

Republic of the Philippines Supreme Court

Manila

EN BANC

ATTY. MERRIAM FE G. ROJAS,

- versus -

A.C. No. 13496

Complainant,

[Formerly CBD Case No. 18-

5681]

Present:

GESMUNDO, C.J.,

LEONEN,

CAGUIOA,

HERNANDO,

LAZARO-JAVIER,

INTING,

ZALAMEDA,

LOPEZ, M.,*

GAERLAN,

ROSARIO,

LOPEZ, J.,

DIMAAMPAO,

MARQUEZ,

KHO, JR., and

SINGH, JJ.

ATTY.

LOVEJOY

B.

QUIAMBAO,

Promulgated:

Respondent.

June 4, 2024

DECISION

PER CURIAM:

^{*} On Official Leave

Before the Court is a verified Complaint-Affidavit¹ (Complaint) for disbarment filed by Atty. Merriam Fe G. Rojas (complainant) against respondent Atty. Lovejoy B. Quiambao (respondent).

The Antecedents

On September 15, 2017, the Integrated Bar of the Philippines (IBP) - Commission on Bar Discipline (IBP-CBD) received the verified Complaint executed by complainant.²

Complainant averred the following:

Complainant and respondent (collectively, the Spouses) are members of the Protestant faith. On March 20, 2005, they took each other as husband and wife before a reverend of the Baptist Church in Cebu City.³ During their marriage, the Spouses shared a law firm, which was annexed to their conjugal house. Although the Spouses did not have any children, complainant supposedly performed the role of a supportive wife by managing their law firm, doing research work for their clients, and reviewing pleadings. Furthermore, she augmented the family income through a small store business that she established, wherein she sold several beauty and cosmetic products and also provided photocopying services.⁴

On October 26, 2016, complainant learned from their house helper, AAA,⁵ an 18-year-old working student, that respondent had sexually abused AAA. According to AAA, while she was working for the Spouses beginning August 2016, respondent cupped her breasts, showed her pornographic photos and videos, offered to teach her sexual intercourse, masturbated in her presence, and offered her PHP 1,000.00 if she touched his penis.⁶

⁶ *Id.* at 13–17.

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¹ Rollo, pp. 3–12.

Id. at 1–2.

³ Id. at 57.

See Petition for Legal Separation: id. at 47-56.

In line with Supreme Court Amended Administrative Circular No. 83-2015 dated September 5, 2017, titled "Protocols and Procedures in the Promulgation, Publication, and Posting on the Websites of Decisions, Final Resolutions, and Final Orders Using Fictitious Names/Personal Circumstances," the names of the offended parties, along with all other personal circumstances that may tend to establish their identities, are made confidential to protect their privacy and dignity.

Complainant purportedly confronted respondent about AAA's revelations. During their discussion, respondent admitted that he was hooked on pornography and could not stop himself from using it. The Spouses then agreed that respondent needed psychological intervention; thus, respondent started seeing a psychiatrist in Cagayan de Oro for help.⁷

Still, complainant continued investigating her husband by meeting with and interviewing the Spouses' former employees. Complainant was then horrified to discover that aside from AAA, respondent also sexually abused at least 13 other former employees, who worked for the Spouses as house helpers, secretaries, and/or storekeepers. Of these 13 women, two were allegedly minors, aged 16 and 17 years old. Complainant further averred that respondent had sexual relations with a certain BBB, their former law secretary, a daughter of a pastor.⁸

Aside from AAA, several of the women, who were allegedly sexually abused by respondent, executed their Judicial Affidavits which were attached to the verified Complaint.

One of the alleged women-victims, CCC, stated in her Judicial Affidavit⁹ that she was employed by the Spouses as a house helper sometime in July 2015 until May 2016 and worked for them in such capacity for nine months. Supposedly, during her employment, respondent insisted that she drink tequila with him. CCC was allegedly constrained to oblige respondent. She then felt dizzy after a few tequila shots. When CCC regained consciousness, she felt respondent's penis inside her vagina. After the incident, respondent repeatedly raped her and even forced her to give him oral sex. According to CCC, she felt trapped in the situation because the Spouses were known lawyers in their community, and she thought that nobody would believe her if she reported respondent. Further, CCC's family was indebted to the Spouses in the amount of PHP 9,000.00; being poor, CCC felt that she had to continue working for the Spouses so that her family could repay their debt and she could continue her schooling.

DDD the law secretary of respondent, asserted a similar experience in her Judicial Affidavit. 10 She averred that she has been the law secretary of the Spouses since August 2009 and that during her employment, respondent repeatedly showed her photographs of his penis. Respondent

⁷ *Id.* at 4.

⁸ *Id.* at 5–6.

⁹ *Id.* at 30–34.

¹⁰ Id. at 38-42.

even asked DDD if she thought that his penis was large. On multiple occasions, she also saw respondent watching pornographic videos in the law office; in some instances, respondent even asked DDD to watch the materials with him.

In addition to CCC, AAA, DDD, and other former employees of the Spouses also executed their Judicial Affidavits in support of the present Complaint: (1) EEE, 11 who served as house helper of the Spouses in 2009, averred that while she was employed by the Spouses, respondent grabbed her breasts, showed her pornographic videos, and sent to her phone several photos of respondent's penis; (2) FFF, 12 former store keeper of the Spouses, who mentioned that during her employment from 2012 to 2014, respondent exhibited his penis to her, pushed and stroked his penis against her butt, and even appeared before her completely naked; and (3) GGG,¹³ former photocopy machine operator for the Spouses from 2014 to 2015, who stated that during her employment, respondent slapped her butt and repeatedly invited her out for drinks. Notably, both EEE and FFF mentioned in their respective Judicial Affidavits that they felt constrained to soldier through respondent's behavior because they were working students and they both needed their salary from the Spouses to continue their schooling.

Complainant's discoveries about her husband's infractions prompted complainant to file before the Regional Trial Court of Butuan City (RTC Butuan) a petition for the issuance of protection orders. ¹⁴ The RTC Butuan granted her petition and issued the Permanent Protection Order ¹⁵ (PPO) dated February 28, 2017, in her favor. Notably, among the directives of the RTC Butuan was for respondent to "seek and receive professional counseling from agencies or persons who have demonstrated expertise and experience in treating sex offenders. . ." ¹⁶

In addition to the PPO, complainant also filed a petition¹⁷ for Legal Separation before the RTC of Cabadbaran City, Agusan del Norte (RTC Cabadbaran). Eventually, the RTC Cabadbaran rendered its Judgment on Compromise Agreement¹⁸ on March 20, 2018, wherein it approved the settlement agreement reached by the Spouses during mediation. In their agreement, complainant and respondent dissolved and allocated their properties belonging to their absolute community.

¹¹ Id. at 18–22.

¹² *Id.* at 23–26.

¹³ *Id.* at 27–29.

¹⁴ *Id*. at 9.

¹⁵ *Id.* at 45–46.

¹⁶ *Id.* at 46.

¹⁷ Id. at 47-56.

¹⁸ Id. at 178-181. Penned by Presiding Judge Fernando R. Fudalan, Jr.

In its Order¹⁹ dated May 28, 2018, the IBP-CBD directed respondent to file his verified answer to the Complaint.

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In his verified Answer,²⁰ respondent *admitted* several of complainant's allegations against him. Particularly, respondent admitted that (a) he showed AAA and DDD several pornographic photographs and videos;²¹ (b) while being married to complainant, he had sexual relations with BBB, his former law secretary, on at least two occasions; and (c) despite his marriage to complainant, he had consensual sexual relations with CCC twice, but he denied forcing himself on her.²²

With respect to his sexual relations with BBB, respondent insisted that it was BBB who seduced him by first engaging in "dirty dancing" with him. Their dancing eventually led to kissing and petting, prompting respondent to hurriedly buy a condom from a nearby gas station before engaging in sexual intercourse with BBB.²³

As to his sexual relations with CCC, respondent similarly averred that CCC told him that she was willing to have sexual relations with him. On one occasion, the two of them drank tequila together, leading to petting and kissing. Respondent again had to run to the nearest gas station to buy a condom before engaging in sexual intercourse with CCC.²⁴

Respondent likewise admitted in his Answer that he and complainant had a confrontation about his sexual relations with other women which eventually led to the issuance of a PPO by the RTC Butuan. In his email correspondence with complainant, respondent sought forgiveness from complainant for his infidelity and indiscretions, promising complainant that he will continue seeking spiritual advice and counseling for his condition:

First of all, let me ask you again for forgiveness for my infidelity and my indiscretions. I offer no excuse for what I had done and I am fully aware how they have caused so much pain, distress, anguish and shame to you, out families and people who are deeply concerned with us, especially our church. I am not taking lightly these things, which will probably haunt me for the rest of my life. I know that there is someone

¹⁹ *Id.* at 98.

²⁰ *Id.* at 107–132.

²¹ *Id.* at 111.

²² *Id.* at 111–112.

²³ *Id.* at 114–115.

²⁴ *Id.* at 115–116.

out there who knows what lurks in my heart and who knows how to restore me. Please know that all these times that I am away, I have not been in any situation that placed me in a deeper trouble than that which I am already in.

As to the averments of FFF, EEE, and GGG, respondent denied their allegations against him. He mentioned that he may have discussed "green" things with FFF and GGG, but only because they were being natural and spontaneous with their conversation. As to EEE, he averred that she was the one who would invite him out for drinks and that she voluntarily watched pornographic materials without his prompting.²⁶

Complainant responded to the verified Answer by filing her Reply-Affidavit,²⁷ wherein she highlighted respondent's admissions on his extramarital sexual relations with other women and insisted that respondent must be held administratively liable for his conduct. Complainant added that during their marriage, respondent engaged in sexual relations with a certain HHH, a postal office clerk, with whom respondent had two illegitimate children. In support of her allegations, complainant attached several photos²⁸ showing respondent and HHH appearing in public functions together with their child. Supposedly, the photos were taken in April 2017, just a few months after the PPO was issued in complainant's favor.

The IBP-CBD, through Investigating Commissioner Atty. Carmelita E. Reyes-Eleazar (Investigating Commissioner), scheduled the case for mandatory conference on November 14, 2019, and directed the parties to submit their respective preliminary conference briefs.²⁹ However, only respondent filed his Preliminary Conference Brief⁸⁰ and attended the mandatory conference

²⁵ Id. at 119–120.

²⁶ *Id.* at 125–127.

²⁷ *Id.* at 201–205.

²⁸ *Id.* at 206.

²⁹ Id. at 218–219.

³⁰ Id. at 220-224.

Notably, during the mandatory conference, respondent mentioned that complainant was already a vice-consul stationed in Taiwan which explained her absence during the mandatory conference.³¹ He further mentioned that complainant filed a petition for the annulment of their marriage, which was supposedly granted.³² Respondent also repeated his admission that he had sexual relations with other women despite his marriage to complainant:

COMM. ELEAZAR:

So ano ang defense mo dito. Attorney?

ATTY. QUIAMBAO:

Actually, Ma'm (sic), I have admitted some allegations especially the extra marital affairs and two incidents of showing some nude photographs to my workers but the rest of the allegations I denied it.

COMM. ELEAZAR:

Okay.

ATTY. QUIAMBAO:

And basically my Answer just asked for leniency not to be imposed the maximum or ultimate penalty...

COMM. ELEAZAR:

Ultimate penalty of disbarment.

ATTY. QUIAMBAO:

Yes, Ma'm [sic].³³

In addition, respondent mentioned that when he asked his former employees about the reason why they executed their respective Judicial Affidavits in support of the Complaint, the former employees stated that they only felt pity for complainant.³⁴

³¹ *Id.* at 230–231.

³² *Id.* at 229,

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³⁴ *Id.* at 232

The IBP's Report and Recommendation

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In the Report and Recommendation³⁵ dated June 22, 2020, the Investigating Commissioner found respondent guilty of committing Grossly Immoral Conduct and recommended his disbarment in accordance with Section 27,³⁶ Rule 138 of the Rules of Court. Investigating Commissioner Atty. Carmelita R. Eleazar noted respondent's own admissions, particularly, that he engaged in sexual infidelity, had extra-marital relations despite his marriage to complainant, and showed lewd or pornographic materials to his workers on several occasions.³⁷

In the Resolution No. CBD-2021-04-03³⁸ dated April 10, 2021, the IBP Board of Governors adopted and approved the findings and recommendation of the Investigating Commissioner to impose upon respondent the penalty of disbarment from the practice of law after finding the same to be supported by the evidence on record, and the applicable laws and rules.³⁹

Respondent filed his Motion for Reconsideration,⁴⁰ insisting that the recommended penalty against him must be reduced. He argued that HHH was not simply a woman whom he impregnated because, after his marriage to complainant was allegedly annulled, he subsequently married HHH on June 5, 2021. In support of his argument, respondent attached his Marriage Certificate⁴¹ to HHH and several photographs of their wedding.⁴² Respondent opined that his relationship to HHH and their two children together have been legitimized.

In her Comment,⁴³ complainant prayed for the denial of respondent's Motion for Reconsideration. She averred that respondent's marriage to HHH on June 5, 2021, was immaterial because he had been

³⁵ *Id.* at 255–259.

³⁶ RULES OF COURT, Rule 138, sec. 27 provides:

SECTION 27. Disbarment or suspension of attorneys by Supreme Court; grounds thereof. — A member of the bar may be disbarred or suspended from his office as attorney by the Supreme Court for any deceit, malpractice, or other gross misconduct in such office, grossly immoral conduct, or by reason of his conviction of a crime involving moral turpitude, or for any violation of the oath which he is required to take before the admission to practice, or for a willful disobedience of any lawful order of a superior court, or for corruptly or willful appearing as an attorney for a party to a case without authority so to do. The practice of soliciting cases at law for the purpose of gain, either personally or through paid agents or brokers, constitutes malpractice.

Id. at 257–259.
 Rollo, p. 253–254.

Id.

⁴⁰ *Id.* at 260–264.

Id. at 267.

⁴² Id. at 275–276.

⁴³ *Id.* at 286–291.

cohabiting with HHH and had two children with her even before his first marriage to complainant was supposedly dissolved. Complainant insisted that respondent's conduct amounted to gross immorality, warranting his disbarment.

In the Resolution No. CBD-XXV-2022-03-22,⁴⁴ the IBP Board of Governors denied the Motion for Reconsideration for lack of merit.

The Issue

The issue before the Court is whether respondent should be held administratively liable for his actions.

The Ruling of the Court

After a careful review, the Court adopts and approves the findings and recommendation of the IBP, with modifications as to the designation of the offense and the penalties to be imposed upon respondent.

Respondent engaged in Grossly Immoral Conduct, in violation of the Code of Professional Responsibility and Accountability.

Preliminarily, the Court clarifies that the Code of Professional Responsibility and Accountability (CPRA), which took effect on May 30, 2023, 45 applies to all pending cases, including the present administrative case pursuant to General Provisions Section 1, 46 thereof.

Canon II of the CPRA imposes the standard of propriety among lawyers and prohibits them from engaging in immoral conduct or behaving in a scandalous manner, both in public and private life, as follows:

⁴⁴ *Id.* at 295.

See Court Resolution dated November 14, 2023, stating that the CPRA took effect on May 30, 2023.

⁴⁶ CODE OF PROF, RESPONSIBILITY & ACCOUNTABILITY, sec. 1 of the General Provisions provides:
Sec. 1. Transitory Provision. — The CPRA shall be applied to all pending and future cases, except to the outest that in the crimina of the Supreme Court, its retractive application would not be

Sec. 1. Transitory Provision.—The CPRA shall be applied to all pending and future cases, except to the extent that in the opinion of the Supreme Court, its retruactive application would not be feasible or would work injustice, in which case the procedure under which the cases were filed shall govern.

CANON II Propriety

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A lawyer shall, at all times, act with propriety and maintain the appearance of propriety in personal and professional dealings, observe honesty, respect and courtesy, and uphold the dignity of the legal profession consistent with the highest standards of ethical behavior.

SECTION 1. *Proper Conduct.* — A lawyer shall not engage in unlawful, dishonest, immoral, or deceitful conduct.

SECTION 2. Dignified Conduct. — A lawyer shall respect the law, the courts, tribunals, and other government agencies, their officials, employees, and processes, and act with courtesy, civility, fairness, and candor towards fellow members of the bar.

A lawyer shall not engage in conduct that adversely reflects on one's fitness to practice law, nor behave in a scandalous manner, whether in public or private life, to the discredit of the legal profession.

In addition, Canon III, Section 2 of the CPRA requires lawyers to uphold the Constitution, obey the laws of the land, and promote respect for the laws:

CANON III Fidelity

Fidelity pertains to a lawyer's duty to uphold the Constitution and the laws of the land, to assist in the administration of justice as an officer of the court, and to advance or defend a client's cause, with full devotion, genuine interest, and zeal in the pursuit of truth and justice.

SECTION 2. The Responsible and Accountable Lawyer. — A lawyer shall uphold the constitution, obey the laws of the land, promote respect for laws and legal processes, safeguard human rights, and at all times advance the honor and integrity of the legal profession.

In relation to the above, Canon VI, Section 33 (f) of the CPRA defines the offense of Grossly Immoral Conduct as "an act that is so corrupt or false as to constitute a criminal act, or so immoral as to be reprehensible to a high degree[.]" To be grossly immoral, the conduct must be "willful, flagrant, or shameless, and which shows a moral

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indifference to the opinion of the good and respectable members of the community."47

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With the foregoing considerations, the Court finds that respondent is guilty of four counts of Grossly Immoral Conduct on the following grounds: (1) respondent flagrantly engaged in extramarital relations with at least three women during the subsistence of his marriage to complainant and demonstrated a cavalier attitude towards his breach of his marital vows; (2) respondent sired two illegitimate children with HHH, entered into a bigamous marriage with her, and publicly flouted their relationship; (3) respondent sexually harassed two of his employees and subordinates, AAA and DDD, as supported by substantial evidence on record.

First Count of Grossly Immoral Conduct: Respondent engaged in extramarital affairs with multiple women and flagrantly disregarded Philippine laws on marriage.

Among the well-recognized immoral conduct warranting disciplinary action against lawyers is the engagement in extramarital affairs because it offends the sanctity of marriage and violates Article XV, Section 2, of the 1987 Constitution⁴⁸ which recognizes marriage as an inviolable social institution.⁴⁹ The Court's stance against extramarital affairs among members of the Bar is grounded on the *continuing* requirement for lawyers to possess good moral character, not only for admission to the Bar, but also to retain membership in the legal profession.⁵⁰ Verily, even if not all forms of extramarital relations are punishable under our penal laws, the sanctity of marriage is still constitutionally recognized and even affirmed by the Family Code as a special contract of permanent union; thus, a breach of marital vows on fidelity is considered especially egregious when committed by a lawyer, whose duty⁵¹ is to apply and observe the law.⁵²

Still, whether a lawyer's engagement in extramarital affairs constitutes Grossly Immoral Conduct depends on the attendant

Castillo-Macapuso v. Atty. Custillejos. Jr., 856 Phil. 230, 240-241 (2019) [Per J. Reyes Jr., Second Division].

⁵⁰ Id

51 See Canon III, sec. 2.

⁵² Castillo-Mucapuso v. Atty. Castillejos, Jr., 856 Phil. 230, 242-243 (2019) [Per J. Reyes Jr., Second Division].



Cristobal v. Atty. Cristobal, 889 Phil. 561, 578 (2020) [Per J. Carandang, En Banc], citing Obusan v. Obusan, Jr., 213 Phil. 437 (1984) [Per J. Aquino, En Banc].

CONST. article XV, sec. 2, provides: SECTION 2. Marriage, as an inviolable social institution, is the foundation of the family and shall be protected by the State.

circumstances and prevailing norms of conduct.⁵³ In such cases, the Court has meted out the extreme penalty of disbarment for Grossly Immoral Conduct because the lawyer: (1) engaged in adulterous extramarital relations with a married woman;⁵⁴ (2) abandoned his legal wife and their children to cohabit with his mistress;⁵⁵ (3) after leaving the conjugal abode, publicly flaunted his paramour,⁵⁶ or sired several children with his mistress;⁵⁷ (4) entered into a subsequent bigamous marriage with his paramour;⁵⁸ (5) unabashedly admitted his extramarital affairs and demonstrated a cavalier attitude about them, even making it appear that his behavior was socially acceptable;⁵⁹ and (6) abandoned his wife and simultaneously had illicit relations with two different women, with whom he had illegitimate children.⁶⁰

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With these in mind, the Court agrees with the IBP that respondent is guilty of Grossly Immoral Conduct for his blatant engagement in extramarital relations despite his marriage to complainant.

Indeed, in his submissions, respondent unabashedly admitted his infidelity and extramarital relations with at least three women, i.e., CCC, BBB, and HHH, despite his subsisting marriage to complainant. Respondent did not even hold back the sordid details of his sexual congress with CCC and BBB, even going so far as to disclose that he first engaged in "dirty dancing" with BBB before they had sexual intercourse, or that on at least two occasions, he had to scurry off to a gas station to purchase condoms pre-coitus with BBB and CCC. He likewise admitted to having sexual relations with HHH, even siring two children with her despite his marriage to complainant.

It is apparent from the narration above that respondent has demonstrated a cavalier attitude towards marriage.⁶¹ Respondent's own submissions to the Court illustrate how he wantonly engaged in extramarital relations with at least three women prior to his legal separation with complainant on March 20, 2018, in utter disregard of his marital vow of fidelity to complainant.

Indeed, while respondent denied that he forced himself on CCC, he admitted that they had consensual sex despite his marriage to

Cristobal v. Atty. Cristobal, 889 Phil. 561, 578 (2020) [Per.]. Carandang, En Banc].

See Guevarra v. Atty. Eala, 555 Phil. 713, 729 (2007) [Per Curiam, En Banc]; Atty. Ecraela v. Pangalangan, 769 Phil. 1, 15 (2015) [Per Curiam, En Banc].

Arnobit v. Atty. Arnobit, 590 Phil. 270, 278 (2008) [Per Curiam, En Banc].

Guevarra-Castil v. Atty. Trinidad, A.C. No. 10294, July 12, 2022 [Per Curiam, En Banc].

Panagsagan v. Atty. Panagsagan, 864 Phil. 19, 27 (2019) [Per Curiam, En Banc].

Dr. Perez v. Atty. Catindig, 755 Phil. 297, 309 (2015) [Per Curiam, En Banc].

Atty. Saludares v. Atty. Saludares, A.C. No. 10612, January 31, 2023 [Per Curiam, En Banc].

Dantes v. Atty. Dantes, 482 Phil. 64, 71-72 (2004). [Per Curiam, En Banc].

See Atty Saludares v. Atty. Saludares, A.C. No. 10612, January 31, 2023 [Per Curiam, En Banc].

complainant. He likewise admitted that he had sexual relations with BBB and HHH during the subsistence of his marriage to complainant. The fact that respondent exerted efforts to purchase condoms from a nearby gas station just so he could have sexual intercourse with CCC and BBB, despite his marriage to complainant, is sufficient proof of his brazen disrespect of the laws on marriage. His flagrant violation of the Philippine policies on marriage, which is recognized as an inviolable social institution that must be protected by the State, constitutes one count of Grossly Immoral Conduct.

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Second Count of Grossly Immoral Conduct: Respondent sired two illegitimate children with HHH, contracted a bigamous marriage with her, and publicly flouted their relationship.

To repeat, the Court has previously determined that a lawyer is guilty of Grossly Immoral Conduct when he publicly flaunts his paramour,⁶² sires several children with her,⁶³ or when he contracts a bigamous marriage with the paramour.⁶⁴ All these circumstances are present in the case at bar.

After the RTC Cabadbaran rendered its Judgment⁶⁵ on March 20, 2018 in the legal separation proceedings between the parties, respondent married HHH on June 5, 2021. Without a prior decree *dissolving* the marriage between respondent and complainant, the marriage between respondent and HHH is *bigamous*. Here, apart from respondent's bare allegations, the dissolution or annulment of his marriage to complainant is *not* supported by the records. At most, only a decree of legal separation supports respondent's allegation; however, under Article 63⁶⁶ of the

⁽⁴⁾ The offending spouse shall be disqualified from inheriting from the innocent spouse by intestate succession. Moreover, provisions in favor of the offending spouse made in the will of the innocent spouse shall be revoked by operation of law.



⁶² Guevarra-Castil v. Atty. Trinidad, A.C. No. 10294, July 12, 2022 [Per Curiam, En Banc].

Panagsagan v. Atty. Panagsagan, 864 Phil. 19, 27 (2019) [Per Curiam, En Banc].
 Dr. Perez v. Atty. Catindig, 755 Phil. 297, 308–309 (2015) [Per Curiam, En Banc].

⁶⁵ Rollo, pp. 178-181. Penned by Presiding Judge Fernando R. Fudalan, Jr.

⁶⁶ Article 63 of the Family Code provides:

ART. 63. The decree of legal separation shall have the following effects:

⁽¹⁾ The spouses shall be entitled to live separately from each other, but the marriage bonds shall not be severed;

⁽²⁾ The absolute community or the conjugal partnership shall be dissolved and liquidated but the offending spouse shall have no right to any share of the net profits earned by the absolute community or the conjugal partnership, which shall be forfeited in accordance with the provisions of Article 43(2);

⁽³⁾ The custody of the minor children shall be awarded to the innocent spouse, subject to the provisions of Article 213 of this Code; and

Family Code,⁶⁷ a decree of legal separation does not sever the juridical tie of marriage and only allows the spouses to dissolve their joint properties and live apart from each other. To emphasize, it is elementary that under the Family Code, "legal separation does not dissolve the marriage tie, much less authorize the parties to remarry."⁶⁸

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Moreover, respondent flouted his violation of his marital vows by publicly appearing in social gatherings with HHH, his paramour. In fact, there are photographs⁶⁹ showing respondent with HHH and their children in public events, where respondent was seen with his arm wrapped around HHH. His wedding to HHH was also celebrated publicly, i.e., in a church wedding and in the presence of several persons, as seen in the photographs⁷⁰ that respondent attached to submissions.

Respondent also admitted that he sired two illegitimate children with HHH. That the children were born during the *subsistence* of respondent's marriage to complainant is uncontested. Pertinently, in a long line of cases,⁷¹ the Court has recognized that antagonism between legitimate and illegitimate family members may develop, which is true in this case. In fact, complainant even included respondent's relationship to HHH and their two illegitimate children as one of the grounds for the imposition of administrative sanctions against respondent.⁷² By causing such a situation to arise, respondent's breach of the Philippine laws and policies on marriage must be characterized as grievous.

Thus, respondent is guilty of a *second* count of Grossly Immoral Conduct for having engaged in extramarital relations with HHH, siring two illegitimate children with her, entering into a seemingly bigamous marriage with her, and publicly flaunting their relationship.

Third and Fourth Counts of Grossly Immoral Conduct: Respondent sexually harassed his employees and subordinates.

⁷² *Rollo*, pp. 201–205.

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Executive Order No. 209, The Family Code of the Philippines (1987).

⁶⁸ Borja-Manzano v. Judge Sanchez, 406 Phil. 434, 439 (2001) [Per J. Davide Jr., First Division].

⁶⁹ *Rollo*, p. 206.

⁷⁰ *Id.* at 275–276.

See Aquino v. Aquino, G.R. Nos. 208912 & 209018, December 7, 2021 [Per J. Leonen, En Banc]; Diaz v. Intermediate Appellate Court, 261 Phil. 542 (1990) [Per J. Paras, En Banc]; Corpus v. Corpus, 175 Phil. 64 (1978) [Per J. Aquino, Second Division]; Grey v. Fabie, 68 Phil. 128 (1939) [Per J. Concepcion, En Banc].

Apart from his extramarital relations, the Court also finds respondent administratively liable for *two more* counts of Grossly Immoral Conduct for having sexually harassed AAA, his house helper, and DDD, his law secretary.

Relevantly, Section 3(a)(3)⁷³ of Republic Act No. 7877⁷⁴ provides that sexual harassment is committed by an employer who, having authority, influence, or moral ascendancy over another in a work environment, demands, requests, or otherwise requires any sexual favor from the other, when the acts committed would, among others, result in an intimidating, hostile, or offensive environment for the employee. An act or conduct of a sexual nature for purposes of sexual gratification, which is generally annoying, disgusting, or offensive to the victim, is a form of sexual harassment.⁷⁵ Gestures with lewd insinuation, lurid remarks, the use of objects, pictures, graphics, letters, or written notes with sexual underpinnings, and other circumstances analogous to the foregoing, are also recognized forms of sexual harassment.⁷⁶

⁷³ Republic Act No. 7877, (1995) provides.

SECTION 3. Work, Education or Training-related Sexual Harassment Defined. — Work, education or training-related sexual harassment is committed by an employer, employee, manager, supervisor, agent of the employer, teacher, instructor, professor, coach, trainor, or any other person who, having authority, influence or moral ascendancy over another in a work or training or education environment, demands, requests or otherwise requires any sexual favor from the other, regardless of whether the demand, request or requirement for submission is accepted by the object of said act.

- (a) In a work-related or employment environment, sexual harassment is committed when:
- (3) The above acts would result in an intimidating, hostile, or offensive environment for the employee.

"Anti-Sexual Harassment Act of 1995."

- See Department of Labor and Employment (DOLE) Administrative Order No. 250-95, Rule IV sec. 1, which reads:
 - SECTION 1: Forms of Sexual Harassment. Sexual harassment may be committed in any of the following forms:
 - a) Overt sexual advances;
 - b) Unwelcome or improper gestures of affection;
 - c) Request or demand for sexual favors including but not limited to going out on dates, outings or the like for the same purpose;
 - d) Any other act or conduct of a sexual nature or for purposes of sexual gratification which is generally annoying, disgusting or offensive to the victim.
- See Administrative Matter No. 03-03-13-SC sec. 4, which was applied by the Court in holding a lawyer administratively liable for grossly immoral conduct in *Valdez v. Atty. Dabon*, 773 Phil. 109, 136–137 (2015). The Supreme Court issuance relevantly states:
 - SECTION 4. Work-related Sexual harassment; how committed. Work-related sexual harassment is committed when:
 - (a) The sexual favor is made as a condition in the hiring or in the employment, re-employment or continued employment of said individual, or in granting said individual favorable compensation, terms, conditions, promotions, or privileges; or the refusal to grant the sexual favor results in limiting, segregating or classifying the employee which in any way would discriminate, deprive or diminish employment opportunities or otherwise adversely affect said employee. It shall include, but shall not be limited to, the following modes:

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In this regard, the Court has held that the sexual harassment of an employee amounts to immoral conduct. Thus, the Court has disbarred a lawyer for Grossly Immoral Conduct after he repeatedly made unwanted calls and messages to his female employee for them to continue their illicit sexual affair.⁷⁷ The Court has further decreed that unwanted sexual remarks, even if made in jest, amount to sexual harassment and are grounds for administrative liability.⁷⁸ A lawyer was also found administrative liable for Grossly Immoral Conduct after he repeatedly sent flirtatious text messages to his former students, made sexual remarks to them during class, and even showed them a photograph of a naked woman, which made the students uncomfortable.⁷⁹ Likewise, in another case, the Court found a lawyer guilty of Grossly Immoral Conduct for habitually watching pornographic materials in his office while in the vicinity of his then secretary, and repeatedly making sexual advances to his secretary by holding and kissing her hands, caressing her at the waist, and offering money to her in exchange for sex.80

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In the case at bar, there is certainly substantial evidence proving that respondent committed acts constituting sexual harassment against AAA, his house helper, and DDD, his law secretary. Indeed, respondent himself *admitted* that he engaged in the distasteful conduct of showing pornographic materials to his former employees, AAA and DDD. He further *admitted* that he engaged in sexually charged conversations with his employees, including AAA, EEE, and FFF.

The Court emphasizes that AAA and DDD are respondent's house helper and law secretary, respectively: thus, respondent was their superior and he exercised ascendancy over them. Given the situation, his employees could not be reasonably expected to be vocal about their discomfort against respondent's behavior. Plainly, these women remained silent and continued to engage with respondent even though they may have felt sexually harassed by him because their employment was at stake.

^{1.} Physical, such as malicious touching, overt sexual advances, and gestures with lewd insinuation.

^{2.} Verbal, such as requests or demands for sexual favors, and lurid remarks.

^{3.} Use of objects, pictures or graphics, letters or written notes with sexual underpinnings.

^{4.} Other acts analogous to the foregoing.

⁽b) The above acts would impair the employee's rights or privileges under existing laws; or

⁽c) The above acts would result in an intimidating, hostile or effensive environment for the employee.

⁷⁷ See Valdez v. Dabon, Jr., 773 Phil. 109, 136-139 (2015) [Per Curiam, En Banc].

⁷⁸ Diomampo v. Laribo, Jr., 687 Phil. 47, 53-51 (2012) [Per J. Carpio, Second Division].

Re: Anonymous Complaint against Atty. Untian, 851 Phil. 352, 362-364 (2019) [Per J. Reyes Jr., En Banc].

⁸⁰ Reyes v. Atty. Nieva, 794 Phil. 360, 380-381 (2016) [Per J. Perlas-Bernabe, En Banc].

As the Court held in *Phil. Aeolus Automotive United Corp. v. NLRC*,⁸¹ rather than jeopardizing their employment, many victims of sexual harassment in the workplace would rather endure their ordeal and consider their employer's conduct as mere "occupational hazard," for few people are privileged to easily transition from one employment to another.

Respondent questions the credibility of his present and former employees because they allegedly executed their respective judicial affidavits only out of pity for complainant. However, other than his naked averment, no evidence supports his allegation. As between the *verified* statements of the women in their respective Judicial Affidavits made under oath, ⁸² on the one hand, and respondent's bare denial, on the other, the former must be given greater weight. ⁸³ To be sure, when there are conflicting statements on record, and one was made under oath while the other was not, the former must prevail. ⁸⁴

The Court's conclusion is further supported by the PPO, which incontrovertibly directed respondent to "seek and receive professional counseling from agencies or persons who have demonstrated expertise and experience in treating *sex offenders*[.]" Pertinently, this statement in the PPO was never disputed or qualified by respondent.



³⁸⁷ Phil. 250, 264 (2000) [Per J. Bellosillo, Second Division], where the Court relevantly ruled: We are not persuaded. The gravamen of the offense in sexual harassment is not the violation of the employee's sexuality but the abuse of power by the employer. Any employee, male or female, may rightfully cry "foul" provided the claim is well substantiated. Strictly speaking, there is no time period within which he or she is expected to complain through the proper channels. The time to do so may vary depending upon the needs, circumstances, and more importantly, the emotional threshold of the employee.

Private respondent admittedly allowed four (4) years to pass before finally coming out with her employer's sexual impositions. Not many women, especially in this country, are made of the stuff that can endure the agony and trauma of a public, even corporate, scandal. If petitioner corporation had not issued the third memorandum that terminated the services of private respondent, we could only speculate how much longer she would keep her silence. Moreover, few persons are privileged indeed to transfer from one employer to another. The dearth of quality employment has become a daily "monster" roaming the streets that one may not be expected to give up one's employment easily but to hang on to it, so to speak, by all tolerable means. Perhaps, to private respondent's mind, for as long as she could outwit her employer's ploys she would continue on her job and consider them as mere occupational hazards. This uneasiness in her place of work thrived in an atmosphere of tolerance for four (4) years, and one could only imagine the prevailing anxiety and resentment, if not bitterness, that beset her all that time... (Italics supplied)

⁸² People v. Toledo and Holgado, 51 Phil. 825, 834 (1928) [Per J. Malcolm, En Banc].

See Naranjo v. Biomedica Health Care, Inc., 695 Phil. 551, 571-572 (2012) [Per J. Velasco, Third Division]; and Tolentino v. Atty. Mendoza, 483 Phil. 546, 553-555 (2004) [Per J. Austria-Martinez, En Bancl.

⁸⁴ Tolentino v. Atty. Mendoza, 483 Phil. 546, 553-554 (2004) [Per J. Austria-Martinez, En Banc].

⁸⁵ *Rollo*, p. 46.

It must be pointed out that, during the mandatory conference with the Investigating Commissioner of the IBP, respondent made it appear that he was able to contact the women who executed their Judicial Affidavits in support of the present Complaint. Clearly, he could have requested the said women to recant their statements or modify their Judicial Affidavits to support respondent's cause, but they did not do so. The absence of such evidence in favor of respondent may only be taken against him.

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In view of the foregoing, respondent is found guilty of two (2) separate counts of Grossly Immoral Conduct for his acts constituting sexual harassment of his two employees, AAA and DDD. The offenses must be characterized as *gross*, considering that respondent's conduct may even constitute as criminal acts of sexual harassment under Section 3(a)(3) of Republic Act No. 7877.

The offenses must also be separately counted because Section 33(f) of Canon VI states that grossly immoral conduct is an "act that is so corrupt or false as to constitute a criminal act." Here, respondent's violations were committed upon two women and on different occasions. Hence, they must be counted as two separate offenses of Grossly Immoral Conduct.

Penalties

Canon VI, Section 33 of the CPRA, states that Grossly Immoral Conduct is a *serious offense*. Under Section 37, thereof, a serious offense is sanctioned with any, or a combination, of the following penalties: (1) disbarment; (2) suspension from the practice of law for a period exceeding six (6) months; (3) revocation of notarial commission and disqualification as notary public for not less than two (2) years; or (4) a fine exceeding PHP 100,000.00. Significantly, the Court has held that the most severe penalty of disbarment will be imposed only in clear cases of misconduct, duly supported by substantial evidence, ⁸⁶ that seriously affect the standing and character of the lawyer as an officer of the court. ⁸⁷

87 Heck v. Judge Santos, 467 Phil. 798, 826 (2004) [Per J. Callejo, En Banc].



Arsenio v. Atty. Tabuzo, 809 Phil. 206 (2017) [Per J. Tijam, Third Division], citing Reyes v. Atty. Nieva, 794 Phil. 360 (2016) [J. Perlas-Bernabe, En Banc].

Pursuant to Section 40,88 Canon VI of the Code of Professional Responsibility and Accountability, separate penalties for the four counts of Grossly Immoral Conduct committed by respondent must be imposed.

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For the *first* count of Grossly Immoral-Conduct consisting of respondent's flagrant engagement in multiple extramarital relations while married to complainant and before their legal separation on March 20, 2018, the Court finds that the supreme penalty of disbarment is proper. As earlier mentioned, a lawyer may be disbarred for engaging in extramarital relations with several people, and when he demonstrates a cavalier attitude towards his violation of his marital vows. The Courts holds that these circumstances are present in the case at bar, thereby warranting the imposition of the penalty of disbarment upon respondent.

As to the *second* count of Grossly Immoral Conduct consisting of respondent's apparent bigamous marriage to HHH on June 5, 2021, publicly flaunting their relationship, and siring two illegitimate children with her despite his subsisting marriage to complainant, *disbarment* would be the appropriate penalty, as in other similar cases.⁹¹

As to the *third* and *fourth* counts of Grossly Immoral Conduct pertaining to respondent's sexual harassment of his employees and subordinates, namely, AAA and DDD, the Court notes that in previous cases similarly involving sexual harassment by lawyers, the penalty of suspension from the practice of law for a period ranging from two to five years had been imposed.⁹²

Re: Anonymous Complaint against Atty Untian. 851 Phil. 353, 362–364 (2019) [Per J. Reyes, En Banc]; Reyes v. Atty. Nieva, 794 Phil. 360, 381 (2016) [Per J. Perlas-Bernabe, En Banc].



⁸⁸ Canon VI sec. 40 provides:

SECTION 40. Penalty for Multiple Offenses. — If the respondent is found liable for more than one (1) offense arising from separate acts or omissions in a single administrative proceeding, the Court shall impose separate penalties for each offense. Should the aggregate of the imposed penalties exceed five (5) years of suspension from the practice of law or P1,000,000.00 in fines, the respondent may, in the discretion of the Supreme Court, be meted with the penalty of disbarment.

If a single act or omission gives rise to more than one (1) offense, the respondent shall still be found liable for all such offenses, but shall, nonetheless, only be meted with the appropriate penalty for the most serious offense.

Dantes v. Atty. Dantes, 482 Phil. 64, 71–72 (2004) [Per Curium, En Banc].

Saludares v. Saludares, A.C. No. 10612, January 31, 2023 [Per Curiam, En Banc].
 Guevarra-Castil v. Atty. Trinidad. A.C. No. 10294, July 12, 2022; Panagsagan v. Atty. Panagsagan, 864 Phil. 19, 27 (2019) [Per Curiam, En Banc].; Dr. Perez v. Atty. Catindig, 755 Phil. 297, 309 (2015) [Per Curiam, En Banc].

Hence, suspension from the practice of law for a period of two years for each of the third and fourth counts of Grossly Immoral Conduct committed by respondent is appropriate. Still, the penalties must further be determined by appreciating several *aggravating* circumstances extant in the case, pursuant to Sections 38⁹³ and 39,⁹⁴ Canon VI of the Code of Professional Responsibility and Accountability.

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First, several of the women-victims who submitted their Judicial Affidavits in support of the Complaint were particularly vulnerable, being house helpers and/or storekeepers who previously worked for respondent. In fact, CCC, EEE, and FFF were all working students and sorely needed to retain their employment with the Spouses for them to continue their studies. CCC's family was even indebted to the Spouses. Plainly, the women were relying on their income from their employment with the Spouses to support their education and pay their expenses. The economic disparity between respondent and these women therefore made respondent's grossly immoral conduct especially egregious.

Second, the Court notes that the allegations of sexual harassment against respondent by the six women who executed their Judicial Affidavits in support of the present Complaint date back to as early as 2009. The length of time and the number of women who have voiced out their concerns against respondent, taken together with the PPO and respondent's admissions, support the conclusion that respondent has

SECTION 39. Manner of Imposition. — If one (1) or more aggravating circumstances and no mitigating circumstances are present, the Supreme Court may impose the penalties of suspension or fine for a period or amount not exceeding double of the maximum prescribed under this Rule. The Supreme Court may, in its discretion, impose the penalty of disbarment depending on the number and gravity of the aggravating circumstances.



⁹³ SECTION 38. Modifying Circumstances. — In determining the appropriate penalty to be imposed, the Court may, in its discretion, appreciate the following mitigating and aggravating circumstances:

⁽b) Aggravating Circumstances:

⁽¹⁾ Finding of previous administrative liability where a penalty is imposed, regardless of nature or gravity;

⁽²⁾ Age;

⁽³⁾ Number of years in the practice of law;

⁽⁴⁾ Employment of fraudulent means to conceal the offense,

⁽⁵⁾ Respondent's act or omission was tainted with bad faith or malice, except when it is an element of the offense;

⁽⁶⁾ Lack of remorse;

⁽⁷⁾ Failure to comply with the orders of the Court and the IBP in relation to an administrative case; and

⁽⁸⁾ Other analogous circumstance.

committed sexual harassment against his current and former employees on numerous instances.

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Under Canon VI, Section 39, of the CPRA, if one or more aggravating circumstances and no mitigating circumstances are present, the Court may impose the penalties of suspension or fine for a period or amount *not exceeding double* of the maximum prescribed under the Rule.

Hence, the penalties to be imposed against respondent must be increased to suspension from the practice of law for a period of three years for the third count of Grossly Immoral Conduct, and suspension from the practice of law for a period of three years for the fourth count of Grossly Immoral Conduct.

Considering respondent's disbarment for the first count of Grossly Immoral Conduct, the Court may no longer impose the foregoing penalties for the second, third, and fourth counts of Grossly Immoral Conduct. Nonetheless, the Court must still provide the appropriate penalties for the sole purpose of recording it in respondent's personal file with the Office of the Bar Confidant, which shall be taken into account and seriously considered in the event that respondent subsequently files a petition to lift his disbarment, or when he applies for judicial clemency. Certainly, the fact that respondent committed multiple serious infractions amounting to grossly immoral conduct reflects his depravity and poor prospects for rehabilitation.

Notwithstanding the foregoing, the Court may still impose the penalty of fine against respondent for each of the three succeeding counts of Grossly Immoral Conduct he committed because the Court does not lose its exclusive jurisdiction over other offenses committed by a disbarred lawyer while he or she was still a member of the law profession.⁹⁸

Thus, for the *second* count of Grossly Immoral Conduct, the Court deems it proper to impose the penalty of fine in the amount of

Fernando v. Pallugna, A.C. No. 9338. February 20, 2023 [Per J. Lopez, Second Division], citing Valmonte v. Atty, Quesada, 867 Phil. 247, 252 (2019) [Per J. Hernando, Second Division].



Fernando v. Pallugna, A.C. No. 9338, February 20, 2023 [Per J. Lopez, Second Division], citing Valmonte v. Atty. Quesada, 867 Phil. 247, 252 (2019) [Per J. Hernando, Second Division]. See Jumalon v. Dela Rosa, A.C. No. 9288, January 31, 2023 [Per Curiam, En Banc], and Office of the Provincial Prosecutor of Cavite v. Mas., A.C. No. 8219, August 29, 2023 [Per J. Dimamampao, En Banc].

PHP 100,001.00, there being no aggravating or mitigating circumstance for this offense. For the *third* and *fourth* counts, the Court finds it proper to impose a fine in the amount of PHP 150,000.00 against respondent for each of the third and fourth counts of Grossly Immoral Conduct, considering the presence of aggravating circumstances, as discussed above.

In all, fines in the following amounts are imposed against respondent: (1) PHP 100,001.00 for the second count of Grossly Immoral Conduct; (2) PHP 150,000.00 for the third count of Grossly Immoral Conduct; and (3) PHP 150,000.00 for the fourth count of Grossly Immoral Conduct, or fines in the total aggregate amount of PHP 400,001.00.

All told, the Court finds it proper to impose against respondent the penalties of disbarment and fines in the total amount of PHP 400,001.00 for his transgressions. His behavior shows a manifest disregard of the Constitution and the Philippine laws on marriage and sexual harassment. The evidence and the parties' submission, taken together, substantially demonstrate respondent's lack of moral uprightness to continue in the legal profession as a member of the Bar and an officer of the court.

ACCORDINGLY, the Court finds respondent Atty. Lovejoy B. Quiambao GUILTY of four counts of Grossly Immoral Conduct committed in violation of the Code of Professional Responsibility and Accountability, Canon II, Sections 1 and 2, and Canon III, Section 2. The Court imposes the following penalties against him:

- 1. **DISBARMENT** for the first count of Grossly Immoral Conduct, effective upon receipt of this Decision. The Court thus **ORDERS** his name stricken off the Roll of Attorneys for the *first count*;
- 2. **DISBARMENT** for the second count of Grossly Immoral Conduct;
- 3. SUSPENSION from the practice of law for a period of three years for the third count of Grossly Immoral Conduct; and
- 4. **SUSPENSION** from the practice of law for a period of three years for the fourth count of Grossly Immoral Conduct.

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Considering that respondent is already disbarred for the first count of Grossly Immoral Conduct, the penalties for the second, third, and fourth counts of Grossly Immoral Conduct may no longer be imposed but should nonetheless be considered in the event that respondent applies for reinstatement or judicial clemency.

Further, in view of his disbarment for the first count, the Court imposes the penalties of **FINES** in the amount of PHP 100,001.00 for the second count, PHP 150,000.00 for the third count, and PHP 150,000.00 for the fourth count, or a total aggregate of fines in the amount of PHP 400,001.00.

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 the Integrated Bar of the Philippines for its information and guidance.

SO ORDERED.

ALEXANDER C. GESMUNDO

The Justice

MARVIC M.V.F. LEONEN

Senior Associate Justice

ALFREDO BENJAMIN S. CAGUIOA

Associate Justice

RAMON PAUL L. HERNANDO

Associate Justice

AMY C/LAZARO-JAVIER

Associate Justice

A.C. No. 13496 [Formerly CBD Case No. 18-5681]

HENRYJEAN PAYL B. INTING

Associate Justice

RODIL V. ZALAMEDA Asspeiate Justice

(On Official Leave)

MARIO V. LOPEZ

Associate Justice

SAMUELH. GAERLAN

Associate Justice

RICHARDO R. ROSARIO

Associate Justice

JHOSEP LAOPEZ
Associate Justice

JAPAR B. DIMAAMPAO

Associate Justice

JØSE MIDAS P. MARQUEZ

Associate Justice

ANTONIO T. KHO, JR.

Associate Justice

MARIA FILOMENA D. SINGH

Associate Justice