

EN BANC

**[A.C. No. 9354 [Formerly CBD Case No. 12-3655],
August 20, 2019]**

**MARIFE A. VENZON, COMPLAINANT, VS. ATTY. AMADOR B.
PELEO III, RESPONDENT.**

DECISION

PER CURIAM:

The Case

Respondent Atty. Amador B. Peleo III is charged with violation of Rule 1.01, Canon 1 of the Code of Professional Responsibility (CPR) and Section 3(D) of Republic Act 9262 (RA 9262) or the Anti-Violence Against Women and Their Children Act of 2004 for his alleged refusal to provide child support to his son, a minor.

The Complaint-Affidavit

In her Complaint-Affidavit dated December 1, 2011, Marife Venzon essentially alleged:

Sometime in 1996, respondent frequented San Jose, Occidental Mindoro to attend to the cases of his former townmates in Cavite.^[1] On May 6, 1996, she met respondent whom she engaged to handle her petition for declaration of nullity of her marriage with her husband. In no time, she got close to respondent as he really exerted effort to earn her trust.^[2] By the time the judicial decree^[3] of annulment of her marriage came out, they were already in a serious relationship. On April 17, 1998, she gave birth to respondent's son.^[4]

In the beginning and up until 2003, respondent responsibly acted as a family man. Sometime in 1997, he purchased a two-storey apartment in Sampaloc, Manila. He leased it out but reserved a space at the ground floor. It was converted into a bedroom where she and their son stayed whenever she had their son checked-up at the UST Hospital.^[5] In 1999, they jointly purchased a residential lot in Facoma, Brgy. Labangan, San Jose, Occidental Mindoro where they built a house for her and their son.^[6]

During the succeeding years, however, respondent no longer visited them as frequently as before. Then he stopped giving them financial support and even ignored her pleas to give it back to them.^[7]

On December 7, 2006, respondent drew an undertaking captioned "*Kasulatan ng Pagbibigay ng Ari-Arian at Sustento*,"^[8] viz:

Dapat mabatid ng lahat:

Ako, Amador B. Peleo III, Pilipino, nasa hustong gulang at may tirahan sa Pob. 3, Gen. E. Aguinaldo, Cavite, ay nagsabi ng mga sumusunod:

Na ako ay nagmamay-ari ng mga sumusunod:

1. Lupa at bahay na naroroon sa Facoma, Labangan, San Jose, Occ. Mindoro;
2. Isang apartment sa Maynila sa 850 Don Quijote St., Sampaloc, Manila.

Na ang mga nabanggit na ari-arian ay kusang loob kong ibinibigay kay Niño Amador Venzon Peleo III, anak ko kay Marife A. Venzon ng San Jose Occidental, Mindoro;

Na aking ding bibigyan ng suporta buwan-buwan panggastos and nasabi kong anak at susuportahan ko rin ang pag-aaral niya hanggang sa makatapos ng kolehiyo.

Sa katunayan ng lahat ng ito ay inilagda ko ang aking pangalan ngayon December 7, 06 dito sa San Jose, Occ. Mindoro.

(Sgd.) Amador B. Peleo III

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Conforme: Marife A.Venzon

But respondent did not fulfill his undertaking and continued to ignore her pleas for support. She was, thus, constrained to seek assistance from the Integrated Bar of the Philippines (IBP).

IBP NCLA-Senior Deputy Atty. Dante Mercado wrote^[9] respondent urging him to at least provide his child's basic needs so he may avoid liability for economic abuse under RA 9262.

During their meeting at the IBP office, she and respondent jointly drew a *Kasunduan*,^[10] viz:

Dapat mabatid ng lahat:

Ang kasunduan ito ay ginawa at pinagtibay nina:

AMADOR B. PELEO III, Pilipino, naninirahan sa Gen. Aguinaldo, Cavite at siyang tatawagin Unang Panig;

at

MARIFE VENZON, Pilipino, naninirahan sa San Jose, Occ. Mindoro at siyang tatawagin na Ikalawang Panig:

PINAGKASUNDUAN

1. Ang Unang Panig ay hahatian (50:50) si Niño Amador V. Peleo sa renta sa bahay na naroroon sa 850 Don Quijote St., Sampaloc, Manila;
2. Sina Niño Amador Peleo at kanyang ina na si Marife Venzon lamang ay binibigyan ko ng pahintulot na siyang tumira sa isang maliit sa kuarto sa silong ng apartment;
3. Ang 900 metro kuadrado lupa na naroroon sa Bo. Labangan, San Jose, Occ. Mindoro at galing kay Teodolfo Talactac ay ibinibigay ko kay Niño Amador V. Peleo ang ganap na pagmamay-ari;
4. Bibigyan ko si Niño Amador V. Peleo ng karampatan kaparte kung mabenta ang nasabing apartment.

Sa katunayan ng lahat ng ito ay inilagda namin ang aming pangalan ngayon Hunyo 28, 2011 dito sa Pasig City.

(Sgd. Marife Venzon)
Ikalawang Panig

(Sgd.) Amador Peleo III
Unang Panig

But again respondent did not honor his undertaking. She recalled that right after they met at the IBP office, she received respondent's text: *"Wala ka ni katiting na karapatan para ipaayos ang kwarto. Kung ano ang ayos niyan ngayon ay hindi mo ito pwedeng baguhin o galawin at hindi kita pinahihintulutan na ayusin, baguhin, maglagay ng anumang improvement diyan sa kwarto otherwise you will be criminally liable, kuha mo at alisin mo na rin diyan ang sabi mong gamit mo."*

On September 30, 2011, she sent copy of the "*Kasunduan*" to Eusebia Jacob, a tenant in respondent's apartment. The "*Kasunduan*" informed Eusebia Jacob that half of the monthly rent on the apartment would go to her. She learned, however, that respondent's sister, Romana Peleo Bellostrino was already collecting the rent.

Aside from his deliberate refusal to provide support for their son, she knew of respondent's propensity for dishonesty, unethical conduct, and immorality, viz:

1. In filling up the blank spaces on his son's Certificate of Live Birth, he indicated that they got married on *May 1, 1996 in Manila* when in truth they never got married. In fact, they only met for the first time on May 6, 1996.
2. Respondent was legally married to Erlinda Sierra when he intimately got involved with her. He remained a married man before, during, and after he sired a son with her. He led her to believe he was determined to sever his marital ties with his wife by filing a petition for judicial declaration of nullity of marriage. As it turned out, he never actually meant it to be. He never prosecuted the case until it got dismissed for failure to prosecute, thus:

ORDER

It appearing that this case has been pending since July 31, 1998 without petitioner exerting any effort to prosecute this case.

ACCORDINGLY, and pursuant to Section 3, Rule 17 of the Revised Rules of Court, this case is hereby DISMISSED without prejudice.

SO ORDERED.^[11]

3. He had been having illicit affairs with many other women, e.g. - a seamstress from Bacoar, Cavite, a housemaid from Calintaan, Occidental Mindoro, and another woman from Capiz with whom he fathered a child named Amadora.

4. He fraudulently secured a Senior Citizen (SC) card although he was only forty five (45) years old. He unabashedly availed of the twenty percent (20%) discount privilege on plane tickets for his out-of-town court hearings.

Respondent's Comment

In his Comment^[12] dated June 8, 2012, respondent denied that he was not giving child support. He claimed that from 2009 until 2011, complainant had been receiving the monthly apartment rent of P12,000.00. On October 2011, in lieu of the cash allowance she was demanding, he gave her a 900-square meter property within a subdivision in San Jose, Occidental Mindoro. As for complainant's other accusations, he basically riposted:

1. He filled out his son's birth certificate indicating that he and complainant got married on a certain date and place because he did not want his son to be humiliated or called "putok sa buho."

2. He did not intend to deceive complainant when he filed the petition for declaration of nullity of his marriage with his first wife. The reason why he failed to prosecute the case was a purely personal matter.

3. He secured a Senior Citizen card solely to avail of the discount privileges granted to cardholders.

By Resolution^[13] dated August 1, 2012, the Court referred the case to the Integrated Bar of the Philippines (IBP) for investigation, report, and recommendation or decision within ninety (90) days. The scheduled preliminary conference was dispensed with following several cancellations. The parties were required instead to file their verified position papers. Only complainant complied.

Report and Recommendation of the Committee on Bar Discipline-IBP (CBD-IBP)

In its Report and Recommendation^[14] dated December 19, 2013, the CBD-IBP, through Commissioner Eldrid C. Antiquiera found respondent liable for gross immorality and violation of Canon 1 of the CPR for Lawyers. Respondent was found to have failed to live up to the exacting standards of the legal profession by having sexual relation with a woman other than his wife, aggravated by his utter refusal to give support to the child he fathered with his paramour. The CBD-IBP recommended that respondent be suspended from the practice of law for two (2) years.

Recommendation of the IBP Board of Governors

Under Resolution No. XXI-2014-812, the IBP Board of Governors resolved to adopt the CBD-IBP's Report and Recommendation pertaining to respondent's liability for gross immorality. As for the penalty, it held that respondent should be disbarred, thus:

RESOLVED to ADOPT and APPROVE, as it is hereby ADOPTED and APPROVED, with modification, the Report and Recommendation of the Investigating Commissioner in the above-entitled case, herein made part of this Resolution as Annex "A," and considering Respondent's act of gross immorality, and his falsification of public documents to feign his marriage to Complainant and acquire a Senior Citizen Card with intent to use it and avail of the 20% discount, Atty. Amador B. Peleo III is hereby DISBARRED and his name stricken off the Roll of Attorneys.

Ruling

We adopt the factual findings, legal conclusions, and penalty recommended by the IBP Board of Governors.

Respondent is charged with violation of Rule 1.01, Canon 1 of the Code of Professional Responsibility,^[15] forbidding lawyers from engaging in unlawful, dishonest, or deceitful conduct. The specific acts he allegedly committed are as follows:

1. Maintaining a sexual relation with complainant when his marriage with his spouse had not been terminated.
2. Maintaining several other faithless relations with other women while in permanent relations with his spouse and complainant.
3. Misusing the legal process of filing a petition for nullity of marriage to convince complainant that he was truly determined to end his marriage with his wife.
4. Falsifying entries in his son's birth certificate.
5. Failing to give child support.
6. Seriously disrespecting the authority and dignity of the IBP when he disregarded an agreement brokered by the IBP between him and complainant.
7. Deceiving the government and private businesses by availing of the Senior Citizens' card to which he was not entitled.

Clearly, we are not deciding respondent's professional fitness on the basis of a single and one-off private event in his life. As a rule, we do not interfere with the privacy right to make decisions on who a lawyer would want to pair himself or herself with. It is the lawyer's decision to make. As stated in a *Concurring Opinion* in ***Estrada v. Escritor***, A.M. No. P-02-1651, August 4, 2003: