

## EN BANC

[ A.C. NO. 7136, August 01, 2007 ]

**JOSELANO GUEVARRA, COMPLAINANT, VS. ATTY. JOSE  
EMMANUEL EALA, RESPONDENT.**

### D E C I S I O N

#### **PER CURIAM:**

Joselano Guevarra (complainant) filed on March 4, 2002 a Complaint for Disbarment<sup>[1]</sup> before the Integrated Bar of the Philippines (IBP) Committee on Bar Discipline (CBD) against Atty. Jose Emmanuel M. Eala a.k.a. Noli Eala (respondent) for "grossly immoral conduct and unmitigated violation of the lawyer's oath."

In his complaint, Guevarra gave the following account:

He first met respondent in January 2000 when his (complainant's) then-fiancee Irene Moje (Irene) introduced respondent to him as her friend who was married to Marianne (sometimes spelled "Mary Ann") Tantoco with whom he had three children.

After his marriage to Irene on October 7, 2000, complainant noticed that from January to March 2001, Irene had been receiving from respondent cellphone calls, as well as messages some of which read "I love you," "I miss you," or "Meet you at Megamall."

Complainant also noticed that Irene habitually went home very late at night or early in the morning of the following day, and sometimes did not go home from work. When he asked about her whereabouts, she replied that she slept at her parents' house in Binangonan, Rizal or she was busy with her work.

In February or March 2001, complainant saw Irene and respondent together on two occasions. On the second occasion, he confronted them following which Irene abandoned the conjugal house.

On April 22, 2001, complainant went uninvited to Irene's birthday celebration at which he saw her and respondent celebrating with her family and friends. Out of embarrassment, anger and humiliation, he left the venue immediately. Following that incident, Irene went to the conjugal house and hauled off all her personal belongings, pieces of furniture, and her share of the household appliances.

Complainant later found, in the master's bedroom, a folded social card bearing the words "I Love You" on its face, which card when unfolded contained a handwritten letter dated October 7, 2000, the day of his wedding to Irene, reading:

My everdearest Irene,

By the time you open this, you'll be moments away from walking down the aisle. I will say a prayer for you that you may find meaning in what you're about to do.

Sometimes I wonder why we ever met. Is it only for me to find fleeting happiness but experience eternal pain? Is it only for us to find a true love but then lose it again? Or is it because there's a bigger plan for the two of us?

I hope that you have experienced true happiness with me. I have done everything humanly possible to love you. And today, as you make your vows . . . I make my own vow to YOU!

I will love you for the rest of my life. I loved you from the first time I laid eyes on you, to the time we spent together, up to the final moments of your single life. But more importantly, I will love you until the life in me is gone and until we are together again.

Do not worry about me! I will be happy for you. I have enough memories of us to last me a lifetime. Always remember though that in my heart, in my mind and in my soul, YOU WILL ALWAYS

. . . AND THE WONDERFUL THINGS YOU DO!

BE MINE . . . . AND MINE ALONE, and I WILL ALWAYS BE YOURS AND YOURS ALONE!

I LOVE YOU FOREVER, I LOVE YOU FOR ALWAYS. AS LONG AS I'M LIVING MY TWEETIE YOU'LL BE!"<sup>[2]</sup>

Eternally yours,

NOLI

Complainant soon saw respondent's car and that of Irene constantly parked at No. 71-B 11<sup>th</sup> Street, New Manila where, as he was to later learn sometime in April 2001, Irene was already residing. He also learned still later that when his friends saw Irene on or about January 18, 2002 together with respondent during a concert, she was pregnant.

In his ANSWER,<sup>[3]</sup> respondent admitted having sent the I LOVE YOU card on which the above-quoted letter was handwritten.

On paragraph 14 of the COMPLAINT reading:

14. Respondent and Irene were even FLAUNTING THEIR ADULTEROUS RELATIONSHIP as they attended social functions together. For instance, in or about the third week of September 2001, the couple attended the launch of the "Wine All You Can" promotion of French wines, held at the Mega Strip of SM Megamall B at Mandaluyong City. Their attendance was reported in Section B of the Manila Standard issue of 24 September 2001, on page 21. Respondent and

Irene were photographed together; their picture was captioned: **"Irene with Sportscaster Noli Eala."** A photocopy of the report is attached as Annex C.<sup>[4]</sup> (Italics and emphasis in the original; CAPITALIZATION of the phrase "flaunting their adulterous relationship" supplied),

respondent, in his ANSWER, stated:

4. Respondent specifically denies **having ever flaunted** an adulterous relationship with Irene as alleged in paragraph 14 of the Complaint, the truth of the matter being that their relationship was **low profile and known only to the immediate members of their respective families**, and that Respondent, as far as the general public was concerned, was still known to be legally married to Mary Anne Tantoco.<sup>[5]</sup> (Emphasis and underscoring supplied)

On paragraph 15 of the COMPLAINT reading:

15. Respondent's adulterous conduct with the complainant's wife and his apparent abandoning or neglecting of his own family, demonstrate his gross moral depravity, making him morally unfit to keep his membership in the bar. He flaunted his aversion to the institution of marriage, calling it a "piece of paper." Morally reprehensible was his writing the love letter to complainant's bride on the very day of her wedding, vowing to continue his love for her "until we are together again," as now they are.<sup>[6]</sup> (Underscoring supplied),

respondent stated in his ANSWER as follows:

5. Respondent specifically denies the allegations in paragraph 15 of the Complaint regarding his adulterous relationship and that his acts demonstrate gross moral depravity thereby making him unfit to keep his membership in the bar, the reason being that Respondent's relationship with Irene was **not under scandalous circumstances** and that as far as his relationship with his own family:

5.1 Respondent has maintained a civil, cordial and peaceful relationship with [his wife] Mary Anne as in fact they still occasionally meet in public, even if Mary Anne is aware of Respondent's special friendship with Irene.

x x x x

5.5 Respondent also denies that he has flaunted his aversion to the institution of marriage by calling the institution of marriage a mere piece of paper because his reference [in his above-quoted handwritten letter to Irene] to the marriage between Complainant and Irene as a piece of paper was merely with respect to the formality of the marriage contract.<sup>[7]</sup> (Emphasis and underscoring supplied)

Respondent admitted<sup>[8]</sup> paragraph 18 of the COMPLAINT reading:

18. The Rules of Court requires lawyers to support the Constitution and obey the laws. The Constitution regards marriage as an inviolable social institution and is the foundation of the family (Article XV, Sec. 2).<sup>[9]</sup>

And on paragraph 19 of the COMPLAINT reading:

19. Respondent's grossly immoral conduct runs afoul of the Constitution and the laws he, as a lawyer, has been sworn to uphold. In pursuing obsessively his illicit love for the complainant's wife, he **mocked the institution of marriage**, betrayed his own family, broke up the complainant's marriage, commits adultery with his wife, and **degrades the legal profession**.<sup>[10]</sup> (Emphasis and underscoring supplied),

respondent, in his ANSWER, stated:

7. Respondent specifically denies the allegations in paragraph 19 of the Complaint, the reason being that under the circumstances the acts of Respondent with respect to his purely personal and low profile **special relationship with Irene is neither under scandalous circumstances nor tantamount to grossly immoral conduct** as would be a ground for disbarment pursuant to Rule 138, Section 27 of the Rules of Court.<sup>[11]</sup> (Emphasis and underscoring supplied)

To respondent's ANSWER, complainant filed a REPLY,<sup>[12]</sup> alleging that Irene gave birth to a girl and Irene named respondent in the Certificate of Live Birth as the girl's father. Complainant attached to the Reply, as Annex "A," a copy of a Certificate of Live Birth<sup>[13]</sup> bearing Irene's signature and naming respondent as the father of her daughter Samantha Irene Louise Moje who was born on February 14, 2002 at St. Luke's Hospital.

Complainant's REPLY merited a REJOINDER WITH MOTION TO DISMISS<sup>[14]</sup> dated January 10, 2003 from respondent in which he denied having "personal knowledge of the Certificate of Live Birth attached to the complainant's Reply."<sup>[15]</sup> Respondent moved to dismiss the complaint due to the pendency of a civil case filed by complainant for the annulment of his marriage to Irene, and a criminal complaint for adultery against respondent and Irene which was pending before the Quezon City Prosecutor's Office.

During the investigation before the IBP-CBD, complainant's Complaint-Affidavit and Reply to Answer were adopted as his testimony on direct examination.<sup>[16]</sup> Respondent's counsel did not cross-examine complainant.<sup>[17]</sup>

After investigation, IBP-CBD Investigating Commissioner Milagros V. San Juan, in a 12-page REPORT AND RECOMMENDATION<sup>[18]</sup> dated October 26, 2004, found the charge against respondent sufficiently proven.

The Commissioner thus recommended<sup>[19]</sup> that respondent be disbarred for violating **Rule 1.01 of Canon 1 of the Code of Professional Responsibility** reading:

Rule 1.01: A lawyer shall not engage in unlawful, dishonest, immoral or deceitful conduct (Underscoring supplied),

and **Rule 7.03 of Canon 7 of the same Code** reading:

Rule 7.03: A lawyer shall not engage in conduct that adversely reflects on his fitness to practice law, nor shall he, whether in public or private life, behave in a scandalous manner to the discredit of the legal profession. (Underscoring supplied)

The IBP Board of Governors, however, annulled and set aside the Recommendation of the Investigating Commissioner and accordingly dismissed the case for lack of merit, by Resolution dated January 28, 2006 briefly reading:

**RESOLUTION NO. XVII-2006-06**  
**CBD Case No. 02-936**  
**Joselano C. Guevarra vs.**  
**Atty. Jose Emmanuel M. Eala**  
**a.k.a. Noli Eala**

*RESOLVED to ANNUL and SET ASIDE, as it is hereby ANNULLED AND SET ASIDE, the Recommendation of the Investigating Commissioner, and to APPROVE the **DISMISSAL** of the above-entitled case for lack of merit.*

<sup>[20]</sup> (Italics and emphasis in the original)

Hence, the present petition<sup>[21]</sup> of complainant before this Court, filed pursuant to Section 12 (c), Rule 139<sup>[22]</sup> of the Rules of Court.

The petition is impressed with merit.

Oddly enough, the IBP Board of Governors, in setting aside the Recommendation of the Investigating Commissioner and dismissing the case for lack of merit, gave no reason therefor as its above-quoted 33-word Resolution shows.

Respondent contends, in his Comment<sup>[23]</sup> on the present petition of complainant, that there is no evidence against him.<sup>[24]</sup> The contention fails. As the IBP-CBD Investigating Commissioner observed:

While it may be true that the love letter dated October 7, 2000 (Exh. "C") and the news item published in the *Manila Standard* (Exh. "D"), even taken together do not sufficiently prove that respondent is carrying on an adulterous relationship with complainant's wife, there are other pieces of evidence on record which support the accusation of complainant against respondent.

It should be noted that **in his Answer dated 17 October 2002, respondent through counsel made the following statements to wit:** "Respondent specifically denies having [ever] flaunted an adulterous relationship with Irene as alleged in paragraph <sup>[14]</sup> of the Complaint, the