



REPUBLIC OF THE PHILIPPINES
 SUPREME COURT
 Manila

SUPREME COURT OF THE PHILIPPINES
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SECOND DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated **16 October 2019** which reads as follows:*

"A.C. No. 12060 (Atty. Grace L. Maduramente v. Atty. Ladimir Ian G. Maduramente)

x-----x
 Complainant Atty. Mercy Grace Adoracion L. Maduramente charges her husband Atty. Ladimir Ian G. Maduramente with violation of Rule 1.01¹ Canon 1 and Canon 7 Rule 7.03² of the Code of Professional Responsibility (CPR) for immoral conduct.³

Complainant's Version

Complainant essentially alleges:

She and respondent got married on April 24, 1999. They have three (3) children together, namely: Nicoli Frederick Alexander (born on May 12, 2000), Nye Ferdinand Augustus (born on July 12, 2002), and Nathaniel Frank Alfredo (born on October 26, 2005).⁴

In 2006, she discovered that respondent was having an illicit affair with his office secretary, Apple Macaspac. One day, respondent left his cellphone in the bathroom which contained a flirtatious exchange of messages between him and his secretary. When she confronted him about the text messages, he admitted to having an illicit relationship with Macaspac.⁵

In 2007, respondent decided to leave for General Santos City supposedly to practice his law profession there, and take care of his parents who were already sickly and old. He left her with the management of his law firm in Manila and physical custody of their children. Since then, respondent has neglected both his firm and his family – the firm was eventually closed down, while she and their children never received any support from him.

On July 1, 2011, respondent went to Claret School of Quezon City to have breakfast with their children. He brought their children out of the school premises against its policy and, worse, never returned with them. Apparently,

¹ Rule 1.01 - A lawyer shall not engage in unlawful, dishonest, immoral or deceitful conduct.

² 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.

³ *Rollo*, (Vol. II), pp 611-639.

⁴ *Id.* at 779.

⁵ *Id.* at 474.

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he took them to his hometown of Lagao, General Santos City in the middle of the school year and despite her custody over their then minor children.⁶

She later learned that their children were living with respondent in an environment not conducive to their personal growth and development. Aside from living in a cramped room, the children did not have a model father figure; respondent was addicted to online games and spent more time playing them than spending quality time with his children; he supported his girlfriend's education instead of focusing on his family; and he introduced different girlfriends named Maiko and Chinita to his children.

To substantiate respondent's relationship with Chinita, she offered in evidence photos of messages on the respondent's cellphone, viz:

January 17, 2013

Ian: sa bus na

Chinita: ingna lang ang front desk love n naka-check in ka na... sa imo naka-check-in ang room... ian maduramente...

Chinita: diin ka na love? Nagkaon ka na?

Ian: nakatulog k hotel ko love

Chinita: ok k lang dra love?

Ian: gutom

Chinita: may room service man cguro cla love

Chinita: malakat lang pud ang Victoria

Ian: wala oa gana magkakat mamaya lang

Chinita: xenxa na lova ha... di gid pwed nga di magwork today

January 18, 2013

Chinita: gaano ka na po? love love you much...:-(am sad kac wala na gud ta quality time

Ian: ay sorry love kung wala ka nasadyahan :-):-(

Chinita: happy man po na nagkita ta... pero kulang oa kac love... :-(miss kita

Ian: aw ah

Chinita: nagbalak gud ko magleave gaina love ba... gus2 ko oa gid magkigid2 kauban ka :-(

Chinita: love, diin ka na?⁷

On April 19, 2013, respondent brought their children back to her custody and she immediately noticed that they were malnourished and infected with lice. She asked respondent for financial support to attend to the medical needs of their children which he did not provide.⁸

On May 20, 2013, respondent filed with the Regional Trial Court, Quezon City a petition for nullity of marriage. During its trial, she offered Nicoli's letter addressed to the trial court judge to prove respondent's affair with Maiko, thus:

⁶ *Id.* at 474.

⁷ *Id.* at 767.

⁸ *Id.* at 475.

May 16, 2014

Dear Judge,

Last January 2014 nakabalik na po ako sa manila. Napansin ko si dad tinatanong nya sa akin kung pwede daw sya mag girlfriend. Syempre sinasagot ko hindi. Nagulat po nalang ako na pinakilala sa akin ni Dad si Maiko. Syempre galit ako pero nag gawa ako ng way para hindi magalit saka maging close kami. Mga 2nd week po ng January, yung pagsimula ng relationship kay Maiko. Hindi na sya umuuwi, paminsan na lang. Tapos ng February hindi na sya bumabalik.

X X X X

Nicoli Fredrick Alexander L. Maduramente⁹

Having maintained multiple relationships with different women outside their marriage, respondent is guilty of immoral conduct, in violation of Rules 1.01 and 7.03 of the CPR and should suffer the penalty of disbarment.

Respondent's Defense

Respondent ripostes:

Complainant's bare accusations were not supported by any proof that Apple Macaspac, with whom he allegedly had an illicit affair, actually existed. Complainant did not even mention what the messages she read from his phone contained; all she said was they were supposedly flirtatious.¹⁰

As for his alleged girlfriend named Chinita, complainant presented mere printouts of pictures of a cellphone showing an exchange of messages purportedly between them. These pictures lack probative value because they could have been easily fabricated. Assuming they were real, the conversation was merely flirtatious and did not constitute immorality.¹¹

His alleged illicit affair with a woman named Maiko was also not established. Nicoli's handwritten letter was not verified, hence inadmissible. At any rate, its contents did not establish any illicit relationship.¹²

In essence, complainant failed to prove that he had extra-marital affairs. The information on the purported illicit affairs were inadmissible for being obtained through intrusion into his right to privacy. Complainant's allegations took place in 2006, while she filed the complaint only in 2014.¹³

On the issue of support, he provided for his family to the extent of what his limited means allowed. He gave their children a home to live in, food to

⁹ *Id.* at 738.

¹⁰ *Id.* at 475.

¹¹ *Id.*

¹² *Id.* at 476.

¹³ *Id.*

eat, sent them to a school in General Santos City, and gave them money whenever he could.

The Report and Recommendation of the Integrated Bar of the Philippines Commission on Bar Discipline (IBP-CBD)

By Report and Recommendation dated August 25, 2015,¹⁴ the IBP-CBD found no sufficient evidence to discipline respondent and, thus, recommended the dismissal of the case, *viz*:

Complainant claimed that Respondent had an illicit affair with a certain Apple Macaspac in 2006 but she did not present proof either of her personal knowledge or by a credible witness that there was a clear proof of illicit affair by Respondent.

Likewise, Complainant alleges that another woman named Chinita had an affair with Respondent through a printout of pictures taken of a cellphone with an exchange of text messages between Respondent and Chinita. The same is not an evidence or proof of any illicit relationship between Chinita and Respondent. Complainant was not able to discharge the burden of proving the authenticity of the printout of pictures in the cellphone as well as messages pertaining to the illicit affairs, thus, they are deemed inadmissible. The allege (sic) messages if ever were mere flirting and is not a gross immorality warranting sanction on Respondent.

Complainant failed to prove through substantial and clearly preponderant evidence that Respondent committed gross and wanton transgression of the Code of Professional Responsibility and the Lawyer's Oath. In the absence of convincing and clearly preponderant evidence, the disbarment case against Respondent should be dismissed (*Arboleda v. Gatchalian*, 58 SCRA 64 (1974)).

The Resolution of the IBP Board of Governors

By Resolution dated February 25, 2016 in CBD Case No. 14-4313, the IBP Board of Governors adopted the Recommendation, *viz*:

RESOVED to ADOPT the findings of facts and recommendation of DISMISSAL by the Investigating Commissioner due to dearth of evidence to support the complaint.¹⁵

On April 20, 2017, the Board of Governors denied complainant's motion for reconsideration.¹⁶ Complainant, therefore, filed a petition for review with this Court.¹⁷

¹⁴ IBP Report and Recommendation dated August 25, 2015, by Investigating Commissioner Honesto A. Villamor; *Rollo*, (Vol. II), pp. 472-477.

¹⁵ By National Secretary Nasser A. Marohomsalic.

¹⁶ *Rollo*, (Vol. II), p. 667.

¹⁷ *Id.* at 611-648.

Present Petition

Complainant now assails the Resolution dated April 20, 2017 of the IBP Board of Governors for recommending the dismissal of the case despite the sufficiency of the evidence she presented to prove respondent's immoral conduct.¹⁸

Threshold Issue

Is respondent guilty of violating Rules 1.01 and 7.03 of the CPR?

Ruling

In administrative complaints against lawyers, the determination of final action lies with the Court exercising exclusive administrative jurisdiction. It is the Supreme Court, not the IBP, which has the constitutionally mandated duty to discipline lawyers.¹⁹ The IBP's factual findings, legal conclusions, and proposed penalty are only recommendatory.²⁰ It is the Court, and no other, which ultimately resolves the case on the merits.

Here, the Court disagrees with the findings of the IBP-CBD and IBP Board of Governors.

Rule 1.01 and Rule 7.03 of the CPR provide:

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

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.

Rule 1.01 of the CPR punishes immoral conduct of lawyers. For an attorney is expected not only to be professionally competent, but to also have moral integrity.²¹ In *Ventura v. Samson*,²² the Court explained:

Immoral conduct involves acts that are willful, flagrant, or shameless, and that show a moral indifference to the opinion of the upright and respectable members of the community. It is gross when it is so corrupt as to constitute a criminal act, or so unprincipled as to be reprehensible to a high degree, or when committed under such scandalous or revolting circumstances as to shock the community's sense of decency.

Meanwhile, the Court discussed Rule 7.03 in *Tumbaga v. Atty. Teoxon*,²³ expounding that every lawyer is expected to lead their lives in

¹⁸ *Id.* at 624.

¹⁹ See *Bernardino v. Santos*, 754 Phil. 52, 70(2015).

²⁰ *Id.* at 71.

²¹ See *Tumbaga v. Atty. Teoxon*, A.C. No. 5573, November 21, 2017, 845 SCRA 415, 427-428.

²² 699 Phil. 404, 415 (2012).

²³ *Supra* note 21.

accordance with the highest moral standards of the community. He or she is required not only to refrain from adulterous relationships or keeping mistresses but also to conduct himself as to avoid scandalizing the public.

Indeed, the Court is consistent in ruling that illicit relations are considered disgraceful and immoral conduct, subject to disciplinary action. In *Gubaton v. Atty. Amador*, the Court explained, thus:

[E]xtramarital affairs of lawyers are regarded as offensive to the sanctity of marriage, the family, and the community. When lawyers are engaged in wrongful relationships that blemish their ethics and morality, the usual recourse is for the erring attorney's suspension from the practice of law, if not disbarment. This is because possession of good moral character is both a condition precedent and a continuing requirement to warrant admission to the Bar and to retain membership in the legal profession.

x x x x

The penalty for maintaining an illicit relationship may either be suspension or disbarment, depending on the circumstances of the case. In case of suspension, the period would range from one year to indefinite suspension.²⁴

The quantum of proof in administrative cases, including the one at bar, is substantial evidence. It is that amount of relevant evidence as a reasonable mind might accept as adequate to support a conclusion, even if other minds, equally reasonable, might conceivably opine otherwise.²⁵

Here, the Court finds the totality of evidence -- complainant's Judicial Affidavit dated March 2, 2016²⁶, the exchange of text messages, and the letters from complainant and respondent's children -- sufficient and substantial to establish respondent's culpability.

In her Judicial Affidavit dated March 2, 2016, complainant exposed respondent's immoral conduct: his infidelity to their marriage with his own office secretary. Subsequently, respondent abandoned his family for General Santos City and failed to provide them support. He later returned to Manila supposedly to have breakfast with their children. But when he went to Claret School of Quezon City, he took the kids out of the school and flew them to his hometown. Throughout the years their children stayed with respondent, the latter would introduce different girlfriends to them, including Chinita and Maiko.

The text messages corroborated complainant's claim and established respondent's relationship with Chinita. Nicoli's letter also conformed with the

²⁴ A.C. No. 8962, July 9, 2018; citing *Torres v. Dalangin*, A.C. No. 10758, December 5, 2017, 847 SCRA 472, 495-496, *Valdez v. Dahan, Jr.*, 773 Phil. 109, 121 (2015), *Ferancullo v. Ferrancullo, Jr.*, 538 Phil. 501, 517 (2006), and *Re: Initial Reports on the Grenade Incident*, 419 Phil. 267 (2001).

²⁵ See *Torres v. Dalangin*, A.C. No. 10758, December 5, 2017, 847 SCRA 472, 495-496, citing *Reyes v. Nieva*, 794 Phil. 360, 379 (2016); See also *Advincula v. Macabata*, 546 Phil 431, 445-446 (2007).

²⁶ *Rollo*, (Vol. II), pp. 778-804.

allegation of infidelity because he knew firsthand that respondent had girlfriends despite the subsistence of his marriage to complainant.

Respondent, nevertheless, counters that the evidence offered by complainant were inadmissible for having been obtained in violation of his right to privacy. This “defense”, however, is a negative pregnant. It is a denial coupled with the admission of substantial facts in the pleading responded to which are not squarely denied.²⁷

In *Valdez v. Atty. Dabon*,²⁸ the Court considered therein respondent’s lack of categorical denial a negative pregnant and an implied admission of his extramarital affair. He was, thus, found guilty of violating Rules 1.01 and 7.03.

Here, respondent himself did not categorically deny having maintained a relationship with a woman other than his wife during the subsistence of their marriage. He merely assailed the admissibility of evidence offered by complainant, effectively skirting the denial of the alleged affairs.

At any rate, it is settled that technical rules of procedure and evidence are not strictly applied in administrative proceedings, such as disciplinary actions against lawyers.²⁹ Too, the constitutional right to privacy can only be invoked, as a general rule, against State intrusions, which is not the case here.³⁰

As for Nicoli’s letter, youth and immaturity are badges of truth and sincerity and the Court has consistently given full weight and credence to children’s testimonies.³¹ Although the letter was not verified under oath, its contents may be considered in this administrative proceeding where technical rules do not strictly apply.

Penalty

The penalty for violation of Rule 1.01 and 7.03 of the CPR, specifically for maintaining extramarital affairs, ranges from one (1)-year suspension, indefinite suspension, to the ultimate penalty of disbarment, depending on the circumstances of the case.³²

In *Gubaton v. Atty. Amador*,³³ respondent was found guilty of violating Rules 1.01 and 7.03 of the CPR because his exchange of love letters with complainant’s wife proved that he had an affair. Respondent therein was

²⁷ *Valdez v. Atty. Dabon, Jr.*, 773 Phil. 109, 121 (2015).

²⁸ *Id.*

²⁹ *Supra* note 21.

³⁰ *Saluday v. People*, G.R. No. 215305, April 3, 2018.

³¹ *People v. Entrampas*, G.R. No. 212161, March 29, 2017, citing *Pielago v. People*, 706 Phil. 460, 468-469 [Per J. Reyes, First Division]; *Campos v. People*, 569 Phil. 658, 671 (2008) [Per J. Ynares-Santiago, Third Division]; *People v. Galigao*, 443 Phil. 246, 260 (2003) [Per J. Ynares-Santiago, En Banc]; *Ricalde v. People*, 751 Phil. 793, 805 (2015); and *People v. Dimanawa*, 628 Phil. 678, 689 (2010) [Per J. Nachura, Third Division].

³² *Supra* note 21 and 27.

³³ A.C. No. 8962, July 9, 2018.

suspended for one (1) year.

Likewise, in *Castillo-Macapuso v. Castillejos, Jr.*³⁴ and *Paras v. Atty. Paras*,³⁵ the Court suspended respondents for one (1) year because of their immoral conduct in maintaining extramarital affairs.

So must it be.

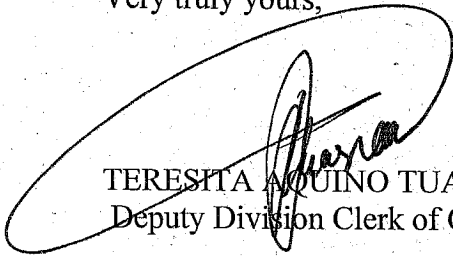
WHEREFORE, Atty. Ladimir Ian G. Maduramente is found **GUILTY** of violating Canon 1, Rules 1.01 and 7.03 of the Code of Professional Responsibility. He is **SUSPENDED** from the practice of law for one (1) year with stern warning that a repetition of a similar offense be dealt with more severely.

Let a copy of this Resolution be attached to the respondent's personal record in the Office of the Bar Confidant.

Furnish a copy of this Resolution to the Integrated Bar of the Philippines for its information and guidance; and the Office of the Court Administrator for dissemination to all courts of the Philippines.

SO ORDERED. "

Very truly yours,



TERESITA AQUINO TUAZON
Deputy Division Clerk of Court

³⁴ A.M. Nos. P-19-3985 & P-19-3986, July 10, 2019.

³⁵ 397 Phil. 462, 476 (2000).

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