



Republic of the Philippines  
Supreme Court  
Manila

EN BANC

GIZALE O. TUMBAGA,  
Complainant,

A.C. No. 5573

Present:

SERENO, *CJ.*,\*  
CARPIO,\*\*  
VELASCO, JR.,\*\*\*  
LEONARDO-DE CASTRO,  
PERALTA,  
BERSAMIN,  
DEL CASTILLO,  
PERLAS-BERNABE,  
LEONEN,  
JARDELEZA,  
CAGUIOA,  
MARTIRES,  
TIJAM,  
REYES, JR.,\*\*\* and  
GISMUNDO, *JJ.*

- versus -

ATTY. MANUEL P. TEOXON,  
Respondent.

Promulgated:

November 21, 2017

X- - - - -

*Annexed to R. Pags. 1-2*

DECISION

LEONARDO-DE CASTRO, *J.*:

Before the Court is an administrative complaint filed by complainant Gizale O. Tumbaga against respondent Atty. Manuel P. Teoxon, charging him with gross immorality, deceitful and fraudulent conduct, and gross misconduct. The parties hereto paint contrastive pictures not only of their respective versions of the events but also of their negative portrayals of each other's character. They are, thus, separately outlined below.

\* On leave.  
\*\* Designated Acting Chief Justice per Special Order No. 2519 dated November 21, 2017.  
\*\*\* On official leave.

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### **The Complaint**

In a **verified complaint**<sup>1</sup> dated October 9, 2001 filed directly with the Court, complainant narrated that she met respondent sometime in September 1999. He was then the City Legal Officer of Naga City from whom complainant sought legal advice. After complainant consulted with him a few times, he visited her often at her residence and brought gifts for her son, Al Greg Tumbaga. Respondent even volunteered to be the godfather of Al Greg. In one of his visits, respondent assured complainant's mother that although he was already married to Luzviminda Balang,<sup>2</sup> his marriage was a sham because their marriage contract was not registered. In view of respondent's persistence and generosity to her son, complainant believed his representation that he was eligible to marry her.

Complainant averred that on December 19, 1999, she moved in with respondent at the Puncia Apartment in Naga City. In April 2000, she became pregnant. Respondent allegedly wanted to have the baby aborted but complainant refused. After the birth of their son, Billy John, respondent spent more time with them. He used their apartment as a temporary law office and he lived there for two to three days at a time.

After Billy John was baptized, complainant secured a Certificate of Live Birth from the Office of the Civil Registrar of Naga City and gave it to respondent to sign. He hesitantly signed it and volunteered to facilitate its filing. After respondent failed to file the same, complainant secured another form and asked respondent to sign it twice. On February 15, 2001, the Certificate of Live Birth was registered.

Thereafter, complainant related that respondent rarely visited them. To make ends meet, she decided to work in a law office in Naga City. However, respondent compelled her to resign, assuring her that he would take care of her financial needs. As respondent failed to fulfill his promise, complainant sought assistance from the Office of the City Fiscal in Naga City on the second week of March 2001. In the early morning of the conference set by said office, respondent gave complainant an affidavit of support and told her there was no need for him to appear in the conference. Complainant showed the affidavit to Fiscal Elsa Mampo, but the latter advised her to have the respondent sign the affidavit again. Fiscal Mampo was unsure of the signature in the affidavit as she was familiar with respondent's signature. Complainant confronted respondent about the affidavit and he half-heartedly affixed his true signature therein.

In May 2001, complainant went to respondent's office as he again reneged on his promise of support. To appease her anger, respondent executed a promissory note. However, he also failed to honor the same.

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<sup>1</sup> Rollo, pp. 36-41.

<sup>2</sup> Also referred to as Minda B. Teoxon in other parts of the records.



In June 2001, complainant moved out of the Puncia Apartment as respondent did not pay the rentals therefor anymore. In the evening of September 9, 2001, respondent raided complainant's new residence, accompanied by three SWAT members and his wife. Visibly drunk, respondent threatened to hurt complainant with the bolo and the lead pipe that he was carrying if she will not return the personal belongings that he left in their previous apartment unit. As respondent barged into the apartment, complainant sought help from the SWAT members and one of them was able to pacify respondent. Respondent's wife also tried to attack complainant, but she too was prevailed upon by the SWAT members. The incident was recorded in the police blotter.

To corroborate her allegations, complainant attached the following documents to her complaint, among others: (a) pictures showing respondent lying in a bed holding Billy John,<sup>3</sup> respondent holding Billy John in a beach setting,<sup>4</sup> complainant holding Billy John in a beach setting,<sup>5</sup> respondent holding Billy John in a house setting,<sup>6</sup> and respondent and complainant seated beside each other in a restaurant<sup>7</sup>; (b) the Certificate of Live Birth of Billy John with an Affidavit of Acknowledgment/Admission of Paternity showing respondent's signature<sup>8</sup>; (c) the affidavit of support<sup>9</sup> executed by respondent; (d) the promissory note<sup>10</sup> executed by respondent; (e) the police blotter entry<sup>11</sup> dated September 9, 2001; and (f) copies of pleadings<sup>12</sup> showing the signature of respondent.

### Respondent's Answer

In his **answer**,<sup>13</sup> respondent denied the allegations in the complaint. He asserted that complainant merely wanted to exact money from him.

Respondent alleged that he became the godfather of complainant's son, Al Greg, but he was only one of four sponsors. He began to visit complainant's residence to visit his godson. He also denied being the father of Billy John since complainant supposedly had several live-in partners. He cited the affidavit of Antonio Orogo, complainant's uncle, to attest to his allegations. According to the affidavit, Al Greg is the son of the complainant's live-in partner named Orac Barrameda. Complainant allegedly used Al Greg to extort money from Alfrancis Bichara, the former governor of Albay, with whom complainant also had a sexual relationship.

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<sup>3</sup> *Rollo*, p. 142.  
<sup>4</sup> *Id.* at 143.  
<sup>5</sup> *Id.* at 46.  
<sup>6</sup> *Id.* at 47.  
<sup>7</sup> *Id.* at 48.  
<sup>8</sup> *Id.* at 49-50.  
<sup>9</sup> *Id.* at 51.  
<sup>10</sup> *Id.* at 52.  
<sup>11</sup> *Id.* at 53.  
<sup>12</sup> *Id.* at 54-56.  
<sup>13</sup> *Id.* at 81-85.

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Respondent denied that he lived together with complainant at the Puncia Apartment since he was already married. As complainant was his *kumadre*, he would pass by her house whenever he visited the house of Representative Sulpicio S. Roco, Jr. Respondent was then a member of Representative Roco's legislative staff. Sometimes, respondent would leave a bag of clothing in complainant's house to save money for his fare in going to the office of Representative Roco in the House of Representatives in Quezon City. In one instance, complainant and her mother refused to return one of his bags such that he was forced to file a replevin case. The Municipal Trial Court in Cities (MTCC) of Naga City decided the case in his favor.

Respondent also claimed that complainant falsified his signature in the Certificate of Live Birth of Billy John so he filed a complaint for the cancellation of his acknowledgment therein. Complainant allegedly made it look like he appeared before Notary Public Vicente Estela on February 15, 2001, but he argued that it was physically impossible for him to have done so as he attended a hearing in the Regional Trial Court (RTC) of Libmanan, Camarines Sur that day. He also contended that complainant forged his signature in the Affidavit of Support.

As to the pictures of respondent with Billy John, he argued that the same cannot prove paternity. He explained that in one of his visits to Al Greg, complainant left Billy John in his care to keep the child from falling off the bed. However, complainant secretly took his picture as he was lying in the bed holding Billy John. As to his picture with Billy John taken at the beach, respondent alleged that at that time complainant gave Billy John to respondent as she wanted to go swimming. While he was holding the child, complainant secretly took their picture. Respondent accused complainant of taking the pictures in order to use the same to extort money from him. This is the same scheme allegedly used by complainant against her previous victims, who paid money to buy peace with her.

Respondent further alleged that politics was also involved in the filing of the complaint as complainant was working in the office of then Representative Luis Villafuerte, the political opponent of Representative Roco.

Respondent attached to his answer the following documents, among others: (a) the affidavit of Antonio Orogo<sup>14</sup>; (b) the Decision<sup>15</sup> dated May 8, 2006 of the MTCC of Naga City in Civil Case No. 11546, which is the replevin case; (c) copies of the Minutes of Proceedings<sup>16</sup> and the Order<sup>17</sup> of the RTC of Libmanan, Camarines Sur, both dated January 15, 2001, showing that respondent attended a hearing therein on said date; and (d) a

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<sup>14</sup> Id. at 86-87.

<sup>15</sup> Id. at 88-91.

<sup>16</sup> Id. at 99.

<sup>17</sup> Id. at 100.

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photocopy<sup>18</sup> of respondent's credit card and automated teller machine (ATM) card showing his signature.

**The Proceedings before the IBP  
Commission on Bar Discipline**

The parties appeared before the IBP Commission on Bar Discipline for a few hearings and the marking of their respective evidence. Complainant marked the following documents, among others, in addition to those already attached to the complaint: (a) a picture<sup>19</sup> showing respondent seated in a restaurant with complainant hugging him; (b) a receipt<sup>20</sup> issued by the Clerk of Court of the MTCC of Naga City, enumerating the objects (consisting mostly of items of clothing) returned by complainant to respondent in the replevin case; and (c) receipts<sup>21</sup> purportedly showing respondent's payment of the rentals for complainant's apartment unit.

On motion of complainant, the IBP issued an order<sup>22</sup> directing respondent, complainant, and Billy John to undergo DNA testing in the DNA laboratory of the National Bureau of Investigation (NBI) to determine the child's paternity. Upon motion<sup>23</sup> from respondent, however, the IBP annulled its prior order in the interest of the speedy disposition of the case.<sup>24</sup>

On November 14, 2008, the IBP Commission on Bar Discipline issued its **Report and Recommendation**,<sup>25</sup> finding that respondent maintained an illicit affair with complainant and that he should be meted the penalty of suspension for a period of two (2) years.

In the **Resolution No. XVIII-2009-15**<sup>26</sup> dated February 19, 2009, the IBP Board of Governors approved the above recommendation and increased the recommended period of suspension to three (3) years.

Respondent filed a motion for reconsideration<sup>27</sup> of the above resolution. Attached thereto were: (a) the affidavits<sup>28</sup> of Representative Roco and respondent's wife, Minda B. Teoxon, which allegedly refuted complainant's contention that respondent lived with complainant at the Puncia Apartment in Naga City; (b) the transcript of stenographic notes (TSN) dated May 10, 2005<sup>29</sup> in Civil Case No. 11546 for replevin, wherein complainant supposedly admitted to her past relationships; and (c) a letter<sup>30</sup>

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<sup>18</sup> Id. at 104.  
<sup>19</sup> Id. at 142.  
<sup>20</sup> Id. at 149.  
<sup>21</sup> Id. at 152B-152C.  
<sup>22</sup> Id. at 159-161.  
<sup>23</sup> Id. at 168-170.  
<sup>24</sup> Id. at 176-177.  
<sup>25</sup> Id. at 310-327.  
<sup>26</sup> Id. at 309.  
<sup>27</sup> Id. at 328-335.  
<sup>28</sup> Id. at 336-338.  
<sup>29</sup> Id. at 339-356.  
<sup>30</sup> Id. at 357.

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from the University of Nueva Caceres that informed respondent that he was chosen to be the recipient of its Diamond Achiever Award.

The IBP Board of Governors denied the motion for reconsideration in its **Resolution No. XX-2012-539<sup>31</sup> dated December 14, 2012.**

The IBP thereafter transmitted the record of the case to the Court for final action.

**The Ruling of the Court**

The Court agrees with the conclusion of the IBP that the actuations of respondent in this case showed his failure to live up to the good moral conduct required of the members of the legal profession.

We held in *Advincula v. Advincula*<sup>32</sup> that:

The good moral conduct or character must be possessed by lawyers at the time of their application for admission to the Bar, and must be maintained until retirement from the practice of law. In this regard, the Code of Professional Responsibility states:

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

x x x x

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

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.

Accordingly, it is expected that every lawyer, being an officer of the Court, must not only be in fact of good moral character, but must also be seen to be of good moral character and leading lives in accordance with the highest moral standards of the community. **More specifically, a member of the Bar and officer of the Court is required not only to refrain from adulterous relationships or keeping mistresses but also to conduct himself as to avoid scandalizing the public by creating the belief that he is flouting those moral standards.** If the practice of law is to remain an honorable profession and attain its basic ideals, whoever is enrolled in its ranks should not only master its tenets and principles but should also, in their lives, accord continuing fidelity to them. The requirement of good moral character is of much greater import, as far as the general public is concerned, than the possession of legal learning.

<sup>31</sup> Id. at 364.

<sup>32</sup> A.C. No. 9226, June 14, 2016, 793 SCRA 237, 247-248.

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Immoral conduct has been described as conduct that is so willful, flagrant, or shameless as to show indifference to the opinion of good and respectable members of the community. To be the basis of disciplinary action, such conduct must not only be immoral, but grossly immoral, that is, it must be so corrupt as to virtually 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. (Citations omitted; emphasis supplied.)

Section 27, Rule 138 of the Rules of Court provides for the imposition of the penalty of disbarment or suspension if a member of the Bar is found guilty of committing grossly immoral conduct, to wit:

SEC. 27. *Disbarment or suspension of attorneys by Supreme Court, grounds therefor.* — 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 willfully appearing as an attorney for a party to a case without authority to do so. x x x.

In order to justify the imposition of the above administrative penalties on a member of the Bar, his/her guilt must first be established by substantial evidence.<sup>33</sup> As explained in *Re: Rafael Dimaano*,<sup>34</sup> substantial evidence or that amount of relevant evidence that a reasonable mind might accept as adequate to support a conclusion.

After a thorough review of the records of the case, the Court upholds the findings of the IBP as there is indeed substantial evidence that respondent committed gross immorality by maintaining an extramarital affair with complainant.

One of the key pieces of evidence that the IBP considered in ruling against respondent is the Decision dated May 8, 2006 of the MTCC of Naga City in Civil Case No. 11546 for replevin.

In said case, respondent made it appear that he was merely seeking to recover personal belongings that he left behind at one time in complainant's house. The items included a traveling bag with various articles of clothing and file folders of cases that he was handling. He also tried to recover the pieces of furniture that he allegedly bought for the complainant, which the latter failed to reimburse as promised. These include a brass bed with foam mattress, a plastic dining table with six plastic chairs, a brass sala set with a center table, and a plastic drawer. For her defense, complainant argued that the respondent gradually left the items of clothing in their apartment unit

<sup>33</sup> *Reyes v. Nieva*, A.C. No. 8560, September 6, 2016, 802 SCRA 196, 219.

<sup>34</sup> A.M. No. 17-03-03-CA & IPI No. 17-258-CA-J (Resolution), July 11, 2017.

during the period that they cohabited therein from time to time. She also said that the furniture were gifts to her and Billy John.

In its decision, the MTCC did rule in favor of respondent. However, the following elucidation by the MTCC is quite telling:

To the Court, this is one case that should not have been brought to court because [respondent] could have resorted to a more diplomatic or tactful way of retrieving his personal belongings rather than going on record with a lot of pretext and evasion as if the presiding judge is too naive to appreciate human nature and the truth. [Respondent] would have done well if he was gentleman, candid and responsible enough to admit his misadventure and accept responsibility for his misdeeds rather than try to distort facts and avoid facing the truth. It is not manly.

Of course, the [MTCC] is fully convinced that the personal belongings listed in the complaint [are] owned by him and the [furniture] that were eventually sold by [complainant] was bought by him, even without showing any receipts for it. However, the [MTCC] is not persuaded by his allegation that he left his bag with [complainant] because he was in a hurry in going to Manila. He boldly declared in [the trial court] that he has three residences in Naga City and of all places he had to leave his shirt and underwear with a lady whom he had visited "only twice".

[Respondent] could deny all the way up to high heaven that he has no child with [complainant] but the [MTCC] will forever wonder why the latter would refuse to part with the shirts and pants unless she is a bare-face extortionist. But to the [MTCC], she did not appear to be so. In fact, the [MTCC] had the occasion to observe [complainant] with two little handsome boys who appeared to be her sons. Hence, this lends credence to the fact that she might have really demanded money in exchange for the shirts and pants to support her children.

Be that as it may, the [MTCC] is duty bound to apply the law. There is no issue on the ownership of the personal belongings contained in a bag allegedly left by the [respondent] in the house of [complainant].

x x x x

However, as far as the [furniture] is concerned, like the brass bed, sala set, dining table and plastic drawer, the [MTCC] is not persuaded by [respondent's] claim that he meant to be paid by [complainant] for it. [Respondent] is a lawyer and although he is not engage[d] in the buying and selling of [furniture] he should have known that if he really intended to be paid back for it, he should have asked [complainant] to [sign] a promissory note or even a memorandum. As it is, he failed to show any evidence of such an undertaking. That it was a gift of love is more like it.<sup>35</sup>

The IBP posited that the above ruling was more than sufficient to prove that respondent tried to distort the truth that he and complainant did

<sup>35</sup> Rollo, pp. 90-91.

live together as husband and wife in one apartment unit. The Court agrees with the IBP on this matter.

The MTCC plainly disbelieved respondent's claim that he merely left his bag of clothing in complainant's house before he left for his place of work in Metro Manila – a claim which he likewise made in the present case. The trial court further posited that the pieces of furniture sought to be recovered by respondent were indeed bought by him but the same were intentionally given to complainant out of love. Clearly, the MTCC was convinced that respondent and complainant were involved in an illicit relationship that eventually turned sour and led to the filing of the replevin case.

A perusal of the above decision reveals that the findings and conclusions therein were arrived at by the MTCC after a trial on the merits of the case. In other words, the trial court first heard the parties and received their respective evidence before it rendered a decision. As such, the trial court cannot be accused of arriving at the aforementioned findings lightly.

Accordingly, the Court finds no reason to mistrust the observations and findings of the MTCC. Respondent did not even point out any reason for us to do so. While the issues in the replevin case and the instant administrative case are indeed different, they share a common factual backdrop, *i.e.*, the parties' contrasting account of the true nature of their relationship. From the evidence of both parties, the MTCC chose the complainant's version of the events. Incidentally, it was respondent himself who brought to light the existence of the MTCC decision in the replevin case when he attached the same to his answer in the present case to substantiate his narration of facts. Thus, he cannot belatedly plead that the decision be disregarded after the statements and findings therein were used against him .

Complainant further attached pictures of respondent with her and Billy John as proof of their romantic relations. A perusal of these pictures convinces this Court that while the same cannot indeed prove Billy John's paternity, they are nevertheless indicative of a relationship between complainant and respondent that is more than merely platonic.

One of the annexed pictures shows the couple in a restaurant setting, smiling at the camera while seated beside each other very closely that their arms are visibly touching. Another picture shows the couple in the same setting, this time with complainant smiling as she embraced respondent from behind and they were both looking at the camera. From the facial expressions and the body language of respondent and complainant in these pictures, the same unfailingly demonstrate their unmistakable closeness and their lack of qualms over publicly displaying their affection towards one another. Thus, the attempts of respondent to downplay his relationship with complainant flop miserably. Curiously, respondent did not bother to explain the aforesaid pictures.

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In his answer to the complaint, respondent only managed to comment on the pictures of himself with Billy John. Even then, respondent's accounts as to these pictures are too flimsy and incredible to be accepted by the Court. Respondent previously admitted to the genuineness of the pictures but not to the alleged circumstances of the taking thereof.<sup>36</sup> However, respondent's allegation that the pictures were surreptitiously taken by complainant falls flat on its face. The pictures clearly show that he and Billy John were looking directly at the camera when the pictures were taken. Moreover, the angles from which the pictures were taken suggest that the person taking the same was directly in front of respondent and Billy John.

In his motion for reconsideration of the IBP Board of Governors Resolution No. XVIII-2009-15, respondent further argued that the pictures were not conclusive and the admission of the same was not in accordance with the Rules of Court as nobody testified on the circumstances of the taking of the pictures and the accuracy thereof.<sup>37</sup> The IBP correctly disregarded this argument given that technical rules of procedure and evidence are not strictly applied in administrative proceedings. Administrative due process cannot be fully equated to due process in its strict judicial sense.<sup>38</sup>

With respect to the affidavit of support, the promissory note, and the Certificate of Live Birth of Billy John that contained an Affidavit of Acknowledgment/Admission of Paternity, respondent likewise failed to provide sufficient controverting evidence therefor.

In the affidavit of support and the promissory note, respondent supposedly promised to provide monetary support to Billy John, whom he acknowledged as his illegitimate son. Respondent verbally repudiated said documents, pointing out that the same were typewritten while he used a computer in his office, not a typewriter.<sup>39</sup> Respondent further accused complainant of falsifying his signatures therein and, to prove his charge, he submitted photocopies of his credit card and ATM card that allegedly showed his customary signatures.

The Court, still, finds this refutation wanting. To the naked eye, the sample signatures in the credit card and ATM card do appear to be different from the ones in the affidavit of support, the promissory note, and the Certificate of Live Birth. However, we likewise compared the sample signatures to respondent's signatures in his pleadings before the IBP and other documents submitted in evidence and we find that the signatures in the two sets appear to be likewise dissimilar, which suggests respondent uses several different signatures. Thus, respondent's claim of forgery is

<sup>36</sup> TSN, January 31, 2007, pp. 18-19.

<sup>37</sup> *Rollo*, p. 330.

<sup>38</sup> *Ferancullo v. Ferancullo, Jr.*, 538 Phil. 501, 514 (2006).

<sup>39</sup> TSN, January 31, 2007, pp. 21-22 and July 18, 2007, p. 12.

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unconvincing. Moreover, as the IBP noted, the records of the case do not indicate if he filed criminal charges against complainant for her alleged acts of falsification.

As to the Certificate of Live Birth of Billy John, respondent did file a complaint for the cancellation of his acknowledgment therein. Thus, the Court will no longer discuss the parties' arguments regarding the validity of respondent's signature in said certificate of birth as the issue should be threshed out in the proper proceeding.

In his answer to the complaint, respondent attached the affidavit of Antonio Orogo in order to belie complainant's allegations and that she merely wanted to exact money from respondent. In the affidavit, Orogo claimed that respondent did not live with complainant in the Puncia Apartment in Naga City. Orogo further accused complainant and her mother of engaging in the practice of extorting money from various men since she was just 11 years old. The alleged instances of extortion involved the complainant falsely accusing one man of rape and falsely claiming to another man that he was the father of her first child.

The Court can hardly ascribe any credibility to the above affidavit. Given the materiality of Orogo's statements therein, not to mention the gravity of his accusations against complainant and her mother, he should have been presented as a witness before the IBP investigating commissioner in order to confirm his affidavit and give complainant the opportunity to cross-examine him. For whatever reason, this was not done. As it is, Orogo's affidavit lacks evidentiary value. In *Boyboy v. Yabut*,<sup>40</sup> we cautioned that:

It is not difficult to manufacture charges in the affidavits, hence, it is imperative that their truthfulness and veracity be tested in the crucible of thorough examination. The hornbook doctrine is that unless the affiants themselves take the witness stand to affirm the averments in their affidavits, those affidavits must be excluded from the proceedings for being inadmissible and hearsay x x x. (Citation omitted.)

In like manner, the Court cannot give much weight to the affidavits of Representative Roco and Minda B. Teoxon, both of whom attested to the statements of respondent regarding his places of residence during the time material to this case. It should be stressed that said affidavits were executed only on June 15, 2009 or about four months after the IBP Board of Governors issued its Resolution No. XVIII-2009-15 on February 19, 2009, which affirmed respondent's culpability for grossly immoral conduct. This attenuates the credibility of the statements as the same were only given as corroborative statements at so late a time given the relevancy thereof.

<sup>40</sup> 449 Phil. 664, 670 (2003).

In the face of the accusations and the evidence offered against him, respondent was duty-bound to meet the same decisively head-on. As the Court declared in *Narag v. Narag*<sup>41</sup>:

While the burden of proof is upon the complainant, respondent has the duty not only to himself but also to the court to show that he is morally fit to remain a member of the bar. Mere denial does not suffice. Thus, when his moral character is assailed, such that his right to continue practicing his cherished profession is imperiled, he must meet the charges squarely and present evidence, to the satisfaction of the investigating body and this Court, that he is morally fit to have his name in the Roll of Attorneys. x x x. (Citation omitted.)

Unfortunately, respondent failed to prove his defense when the burden of evidence shifted to him. He could neither provide any concrete corroboration of his denials in this case nor satisfactorily prove his claim that complainant was merely extorting money from him.

In light of the foregoing, the Court finds that respondent should be held liable for having illicit relations with complainant. As to whether respondent also sired complainant's second child, Billy John, the Court finds that the same was not sufficiently established by the evidence presented in this case. The paternity and/or acknowledgement of Billy John, if indeed he is respondent's illegitimate child, must be alleged and proved in separate proceedings before the proper tribunal having jurisdiction to hear the same.

As to the penalty that should be imposed against respondent in this case, the Court had occasion to rule in *Samaniego v. Ferrer*,<sup>42</sup> that:

We have considered such illicit relation as a disgraceful and immoral conduct subject to disciplinary action. The penalty for such immoral conduct is disbarment, or indefinite or definite suspension, depending on the circumstances of the case. Recently, in *Ferancullo v. Ferancullo, Jr.*, we ruled that suspension from the practice of law for two years was an adequate penalty imposed on the lawyer who was found guilty of gross immorality. In said case, we considered the absence of aggravating circumstances such as an adulterous relationship coupled with refusal to support his family; or maintaining illicit relationships with at least two women during the subsistence of his marriage; or abandoning his legal wife and cohabiting with other women. (Citations omitted.)

However, considering respondent's blatant attempts to deceive the courts and the IBP regarding his true relationship with complainant, we agree with the IBP Board of Governors that the proper penalty in this instance is a three-year suspension from the practice of law.

**WHEREFORE**, the Court finds respondent Atty. Manuel P. Teoxon **GUILTY** of gross immorality and is hereby **SUSPENDED** from the practice of law for a period of **three (3) years** effective upon notice hereof,

<sup>41</sup> 353 Phil. 643, 659 (1998).

<sup>42</sup> 578 Phil. 1, 4-5 (2008).

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with a **STERN WARNING** that a repetition of the same or similar offense shall be punished with a more severe penalty.

Let copies of this Decision be entered in the personal record of respondent as a member of the Philippine Bar and furnished the Office of the Bar Confidant, the Integrated Bar of the Philippines, and the Court Administrator for circulation to all courts in the country.

**SO ORDERED.**

*Teresita Leonardo de Castro*  
**TERESITA J. LEONARDO-DE CASTRO**  
Associate Justice

WE CONCUR:

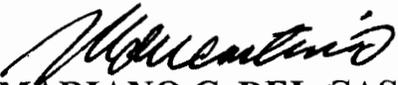
On leave  
**MARIA LOURDES P. A. SERENO**  
Chief Justice  
Chairperson

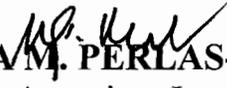
*Antonio T. Carpio*  
**ANTONIO T. CARPIO**  
Acting Chief Justice

On official leave  
**PRESBITERO J. VELASCO, JR.**  
Associate Justice

*Diosdado M. Peralta*  
**DIOSDADO M. PERALTA**  
Associate Justice

*Lucas P. Bersamin*  
**LUCAS P. BERSAMIN**  
Associate Justice

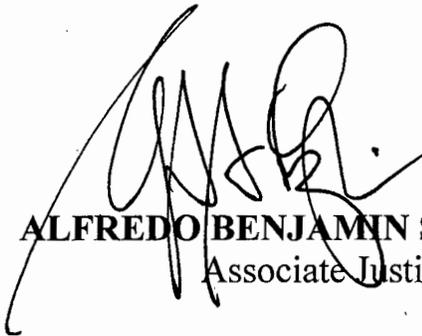
  
**MARIANO C. DEL CASTILLO**  
Associate Justice

  
**ESTELA M. PERLAS-BERNABE**  
Associate Justice

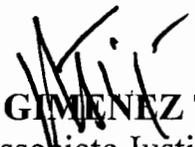
*See separate concurring opinion*

  
**MARVIC M.V.F. LEONEN**  
Associate Justice

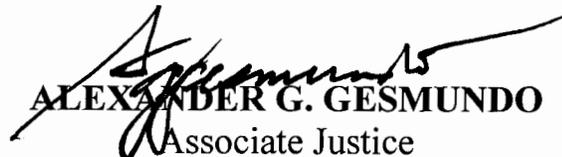
  
**FRANCIS H. JARDELEZA**  
Associate Justice

  
**ALFREDO BENJAMIN S. CAGUIOA**  
Associate Justice

  
**SAMUEL R. MARTIRES**  
Associate Justice

  
**NOEL GIMENEZ TIJAM**  
Associate Justice

On official leave  
**ANDRES B. REYES, JR.**  
Associate Justice

  
**ALEXANDER G. GESMUNDO**  
Associate Justice

Certified True Copy

  
**ANNA-LI R. PAPA-GOMBIO**  
Deputy Clerk of Court En Banc  
OCC En Banc, Supreme Court