



Republic of the Philippines
Supreme Court
 Manila

SUPREME COURT OF THE PHILIPPINES
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EN BANC

DAISY D. PANAGSAGAN,
 Complainant,

A.C. No. 7733

Present:

BERSAMIN, C.J.
CARPIO,
PERALTA,
PERLAS-BERNABE,
LEONEN,
CAGUIOA,
REYES, A., JR.,
GESMUNDO,
REYES, J., JR.,
HERNANDO,
***CARANDANG,**
LAZARO-JAVIER,
INTING, and
ZALAMEDA, JJ.

- versus -

ATTY. BERNIE Y. PANAGSAGAN,
 Respondent.

Promulgated:
 October 1, 2019

X-----X

DECISION

PER CURIAM:

Once again, the Court is confronted with the issue of gross immorality being raised against a lawyer for turning his back on his legitimate wife and family in order to cohabit with another woman.

The present administrative complaint for disbarment was initiated by Daisy D. Panagsagan against her husband, Atty. Bernie Y. Panagsagan, charging him with having become unfit to continue as a member of the Bar by reason of his immorality, infidelity, and abandonment of his family.

* On official leave.

Antecedents

The Office of the Bar Confidant (OBC) summarized the facts in this manner:

In her complaint, Daisy Panagsagan gave the following accounts:

Complainant got married to respondent on 18 December 2000. At the start, the marriage was strong but respondent entered into an illicit relationship with a fellow employee named Corazon Igtos at the Land Transportation Franchising and Regulatory Board (LTFRB). Respondent and Igtos begot two children born on May 2004 and July 2006.

Complainant avers that respondent's immoral conduct was known not only by their officemates, but by the community. Their illicit affair showing pictures of the romantic relations of respondent with his paramour were uploaded in an online social networking site.

On 3 November 2002, respondent packed his things and told complainant he was leaving the conjugal home. When asked, respondent only replied that he wanted to try a bachelor's life. On 2 December 2002, respondent came home to complainant and stayed until the New Year. During this time, respondent told complainant that he cannot stay at home anymore because of his love to his mistress, and he made complainant to choose whether he spend the weekdays with his paramour or she file a petition for declaration of nullity of their marriage, so that he can marry Corazon Igtos. Complainant declined to choose.

On May 3, 2003, upon a tip from a friend, complainant found respondent living with Corazon Igtos in San Rafael, Mandaluyong. Inside their residence, complainant saw a picture of respondent with his concubine together and took it. When respondent noticed the picture missing, she asked complainant to return it but the latter refused. Respondent then got mad and boxed complainant several times and bumped her head against the cement wall. The mauling of complainant was witnessed by their minor child who was with her.

On 24 May 2003, respondent returned to their house to get all the things they acquired together as spouses. Since then, respondent never returned home and instead decided to live for good with his concubine. This time respondent completely abandoned complainant and their child. Even the educational plan of their child and support has been stopped.

In his Answer, respondent alleges that it was complainant that left the conjugal dwelling on 2003. He claims that marriage with complainant was a mistake as she was difficult to live with due to her suicidal tendencies, violent outbursts and delusional episodes. He denies any extra-marital affair with anybody more so with Corazon Igtos. However, respondent admits having fathered Igtos' children. Respondent further alleges that, while being sweethearts since 1993, respondent alleges that he had constant quarrels with complainant owing to her attitude and worse because of her alleged admitted infidelity with a certain Vhein with whom

complainant was allegedly living with. Respondent, while having doubts with the paternity of their child, he nonetheless still married complainant in 2000.

On February 2003, Respondent avers that it was the complainant who was the one who asked for “a break and space” and told him that she would need another place of her own. Complainant allegedly confessed of having an illicit affair with a Jason Santos, a grandchild of her patient in PGH. Enraged, respondent finally burned the bridge between him and complainant. After a few days, respondent went back to the place of complainant and took all of his personal belongings and tried to talk to her regarding their conjugal properties. Complainant remained indifferent even after respondent took their child and entrusted her under the temporary care of his mother.

On June 2003, complainant forcefully took the child without informing respondent. He never saw his child or was able to locate their whereabouts. Sometime on June 2004, respondent was able to locate the residence of complainant and their child and after a confrontational and physical “tug-of-war”, respondent relented as not to traumatize the child. Weeks after, respondent learned that complainant moved out of the place, presumably to hide the child from him. Since then, respondent has been trying to locate complainant to no avail.

Within the same year, respondent converted to Islam and fell in love with a woman. On January 2003, respondent chose his second partner in life as a Muslim.¹

IBP Report and Recommendation

In his Report and Recommendation,² IBP Bar Discipline Commissioner Edmund T. Espina found the respondent guilty of grossly immoral conduct for having engaged in a scandalous and illicit relationship with a woman by whom he sired two children during the subsistence of his marriage with the complainant; that he had committed violence against the complainant; that he had failed to provide support to his child with her; and that he had failed to substantiate his allegations that the complainant had borne suicidal and delusional tendencies, committed violent outbursts, and engaged in adulterous affairs.

IBP Commissioner Espina observed that the respondent’s disregard of his obligations as husband and father had made him unfit to remain as a member of the Bar,³ and that he should be suspended from the practice of law for two years.⁴

¹ *Rollo*, pp. 452-453.

² *Id.* at 404-412.

³ *Id.* at 410.

⁴ *Id.* at 412.

On June 21, 2013, the IBP Board of Governors issued a resolution, adopting and approving the recommendation of IBP Commissioner.⁵

The complainant sought partial reconsideration,⁶ arguing that the respondent should instead be disbarred in view of the very grave acts that he had committed.

In the extended resolution dated September 5, 2014,⁷ the IBP Board of Governors granted the complainant's motion for reconsideration, and recommended the disbarment of the respondent, thusly:

WHEREFORE, premises considered, the Board resolves to partially **GRANT** complainant's Motion for Reconsideration taking into consideration the grossly immoral conduct of respondent in maintaining an illicit affair with another woman and fathering two children by her; by completely abandoning his family and for converting himself to Islam with the intention to marry his paramour. Thus, the Board resolves to **AFFIRM with modification** Resolution NO. XX-2013-715 dated 21 June 2013 and accordingly increase the penalty of suspension for two years of Atty. Bernie Panagsagan to **DISBARMENT**.

SO ORDERED.⁸

OBC Report and Recommendation

On October 5, 2016, the Court referred the case to the Office of the Bar Confidant (OBC) for evaluation, report and recommendation.⁹

In compliance, the OBC submitted its Report and Recommendation,¹⁰ wherein it concluded that the respondent's illicit affair with his mistress, the violence committed against the complainant, and his refusal to support his child with the complainant, constituted immoral conduct that warranted his disbarment.¹¹

Issue

Should the respondent be disbarred from the practice of law due to his immoral acts and abandonment of family?

⁵ Id. at 432-433.

⁶ Id. at 413-416.

⁷ Id. at 428-431.

⁸ Id. at 431.

⁹ Id. at 450.

¹⁰ Id. at 452-455.

¹¹ Id. at 454.

Ruling of the Court

We concur with the OBC's findings and recommendation that the complainant had presented evidence sufficient to substantiate her allegation that the respondent's acts constituted gross immorality.

The *Code of Professional Responsibility* mandates all lawyers to possess good moral character at the time of their application for admission to the Bar, and requires them to maintain such character until their retirement from the practice of law.¹² Rule 1.01 and Rule 7.03 of the *Code* further state:

Rule 1.01 – A lawyer shall not engage in unlawful, dishonest, immoral or deceitful conduct.

XXXX

XXXX

XXXX

Rule 7.03 – A lawyer shall not engage in conduct that adversely reflects on his fitness to practice law, nor should he, whether in public or private life, behave in a scandalous manner to the discredit of the legal profession.

For a lawyer to be imposed the extreme penalty of disbarment for immorality, the conduct complained of must not only be immoral, but must be *grossly* immoral. Grossly immoral conduct is one that is so corrupt as to constitute a criminal act, or so unprincipled as to be reprehensible to a high degree or committed under such scandalous or revolting circumstances as to shock the common sense of decency.¹³ A married attorney's abandonment of his spouse in order to live and cohabit with another unquestionably constitutes gross immorality because it amounts to criminal concubinage or adultery.¹⁴

The respondent merely denied his immoral affair with the mistress, albeit admitting having sired her two children. The denial was found to be insincere, for the OBC astutely pointed out that:

Complainant have presented documentary evidence consisting of the birth certificates of Vernie Mikhaela and Stephanie Beatriz, both surnamed Panagsagan and the signed admission of paternity of respondent to prove the fact that respondent sired two illegitimate children out of his illicit affair with Corazon Igtos. Such acknowledgment coming from respondent negates his own claim that he did not have any extra-marital relationship with Igtos. Complainant further gathered numerous

¹² *Advincula v. Advincula*, A.C. No. 9226, June 14, 2016, 793 SCRA 236, 247.

¹³ *Narag v. Narag*, A.C. No. 3405, June 29, 1998, 291 SCRA 451, 464.

¹⁴ *Ceniza v. Ceniza, Jr.*, A.C. No. 8335, April 10, 2019.

photographs from an online social networking site of respondent with his paramour which depicts their romantic relationship. Clearly, respondent have no shame to flaunt his adulterous conduct with his paramour, not minding the exacting moral standards set for the members of the legal profession.

Indeed, the respondent's admission of siring two children by the mistress, and his abandonment of his wife and family to cohabit with the mistress sufficiently established that he had transgressed the high standards of morality required of him as a lawyer. His transgression was made worse because he flaunted his illicit relationship with his mistress in social media, thereby manifesting his insensitivity towards the harsh effects of his immorality on his wife and their child. In *Advincula v. Advincula*,¹⁵ we pointed out that a member of the Bar not only refrains from adulterous relationships or from keeping a mistress but must also conduct himself as to avoid scandalizing the public by creating the belief that he was flouting the moral standards. This is necessary considering that the practice of law must remain an honorable profession in the eyes of the public in order to attain its basic ideals.¹⁶ In this respect, the respondent did not live up to the stringent standards required of him by the law profession.

The respondent would justify his actuations by claiming that he had already converted to the Islamic faith. We remain unconvinced of the sincerity of his defense, however, and must still hold him accountable.

Firstly, the certificate submitted by the respondent showed that he had converted to Islam in 2003. Yet, the certificate itself indicated that it was registered only on June 16, 2010, which was just two weeks before he submitted his answer to the complaint. Secondly, around that time, the respondent had already sired two children by the mistress. Thirdly, in the birth certificates of the children with the mistress, he stated that his religion was "Catholic." And, lastly, both birth certificates indicated that the respondent and the mother were "Not Married."¹⁷ These circumstances demonstrated how his defense were really unworthy.

Indeed, the IBP-Board of Governors fittingly indicated that after taking all the circumstances together, the conversion of the respondent to Islam was a feeble attempt to shield himself from the complaint, and to conceal his immoral conduct, to wit:

From the foregoing, it is crystal clear that respondent attempts to hide his infidelity and gross immoral conduct behind a flimsy claim of having converted to Islam. Assuming for the sake of argument that he indeed converted to Islam, he could have only done so after the birth of his

¹⁵ Supra note 12.

¹⁶ Id. at 247-248.

¹⁷ *Rollo*, p. 454.

second child with Igtos which indicates that he did so as a way to legitimize his illicit affair with Corazon Igtos. Either way, his act is reprehensible and cannot be tolerated in a lawyer.¹⁸

The Court has consistently expressed its intolerance towards lawyers who openly engaged in illicit affairs during the subsistence of their marriages. In *Ceniza v. Ceniza*,¹⁹ and in *Bustamante-Alejandro v. Alejandro*,²⁰ we imposed the extreme penalty of disbarment on the respondent attorneys for having abandoned their respective spouses and having maintained illicit affairs with other partners. In *Guevarra v. Eala*,²¹ we disbarred the respondent attorney for engaging in an extra-marital affair with a married woman. In *Perez v. Catindig*,²² we declared that the respondent's subsequent marriage during the subsistence of his previous one warranted his disbarment because he thereby displayed his deliberate disregard of the sanctity of marriage and the marital vows protected by the 1987 Constitution.

Every lawyer is expected to be honorable and reliable *at all times*. This must be so, because any lawyer who cannot abide by the laws in his private life cannot be expected to do so in his professional dealings.²³ By his scandalous and highly immoral conduct, therefore, the respondent committed grossly immoral conduct, and violated the fundamental canons of ethics expected to be obeyed by the members of the legal profession. Accordingly, we find the need to impose the extreme penalty of disbarment.

WHEREFORE, the Court **FINDS** and **DECLARES** respondent **ATTY. BERNIE Y. PANAGSAGAN** guilty of gross immorality committed in violation of Rule 1.01 and Rule 7.03 of the *Code of Professional Responsibility*; **DISBARS** him from the practice of law effective upon receipt of this decision; and **ORDERS** his name stricken off the Roll of Attorneys.

Let copies of this decision be furnished to the Office of the Bar Confidant for immediate implementation; the Office of the Court Administrator for dissemination to all courts of the country; and to the Integrated Bar of the Philippines for its information and guidance.

SO ORDERED.

¹⁸ Id. at 430.

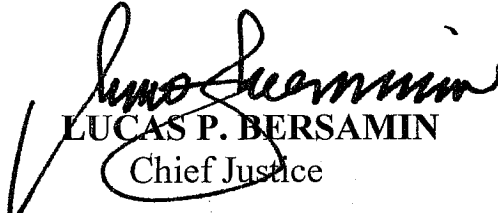
¹⁹ Supra note 14.

²⁰ *Bustamante-Alejandro v. Alejandro*, A.C. No. 4256, February 13, 2004, 422 SCRA 527.


²¹ A.C. No. 7136, August 1, 2007, 529 SCRA 1.

²² A.C. No. 5816, March 10, 2015, 752 SCRA 185.


²³ *Ceniza v. Ceniza, Jr.*, supra note 14.



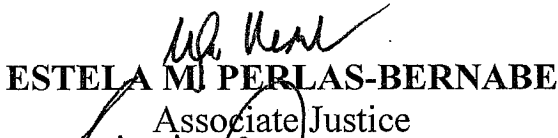
LUCAS P. BERSAMIN
Chief Justice



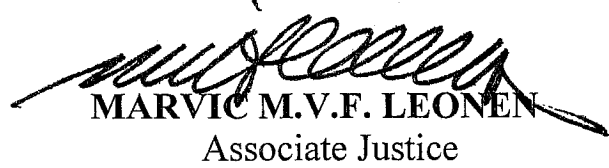
ANTONIO T. CARPIO
Senior Associate Justice



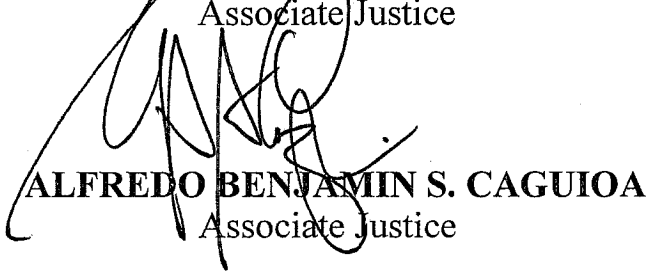
DIOSDADO M. PERALTA
Associate Justice



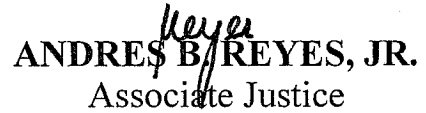
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Associate Justice



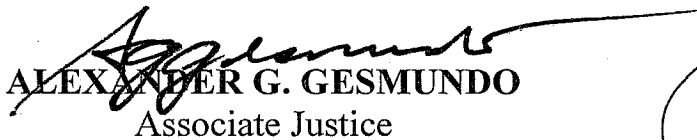
MARVIC M.V.F. LEONEN
Associate Justice



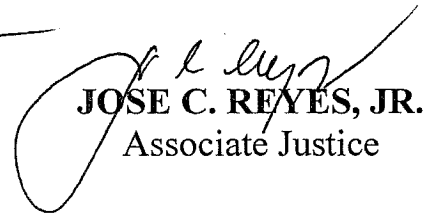
ALFREDO BENJAMIN S. CAGUIOA
Associate Justice



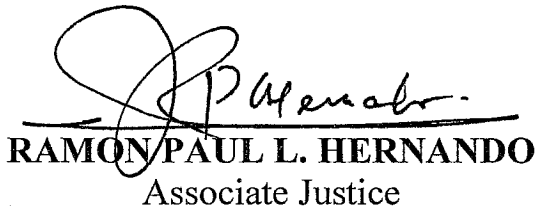
ANDRES B. REYES, JR.
Associate Justice



ALEXANDER G. GESMUNDO
Associate Justice



JOSE C. REYES, JR.
Associate Justice



RAMON PAUL L. HERNANDO
Associate Justice

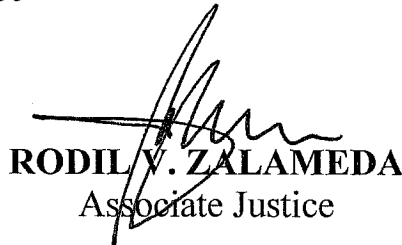
(On Official Leave)
ROSMARI D. CARANDANG
Associate Justice



AMY C. LAZARO-JAVIER
Associate Justice



HENRI JEAN PAUL B. INTING
Associate Justice



RODIL V. ZALAMEDA
Associate Justice

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Clerk of Court En Banc
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