

Republic of the Philippines
Supreme Court
Manila

EN BANC

FLORESWINDA V. JUNI,
Complainant,

A.C. No. 11599

Present:

- versus -

GESMUNDO, C.J.,
PERLAS-BERNABE,
LEONEN,
CAGUIOA
HERNANDO,
CARANDANG,
LAZARO-JAVIER,
INTING,
ZALAMEDA,
LOPEZ, M.,
GAERLAN,
ROSARIO, and
LOPEZ, J., JJ.

Promulgated:

ATTY. MARIO T. JUNI,
Respondent.

August 3, 2021

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Victorino Grendo

DECISION

PER CURIAM:

This resolves the complaint for disbarment filed by complainant Floreswinda V. Juni (complainant) against respondent Atty. Mario T. Juni (respondent) for gross immorality for having sexual intercourse with a married woman and contracting a second marriage while the first marriage was subsisting.

Facts of the Case

Floreswinda V. Juni (complainant) claimed that on January 4, 1987, she married Atty. Mario T. Juni (Atty. Juni) at St. Ignatius De Loyola Chapel.¹ The marital union was blessed with two children, Kent V. Juni and Karina V. Juni.²

Complainant narrates in her affidavit that she frequently quarrelled with Atty. Juni due to the latter's womanizing. On April 17, 2002, complainant had enough of Atty. Juni's womanizing by ordering the latter to leave their conjugal home.³ Two days after, Atty. Juni executed an Affidavit of Undertaking⁴ the parties agreed that they will live separately and that Atty. Juni will provide support to their children in the amount of ₱20,000.00 a month.⁵ Complainant came to know that it was a ploy to consummate Atty. Juni's desire to live with Ruth S. Vaguchay (Ruth). It was later discovered that Atty. Juni and Ruth already consummated their illicit relations since a child, Marianne Angel S. Juni was born on July 18, 2001,⁶ almost a year before Atty. Juni separated from complainant. On August 13, 2003, Atty. Juni and Ruth had another child named, Jergen Mae S. Juni.⁷

Then, on July 8, 2004, despite the subsisting prior marriage with complainant, Atty. Juni entered into a contract of marriage with Ruth. The subsequent marriage was solemnized under Muslim rites and the same was recorded in the Civil Registry of Cagayan de Oro City.⁸

On February 26, 2007, Atty. Juni filed an annulment of marriage against complainant. The Regional Trial Court (RTC) of Butuan City rendered a Decision annulling the marriage. The same however was not yet final. On September 23, 2010, complainant filed a criminal case for Bigamy against Atty. Juni.⁹

Complainant alleged that Atty. Juni committed a grossly immoral act by having sexual relations with a married woman since Ruth is legally married to Ritchie Vaguchay. Further, Atty. Juni knew that Ruth is married because the latter obtained the services of Atty. Juni in filing a case against Ritchie for the support of their son, Paul Christian Vaguchay. Also, it was Atty. Juni who subscribed the Verification and Certification against Forum Shopping when Ruth filed an annulment case against Ritchie.¹⁰

¹ *Rollo*, pp. 5, 124.

² *Id.* at 76.

³ *Id.* at 133.

⁴ *Id.* at 126.

⁵ *Id.*

⁶ *Id.* at 10-11.

⁷ *Id.* at 7-9.

⁸ *Id.* at 68, 86.

⁹ *Id.* at 116-117.

¹⁰ *Id.* at 2-3.

Because of grossly immoral act committed by Atty. Juni, complainant claimed that Atty. Juni violated Rule 1.01, Canon 1 and Rule 7.03, Canon 7 of the Code of Professional Responsibility (CPR).¹¹

Atty. Juni, on the other hand, argued that the instant administrative complaint for disbarment was only filed in order to gain leverage and/or revenge against him because he filed a criminal case for adultery against complainant.¹²

Atty. Juni claimed that he and complainant had been estranged and separated *de facto* since 2002 because of personal and psychological differences. That in 2007, to formally sever his marriage ties with complainant, he filed a petition for annulment of his marriage. Then in 2010, he filed an adultery case against complainant allegedly because complainant was having sexual relations with a certain Engr. Pascual "Bebot" Comendador, who is also married. Thus, complainant came to the court with unclean hands.¹³

To refute the accusations against him, Atty. Juni alleged that even prior to his separation with complainant he had already converted to Islam in 2000. After his conversion, he met Ruth and became romantically involved. When he met Ruth, the latter informed him that she has a son with a man named Ritchie Vaguchay,¹⁴ with whom she had a brief common-law relationship when she was just 16 years old.¹⁵

Atty. Juni admitted that he married Ruth on July 8, 2004 under Muslim rites. However sometime in 2006, when Ruth secured copies of her Marriage Certificate, she discovered that she had a subsisting marriage with Ritchie. She claimed that there was no actual marriage ceremony, that she just went to the Municipal Hall of Villanueva, Misamos Oriental together with the parents of Ritchie and signed some papers. Ruth was not aware of the supposed marriage. Upon learning of her subsisting marriage with Ritchie, she filed a petition for declaration of nullity of marriage in 2007.¹⁶

Atty. Juni further argued that the statement of complainant that Ruth obtained his services to file a petition for support for her son is fabricated, since Ruth's son with Ritchie was raised and well provided for by Ritchie's parents. In fact, spouses Rodolfo and Mila Vaguchay executed an Joint-Affidavit¹⁷ to this effect.¹⁸

¹¹ Id. at 114.

¹² Id. at 69.

¹³ Id. at 69-70, 76-77.

¹⁴ Richie Vaguchay in some parts of the *rollo*.

¹⁵ *Rollo*, p. 66.

¹⁶ Id. at 67.

¹⁷ Id. at 87.

¹⁸ Id. at 68.

Atty. Juni stated that they are not living scandalously because they are living as legitimate husband and wife, their children carry their names and they live regularly as normal spouses.¹⁹

IBP Commission on Bar Discipline

On November 3, 2011, the Integrated Bar of the Philippines Commission on Bar Discipline (IBP CBD) rendered its Report and Recommendation²⁰ finding Atty. Juni administratively liable for his grossly immoral act of contracting two marriages and having sexual relations with a married woman.²¹

Thus, the IBP CBD recommended that Atty. Juni be meted out a penalty of Censure.²²

IBP Board of Governors

In a Resolution²³ dated September 27, 2014, the IBP Board of Governors modified the recommendation of the IBP CBP and recommended that Atty. Juni be disbarred from the practice of law for contracting a bigamous marriage.²⁴

Issue

Whether Atty. Juni is administratively liable for contracting a bigamous marriage and for violating Rule 1.01, Canon 1 and Rule 7.03, Canon 7 of the CPR.

Ruling of the Court

Upon review of the records of the case, this Court affirms the recommendation of the IBP Board of Governors.

Rule 1.01 of the CPR provides that “a lawyer shall not engage in unlawful, dishonest, immoral or deceitful conduct.” Canon 7, Rule 7.03 of the CPR states:

CANON 7 — A lawyer shall at all times uphold the integrity and dignity of the legal profession, and support the activities of the integrated bar.

x x x x.

¹⁹ Id.
²⁰ Penned by Commissioner Oliver A. Cachapero; id. at 149-152.
²¹ Id. at 151-152.
²² Id. at 152.
²³ Id. at 179.
²⁴ Id.

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.

The above provisions of the CPR show that the members of the Bar, as officers of the court, must possess good moral character that must also be seen by the community to be leading lives in accordance with the highest moral standards of the community.²⁵ The practice of law is a privilege given to those who possess and continue to possess the legal qualifications for the profession.²⁶ The good moral character must be possessed by the lawyer not only upon admission to the bar, but it must be continuously possessed until his retirement from the practice of law.²⁷

To warrant disciplinary action in administrative cases against lawyers, the grossly immoral act must be so corrupt as to constitute a criminal act or so unprincipled as to be reprehensible to a high degree,²⁸ or when committed under such scandalous or revolting circumstances as to shock the community's sense of decency.²⁹

Be it noted that disbarment cases are *sui generis*; neither purely civil nor purely criminal. Disbarment cases are an investigation by the court into the conduct of its officers. As long as the quantum of proof in disciplinary proceedings against lawyers is established, liability already attaches.³⁰

In this case, the pieces of evidence presented clearly show Atty. Juni's grossly immoral act of having sired a child from another woman and contracting a second marriage while his previous marriage is still subsisting. We have ruled in various cases that a married person's abandonment of his or her spouse in order to live and cohabit with another constitutes immorality. The fact that the illicit partner is himself or herself married compounds the immorality.³¹

The evidence presented in this case clearly show that Atty. Juni had an illicit relationship with Ruth. Complainant presented the Birth Certificates of the two children of Atty. Juni with Ruth. The eldest was born in 2001,³² which was even a year before complainant and Atty. Juni separated, and the other was born in 2003.³³ Both were sired during the subsistence of Atty. Juni's marriage with complainant. Atty. Juni never denied his illicit relationship, in fact he even flaunted the same to the public.

²⁵ See *Valdez v. Atty. Dabon*, 773 Phil. 109, 121-122 (2015), citing *Arnobit v. Atty. Arnobit*, 590 Phil. 270, 276 (2008).

²⁶ *Atty. Ecraela v. Atty. Pangalangan*, 769 Phil. 1, 14 (2015).

²⁷ See *Pasamonte v. Atty. Teneza*, A.C. No. 11104, June 9, 2020.

²⁸ *Fabugais v. Atty. Faundo*, 833 Phil. 19, 28 (2018), citing *Ui v. Atty. Bonifacio*, 388 Phil. 691, 707 (2000).

²⁹ Supra note 26.

³⁰ Id.

³¹ *Ceniza vs. Atty. Ceniza, Jr.*, A.C. No. 8335, April 10, 2019, 900 SCRA 357, 375.

³² *Rollo*, pp. 10-11.

³³ Id. at 7-9.

Atty. Juni's admission of siring two children with Ruth and his abandonment of his family to cohabit with another woman³⁴ sufficiently establishes the fact that he transgressed the high standards of morality required of him as a lawyer. His transgression was even made worse because he flaunted his illicit relationship to the public.³⁵ In fact, he is consistent in alleging that they are already living as husband and wife by virtue of a subsequent marriage even during the subsistence of a prior marriage with complainant. This circumstance only shows Atty. Juni's disregard of the sanctity of marriage protected in the 1987 Constitution.

Atty. Juni claims that his actuations were justified because he had already converted to Islam in 2000.³⁶ However, this fact was not established. Atty. Juni failed to present his Certificate of Conversion to Islam that is duly recorded in their Civil Registry.³⁷ As in the case of *Panagsagan v. Atty. Panagsagan (Panagsagan)*,³⁸ Atty. Panagsagan justified his illicit relationship by alleging his conversion to Islam. This Court was unconvinced with his defense because while Atty. Panagsagan presented his certificate of conversion, the registration was only years later, a few days before he filed his answer to the complaint.³⁹ Thus, it is with more reason that in this case, the Court cannot consider Atty. Juni's defense as he failed to prove his conversion to Islam.

Nevertheless, even if Atty. Juni indeed converted to Islam, he cannot deny the fact that he had an illicit affair with Ruth, who was also married which resulted to the birth of his two children in 2001 and 2003, undisputedly during the subsistence of his marriage with complainant. Clearly, his act is reprehensible and cannot be countenanced by this Court.

The Court has consistently expressed its intolerance towards lawyers who openly engaged in illicit affairs during the subsistence of their marriages.⁴⁰ In *Panagsagan*, it enumerated cases where the Court did not countenance illicit affairs of lawyers during the subsistence of their marriage, such as in the case of *Ceniza v. Atty. Ceniza, Jr.*⁴¹ and in *Bustamante-Alejandro v. Atty. Alejandro*,⁴² the Court disbarred the lawyer for having abandoned their respective spouses and maintained their illicit relationships with other partners. Thus, Atty. Juni is guilty of gross immorality.

³⁴ Id. at 17.

³⁵ Id. at 68.

³⁶ Id. at 66.

³⁷ Article 86 of Presidential Decree No. 1083, also known as the "Code of Muslim Personal Laws of the Philippines.

Article 86. *Legal effects of registration.* The books making up the registry of marriage, divorce, revocation of divorce, **conversion**, and all other documents relating thereto shall be considered public documents and shall be *prima facie* evidence of the facts therein contained. However, nothing herein provided shall affect the intrinsic validity or invalidity of the acts registered. (Emphasis supplied)

³⁸ A.C. No. 7733, October 1, 2019, 921 SCRA 180.

³⁹ Id.

⁴⁰ Id. at 190.

⁴¹ *Supra* note 31.

⁴² 467 Phil. 139 (2004).

However, We do not agree with the recommendation of the IBP to disbar Atty. Juni.

As in the case of *Ignacio vs. Ignacio*,⁴³ complainant therein alleged that Atty. Ignacio committed bigamy as he was previously married to a certain Celia Tingson Valenzuela in 1978 but he still married complainant in 1985. It was also alleged that Atty. Ignacio fathered several children with different women. Atty. Ignacio alleged that complainant knew of his previous marriage and that his marriage with the complainant was simply for convenience since the latter can easily petition for Atty. Ignacio's immigration to the US. Atty. Ignacio also explained that his other children were born before his marriage to complainant, while the other children were born after complainant divorced him in the US. While this Court held that Atty. Ignacio is guilty of gross immorality, imposing the penalty of disbarment to Atty. Ignacio should be imposed with great caution for clear cases of misconduct that seriously affects the standing and character of an officer of the court. Although the reason of Atty. Ignacio for contracting both marriages is not a valid excuse, We noted that he did not deceive the Court and instead exhibited candor in admitting the transgression. Further, there was no instance showing, that Atty. Ignacio is unfit to continue his membership in the bar. Thus, a penalty of suspension from the practice of law for five years was deemed proper by the Court.⁴⁴

The penalty of disbarment must be a last resort. Where a lesser penalty may accomplish the goal of disciplining the erring lawyer, disbarment should not be imposed.⁴⁵ While Atty. Juni left complainant to cohabit with Ruth and sired two children with her, the same standing alone does not show Atty. Juni's unfitness to remain a member of the Bar. Atty. Juni did not deny his circumstances, instead he exhibited candor due to his religious belief that he is now a converted muslim. Thus, without any evidence showing that his transgression seriously affected his standing and character as an officer of the court, a penalty of suspension from the practice of law for five years is proper.

WHEREFORE, this Court finds respondent Atty. Mario T. Juni **GUILTY** of gross immorality in violation of Canon 1, Rule 1.01 and Canon 7, Rule 7.03 of the Code of Professional Responsibility. He is therefore **SUSPENDED** from the practice of law for **FIVE (5) YEARS**.

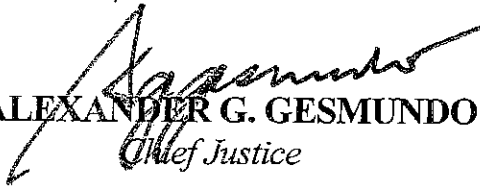
Let a copy of this Decision be furnished to the Office of the Bar Confidant for immediate implementation; the Integrated Bar of the Philippines for its information and guidance; and the Office of the Court Administrator for circulation to all courts in the country.

SO ORDERED.


⁴³ A.C. Nos. 9426 & 11988, August 25, 2020.

⁴⁴ Id.

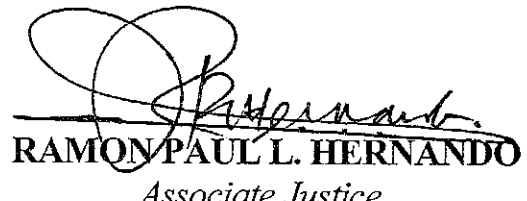
⁴⁵ See *Ventura v. Atty. Samson*, 699 Phil. 404, 418 (2012).


ALEXANDER G. GESMUNDO
Chief Justice


ESTELA M. PERLAS-BERNABE
Associate Justice


MARVIC MARIO VICTOR F. LEONEN
Associate Justice


ALFREDO BENJAMIN S. CAGUIOA
Associate Justice

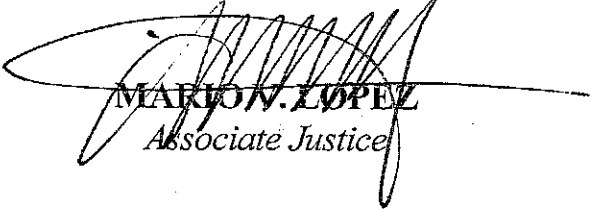

RAMON PAUL L. HERNANDO
Associate Justice

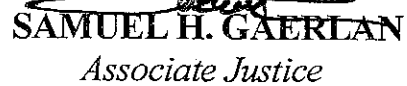

ROSMARI D. CARANDANG
Associate Justice

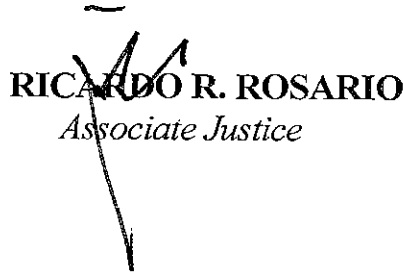

AMY C. LAZARO-JAVIER
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HENRI JEAN PAUL B. INTING
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RODIL V. ZALAMEDA
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SAMUEL H. GAERLAN
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JHOSEP N. LOPEZ
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