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to her home and that this bolsters the contention that their sexual intercourse was voluntarily, suffice it to say that after the rape it was still dark and complainant was afraid that appellant might take advantage of her again. The best way out was for her to convince him to bring her back home.

Finally, the question as to why appellant did not molest the 16-year old daughter of the complainant is not for her to answer. Why a man would prefer that woman for another is beyond her.

All told, We are satisfied that the lower court did not err in finding that appellant's guilt has been established beyond reasonable doubt.

WHEREFORE, the decision appealed from is AFFIRMED, with the modification that the indemnity is increased from P12,000.00 to P20,000.00. With costs.

SO ORDERED.

Teehankee (Chairman), Melencio-Herrera, Plana, Gutierrez, Jr., and *de la Fuente, JJ.*, concur.

EN BANC

[BAR MATTER NO. 68, November 21, 1984]

ANNABELLE J. POMPERADA, *complainant, vs.* BENJAMIN P. JOCHICO y PAMA, *respondent.*

SYLLABUS

1. **REMEDIAL LAW; ADMISSION TO THE BAR; CANDIDATES MUST MEET STANDARD OF MORAL FITNESS; CASE AT BAR.**— It is evident that respondent fails to meet the standard of moral fitness for membership in the legal profession. Whether the marriage was a joke as respondent claims, or a trick played on her as claimed by complainant, it does not speak well of

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respondent's moral values. Respondent had made a mockery of marriage, a basic social institution, which public policy cherishes and protects (Article 216, Civil Code).

2. ID.; ID.; ID.; ILLICIT MARITAL RELATIONS AND FILING OF FALSE INCOME TAX RETURNS; GROUNDS FOR DENYING ADMISSION TO THE BAR.— Respondent's testimony was a long and clear admission of illicit liaison with Complainant for nine years, and before that with another woman, and of the filing of false Income Tax Returns. Those actuations do not conform to the standard norms of honesty, decency and moral conduct required of an aspiring member of the legal profession. ACCORDINGLY, the petition of respondent to be allowed to take the oath as a member of the Bar and to sign the Roll of Attorneys is hereby denied. The Court Administrator is directed to circularize all Courts that the respondent has not been allowed to take the oath as a member of the Bar. A copy of the circular should also be sent to the Integrated Bar of the Philippines. The Clerk of Court is directed to file with the City Fiscal of Bacolod City the appropriate complaints for Falsification of Public Document and Perjury.

APPEARANCES OF COUNSEL

Romeo Perez & Mario Pomperada for complainant.
Federico R. Agcaoili for respondent.

RESOLUTION

MELENCIO-HERRERA, *J.:*

Respondent Benjamin P. Jochico, a successful Bar Examinee in 1981, was disallowed by the Court to join the mass oathtaking on May 4, 1982 because of a written formal complaint filed by complainant, Annabelle J. Pomperada, with this Court charging him of grossly immoral conduct and actuations that make him unfit to become a member of the Philippine Bar.

Specifically, the charges are:

"(a) On February 20, 1979, complainant and respondent agreed to get married and respondent facilitated all the necessary papers and documents for a marriage contract which turned out to be fake;

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(b) Respondent had complainant sign a prepared marriage contract and when complainant inquired whether it was necessary for them to appear before the officiating judge, respondent informed her that it was not necessary because the judge knew personally both complainant and respondent, and respondent assured complainant that he would just take care of the signing of the marriage contract by Judge Felino Garcia of the City Court of Bacolod; later respondent gave complainant a copy of the marriage contract which appeared to have been signed already by Judge Garcia; a verification, however, revealed that the marriage between complainant and respondent was not registered in the Local Civil Registrar's Office and in a further confrontation with Judge Felino Garcia the latter denied having signed the marriage contract . . . and denied as his own the signature which purports to be the signature of Judge Felino Garcia in the marriage contract;

(c) Respondent filed income tax returns jointly with Nenita Martelino Ureta, the latter indicated as his spouse for the years 1972, 1973, 1974, 1975 and 1976 and enumerated two children as dependents. Then in the years 1979 and 1980 he filed income tax returns but he indicated complainant as his spouse.

In view of the foregoing facts and circumstances which clearly point to the culpability of respondent, it is respectfully submitted that respondent is not fit to become a member of the Philippine Bar because, instead of being a trustworthy defender of the legal rights of individuals, respondent will be a disgrace to the legal profession as he has already shown to be grossly dishonest, seriously immoral and unhesitant in openly violating our laws.

Comment was required of respondent, who vehemently denied the charges contending that "he had always acted in an irreproachable manner." Attached to his comment were testimonials of his good moral character given by some residents of Bacolod City (Annexes "A" to "G"). His specific denials follow:

"(a) Respondent vehemently denies the allegations under paragraph 5 of the Complaint, the truth of the matter is that the 'marriage' alleged by complainant, was only a game concocted during the celebration of complainant's birthday on February 20, 1979 stemming from the suggestion of respondent's secretary, Gina Porcel, to enliven the complainant's birthday party.

(b) Respondent specifically denies the allegations under paragraph 6 of the Complaint, the truth of the matter is that, complainant was the

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one who cajoled respondent to sign the marriage contract in front of the guests during the birthday party as part of the planned game.

(c) Respondent specifically denies paragraph 7 of the Complaint, the truth of the matter is that, the marriage contract attached to the Complaint as Annex 'A' and allegedly signed by Judge Garcia is wanting and bereft of any validity and can be considered as a mere scrap of paper and complainant was and is fully aware of such fact.

(d) Respondent vehemently denies the allegations contained in paragraph 8 of the Complaint, the truth of the matter is that respondent's mother never assured anybody of the status of her son for it is of common knowledge to everyone, including complainant, that respondent is an unmarried person with two children.

(e) Respondent admits paragraph 9 of the Complaint in so far as his being a Certified Public Accountant and a law student in 1979 and presently a successful bar candidate, but specifically denies the allegations that complainant helped respondent financially during his studies as well as during his review, the truth of the matter is that, there was no need to financially support respondent in his studies for since 1967 he has been a CPA practitioner and earning a modest income in the exercise of such profession.

(f) Respondent specifically denies paragraph 10 of the Complaint for the reason that respondent cannot abandon a marital abode which does not exist, the truth of the matter is that respondent is not married to complainant.

(g) Respondent vehemently denies the allegation contained in paragraph 11 of the Complaint as without factual basis and purely conjectural, the truth of the matter is that, as already aforestated, respondent is an unmarried person with two children with a woman who is now married to a certain Al Abueg in Kalibo, Aklan.

(h) Respondent vehemently denies the allegations contained in paragraph 12 of the Complaint, to wit: (a) as to the allegation that complainant accidentally found among the papers in a table drawer copies of income tax returns filed by respondent jointly with Nenita Ureta, the truth of the matter is that, complainant did not find said income tax returns accidentally but, instead, procured the same when she illegally ransacked respondent's office and removed all the things found in said Jochico Accounting Office. . . . and (b) as to the allegation that respondent jointly filed income tax returns with Nenita Ureta and indicated in said return as his spouse with the names of the two

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children as dependents, the same is admitted, respondent stated that Nenita Ureta as his wife for the simple reason that in accounting practice when children are claimed as dependents in the income tax return, then the name of the mother is, likewise, stated in the return.

(i) Respondent vehemently and specifically denies the allegation contained in paragraph 15 of the Complaint, the truth of the matter is that respondent has never forged any signature, much less that of Judge Felino Garcia, the City Judge of Bacolod. As already stated, respondent vigorously asserted that there was no judge present on February 20, 1979 during her birthday and the game, and the document already cited did not contain any name and signature of any judge in a space specifically provided for the name and signature of a judge in a marriage contract. Respondent could not in any manner assure complainant that he would just take care of having the marriage contract signed by Judge Garcia as tha same was a mere game. Such claimed assurance was a false allegation of complainant to discredit respondent before the Honorable Supreme Court.

(j) Respondent admits having filed his income tax returns, as it is his duty to do so, just like other good and law abiding citizens, but strongly denies all other allegations, contained in paragraph 16 of the Complaint, the truth of the matter is respondent instructed one of his secretaries to complete the income tax return and to have the same filed. The income tax returns in 1979 and 1980 were all completed by Mary Ann Bais and filed exactly on the date of the deadline.

(k) Respondent specifically denies the allegation contained in paragraph 20 of the Complaint for the reason that as already propounded in paragraph 12 of this comment, the mere inclusion of a person in the income tax return as a spouse, does not, in truth and in fact, make a person a legally married person . . . . The inclusion of Nenita Martelino Ureta as a spouse in the income tax return was to indicate the mother of the children who are listed as dependents in the income tax return.

(l) Respondent specifically denies the allegation contained in paragraph 21 of the Complaint. The truth of the matter is, respondent has been filing a complete and accurate income tax return stating facts which he believes to be true. This is evidenced by the fact that up to the present time, no investigation, assessment, or inspection of books of accounts of respondent has been made by the Bureau of Internal Revenue or other government agencies; neither is there any pending investigation of tax fraud against respondent.

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(m) Respondent specifically denies the allegations contained in paragraphs 22, 23 & 24 of the Complaint as self-serving and fabrication of facts to unduly gain the sympathy of the Honorable Supreme Court for the reasons already stated in the preceding premises."

After the issues had been joined, the case was referred to the Chief Attorney of this Court for investigation, report and recommendation. Hearings were initially held in Manila. But upon complainant's request, as both parties and their witnesses were residents of Bacolod City, and because she could not afford the expenses in coming to Manila, the Court authorized the transfer of venue of the hearings to Bacolod City.

Pending submission of memoranda and written offer of exhibits, complainant filed a Motion, dated June 14, 1984, to declare respondent in contempt for engaging in the practice of law despite the fact that he was disallowed to take the lawyer's oath, and praying that he be enjoined from doing so.

On July 26, 1984, the Chief Attorney submitted her Memorandum Report with the following observations:

" x x x As shown by the records of the case the existence of the marriage contract in its original and duplicate original forms identified as Exhibits 'B', 'B-1', 'B-2','B-3', and 'B-3-A' which were intended to apprise the Honorable Court that a marriage contract between the parties actually took place were admitted and confirmed by the respondent in all his pronouncements. Respondent, however, is questioning the validity of said contract, claiming that it was just a scrap of paper bereft of validity because it was just a manifestation of a game wedding played in a birthday celebration in honor of complainant and the latter knew that it was such. On the other hand, complainant admittedly did not exhibit the marriage contract form as a valid document. She had declared consistently that the alleged marriage contract was fake but she wanted to show the same to the Court to prove the extent of the moral depravity of respondent because she had argued all along that by means of that same marriage contract respondent deceived her into believing that she was really and legally married to him causing her to request for a change of status in her office record files at the 3M Phils., Inc. where she was an executive based on the marriage contract which was after all false and to show the propensity of respondent of committing a violation of the law by faking the signature of Judge

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Felino Garcia as officiating officer of the marriage celebration staged on February 20, 1979 to serve his selfish ends. It is her belief that a person who could commit such deception, one who was wantonly capable of flouting with any other person's feelings and confidence, not to mention the fact that she had lived as wife with the man for almost nine (9) years, does not deserve to become a member of the Philippine Bar. The testimonials of respondent's witnesses, namely, Federico Fieldad, Jorge Abastillas and respondent himself (t.s.n., pp. 15-45, Sept. 21, 1983, Tabligan; t.s.n., pp. 37-71, Sept 22, 1983, Ursal; t.s.n., pp. 47-86, Sept. 22, 1983, Ursal) which were geared to destroy the credulity of complainant's proofs to show this particular depravedness of respondent's character did not dent the wholesome impression created by complainant's evidence. Respondent's efforts to show that the lone and only piece of paper which he claimed was signed by himself, his friends Fieldad and Abastillas during a mock game of a wedding staged during a drinking spree boomeranged when complainant's counsel produced the duplicate original of the document before their very eyes in the course of their respective cross-examinations and when asked to identify their signatures in said duplicate original they were all caught flat footed and exhibited confusion during the investigation. Complainant's exhibits 'C', 'D', 'E', 'F', 'G', and 'H', the contents of which and signatures were admitted as true and correct by respondent, except the alleged insertion in Exhbits 'G' and 'H' of the name of Annabelle Pomperada in the space reserved for spouse are clear and unrebutted evidence to show that respondent have had illicit liaison with Nenita Martelino Ureta and had begotten illegitimate children with her; and that respondent had falsified and untruthfully filled up his income tax returns for the years 1972, 1973, 1974, 1975 and 1976. His defense that he had to write the name of Nenita Martelino Ureta as wife in said income tax returns in conformity with accounting practice because when dependent children are claimed as deductible items for income tax purposes the name of their mother must also appear, did not for a moment erase the established fact that said income tax returns were not truthful accounts of the data contained therein and, therefore, punishable by penalties of perjury. The same exhibits were mute yet unshakable proof that respondent had for almost nine (9) years maintained an illicit relationship with complainant. The testimony of witness Mary Ann Bais for respondent who testified before your investigator after complainant and respondent were excluded from the investigating room per her request, that the insertion of Annabelle Pomperada's name as spouse in the income tax returns of

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Benjamin Jochico for the years 1979 and 1980 were because of the insistent direction of Annabelle fell flat upon witness' cross examination. This witness' testimony that only the name of Annabelle Pomperada was inserted in the income tax returns mentioned, contrary to the direction of Benjamin Jochico that she copied from a draft prepared by the latter is belied completely when she was asked to explain the categorical discrepancies in her testimony and the data written in the filer's copy or duplicate original of the income tax returns where the wife's income, taxes withheld from wife, standard deductions for a working wife and status of the filer were data computed together with those of Benjamin Jochico in order to arrive at the amount of tax payable to the government by the tax filer. While on the witness stand this witness' demeanor and behaviour were appraised as indicative of untruthfulness and lying (t.s.n., pp. 7-45, Sept. 22, 1983, Bellocillo). Respondent's testimony which consisted of answers to direct questions propounded by his counsel were reiterations of all his defenses and denials in his Comment which were characterized with elaborate verbosity and were merely corroborative. It was a long and clear admission of illicit liaison with complainant for nine (9) years and filing of false income tax returns that do not speak well of his standards of decency and morality."

The Investigator's recommendation and conclusion follow:

"IN THE LIGHT OF THE ABOVE exposition of the facts and circumstances involved in BAR MATTER No. 68 (Annabelle Pomperada *vs.* Benjamin Jochico y Pama, a successful bar examinee) it is humbly recommended that a finding that respondent Benjamin Jochico y Pama had committed gross immoral conduct as charged and, therefore, should be disallowed to take the oath as a member of the Philippine Bar be made, to continue until such time when he can show the Honorable Court that he has amended his ways and has conformed to the rules of conduct that are necessarily required as accepted standards of members of the legal profession in this Court."

The Report is in order and the recommendation is well taken.

It is evident that respondent fails to meet the standard of moral fitness for membership in the legal profession. Whether the marriage was a joke as respondent claims, or a trick played on her as claimed by complainant, it does not speak well of respondent's moral values. Respondent had made a mockery of

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marriage, a basic social institution, which public policy cherishes and protects (Article 216, Civil Code).

Respondent's testimony was a long and clear admission of illicit liaison with Complainant for nine years, and before that with another woman, and of the filing of false Income Tax Returns. Those actuations do not conform to the standard norms of honesty, decency and moral conduct required of an aspiring member of the legal profession.

ACCORDINGLY, the petition of respondent to be allowed to take the oath as a member of the Bar and to sign the Roll of Attorneys is hereby denied.

The Court Administrator is directed to circularize all Courts that the respondent has not been allowed to take the oath as a member of the Bar. A copy of the circular should also be sent to the Integrated Bar of the Philippines.

The Clerk of Court is directed to file with the City Fiscal of Bacolod City the appropriate complaints for Falsification of Public Document and Perjury.

Let copy of this Decision be furnished the Board of Accountancy of the Professional Regulatory Commission for such action as it may deem appropriate, respondent being a Certified Public Accountant.

SO ORDERED.

Teehankee, Makasiar, Concepcion Jr., Abad Santos, Plana, Escolin, Relova, Gutierrez, Jr., de la Fuente, and *Cuevas, JJ.*, concur.

Fernando, C.J., and *Aquino, J.*, took no part.