

EN BANC

[A.C. No. 10676, September 08, 2015]

**ATTY. ROY B. ECRAELA, COMPLAINANT, VS. ATTY. IAN RAYMOND
A. PANGALANGAN, RESPONDENT.**

D E C I S I O N

PER CURIAM:

The Case

Before the Court is a Petition for Disbarment^[1] filed by Atty. Roy B. Ecraela with the Integrated Bar of the Philippines Commission on Bar Discipline (IBP-CBD) on April 12, 2007 against Atty. Ian Raymond A. Pangalangan for his illicit relations, chronic womanizing, abuse of authority as an educator, and "other unscrupulous activities" which cause "undue embarrassment to the legal profession." Complainant claims that respondent's actions involve deceit, malpractice, gross misconduct and grossly immoral conduct in violation of the Lawyer's Oath.

The Facts

Complainant and respondent were best friends and both graduated from the University of the Philippines (UP) College of Law in 1990, where they were part of a peer group or *barkada* with several of their classmates. After passing the bar examinations and being admitted as members of the Bar in 1991, they were both registered with the IBP Quezon City.

Respondent was formerly married to Sheila P. Jardiolin (Jardiolin) with whom he has three (3) children. Complainant avers that while married to Jardiolin, respondent had a series of adulterous and illicit relations with married and unmarried women between the years 1990 to 2007. These alleged illicit relations involved:

- a. AAA,^[2] who is the spouse of a colleague in the UP College of Law, from 1990 to 1992, which complainant had personal knowledge of such illicit relations;
- b. BBB, sometime during the period from 1992 to 1994 or from 1994 to 1996, despite being already married to Jardiolin;
- c. CCC, despite being married to Jardiolin and while also being romantically involved with DDD;
- d. DDD, sometime during the period from 2000 to 2002, despite still being married to Jardiolin and while still being romantically involved

with CCC;

- e. EEE, who is related to complainant, sometime during the period from May 2004 until the filing of the Petition, while still being romantically involved with CCC.^[3]

Complainant claims that respondent, with malice and without remorse, deceived CCC and DDD by representing himself to be a bachelor, thereby convincing the two women to start a love affair with him, when in truth, he was then still married to Jardiolin.^[4]

Aside from these illicit affairs, complainant avers that sometime during the period of 1998 to 2000, respondent, as a lawyer of the Office of the Government Corporate Counsel (OGCC), represented the interest of Manila International Airport Authority (MIAA) in cancellation proceedings filed by MIAA against Kendrick Development Corporation (KDC). However, despite being a public officer and a government counsel, respondent conspired with Atty. Abraham Espejo, legal counsel of KDC, and assisted KDC in its case, thereby sabotaging MIAA's case, and, in effect, that of the Philippine Government.^[3]

Complainant further claims that respondent even attempted to bribe then Solicitor Rolando Martin of the Office of the Solicitor General (OSG) in exchange for the latter's cooperation in the dismissal of the cancellation proceedings in favor of KDC. In return for his "earnest efforts" in assisting KDC in its case, respondent was allegedly rewarded with a Toyota Corolla XL with plate number ULS-835 by Atty. Espejo. The vehicle was seen several times by respondent's classmates and officemates being driven and parked by respondent in his own home and in the OGCC premises itself.^[6]

In connection with his involvement in the MIAA case, complainant claims that respondent was summoned in a Senate inquiry concerning rampant faking of land titles in the Philippines, which included an investigation of the alleged spurious land titles of KDC. In Senate Committee Final Report No. 367, the Senate Blue Ribbon and Justice & Human Rights Committees recommended that respondent be investigated and prosecuted by the Office of the Ombudsman (Ombudsman) for graft and corruption, as well as disbarment or disciplinary sanction by this Court for grave misconduct or violation of the Revised Penal Code.^[7]

It was further alleged that, during the pendency of the Senate Inquiry, respondent even attempted to conceal the evidence by requesting complainant's parents, spouses Marcelo F. Ecraela and Visitacion B. Ecraela, to have the Toyota Corolla XL parked in their residence in Cainta, Rizal, for an indefinite period of time. Respondent's request, however, was refused by the spouses when they learned that the vehicle was the subject of the Senate Inquiry.^[8]

It appears from the documents presented by complainant that the Ombudsman issued a Resolution finding probable cause against respondent, and an Information was thereafter filed with the Sandiganbayan for violation of Section 3 (b) of Republic Act No. (RA) 3019.^[9]

Complainant also claims that respondent abused his authority as an educator in Manuel L. Quezon University, San Sebastian College, College of St. Benilde, and Maryknoll College, where respondent induced his male students to engage in "nocturnal preoccupations" and entertained the romantic gestures of his female students in exchange for passing grades.^[10]

The Petition was docketed as CBD Case No. 07-1973.

In an Order^[11] dated April 16, 2007, the Director for Bar Discipline, Honorable Rogelio A. Vinluan, required respondent to file his verified answer.

In his undated Answer,^[12] respondent opted not to present any counter-statement of facts in support of his defense. Instead, respondent simply argued that the petition suffers from procedural and substantive infirmities, claiming that petitioner failed to substantiate the allegations or charges against him. Respondent pointed out that Annex "J" of the Petition entitled "Arguments in Support of the Disbarment" lacked formal requirements, and thus, should be treated as a mere scrap of paper. Respondent also asserts that the e-mail messages attached to the petition were inadmissible for having been obtained in violation of the Rules on Electronic Evidence.^[13] He claims that the identities of the owners of the e-mail messages, as well as the allegations of illicit relations and abuse of authority, were not properly established. Respondent further argues that the statements of complainant's witnesses were merely self-serving and deserved scant consideration.

Complainant filed a Comment (to the Respondent's Answer),^[14] stating that the allegations in the complaint were deemed admitted by reason of respondent's failure to make specific or even general denials of such in his Answer.

In his Reply (to the Comment filed by Complainant),^[15] respondent simply denied all of complainant's accusations in the petition, allegedly for "lack of knowledge and information sufficient to form a belief as to the truth or falsity thereof."^[16]

On August 3, 2007, IBP-CBD Investigating Commissioner Leland R. Villadolid, Jr. (Commissioner Villadolid) set the case for mandatory conference on August 28, 2007,^[17] which respondent failed to attend. It appears that respondent filed a Motion to Cancel Hearing,^[18] praying for the resetting of the mandatory conference allegedly due to a previously scheduled hearing on the same date. Respondent's motion was opposed by complainant and eventually denied by Commissioner Villadolid in his Order^[19] dated August 28, 2007. In the same order, complainant's Manifestation^[20] praying that subpoenas be issued to several persons who shall be complainant's hostile witnesses was granted by Commissioner Villadolid. Accordingly, the case was scheduled for the presentation of complainant's witnesses on September 11, 2007 and the respective subpoenas^[21] were issued.

A day before the scheduled hearing, the IBP-CBD received respondent's Motion for Reconsideration,^[22] praying that the Order dated August 28, 2007 be set aside and that the hearing be reset to sometime during the third week of October. In said motion, respondent informed the IBP-CBD that he has viral conjunctivitis or more commonly known as "sore eyes" and has been ordered by the doctor to rest for at

least one to two weeks while his eyes are being treated. Attached to his motion were photocopies of two medical certificates, stating that a certain R. Pangalangan was suffering from sore eyes.

During the scheduled hearing on September 11, 2007, complainant opposed petitioner's motion, arguing that based on his personal verification with the court personnel of Branch 77 of Metropolitan Trial Court (MTC) of Parafiaque City, there was no case calendared for hearing on the date of the previous setting. Complainant also argued that this is another ploy of respondent to delay the proceedings because he knew that complainant worked overseas and was only in the country for a limited period of time. Finding merit in complainant's opposition, respondent's motion was denied and complainant was allowed to present his witnesses.^[23]

Complainant presented his witnesses, as follows: Assistant Solicitor General Karl Miranda (ASG Miranda), Ms. Laarni Morillos (Ms. Morillos), Atty. Glenda T. Litong (Atty. Litong), Atty. Emelyn W. Corpus (Atty. Corpus), Mr. Marcelo Ecraela, and Mrs. Visitacion Ecraela.

ASG Miranda testified on his participation in the KDC case as reflected in the Senate Blue Ribbon Committee Report, as well as on his recollection that the Senate Report had recommended the disbarment of respondent.

Ms. Morillos, Atty. Litong, and Atty. Corpus were presented to establish that the email messages submitted by complainant indeed originated from respondent based on their familiarity with respondent, particularly, the email messages which contained references to his daughter, his relationship with complainant, and respondent's high blood pressure.

Atty. Litong further testified that respondent personally introduced DDD to her as his girlfriend and that sometime in 2002 or 2003, she saw respondent with another girl in Glorietta despite still being married to his wife. Atty. Litong also recalled encountering respondent at a party sometime in 2007 where he was with CCC, whom she perceived to be respondent's girlfriend at that time. She also confirmed that respondent had, in more than one occasion, brought with him his students during their drinking sessions and had even one student driving for him.

For her testimony, Atty. Corpus corroborated Atty. Litong's statements about respondent's preoccupations with his students. Atty. Corpus also testified that DDD called her at her office sometime in 2000 or 2001 to inform her that the latter had broken up with respondent upon learning that he was actually married. Atty. Corpus surmised based on her telephone conversation with DDD that respondent did not tell the latter his actual marital status. Aside from this, Atty. Corpus also recalled that during complainant's farewell party in February 2007, respondent introduced CCC as his girlfriend of six years, or since the year 2000 or 2001.

To expedite the hearing, the spouses Ecraela were made to affirm the execution of their affidavits since their testimonies were based on the affidavits that complainant included in his petition.

Once complainant's presentation of witnesses was concluded, the mandatory conference/hearing was terminated and the parties were directed to submit their respective verified position papers with supporting documentary evidence within

thirty (30) days from receipt of the transcript of stenographic notes. After which, the case was considered submitted for report and recommendation.

On September 18, 2007, the IBP-CBD received complainant's Manifestation (with Comments),^[24] pertaining to respondent's Motion to Cancel Hearing and praying for the IBP-CBD to formally request for records from Branch 77 of MTC, Paranaque City to verify respondent's claim that he had a hearing in said court during the first scheduled mandatory conference. On the same date, the IBP-CBD also received complainant's Compliance (with Comments),^[25] submitting the certified photo copies of the Senate Committee Final Report No. 367, the Resolution dated January 22, 2001 of the Ombudsman, and the Information dated June 30, 2003 filed with the Sandiganbayan.

On January 8, 2008, the IBP-CBD received complainant's Position Paper.^[26] Complainant thereafter filed two Manifestations,^[27] asserting that respondent is already barred from submitting his verified position paper and that any decision or judgment would have to be based solely on complainant's Verified Position Paper.^[28]

Findings of the IBP Investigating Commissioner

After the case was submitted for report and recommendation, Commissioner Villadolid rendered a Report,^[29] finding that there is more than sufficient evidence establishing respondent's gross misconduct affecting his standing and moral character as an officer of the court and member of the bar.

On the issue of respondent's alleged violations of the Revised Penal Code^[30] and/or RA 3019^[31] as reflected in the Senate Report, the Ombudsman's Resolution, and the Information, Commissioner Villadolid found that despite respondent's denials, complainant was able to present certified true copies of the relevant documents which support his allegations in the petition.

As for the alleged illicit affairs of respondent, Commissioner Villadolid discredited complainant's assertion that respondent is guilty of gross immoral conduct for his alleged adulterous relations with EEE. Based on the Report, complainant was not able to discharge the burden of proving the authenticity of the email messages pertaining to this adulterous affair; thus, they were deemed inadmissible. However, Commissioner Villadolid found merit in complainant's claim that respondent committed grossly immoral conduct by having illicit relations with DDD, CCC, and BBB, all while still married to Jardiolin, to wit:

4.21 In engaging in such illicit relationships, Respondent disregarded the sanctity of marriage and the marital vows protected by the Constitution and affirmed by our laws, which as a lawyer he swore under oath to protect. The 1987 Constitution, specifically Article XV. Section 2 thereof clearly provides that marriage, an inviolable social institution, is the foundation of the family and shall be protected by the state.

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