

## EN BANC

[ A.C. No. 1481, October 17, 2008 ]

**REBECCA B. ARNOBIT, COMPLAINANT, VS. ATTY. PONCIANO P. ARNOBIT, RESPONDENT.**

### DECISION

#### PER CURIAM:

Rebecca B. Arnobit, in her affidavit-complaint<sup>[1]</sup> dated May 11, 1975, prays that the Court exercise its disciplinary power over her husband, respondent Atty. Ponciano Arnobit, on the grounds of Immorality and Abandonment.

In her complaint, Rebecca alleged that she and respondent were married on August 20, 1942. Twelve children were born out of this union. Rebecca further alleged seeing respondent through law school, continuously supporting him until he passed the bar examinations and became a member of the Philippine bar. Several years after, however, or in 1968, respondent left the conjugal home and started cohabiting with one Benita Buenafe Navarro who later bore him four more children. Respondent's infidelity, according to Rebecca, impelled her to file a complaint for legal separation and support. A criminal case for adultery against Benita and respondent later followed.

In his Answer<sup>[2]</sup> dated July 31, 1975, respondent admitted that Rebecca is his wedded wife and the mother of their 12 children. He denied, however, having cohabited with Benita. And he pointed to his complaining wife as the cause of their separation, stating the observation that she was "always traveling all over the country, ostensibly for business purposes, without his knowledge and consent, x x x thereby neglecting her obligations toward her family."<sup>[3]</sup>

Issues having been joined, hearings were conducted before the Office of the Solicitor General and, subsequently, before the Integrated Bar of the Philippines (IBP) Commission on Bar Discipline (Commission). At the hearings, Rebecca presented both oral and documentary evidence to support her allegations of abandonment and immorality.

Aside from her testimony, Rebecca presented two other witnesses, viz: Venancia M. Barrientos, her sister, who identified a letter dated August 28, 1970 written by respondent to her, addressing her as "Vending" (Exhibit "B-1"), therein asking for forgiveness for the unhappiness he caused his family; and Melecio Navarro, husband of Benita, who testified about how respondent took his wife Benita as a mistress, knowing fully well of their lawful marriage.

Rebecca also presented the affidavits of National Bureau of Investigation agents Eladio C. Velasco and Jose C. Vicente (Exhibits "H-1" and "H-2") to show the existence of a *prima facie* case for adultery. The pictures and baptismal and birth

certificates of Mary Ann, Ma. Luisa, Caridad, and Ponciano Jr., all surnamed Arnobit, were submitted to prove the fact that respondent sired four illegitimate children out of his illicit cohabitation with Benita.<sup>[4]</sup>

According to the investigating commissioner, respondent, despite due notice, repeatedly absented himself when it was his turn to present evidence, adding that scheduled hearings had to be postponed just to afford respondent ample opportunity to present his side of the controversy. The investigating commissioner also stated that, in most cases, respondent would seek postponement, pleading illness, on the very date of the hearing. And according to the Commission, its several directives for respondent to send by mail his affidavits and documentary exhibits in lieu of personal appearance so that the commission could finish with the investigation proved futile.

In its *Report* dated June 21, 1995, the Commission found respondent liable for abandonment and recommended his suspension from the practice of law for three (3) months. The recommendation portion of the report reads, as follows:

WHEREFORE, it is respectfully recommended to the Board of Governors that the respondent be suspended from the practice of law for a period of three (3) months as a lesson for him to change his ways. An indefinite suspension is not recommended because it has been gathered from complainant herself that respondent supports himself through the practice of law - which would be cruel for us to curtail at this time when he is already advanced in age - the penalty of three (3) months suspension and recording of such penalty in his record being sufficient to berate him as to his lack of responsibility as evidenced by his abandonment of the children. [Report and Recommendation rendered by Commissioner Vicente Q. Roxas]

On January 27, 1996, the IBP Board of Governors passed Resolution No. XII-96-43 adopting and approving the Commission report aforementioned.

While the Court concurs with the inculpatory findings of the IBP on the charge of abandonment, it cannot bring itself to agree that respondent is liable only for that offense. As it were, the charge for gross immoral conduct has sufficiently been proven. Following established jurisprudence, respondent deserves to be disbarred.

The Code of Professional Responsibility provides:

Rule 1.01- A lawyer shall not engage in unlawful, dishonest, immoral or deceitful conduct:

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.

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.

As this Court often reminds members of the bar, the requirement of good moral character is of much greater import, as far as the general public is concerned, than