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TIME: 10:41

Republic of the Philippines
Supreme Court
Manila

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**MARYANNE MERRIAM B.
GUEVARRA-CASTIL,**

Complainant,

A.C. No. 10294

Present:

GESMUNDO, *C.J.*,
LEONEN,
CAGUIOA,
HERNANDO,
LAZARO-JAVIER,
INTING,
ZALAMEDA,
LOPEZ, M. V.,
GAERLAN,
ROSARIO,
LOPEZ, J. Y.,
DIMAAMPAO,
MARQUEZ, and
KHO, JR.
SINGH, *JJ.*

- versus -

ATTY. EMELY REYES TRINIDAD,
Respondent.

Promulgated:

July 12, 2022

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DECISION

PER CURIAM:

For Our review is Resolution No. XXII-2017-1086¹ issued by the Integrated Bar of the Philippines (IBP) Board of Governors (Board), which adopted the findings and recommendation² of the IBP Commission on Bar

¹ *Rollo*, pp. 169-170.

² *Id.* at 171-179.

Discipline (Commission) to impose the ultimate penalty of disbarment against respondent Atty. Emely Reyes Trinidad (Atty. Trinidad), for violations of the Code of Professional Responsibility (CPR).

The Factual Antecedents

The present case arose from a Complaint³ dated November 29, 2013, filed by Maryanne Merriam B. Guevarra-Castil (Maryanne), accusing her husband, Orlando L. Castil, Jr. (Orlando), and Atty. Trinidad, of maintaining an extra-marital affair.

Maryanne narrated that Atty. Trinidad and Orlando are both officers of the Philippine National Police (PNP), and got to know each other by reason of their work. Several years back, Maryanne started receiving reports from friends and Orlando's co-workers of the pair's supposed fling. Consumed by her deep love for Orlando, Maryanne chose to shrug off these rumors and discount them as exactly that: rumors.

However, sometime in January of 2009, unable to contain the doubts and speculations any longer, Maryanne confronted Orlando. It was at this point that Orlando confirmed his infidelity with Atty. Trinidad – likewise a married woman.⁴ Desperate to save her marriage, Maryanne contacted Atty. Trinidad to beg her to stop seeing Orlando, and end their romantic entanglement. However, instead of showing remorse, Atty. Trinidad allegedly insulted and demeaned Maryanne, bragging about her being a lawyer and a ranking PNP personnel. Atty. Trinidad allegedly said, "*kayang-kaya ko maging business[person] tulad mo, pero ikaw hindi mo kaya maging abogado tulad ko!*"⁵ Moreover, Atty. Trinidad belittled Maryanne, saying that any complaint against her would be futile because of her legal knowledge and position in the PNP. In one of their exchanges, Atty. Trinidad allegedly told Maryanne, "*kahit na ipatanggal mo ako sa trabaho ko, lawyer pa rin naman ako. Na hindi kamukha mo, pag nawala si Orlando wala nang mangyayari sa buhay mo!*"⁶

Maryanne recounted that after the incident, her marriage with Orlando started falling apart. However, her nightmare did not end there. One day, as she was cleaning their room, Maryanne stumbled upon a birth certificate. This surprised her because she and Orlando do not have any children. Upon perusal, Maryanne was shocked to see the child's name – and the indicated parents – Atty. Trinidad and Orlando. The birth certificate also contained an "Affidavit

³ Id. at 1-7.

⁴ Id. at 2.

⁵ Id. at 172.

⁶ Id.

Done

of Acknowledgment/Admission of Paternity” executed by Orlando. Maryanne confronted Orlando about the birth certificate and demanded from the latter an explanation. Eventually, Orlando admitted that the child, whose details are indicated in the birth certificate Maryanne found, belongs to him and Atty. Trinidad. Maryanne likewise alleged that Atty. Trinidad shamelessly flaunted online the fruit of their unfaithfulness by uploading, and posting photos of her with Orlando, and their child.

In her defense, Atty. Trinidad contended that she does not personally know Maryanne, nor does she have any knowledge of the latter’s relationship with Orlando. Atty. Trinidad claimed that she only got to know of Maryanne being the wife of Orlando, when she started receiving complaints from the former. She likewise vehemently denied that she communicated with Maryanne, and asserted that the complaint filed against her is based on nothing but hearsay, self-serving claims, and illegally obtained documentary evidence. Nevertheless, Atty. Trinidad admitted that she had “committed some acts which are not to be proud of.”⁷

Report and Recommendation of the Commission on Bar Discipline

On June 7, 2016, the Commission, through Investigating Commissioner Joel L. Bodegon, released a Report and Recommendation⁸ finding Atty. Trinidad guilty of the acts complained of. The Commission noted that Atty. Trinidad never denied her relationship with Orlando, never showed remorse, and instead, even flaunted her illicit relationship with Orlando, and the child it produced.

The Commission declared that Atty. Trinidad’s actions amount to gross immorality and misconduct, and constitute a violation of Canon 1, Rule 1.01, and Canon 7, Rule 7.03 of the CPR. Thus, the Commission recommended that Atty. Trinidad be disbarred, to wit:

Based on the foregoing, it is respectfully recommended that respondent
ATTY. EMELY R. TRINIDAD be DISBARRED from the practice of law.

RESPECTFULLY SUBMITTED.⁹

⁷ Id. at 35.

⁸ Id. at 171-179.

⁹ Id. at 179.

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Report and Recommendation of the IBP Board of Governors

In its Resolution¹⁰ dated May 27, 2017, the IBP Board approved the report and recommendation of the Commission. The Resolution partly reads:

RESOLVED to ADOPT the findings of fact and recommendation of the Investigating Commissioner imposing the penalty of **disbarment**.¹¹

Atty. Trinidad filed a Motion for Reconsideration,¹² but it was denied by the Board in a Resolution¹³ dated December 6, 2018.

Issue

The sole issue for the resolution of the Court is whether Atty. Trinidad should be disbarred for the acts complained of.

Our Ruling

Before We delve into the merits of the present case, the Court notes that Atty. Trinidad, aside from being a lawyer, is also a member of the PNP. In the past, this Court has made varying rulings concerning Our jurisdiction over disciplinary cases involving government lawyers. Necessarily, We must determine first if this Court has jurisdiction over the present case; and to answer this issue, a cursory review of these rulings must be done.

In *Fuji v. Dela Cruz*¹⁴ (*Fuji*), We held that generally, this Court defers from taking cognizance of disbarment complaints against lawyers in government service. Instead, the complaint is referred to either the proper administrative body that has disciplinary authority over the erring government lawyer, or the Ombudsman.

In line with *Fuji*, the Court in *Alicias, Jr. v. Macatangay*¹⁵ (*Alicias*), favored the dismissal of the administrative complaint against the delinquent government lawyers for lack of jurisdiction. In *Alicias*, it was declared that the acts or omissions complained of were “connected with [the respondents’] duties

¹⁰ Id. at 169-170.

¹¹ Id. at 169.

¹² Id. at 184-193.

¹³ Id. at 238-239.

¹⁴ 807 Phil. 1, 8 (2017).

¹⁵ 803 Phil. 85 (2017).

as government lawyers working in the [Civil Service Commission]. Hence, the IBP has no jurisdiction over Alicias' complaint."¹⁶

Further, in *Trovela v. Robles*¹⁷ (*Trovela*), this Court likewise dismissed the disbarment complaint filed against respondent government lawyers for lack of jurisdiction. Again, the lack of jurisdiction was premised on the principle laid down in *Fuji*, the government lawyers embroiled having been charged with administrative offenses involving the performance of their official duties.

In *Spouses Buffe v. Gonzalez*¹⁸ (*Spouses Buffe*), a more in-depth explanation of the Court's apprehensive stance towards certain disbarment complaints was provided. We held:

Considering that both Exconde and Madrona are public officers being charged for actions, which are allegedly unfair or discriminatory, involving their official functions during their tenure, the present case should be resolved by the Office of the Ombudsman as the appropriate government agency. Indeed, the IBP has no jurisdiction over government lawyers who are charged with administrative offenses involving their official duties. For such acts, government lawyers fall under the disciplinary authority of either their superior or the Ombudsman. Moreover, an anomalous situation will arise if the IBP asserts jurisdiction and decides against a government lawyer, while the disciplinary authority finds in favor of the government lawyer.¹⁹

The common element in *Fuji*, *Alicias*, *Trovela*, and *Spouses Buffe*, which led to the dismissal of the disbarment cases in these rulings, is the fact that the government lawyers concerned committed acts and omissions primarily involving their official duties. While these respondents are lawyers, their offenses had more to do with their government position, and less with them being lawyers. In other words, they were charged in their capacity as public servants, and not as members of the Bar.

Despite the foregoing, the Court has nevertheless refused to shirk away from its constitutional mandate to regulate the admission to, and the practice of law, which necessarily includes the authority to discipline, suspend, or even disbar misbehaving members of the legal profession, whenever proper and called for. Indeed, "if the government official's misconduct is of such character as to affect his [or her] qualification as a lawyer[,] or to show moral delinquency, he [or she] may be disciplined as a member of the bar on such ground."²⁰

¹⁶ Id. at 92.

¹⁷ 832 Phil. 1 (2018).

¹⁸ 797 Phil. 143 (2016).

¹⁹ Id. at 144.

²⁰ *Sismaet v. Cruzabra*, A.C. No. 5001, September 7, 2020, citing *Olazo v. Justice Tinga (Ret.)*, 651 Phil. 290 (2010).

This mandate is enjoined no less by the 1987 Constitution, specifically Article VIII, Section 5, paragraph (5), which states:

SECTION 5. The Supreme Court shall have the following powers:

x x x x

(5) Promulgate rules concerning the protection and enforcement of constitutional rights, pleading, practice, and procedure in all courts, **the admission to the practice of law, the integrated Bar**, and legal assistance to the underprivileged. Such rules shall provide a simple and inexpensive procedure for the speedy disposition of cases, shall be uniform for all courts of the same grade, and shall not diminish, increase, or modify substantive rights. Rules of procedure of special courts and quasi-judicial bodies shall remain effective unless disapproved by the Supreme Court. (Emphasis supplied).

Pursuant to this mandate, the Court has codified conditions before one may be admitted to the practice of law, as well as ethical conduct legal practitioners must always abide to. Foremost of these are Rule 138 (Attorneys and Admission to the Bar), and Rule 139-B (Disbarment and Discipline of Attorneys) of the Rules of Court, as well as the Lawyer's Oath, and the CPR. Indeed, compliance with these issuances are so strictly enforced that our legal landscape is replete with cases stripping undeserving lawyers of their licenses to practice law.

However, in another line of cases, the Court has seemingly exhibited a hesitant attitude towards disbarment complaints against government lawyers. In these cases,²¹ the Court held that when a public official's misconduct in the discharge of official duties constitutes a violation of the Lawyer's Oath, the ensuing disciplinary proceedings necessarily fall under the jurisdiction of the IBP and this Court.²² Yet, if we look back at *Fuji, Trovelas, Alicias*, and *Spouses Buffe*, it may be argued that all the violations committed by the government lawyers involved therein necessarily touches upon their being lawyers, but the Court nevertheless shunned jurisdiction.

Thus came an apparent confusion: when should the Court exercise jurisdiction over erring government lawyers, and when should it not?

The answer lies in the complaint.

²¹ *Collantes v. Renomeron*, 277 Phil 668 (1991); *Abella v. Barrios, Jr.*, 711 Phil. 363 (2013).

²² See *Collantes v. Renomeron*, supra.

**Nature of a disbarment complaint
– a *sui generis* proceeding**

Unlike regular civil and criminal cases, disbarment proceedings are *sui generis* in character, and are not meant to inflict criminal or civil sanctions. Instead, the main question to be resolved is whether the lawyer involved is still fit to continue to be an officer of the court in the dispensation of justice.²³

In *Re: Letter of Mrs. Ma. Cristina Roco Corona*,²⁴ the Court had the occasion to discuss the nature of an impeachment proceeding:

By sharply distinguishing a criminal prosecution from an impeachment, the Framers had made it clear that impeachment is not the means intended to redress and punish offenses against the state, but rather a mere political safeguard designed to preserve the state and its system of laws from internal harm. Precisely, it was not crafted to mete out punishment.

In the same vein, impeachment does not imply immunity from court processes, nor does it preclude other forms of discipline.

x x x x

The nature and effect of impeachment proceedings is so limiting that forum shopping or alleged violation of the right against double jeopardy could not even be successfully invoked upon the institution of the separate complaints or Information.²⁵ (Citations omitted, emphasis on original)

Although impeachment is a political process, and disciplinary cases against lawyers are judicial in nature, they are similar in the sense that they are designed to preserve the integrity of the institution concerned. Hence, in similar fashion, it may be said that the main purpose of a disbarment proceeding is to “pick out the bad apples,” in a manner of speaking; no more, no less.

Further, owing to the *sui generis* nature of a disbarment complaint as with impeachment, forum shopping can neither be invoked by a government lawyer against whom separate complaints have been filed. The Court emphasizes that it is not unaware of this unethical practice – which may be called **effective forum shopping** – whereby complainants weaponize the law and file, successively or simultaneously, multiple complaints against government lawyers: usually one before the IBP, and another before the concerned agency.

²³ *Gonzalez v. Atty. Alcaraz*, 534 Phil. 471, 475 (2006).

²⁴ A.M No. 20-07-10-SC, January 12, 2021.

²⁵ *Id.*

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While technically, there is no forum shopping as the reliefs commonly sought are different, such is a practice that should strongly be shunned for it serves no other purpose than to vex government lawyers.

Then, in order to do away with the ostensible confusion, and the unethical practice of effective forum shopping, taking into account the suggestions of Senior Associate Justice Estela M. Perlas-Bernabe during the deliberations on this case, the Court hereby lays the following rules in the filing and handling of complaints against government lawyers, to serve as guidelines for both the bench and the bar:

1. All complaints against and which seek to discipline government lawyers in their respective capacities as members of the Bar must be filed directly before this Court. Conversely, complaints which do not seek to discipline them as members of the Bar shall be dismissed for lack of jurisdiction and referred to the Ombudsman or concerned government agency for appropriate action.

2. In connection with paragraph 1, upon filing, the Court must determine whether the concerned agency, the Ombudsman, or the Court, has jurisdiction over the complaint against the government lawyer. In making such determination, the following must be considered: did the allegations of malfeasance touch upon the errant lawyer's continuing obligations under the CPR and/or the Lawyer's Oath? To put it more simply, the primordial question to be asked in making this determination is this: **do the allegations in the complaint, assuming them to be true, make the lawyer unfit to practice the profession?**

2a. If the question in paragraph 2 yields a positive answer, the case properly lies before the Court, which shall retain jurisdiction. This is so because again, the power to regulate the practice of law, and discipline members of the bar, belongs to Us. Necessarily, proceedings to be had before this Court should concern these and only these matters. This rule shall hold, even if the complaint also contains allegations of administrative and/or civil service rules infractions. In such situation however, the Court shall limit its ruling only to the matter of the respondent's fitness as a lawyer.

2b. On the other hand, if the question in paragraph 2 yields a negative answer, the Court, for lack of jurisdiction, shall dismiss the case and refer the same to the appropriate government office or the Ombudsman.

3. If multiple complaints have been filed, the process shall be the same.

In the event that paragraph 2b shall apply, and results in a situation where one or more complaint/s have been dismissed and referred to the appropriate government office or the Ombudsman, and one or more complaint/s have been retained by this Court, the cases shall proceed independently from one another.

To reiterate, the fitness to be a lawyer is a continuing requirement, measured against the standards laid out in the Lawyer's Oath and the CPR, and apply to all facets of their life, including private dealings.²⁶ Needless to say, the same standards of honesty and fairness expected of a lawyer apply to all, whether privately or publicly employed.²⁷ Accordingly, with such guidelines, the doctrine in *Spouses Buffe* and similar cases, which state that the Court has no jurisdiction to discipline, as member of the bar, government lawyers who committed acts or omissions involving their official duties, are thus abandoned.

We now apply these guidelines and principles to the present case. To recap, Maryanne specifically alleged in her complaint the following:

21. Upon consultation with a counsel, I learned that Atty. Trinidad's actions are clearly against the Lawyer's Code of Professional Responsibility, particularly Rule 1.01, which states, "**A lawyer shall not engage in unlawful, dishonest, immoral or deceitful conduct.**"²⁸

While it is mentioned that Atty. Trinidad is a police officer, and that she allegedly threatened to leverage her position to dissuade Maryanne from pursuing the complaint, that is not the principal act complained of. Instead, Maryanne complained of Atty. Trinidad's illicit affair with Orlando – something which is totally unrelated to, and may be accomplished, even without Atty. Trinidad's position in the PNP. In other words, Atty. Trinidad was not acting as a police officer when she allegedly committed the deed.

Assuming that these allegations are true, do they make Atty. Trinidad unfit to be a member of the legal profession? We answer in the positive. Thus, We hold that this Court has jurisdiction to resolve the present disbarment complaint.

Atty. Trinidad's actions warrant the imposition of the penalty of disbarment

The Court adopts the findings of the Commission, as affirmed by the Board, and sustains the imposition of the penalty of disbarment upon Atty. Trinidad.

Canon 1, Rule 1.01 and Canon 7, 7.03 of the CPR state:

²⁶ *In Re: Ildelfonso Suerte*, A.C. No. 9871, June 29, 2016.

²⁷ *Trovela v. Robles*, supra note 16.

²⁸ *Rollo*, p. 23.

Rule 1.01 – A lawyer shall not engage in unlawful, dishonest, immoral or deceitful conduct.

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.

Meanwhile, Rule 138, Section 27 of the Rules of Court provides:

Section 27. Attorneys removed or suspended by Supreme Court on what grounds. – A member of the bar may be removed or suspended from his office as attorney by the Supreme Court for any deceit, malpractice, or other gross misconduct in such office, **grossly immoral conduct**, or by reason of his conviction of a crime involving moral turpitude, **or for any violation of the oath which he is required to take before the admission to practice**, or for a willful disobedience of any lawful order of a superior court, or for corruptly or willful appearing as an attorney for a party to a case without authority so to do. The practice of soliciting cases at law for the purpose of gain, either personally or through paid agents or brokers, constitutes malpractice. (Emphasis supplied).

In *Hosoya v. Contado*,²⁹ the Court held that to warrant the imposition of disbarment on the ground of immorality, the act complained of must not only be immoral, but grossly immoral. Grossly immoral conduct is defined as “one that is so corrupt as to constitute a criminal act, or so unprincipled as to be reprehensible to a high degree or committed under such scandalous or revolting circumstances as to shock the common sense of decency.”³⁰

In *Dantes v. Dantes*,³¹ the Court disbarred the respondent lawyer for maintaining an illicit relationship. The Court held:

Undoubtedly, respondent’s acts of engaging in illicit relationships with two different women during the subsistence of his marriage to the complainant constitutes grossly immoral conduct warranting the imposition [of] appropriate sanctions. Complainant’s testimony, taken in conjunction with the documentary evidence, sufficiently established respondent’s commission of marital infidelity and immorality. Evidently, respondent had breached the high and exacting moral standards set for members of the law profession. He has made a mockery of marriage which is a sacred institution demanding respect and dignity.³²

In *Zerna v. Zerna*,³³ the philandering respondent-lawyer met a similar fate, to wit:

²⁹ A.C. No. 10731, October 5, 2021, citing *Panagsagan v. Panagsagan*, A.C. No. 7733, October 1, 2019.

³⁰ *Id.*

³¹ 482 Phil. 64 (2004).

³² *Id.* at 71.

³³ A.C. No. 8700, September 8, 2020.

There can be no doubt that it is morally reprehensible for a married person to maintain intimate relations with another person of the opposite sex other than his or her spouse. All the more reprehensible is respondent's act of leaving his wife and three children to maintain an illicit relationship with another woman with little to no attempt on his part to be discreet about his liaison. Such acts of engaging in illicit relationships with other women during the subsistence of his marriage to the complainant constitutes grossly immoral conduct warranting the imposition [of] appropriate sanctions.³⁴

In the present case, there is no denying that Atty. Trinidad's actions of maintaining an adulterous affair with Orlando, which even produced a child, falls under the definition of grossly immoral conduct. As correctly found by the Commission, these acts are not only grossly immoral and unlawful, but more importantly, "adversely reflects on [Atty. Trinidad's] fitness to practice law."³⁵

While Atty. Trinidad claims that the pieces of evidence, such as the photographs, submitted by Maryanne were illegally obtained and unauthenticated, she nevertheless failed to dispute the same on their merits. Further, Atty. Trinidad's denial of her relationship with Orlando is unsupported by even the slightest hint of proof. Lastly and most importantly, Atty. Trinidad never entertained the issue of the birth certificate containing the details of their love-child, and instead acted as if the document does not exist. The other allegations – such as the public flaunting of their adulterous flirtations, and the abandonment by Orlando of his family to live with Atty. Trinidad – all remain unanswered. In our view, this inaction and reticence on the part of Atty. Trinidad signal nothing but guilt and shame for the despicable acts she had committed. Instead, all that Atty. Trinidad has to say for herself is that she is a "God-fearing mother, who worked very hard for the future of her children."³⁶ Unfortunately for Atty. Trinidad, God does not tolerate extra-marital affairs, and neither does this Court.

WHEREFORE, the Court finds respondent Atty. Emely Reyes Trinidad **GUILTY** of Gross Immorality, in violation of Canon 1, Rule 1.01, and Canon 7, Rule 7.03 of the Code of Professional Responsibility. Accordingly, she is hereby ordered **DISBARRED**, and her name stricken off from the Roll of Attorneys.

Let copies of this Decision be furnished to: (a) the Office of the Bar Confidant to be appended to respondent's personal record as member of the Bar; (b) the Integrated Bar of the Philippines for its information and guidance; and, (c) the Office of the Court Administrator for dissemination to all courts throughout the country for their information and guidance.

³⁴ Id.


³⁵ *Rollo*, p. 178.

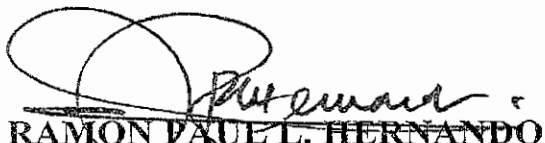
³⁶ Id. at 158.

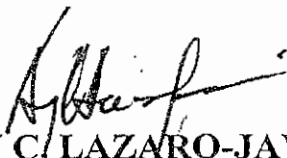
SO ORDERED.


ALEXANDER G. GESMUNDO
Chief Justice

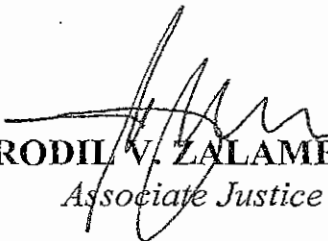

MARVIC M.V.F. LEONEN
Associate Justice


ALFREDO BENJAMIN S. CAGUIOA
Associate Justice

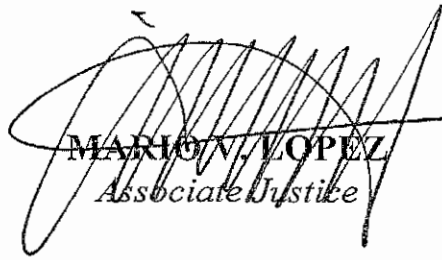

RAMON PAUL L. HERNANDO
Associate Justice


AMY C. LAZARO-JAVIER
Associate Justice

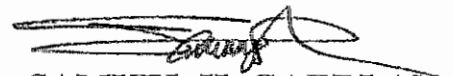

HENRI JEAN PAUL B. INTING
Associate Justice


RODIL V. ZALAMEDA
Associate Justice

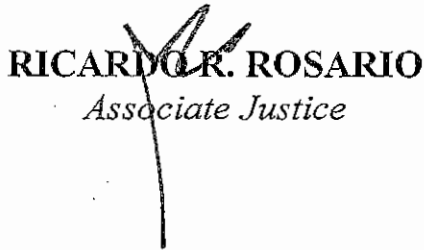
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MARION V. LOPEZ
Associate Justice



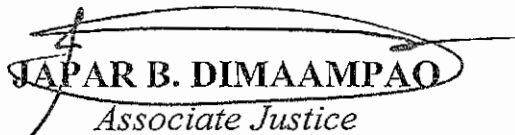
SAMUEL H. GAERLAN
Associate Justice



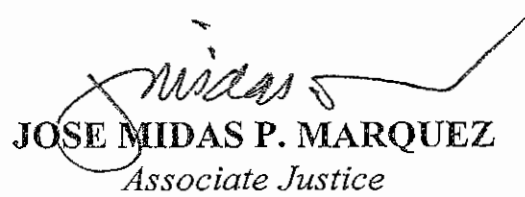
RICARDO R. ROSARIO
Associate Justice



JHOSEP Y. LOPEZ
Associate Justice



JAPAR B. DIMAAMPAO
Associate Justice



JOSE MIDAS P. MARQUEZ
Associate Justice



ANTONIO T. KHO, JR.
Associate Justice



MARIA FILOMENA D. SINGH
Associate Justice