

ROSARIO T. MECARAL, COMPLAINANT, VS. ATTY. DANILO S. VELASQUEZ, RESPONDENT.*A.C. No. 8392 [Formerly CBD Case No. 08-2175]. June 29, 2010*Read online (full-text search, related cases, audio case brief): <https://batas.org/library/a-c-no-8392/>**PER CURIAM:**

Rosario T. Mecaral (complainant) charged Atty. Danilo S. Velasquez (respondent) before the Integrated Bar of the Philippines (IBP) Committee on Bar Discipline (CBD)[1] with Gross Misconduct and Gross Immoral Conduct which she detailed in her Position Paper[2] as follows:

After respondent hired her as his secretary in 2002, she became his lover and common-law wife. In October 2007, respondent brought her to the mountainous Upper San Agustin in Caibiran, Biliran where he left her with a religious group known as the Faith Healers Association of the Philippines, of which he was the leader. Although he visited her daily, his visits became scarce in November to December 2007, prompting her to return home to Naval, Biliran. Furious, respondent brought her back to San Agustin where, on his instruction, his followers tortured, brainwashed and injected her with drugs. When she tried to escape on December 24, 2007, the members of the group tied her spread-eagled to a bed. Made to wear only a T-shirt and diapers and fed stale food, she was guarded 24 hours a day by the women members including a certain Bernardita Tadeo.

Her mother, Delia Tambis Vda. De Mecaral (Delia), having received information that she was weak, pale and walking barefoot along the streets in the mountainous area of Caibiran, sought the help of the Provincial Social Welfare Department which immediately dispatched two women volunteers to rescue her. The religious group refused to release her, however, without the instruction of respondent. It took PO3 Delan G. Lee (PO3 Lee) and PO1 Arnel S. Robedillo (PO1 Robedillo) to rescue and reunite her with her mother.

Hence, the present disbarment complaint against respondent. Additionally, complainant charges respondent with bigamy for contracting a second marriage to Leny H. Azur on August 2, 1996, despite the subsistence of his marriage to his first wife, Ma. Shirley G. Yunzal.

In support of her charges, complainant submitted documents including the following: Affidavit[3] of Delia dated February 5, 2008; Affidavit of PO3 Lee and PO1 Robedillo[4] dated February 14, 2008; photocopy of the Certificate of Marriage[5] between respondent and Leny H. Azur; photocopy of the Marriage Contract[6] between respondent and Shirley G. Yunzal; National Statistics Office Certification[7] dated April 23, 2008 showing the marriage of Ma. Shirley G. Yunzal to respondent on April 27, 1990 in Quezon City and the marriage of Leny H. Azur to respondent on August 2, 1996 in Mandaue City, Cebu; and certified machine copy of the Resolution[8] of the Office of the Provincial Prosecutor of Naval, Biliran and the Information[9] lodged with the RTC-Branch 37-Caibiran, Naval, Biliran, for Serious Illegal Detention against respondent and Bernardita Tadeo on complaint of herein complainant.

Despite respondent's receipt of the February 22, 2008 Order[10] of the Director for Bar Discipline for him to submit his Answer within 15 days from receipt thereof, and his expressed intent to "properly make [his] defense in a verified pleading,"[11] he did not file any Answer.

On the scheduled Mandatory Conference set on September 2, 2008 of which the parties were duly notified, only complainant's counsel was present. Respondent and his counsel failed to appear.

Investigating Commissioner Felimon C. Abelita III of the CBD, in his Report and Recommendation[12] dated September 29, 2008, found that:

[respondent's] acts of converting his secretary into a mistress; contracting two marriages with Shirley and Leny, are grossly immoral which no civilized society in the world can countenance. The subsequent detention and torture of the complainant is gross misconduct [which] only a beast may be able to do. Certainly, the respondent had violated Canon 1 of the Code of Professional Responsibility which reads:

CANON 1 - A lawyer shall uphold the constitution, obey the laws of the land and promote respect for law and legal processes.

x x x x

In the long line of cases, the Supreme Court has consistently imposed severe penalty for grossly immoral conduct of a lawyer like the case at bar. In the celebrated case of *Joselano Guevarra vs. Atty. Jose Manuel Eala*, the [Court] ordered the disbarment of the respondent for maintaining extra-marital relations with a married woman, and having a child with her. In the instant case, not only did the respondent commit bigamy for contracting marriages with Shirley Yunzal in 1990 and Leny Azur in 1996, but the respondent also made his secretary (complainant) his mistress and subsequently, tortured her to the point of death. All these circumstances showed the moral fiber respondent is made of, which [leave] the undersigned with no choice but to recommend the disbarment of Atty. Danilo S. Velasquez.[13] (emphasis and underscoring supplied)

The IBP Board of Governors of Pasig City, by Resolution[14] dated December 11, 2008, ADOPTED the Investigating Commissioner's findings and APPROVED the recommendation for the disbarment of respondent.

As did the IBP Board of Governors, the Court finds the IBP Commissioner's evaluation and recommendation well taken.

The practice of law is not a right but a privilege bestowed by the state upon those who show that they possess, and continue to possess, the qualifications required by law for the conferment of such privilege.[15] When a lawyer's moral character is assailed, such that his right to continue

practicing his cherished profession is imperiled, it behooves him to meet the charges squarely and present evidence, to the satisfaction of the investigating body and this Court, that he is morally fit to keep his name in the Roll of Attorneys.[16]

Respondent has not discharged the burden. He never attended the hearings before the IBP to rebut the charges brought against him, suggesting that they are true.[17] Despite his letter dated March 28, 2008 manifesting that he would come up with his defense "in a verified pleading," he never did.

Aside then from the IBP's finding that respondent violated Canon 1 of the Code of Professional Responsibility, he also violated the Lawyer's Oath reading:

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),

and Rule 7.03, 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.

The April 30, 2008 Resolution[18] of the Provincial Prosecutor on complainant's charge against respondent and Bernardita Tadeo for Serious Illegal Detention bears special noting, viz:

[T]he counter-affidavit of x x x Bernardita C. Tadeo (co-accused in the complaint) has the effect of strengthening the allegations against Atty. Danilo Velasquez. Indeed, it is clear now that there was really physical restraint employed by Atty. Velasquez upon the person of Rosario Mearal. Even as he claimed that on the day private complainant was fetched by the two women and police officers, complainant was already freely roaming around the place and thus, could not have been physically detained. However, it is not really necessary that Rosario be physically kept within an enclosure to restrict her freedom of locomotion. In fact, she was always accompanied wherever she would wander, that it could be impossible for her to escape especially considering the remoteness and the distance between Upper San Agustin, Caibiran, Biliran to Naval, Biliran where she is a resident. The people from the Faith Healers Association had the express and implied orders coming from respondent Atty. Danilo Velasquez to keep guarding Rosario Mearal and not to let her go freely. That can be gleaned from the affidavit of co-respondent Bernardita Tadeo. The latter being reprimanded whenever Atty. Velasquez would learn that complainant had untangled the cloth tied on her wrists and feet.[19] (emphasis and underscoring supplied)

That, as reflected in the immediately-quoted Resolution in the criminal complaint against respondent, his therein co-respondent corroborated the testimonies of complainant's witnesses, and that the allegations against him remain unrebutted, sufficiently prove the charges against him by clearly preponderant evidence, the quantum of evidence needed in an administrative case against a lawyer.[20]

In fine, by engaging himself in acts which are grossly immoral and acts which constitute gross misconduct, respondent has ceased to possess the qualifications of a lawyer.[21]

WHEREFORE, respondent, Atty. Danilo S. Velasquez, is DISBARRED, and his name ORDERED STRICKEN from the Roll of Attorneys. This Decision is immediately executory and ordered to be part of the records of respondent in the Office of the Bar Confidant, Supreme Court of the Philippines.

Let copies of the Decision be furnished the Integrated Bar of the Philippines and circulated to all courts.

SO ORDERED.

Corona, C.J., Carpio, Carpio Morales, Velasco, Jr., Nachura, Leonardo-De Castro, Brion, Peralta, Bersamin, Del Castillo, Abad, Villarama, Jr., Perez, and Mendoza, JJ. , concur.

[1] Rollo, pp. 1-2.

[2] Id at 28-31.

[3] Id at 7-8.

[4] Id at 9-10.

[5] Id at 15.

[6] Id at 16.

[7] Id at 61.

[8] Id at 52-58.

[9] Id at 59-60.

[10] Id at 17.

[11] Id at 18.

[12] Id at 64-69.

[13] Id at 67-68.

[14] Id at 63.

[15] *Mendoza v. Diciembre*, A.C. No. 5338, February 23, 2009, 580 SCRA 26, 36; *Yap-Paras v. Paras*, A.C. No. 4947, February 14, 2005, 451 SCRA 194, 202.

[16] *Narag v. Narag*, A.C. No. 3405, June 29, 1998, 291 SCRA 451, 464.

[17] *Arnobit v. Arnobit*, A.C. No. 1481, October 17, 2008, 569 SCRA 247, 254.

[18] *Supra* note 8.

[19] Id at 57.

[20] *Guevarra v. Eala*, A.C. No. 7136, August 1, 2007, 529 SCRA 1.

[21] *Rollo*, p. 68.

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