

CARMEN E. BACARRO, COMPLAINANT, VS. RUBEN M. PINATACAN, RESPONDENT.

Adm. Case No. 559-SBC. January 31, 1984

Ponente: GUERRERO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/cd1399f3a839/>

GUERRERO, J.:

This is an administrative case filed on September 2, 1975 by Carmen E. Bacarro charging Ruben M. Pinatacan, a 1975 successful Bar candidate, with moral turpitude and depravity, and lack of proper character required of a member of the Bar.

In her Affidavit, complainant Bacarro averred that she and respondent fell in love and became engaged while they were studying at the Liceo de Cagayan in Cagayan de Oro City; that when she became pregnant as a result of their relationship, respondent abandoned her and never fulfilled his promise to marry her; that on December 4, 1971, she gave birth to a baby girl; that because of respondent's betrayal, complainant, her daughter and her family suffered shame, disrepute, moral distress and anxiety; and, that these acts of respondent render him unfit to become a member of the Bar.[1]

Respondent Pinatacan in his Answer by way of a sworn Affidavit admitted that complainant had been his sweetheart for several years prior to 1971 but denied that he was the father of complainant's child. He claimed that his relationship with complainant started to cool down in January of 1971 when, over her vigorous objection and opposition, he applied for a direct commission with the Philippine Constabulary. He went to Manila and stayed there for the greater part of March, 1971, for his physical examination. He returned to Cagayan de Oro City, but in June of 1971, he left for his hometown, Jimenez, Misamis Occidental, and never again returned to Cagayan de Oro City. On the other hand, as far as he knew, complainant was working from 1970-1971 in Cagayan de Oro City. Respondent like-wise denied that he ever promised marriage to complainant and that he ever cohabited with her.[2]

On June 10, 1976, this Court referred this case to the Judicial Investigator for investigation, report and recommendation.[3] Subsequently, however, upon complainant's request prompted by financial difficulties on her part, she was allowed on July 27, 1976 to present her evidence before the City Fiscal of Cagayan de Oro City.[4] Respondent failed to attend the hearings conducted by the City Fiscal on August 30 and September 27, 1976 during which complainant presented her evidence, both oral and documentary.[5]

In a nutshell, the evidence for the complainant tends to establish the following facts: After about a year of courtship, she and respondent became sweethearts on March 17, 1967 while they were students at the Liceo de Cagayan in Cagayan de Oro City. They had their first sexual intercourse on March 21, 1971, after respondent made promises of marriage, and they eloped to Cebu City where they stayed for about a week. They returned to Cagayan de Oro and respondent left complainant allegedly to see his parents in his hometown and make the necessary arrangements for their intended marriage. Respondent came back in May, 1971, but only to inform complainant that they could not get married because of his parents' objections. When complainant told respondent

that she was pregnant, he told her to have an abortion. Complainant refused and they had a quarrel. Thereafter, she did not see or hear from respondent until after the birth of their baby girl named Maria Rochie Bacarro Pinatacan on December 4, 1971. Complainant had no other boyfriend or sweetheart during the time that she had a relationship with respondent. In July, 1973, she brought the child with her to see respondent in Cavite City and the latter promised to support the child. However, respondent did not make good his promise of support so complainant went to see him again, and once more respondent made several promises, all of which were never fulfilled, until he finished his law course and married a singer by the name of Annie Sarabillo.[6]

Forming part of the records, aside from complainant's testimony, are the birth certificate of her child, numerous letters written by respondent covering the period from March 6, 1967 to March 25, 1971 professing his everlasting love for complainant with assurances of his sincerity and loyalty, a letter dated January 13, 1975 from a certain Margie whom complainant identified as the sister of respondent, and pictures of the child Maria Rochie with said Margie Pinatacan.[7]

In a Motion to Dismiss dated February 16, 1977,[8] respondent argued that based on the evidence adduced by complainant and even assuming her averments to be true, no case had been made out to bar him from taking the lawyer's oath. The Court's Investigator, Atty. Victor Sevilla, agreed with respondent in a Report dated February 24, 1977, stating that "the intimacy between the parties in this case is neither so corrupt or so immoral as to warrant the res-pondent's permanent exclusion from the Philippine Bar." Atty. Sevilla recommended that respondent be allowed to take the lawyer's oath.[9]

On December 12, 1977, respondent submitted a Manifestation stating among others that he is willing to recognize and give support or financial assistance to complainant's child Maria Rochie although he cannot make assurance that he could give such support or financial assistance immediately since he is without a source of income.[10]

Upon being required to comment on the foregoing Manifestation, complainant submitted a sworn statement expressing her adamant stand that respondent "is unreliable, untrustworthy, and without a word of honor, not only for what he has done to me, but on several occasions in the past he had made the same promise to support our child x x x, he did not even give something to the child to buy a candy during our several meetings x x x when I tried to see him every now and then for the fulfillment of his promise." Moreover, according to complainant, respondent's insistence that the child be aborted proves his "utter disregard of moral values and (C)hristian doctrines," making him unfit or unsuitable for the legal profession. Complainant stressed that she was not motivated by revenge, for she was aware that whatever fortunes respondent may have in life would also benefit their child as an heir, but that after a serious and profound consideration of the matter, she was of the opinion that "respondent would be more of a liability than an asset to the legal profession."[11]

By Resolution of October 11, 1979, this Court required respondent, "as proof of his sincerity and good faith, to acknowledge and recognize in a public document duly notarized and registered in the local civil registrar's office his paternity over the child Maria Rochie and send the original thereof to the complainant and a duplicate copy to this Court within ten (10) days after notice hereof.[12] On October 19, 1979, respondent submitted proof of his compliance with the above Resolution.[13]

From the foregoing narration of the background of this case, there clearly appears no question that the complainant and respondent had been sweethearts for several years, that during the said period they have been sexually intimate with each other, and that the child Maria Rochie Bacarro Pinatacan is the result of such pre-marital relations. Respondent, however, maintains that even admitting the truth of complainant's allegations, the circumstances of their relationship with each other do not justify his disqualifi-cation from the practice of law.

One of the indispensable requisites for admission to the Philippine Bar is that the applicant must be of good moral

character.[14] This requirement aims to maintain and uphold the high moral standards and the dignity of the legal profession, and one of the ways of achieving this end is to admit to the practice of this noble profession only those persons who are known to be honest and to possess good moral character.[15] "As a man of law, (a lawyer) is necessarily a leader of the community, looked up to as a model citizen." [16] He sets an example to his fellow citizens not only for his respect for the law, but also for his clean living.[17] Thus, becoming a lawyer is more than just going through a law course and passing the Bar examinations. One who has the lofty aspiration of becoming a member of the Philippine Bar must satisfy this Court, which has the power, jurisdiction and duty to pass upon the qualifications, ability and moral character of candidates for admission to the Bar, that he has measured up to that rigid and ideal standard of moral fitness required by his chosen vocation.

In the two consolidated cases of Bitangcor vs. Tan and Peredo vs. Tan[18] against successful 1971 Bar examinee Rodolfo M. Tan, it was held that therein respondent "had fallen short of the requisite morality for admission to the Bar" for violating the honor of two women. Tan had sexual relations with both complainants without marriage and had sired a daughter by complainant Bitangcor.

As in the Tan cases, We hold herein respondent Pinatacan had failed to live up to the high moral standard demanded for membership in the Bar. He had seduced complainant into physically submitting herself to him by promises of marriage. He even eloped with her and brought her to another place. He got her pregnant and then told her to have an abortion. When complainant refused, he deserted her. Complainant had to track him down to ask him to help support their child born out of wedlock, and during the few times that she was able to see him, respondent merely made promises which he apparently did not intend to keep. On top of all these, respondent had the audacity and impudence to deny before this Court in a sworn Affidavit the paternity of his child by complainant.

These acts taken together certainly do not speak well of respondent's character and are indicative of his moral delinquency. All the years that he has been denied the privilege of being a lawyer were truly well-deserved. Nevertheless, eight (8) years could be punishment and retribution enough. Moreover, considering that respondent has legally recognized and acknowledged complainant's child Maria Rochie Bacarro Pinatacan as his own, and has undertaken to give financial support to the said child,[19] We hold that he has realized the wrongfulness of his past conduct and is now prepared to turn over a new leaf. Likewise, We reiterate what had been stated in Barba vs. Pedro[20] that "in offenses of this character, the blame hardly belongs to the man alone."

In allowing respondent to take the lawyer's oath, he must be admonished that his admission to and continued membership in the Bar are dependent, among others, on his compliance with his moral and legal obligations as the father of Maria Rochie Bacarro Pinatacan.

WHEREFORE, respondent Ruben M. Pinatacan is hereby allowed to take the lawyer's oath. SO ORDERED.

Fernando, C.J., Aquino, Concepcion, Jr., De Castro, Plana, Escolin, Relova, and Gutierrez, Jr., JJ., concur.

Makasiar, J., oath taking should be deferred until 1985.

Abad Santos, J., votes that action be deferred until 1985.

Melencio-Herrera, J., votes to deny respondent's admission to the Bar.

Teehankee, J., no part.

[1] Records, p. 2.

[2] Records, pp. 10-11.

[3] Records, p. 14.

[4] Records, p. 20.

[5] Report of City Fiscal Francisco X. Velez of Cagayan de Oro City; Records, pp. 26-27.

[6] Transcript of Stenographic Notes.

[7] Folder of Exhibits.

[8] Records, pp. 28-32.

[9] Records, p. 45.

[10] Records, p. 84.

[11] Records, p. 89.

[12] Records, p. 110.

[13] Records, pp. 112-115.

[14] Rule 138, Sec. 2. Requirements for all applicants for admission to the bar. - Every applicants for admission as a member of the Bar must be a citizen of the Philippines, at least twenty-one years of age, of good moral character, and a resident of the Philippines; and must produce before the Supreme Court satisfactory evidence of good moral character and that no charges against him, involving moral turpitude, have been filed or are pending in any court in the Philippines.

[15] Martin, Ruperto G., "Legal & Judicial Ethics," 5th ed., p. 15, citing *In Re Parazo*, 82 Phil. 230.

[16] *Blanza vs. Arcangel*, 21 SCRA 1, 4.

[17] Martin, *supra*, p. 36.

[18] Adm. Cases Nos. 528-SBC and 529-SBC, Feb. 25, 1982.

[19] Affidavit of Respondent Ruben M. Pinatacan dated October 18, 1979; Records, p. 114.

[20] Adm. Case No. 545-SBC, December 26, 1974, 61 SCRA 484, 488.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.