (1999).

[39]Id. at 340.

[40] Article 68.

[41] Rollo, pp. 233-246.

[42]Id. at 455-456.

[43] Id. at 1-8, 277-283.

[44] RULES OF COURT, Rule 131, Section 3 (aa); Sevilla v. Cardenas, G.R. No. 167684, July 31, 2006, 497 SCRA 428, 443-445.

[45] Rollo, pp. 481-482.

[46]107 SCRA 1 (1981).

[47] Id. at 6-7.

[48] 374 Phil. 1, 9 (1999).

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