

EN BANC

[A.C. No. 4826, January 27, 1999]

IN THE MATTER OF THE PETITION TO REMOVE ATTY. JOSE A. GRAPILON AS PRESIDENT, INTEGRATED BAR OF THE PHILIPPINES. ROSALIA VILLARUEL, ASUNCION ILAGAN, ROSALINA VILLARUEL, ROBERTO MANUSON, EVELYN MELGAR, NIDA PEÑARANDA, THELMA PADILLA, MARY LOU MANATLAO, HERMINIO CEPILLO, CRISTINA NALDA, TERESITA PERALTA, EDEN ENCINARES, GLORIA COUSART, EMMA PAGUNSAN, AND DELIA MORTERA (EMPLOYEES OF THE NATIONAL OFFICE, INTEGRATED BAR OF THE PHILIPPINES), COMPLAINANTS, VS. ATTY. JOSE A. GRAPILON AND THE INTEGRATED BAR OF THE PHILIPPINES BOARD OF GOVERNORS, RESPONDENTS

RESOLUTION

VITUG, J.:

I

Rosalia Villaruel, Asuncion Ilagan, Rosalina Villaruel, Roberto Manuson, Evelyn Melgar, Nida Peñaranda, Thelma Padilla, Mary Lou Manatlaog, Herminio Cepillo, Cristina Nalda, Teresita Peralta, Eden Encinares, Gloria Cousart, Emma Pagunsan and Delia Mortera, all employees of the Integrated Bar of the Philippines ("IBP"), sought, in a letter-complaint, dated 20 November 1997, addressed to Chief Justice Andres R. Narvasa and the Associate Justices of the Supreme Court, the removal from office of IBP National President Jose Aguila Grapilon. The complainants charged the IBP official with -

- (a) Immorality
- (b) Questionable Disbursement of Funds
- (c) Dishonesty
- (d) Failure to Turn-over to IBP Donations from Private Individuals and to Account for the same
- (e) Refusal to Turn-over to the IBP Employee' Records and Money pertaining to the Employees' Loan and Savings Association
- (f) Appropriation of Office Property for his and his Family's Personal use
- (g) Extending Loans at an interest to IBP Employees
- (h) Issuance of Unreasonable/ Illegal / Arbitrary / Whimsical and Oppressive Orders
- (i) Oppression / Harassment
- (j) Appointment of Employees who hail from the Visayas

- Region and whose Services are not needed
- (k) Appointment of Atty. Eulogia Cueva, a cousin of Atty. Grapilon, to the post of National Executive Director and Commissioner of the Commission on Bar Discipline (CBD)
 - (l) Organization of a Secret Society

Shortly after receiving a copy of the complaint, Atty. Grapilon filed with the IBP Board of Governors a request for a sixty-day leave of absence effective 28 November 1997. The Board of Governors, in its resolution of 24 November 1997, endorsed the request to this Court "without comment or action x x x (for) being a direct consequence of the Petition filed with the Supreme Court which has (since) acquired jurisdiction" over the matter. In the same resolution, the Board of Governors resolved to create a fact-finding committee tasked-

"(a) to determine the procedures and requirements for the disbursements of funds of the IBP, particularly those subject of the Petition, and to recommend appropriate measures to insure that IBP funds are properly disbursed;

"(b) to determine the procedures and practices being used by the IBP personnel in the safekeeping and custody of official records and documents, it appearing that certain records and documents which should remain only with a particular department or office are readily available to practically any person, and to recommend appropriate measures and controls to ensure that all official records and documents are properly safeguarded;

"(c) to determine the extent and causes of any conflict or friction between and among IBP employees, particularly the petitioners and the respondents in the Petition or those alluded to therein, and recommend appropriate measures to prevent further degradation in the working relationships between and among IBP employees as well as remedy whatever damage may have been done to the same."^[1]

The committee was composed of Judge Sixto C. Marella, Jr., as Chairman, and IBP Manila IV Chapter President Vicente Pulido and IBP former President Mervyn G. Encanto, as members.

In its resolution of 09 December 1997, the Court required Atty. Grapilon to comment on the complaint against him.

In a letter dated 13 December 1997, IBP National Secretary Roland B. Inting required complainants, pursuant to a directive by the Board of Governors, to explain, within five (5) working days, why no disciplinary action should be taken against them for committing acts inimical to the IBP, in main:

"1. For going to the media in airing (their) complaint against the President of the IBP, when complaints against lawyers and judges are confidential in nature;

"2. For by-passing the Board of Governors in (their) complaint against

(their) fellow employees and the National Executive Director.

"3. For causing damage to the name and integrity of the IBP as an institution."^[2] Ibid., p. 140.

In the meantime, complainants were "preventively suspended" with pay by IBP "to protect (it) against the unauthorized use of confidential documents and further protect the properties of the IBP xxx."

Complainants forthwith submitted to the Court a "Supplemental Petition with Reiterated Motion for Suspension of Atty. Grapilon and for the Issuance of a Cease and Desist Order against the IBP," claiming that by continuing to act as IBP President, Atty. Grapilon had succeeded in creating an "unreasonable and hostile atmosphere" for them, "rendering their continued employment humiliating, demeaning and impossible." Complainants, moreover, denied having sought media coverage and alleged that ABS-CBN must have only somehow learned of their complaint. Complainants stressed that their complaint against Atty. Grapilon was not in his capacity as a lawyer but as the National President of the IBP.

In its resolution of 13 January 1995, the Court directed respondents to likewise comment on the supplemental petition.

When complainants had refused to recognize the authority of the fact-finding committee created by the IBP Board of Governors, the latter decided to terminate the services of complainants except for one of them who was, instead, merely suspended from work without pay; thus:

"WHEREFORE, in view of the foregoing considerations, respondents Asuncion Ilagan, Rosalia Villaruel, Rosalina Villaruel, Roberto Manuson, Evelyn Melgar, Nida Peñaranda, Thelma Padilla, Mary Lou Manatlao, Herminio Cepillo, Cristina Nalda, Teresita Peralta, Eden Encinares, Gloria Cousart, Emma Pagunsan and Delia Mortera are hereby DISMISSED and terminated from their respective employment in the Integrated Bar of the Philippines effective January 16, 1998. Respondent Soledad Afroilan is hereby SUSPENDED for a period of FIVE (5) working days without pay, and with a warning that commission of similar acts shall be dealt with more severely.

"SO ORDERED."^[3]

Following the filing by Atty. Grapilon and the IBP Board of Governors of their respective comments, the Court, in a resolution, dated 27 January 1998, resolved; as follows:

"Considering that the resolution of this administrative case would require an inquiry into and evaluation of the respective factual allegations of the contending parties, the COURT hereby CONSTITUTES an AD HOC Committee composed of, Mr. Justice Jorge S. Imperial, as Chairman, Mme. Justice Minerva P. Gonzaga-Reyes and Mr. Justice Jesus M. Elbinias, as members, of the Court of Appeals for the reception and evaluation of evidence to be presented by both parties and thereafter to make its

report and its recommendations on the matter within ninety (90) days from receipt of the records.”^[4]

At the start of the investigation by the Ad Hoc Committee, some of the accusations against Atty. Grapilon were dropped by complainants, a fact which was confirmed by their counsel in the hearing of 21 May 1998. The Ad Hoc Committee accordingly confined itself to the remaining charges which, along with the Committee’s findings, will now be discussed by the Court *in seriatim*; viz:

A. Immorality

Atty. Grapilon had engaged in an adulterous relationship with Mrs. Radie Yacapin Cariaga, an IBP employee and wife of Atty. Rolando Cariaga, according to the complainants, one of whom, Rosalia Villaruel, averred that on 27 April 1997, while they were at the Agta Beach Resort in Almeria, Biliran, after attending the IBP National Convention in Cebu City, she saw Mrs. Cariaga hurriedly leaving the room of Atty. Grapilon at around 5:00 a.m. and repairing to the room assigned to her (Mrs. Cariaga), Sol Afroilan and Marissa Almorena.

Villaruel’s testimony was disputed by SP04 Hildeyardo Enage and SP04 Rolando Lepasana who had provided the round-the-clock security for Atty. Grapilon and the IBP staff, as well as by Almorena who shared the bed with Mrs. Cariaga, each of whom gave respective sworn statements before the Ad Hoc Committee.

The Ad Hoc Committee observed:

“Between the sole testimony of Petitioner Mrs. Villaruel and that of the policemen, the latter’s testimony is entitled to greater credibility, being disinterested witnesses (sic). Furthermore, even assuming, *arguendo*, that Mrs. Cariaga did come out of the bedroom where Atty. Grapilon was assigned to sleep, it should be noted that SP04 Lepasana was also in the same room and thus, it is hard to believe that anything immoral occurred therein.”^[5]

Complainant Asuncion Ilagan declared that on 09 May 1997, during a Chapter visitation in Pampanga, the IBP officials were invited by Atty. Wilfredo Untalan, former IBP Central Luzon Governor, to go to the hotel casino. The group included, among other members of the party, Atty. Grapilon, Atty. Buen Zamar, Legal Aid Lawyer of IBP Pampanga Chapter, Atty. Isagani Cruz and Mrs. Cariaga. While at the casino, Ilagan asserted, she noticed Atty. Grapilon and Mrs. Cariaga holding hands. Later, Atty. Grapilon told Ilagan that he and Mrs. Cariaga were “falling in love with each other.” Inside the car, she could sense Atty. Grapilon and Mrs. Cariaga kissing each other.

Atty. Untalan declared to the contrary, pointing out that the place was crowded and that he had to continually discuss with Atty. Grapilon matters pertaining to the elections of the IBP Board of Governors.

“8. Many times I had to seat (sic) close to and consult with Atty. Grapilon considering that the elections for IBP Board of Governors was forthcoming and Atty. Sergio Cruz, one of our companions was a candidate for a governor of Central Luzon.

"9. At no time during the said occasion did I notice any amorous interaction between Atty. Grapilon and Ms. Cariaga. Neither did I see them holding hands. Neither did my wife notice anything unusual, otherwise, she should have told me of the same knowing that Atty. Grapilon is a married man. As a matter of fact, none of our companions ever talked about such holding hand or whispering even in jesting manner. Much more the place was crowded by the presence of too many people and discretions of this nature are never displayed openly."^[6]

The statement was corroborated by Atty. Zamar who attested that he did not notice anything unusual in the behavior of either Atty. Grapilon or Mrs. Cariaga.

"10. At no time (did) I notice anything unusual about Atty. Grapilon and Mrs. Cariaga. As a matter of fact, I can clearly see beneath the two small tables as they were not covered by table cloth(es) and during our entire (sic) at said restaurant, I did not see Atty. Grapilon and Ms. Cariaga holding hands nor whispering to each other. What I know is that we were all discussing in normal voice or at higher pitch as there were many guests at the time and a band was playing."^[7]

The alleged incident inside the car between Atty. Grapilon and Mrs. Cariaga, likewise asseverated by Ilagan, was refuted by the driver of the car, one Cornelio Bulado.

"7. Si Atty. Grapilon, Mrs. Cariaga at Mrs. Ilagan ay tumulak pabalik mga hating-gabi na at lulan sa (sic) Honda Civic na minamaneho ko kung saan si Mrs. Ilagan ay naka-upo sa unahan at si Atty. Grapilon at Mrs. Cariaga naman ay nakaupo sa likuran.

"8. Sa loob ng biyahe mula Angeles hangang sa naihatid ko si Atty. Grapilon, Mrs. Cariaga at Mrs. Ilagan ako ay walang napuna na kakaibang kilos nina Atty. Grapilon at Mrs. Cariaga, lalo na ang kabulaanang bintang ni Mrs. Ilagan na narinig niya silang nagbubulungan at naglalapat ang mga labi."^[8]

The Ad Hoc Committee, on this count against respondent, made this finding:

"x x x (I)t is hard to believe that the alleged adulterous romance should be openly exhibited in full public view by Atty. Grapilon as President of the IBP and in the company of other co-officers during a chapter visit. As against the Affidavit of Sionie Ilagan, and those of Atty. Untalan and Atty. Zamar, on whether or not the 'holding hands' incident occurred, the latter should prevail for the statements contained therein come from an unprejudiced and independent source. Besides, Sionie Ilagan admitted during her testimony that since she did not look back, her only basis for concluding that Atty. Grapilon and Mrs. Cariaga were kissing each other was because of the sounds she heard. Besides, Asuncion (Sionie) Ilagan testified that she had never been close to Atty. Grapilon and it is therefore improbable that respondent would confide to her that he was falling in love with Mrs. Cariaga.