

**PATRICIA FIGUEROA, COMPLAINANT, VS. SIMEON BARRANCO, JR.,
RESPONDENT.***SBC Case No. 519. July 31, 1997*

Ponente: ROMERO, J.

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In a complaint made way back in 1971, Patricia Figueroa petitioned that respondent Simeon Barranco, Jr. be denied admission to the legal profession. Respondent had passed the 1970 bar examinations on the fourth attempt, after unsuccessful attempts in 1966, 1967 and 1968. Before he could take his oath, however, complainant filed the instant petition averring that respondent and she had been sweethearts, that a child out of wedlock was born to them and that respondent did not fulfill his repeated promises to marry her.

The facts were manifested in hearings held before Investigator Victor F. Sevilla in June and July 1971. Respondent and complainant were townmates in Janiuay, Iloilo. Since 1953, when they were both in their teens, they were steadies. Respondent even acted as escort to complainant when she reigned as Queen at the 1953 town fiesta. Complainant first acceded to sexual congress with respondent sometime in 1960. Their intimacy yielded a son, Rafael Barranco, born on December 11, 1964.[1] It was after the child was born, complainant alleged, that respondent first promised he would marry her after he passes the bar examinations. Their relationship continued and respondent allegedly made more than twenty or thirty promises of marriage. He gave only P10.00 for the child on the latter's birthdays. Her trust in him and their relationship ended in 1971, when she learned that respondent married another woman. Hence, this petition.

Upon complainant's motion, the Court authorized the taking of testimonies of witnesses by deposition in 1972. On February 18, 1974, respondent filed a Manifestation and Motion to Dismiss the case citing complainant's failure to comment on the motion of Judge Cuello seeking to be relieved from the duty to take aforesaid testimonies by deposition. Complainant filed her comment stating that she had justifiable reasons in failing to file the earlier comment required and that she remains interested in the resolution of the present case. On June 18, 1974, the Court denied respondent's motion to dismiss.

On October 2, 1980, the Court once again denied a motion to dismiss on the ground of abandonment filed by respondent on September 17, 1979.[2] Respondent's third motion to dismiss was noted in the Court's Resolution dated September 15, 1982.[3] In 1988, respondent repeated his request, citing his election as a member of the Sangguniang Bayan of Janiuay, Iloilo from 1980-1986, his active participation in civic organizations and good standing in the community as well as the length of time this case has been pending as reasons to allow him to take his oath as a lawyer.[4]

On September 29, 1988, the Court resolved to dismiss the complaint for failure of complainant to prosecute the case for an unreasonable period of time and to allow Simeon Barranco, Jr. to take the lawyer's oath upon payment of the required fees.[5]

Respondent's hopes were again dashed on November 17, 1988 when the Court, in response to complainant's

opposition, resolved to cancel his scheduled oath-taking. On June 1, 1993, the Court referred the case to the Integrated Bar of the Philippines (IBP) for investigation, report and recommendation.

The IBP's report dated May 17, 1997 recommended the dismissal of the case and that respondent be allowed to take the lawyer's oath.

We agree.

Respondent was prevented from taking the lawyer's oath in 1971 because of the charges of gross immorality made by complainant. To recapitulate, respondent bore an illegitimate child with his sweetheart, Patricia Figueroa, who also claims that he did not fulfill his promise to marry her after he passes the bar examinations.

We find that these facts do not constitute gross immorality warranting the permanent exclusion of respondent from the legal profession. His engaging in premarital sexual relations with complainant and promises to marry suggests a doubtful moral character on his part but the same does not constitute grossly immoral conduct. The Court has held that to justify suspension or disbarment the act complained of must not only be immoral, but grossly immoral. "A grossly immoral act is one that is so corrupt and false as to constitute a criminal act or so unprincipled or disgraceful as to be reprehensible to a high degree." [6] It is a willful, flagrant, or shameless act which shows a moral indifference to the opinion of respectable members of the community. [7]

We find the ruling in *Arciga v. Maniwang* [8] quite relevant because mere intimacy between a man and a woman, both of whom possess no impediment to marry, voluntarily carried on and devoid of any deceit on the part of respondent, is neither so corrupt nor so unprincipled as to warrant the imposition of disciplinary sanction against him, even if as a result of such relationship a child was born out of wedlock. [9]

Respondent and complainant were sweethearts whose sexual relations were evidently consensual. We do not find complainant's assertions that she had been forced into sexual intercourse, credible. She continued to see and be respondent's girlfriend even after she had given birth to a son in 1964 and until 1971. All those years of amicable and intimate relations refute her allegations that she was forced to have sexual congress with him. Complainant was then an adult who voluntarily and actively pursued their relationship and was not an innocent young girl who could be easily led astray. Unfortunately, respondent chose to marry and settle permanently with another woman. We cannot castigate a man for seeking out the partner of his dreams, for marriage is a sacred and perpetual bond which should be entered into because of love, not for any other reason.

We cannot help viewing the instant complaint as an act of revenge of a woman scorned, bitter and unforgiving to the end. It is also intended to make respondent suffer severely and it seems, perpetually, sacrificing the profession he worked very hard to be admitted into. Even assuming that his past indiscretions are ignoble, the twenty-six years that respondent has been prevented from being a lawyer constitute sufficient punishment therefor. During this time there appears to be no other indiscretion attributed to him. [10] Respondent, who is now sixty-two years of age, should thus be allowed, albeit belatedly, to take the lawyer's oath.

WHEREFORE, the instant petition is hereby DISMISSED. Respondent Simeon Barranco, Jr. is ALLOWED to take his oath as a lawyer upon payment of the proper fees.

SO ORDERED.

Padilla, Regalado, Davide, Jr., Bellosillo, Melo, Puno, Vitug, Kapunan, Mendoza, Francisco, and Panganiban, JJ., concur.

Narvasa, C.J., Hermosisima, Jr., and Torres, Jr., JJ., on leave

[1] Respondent filed a Manifestation on December 4, 1995 informing the Court of Rafael Barranco's death at age 28 years caused by cardio-respiratory arrest and pancreatitis. Rollo, volume II, page 23.

[2] Rollo, p. 238.

[3] Rollo, p. 244.

[4] Appearance with Motion to Dismiss and to Allow Respondent to Take his Oath and Sign Roll of Attorneys, September 2, 1988, Rollo, p. 247.

[5] Rollo, p. 259.

[6] Reyes v. Wong, 63 SCRA 667 (January 29, 1975).

[7] 7 C.J.S. 959 cited in De los Reyes v. Aznar, 179 SCRA 653 (November 28, 1989).

[8] 106 SCRA 591 (August 14, 1981).

[9] Also Radaza v. Tejano, 106 SCRA 250 (July 31, 1981) and Reyes v. Wong, *supra*.

[10] Bitangcor v. Tan, 112 SCRA 113 (February 25, 1982).

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