

EN BANC

[A.C. No. 8392 [Formerly CBD Case No. 08-2175], June 29, 2010]

ROSARIO T. MECARAL, COMPLAINANT, VS. ATTY. DANILO S. VELASQUEZ, RESPONDENT.

DECISION

PER CURIAM:

Rosario T. Mecaral (complainant) charged Atty. Danilo S. Velasquez (respondent) before the Integrated Bar of the Philippines (IBP) Committee on Bar Discipline (CBD)^[1] with Gross Misconduct and Gross Immoral Conduct which she detailed in her Position Paper^[2] as follows:

After respondent hired her as his secretary in 2002, she became his lover and common-law wife. In October 2007, respondent brought her to the mountainous Upper San Agustin in Caibiran, Biliran where he left her with a religious group known as the Faith Healers Association of the Philippines, of which he was the leader. Although he visited her daily, his visits became scarce in November to December 2007, prompting her to return home to Naval, Biliran. Furious, respondent brought her back to San Agustin where, on his instruction, his followers tortured, brainwashed and injected her with drugs. When she tried to escape on December 24, 2007, the members of the group tied her spread-eagled to a bed. Made to wear only a T-shirt and diapers and fed stale food, she was guarded 24 hours a day by the women members including a certain Bernardita Tadeo.

Her mother, Delia Tambis Vda. De Mecaral (Delia), having received information that she was weak, pale and walking barefoot along the streets in the mountainous area of Caibiran, sought the help of the Provincial Social Welfare Department which immediately dispatched two women volunteers to rescue her. The religious group refused to release her, however, without the instruction of respondent. It took PO3 Delan G. Lee (PO3 Lee) and PO1 Arnel S. Robedillo (PO1 Robedillo) to rescue and reunite her with her mother.

Hence, the present disbarment complaint against respondent. Additionally, complainant charges respondent with bigamy for contracting a second marriage to Leny H. Azur on August 2, 1996, despite the subsistence of his marriage to his first wife, Ma. Shirley G. Yunzal.

In support of her charges, complainant submitted documents including the following: Affidavit^[3] of Delia dated February 5, 2008; Affidavit of PO3 Lee and PO1 Robedillo^[4] dated February 14, 2008; photocopy of the Certificate of Marriage^[5] between respondent and Leny H. Azur; photocopy of the Marriage Contract^[6] between respondent and Shirley G. Yunzal; National Statistics Office Certification^[7]

dated April 23, 2008 showing the marriage of Ma. Shirley G. Yunzal to respondent on April 27, 1990 in Quezon City and the marriage of Leny H. Azur to respondent on August 2, 1996 in Mandaue City, Cebu; and certified machine copy of the Resolution^[8] of the Office of the Provincial Prosecutor of Naval, Biliran and the Information^[9] lodged with the RTC-Branch 37-Caibiran, Naval, Biliran, for Serious Illegal Detention against respondent and Bernardita Tadeo on complaint of herein complainant.

Despite respondent's receipt of the February 22, 2008 Order^[10] of the Director for Bar Discipline for him to submit his Answer within 15 days from receipt thereof, and his expressed intent to "properly make [his] defense in a verified pleading,"^[11] he did not file any Answer.

On the scheduled Mandatory Conference set on September 2, 2008 of which the parties were duly notified, only complainant's counsel was present. Respondent and his counsel failed to appear.

Investigating Commissioner Felimon C. Abelita III of the CBD, in his Report and Recommendation^[12] dated September 29, 2008, found that:

[respondent's] acts of converting his secretary into a mistress; contracting two marriages with Shirley and Leny, are **grossly immoral** which no civilized society in the world can countenance. The subsequent detention and torture of the complainant is **gross misconduct** [which] only a beast may be able to do. Certainly, the respondent had violated Canon 1 of the Code of Professional Responsibility which reads:

CANON 1 - A lawyer shall **uphold the constitution, obey the laws** of the land and promote respect for law and legal processes.

x x x x

In the long line of cases, the Supreme Court has consistently imposed severe penalty for grossly immoral conduct of a lawyer like the case at bar. In the celebrated case of *Joselano Guevarra vs. Atty. Jose Manuel Eala*, the [Court] ordered the disbarment of the respondent for maintaining extra-marital relations with a married woman, and having a child with her. In the instant case, not only did the respondent commit bigamy for contracting marriages with Shirley Yunzal in 1990 and Leny Azur in 1996, but the respondent also made his secretary (complainant) his mistress and subsequently, tortured her to the point of death. All these circumstances showed the moral fiber respondent is made of, which [leave] the undersigned with no choice but to recommend the disbarment of Atty. Danilo S. Velasquez.^[13] (emphasis and underscoring supplied)

The IBP Board of Governors of Pasig City, by Resolution^[14] dated December 11,