

EN BANC

A.C. No. 13674 – MONETTE MANAUIS-TAGGUEG, Complainant, v.
ATTY. VINCENZO NONATO M. TAGGUEG, Respondent.

Promulgated:

August 1, 2023

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DISSENTING OPINION

LEONEN, J.:

I disagree with the majority’s ruling that respondent Atty. Vincenzo Nonato M. Taggueg should be disbarred for gross immorality. While his engagement in an extramarital affair is deplorable conduct, suspending him from the practice of law is sufficient to impress upon him the gravity of his actions. “The highest penalty [of disbarment] should be reserved for those who commit indiscretions that (a) are repeated, (b) result in permanent rearrangements that cause extraordinary difficulties on existing legitimate relationships, or (c) are *prima facie* shown to have violated the law.”¹

This Court has consistently emphasized that disciplinary proceedings are *sui generis* in that they seek to determine whether the lawyer in question is still fit to be a member of the legal profession:

[I]n the exercise of its disciplinary powers, the Court merely calls upon a member of the Bar to account for his actuations as an officer of the Court with the end in view of preserving the purity of the legal profession and the proper and honest administration of justice by purging the profession of members who by their misconduct have proved themselves no longer worthy to be entrusted with the duties and responsibilities pertaining to the office of an attorney.² (Citation omitted)

Thus, the specific actions for which the lawyer is made to account, as well as the penalty to be imposed, should always be commensurate to how the lawyer’s conduct erodes the public’s confidence in the legal profession and the rule of law.

This principle applies in disciplinary cases involving all manner of alleged transgressions—including the conduct of extramarital affairs. “As

¹ J. Leonen, Concurring and Dissenting Opinion in *Anonymous Complaint v. Dagala*, 814 Phil. 103, 155 (2017) [*Per Curiam, En Banc*].

² *In re Almacen*, 142 Phil. 353, 390 (1970) [Per J. Castro, First Division].



its primary purpose is to protect public interest, disbarment cases should not be allowed by this Court to become the vehicle for asserting private rights.”³

Being officers of the court, lawyers must possess the highest degree of morality⁴ and “comport themselves with honesty and integrity in a manner beyond reproach, in order to promote the public’s faith in the legal profession.”⁵ They should refrain from engaging in grossly immoral acts, which refer to acts “the extent of which is so corrupt to constitute a criminal act, or grossly unprincipled as to be reprehensible to a high degree or committed under circumstances so scandalous and revolting as to shock the common sense of decency.”⁶

Yet, the determination of whether an act is grossly immoral in the context of a disciplinary case is not so clear-cut. Nonetheless, this Court must refrain from applying a religion’s definition of morality in a nonreligious proceeding. In *Perfecto v. Esidera*:⁷

The non-establishment clause bars the State from establishing, through laws and rules, moral standards according to a specific religion. Prohibitions against immorality should be based on a purpose that is independent of religious beliefs. When it forms part of our laws, rules, and policies, morality must be secular. Laws and rules of conduct must be based on a secular purpose.

In the same way, this court, in resolving cases that touch on issues of morality, is bound to remain neutral and to limit the bases of its judgment on secular moral standards. When laws or rules refer to morals or immorality, courts should be careful not to overlook the distinction between secular and religious morality if it is to keep its part in upholding constitutionally guaranteed rights.

....

This court may not sit as judge of what is moral according to a particular religion. We do not have jurisdiction over and is not the proper authority to determine which conduct contradicts religious doctrine. We have jurisdiction over matters of morality only insofar as it involves conduct that affects the public or its interest.

Thus, for purposes of determining administrative liability of lawyers and judges, “immoral conduct” should relate to their conduct as officers of the court. To be guilty of “immorality” under the Code of Professional Responsibility, a lawyer’s conduct must be so depraved as to reduce the public’s confidence in the Rule of Law. Religious morality is

³ J. Leonen, Separate Opinion in *Villarente v. Villarente, Jr.*, 884 Phil. 1, 14 (2020) [*Per Curiam, En Banc*]. (Citation omitted)

⁴ *Gonzaga v. Abad*, A.C. No. 13163, March 15, 2022 [*Per Curiam, En Banc*].

⁵ *Batangueño Human Resources, Inc. v. De Jesus*, A.C. No. 13443, December 7, 2022 [Per J. Kho, Second Division], at 6. This pinpoint citation refers to a copy of the decision uploaded to the Supreme Court website.

⁶ *Saludares v. Saludares*, A.C. No. 10612, January 31, 2023 [*Per Curiam, En Banc*], at 7. This pinpoint citation refers to a copy of the decision uploaded to the Supreme Court website.

⁷ 764 Phil. 384 (2015) [Per J. Leonen, Second Division].

not binding whenever this court decides the administrative liability of lawyers and persons under this court's supervision. At best, religious morality weighs only persuasively on us.⁸ (Citations omitted)

To protect public interest and, therefore, serve the purpose of disciplinary cases, this Court must ensure that a lawyer's proven infraction is only measured against secular moral standards. To merit administrative sanction, such infraction must relate to one's functions as a lawyer and must erode the public's confidence in the rule of law.⁹

I have consistently urged this Court to observe a clear, objective, and secular standard in handling disciplinary cases that involve imputations of gross immorality, so as to avoid imposing arbitrary standards of morality.¹⁰ "Secular standards, independent of religious beliefs, must be the basis for determining immorality. After all, this Court does not have the jurisdiction to weigh in on religious doctrine."¹¹

Thus, in *Anonymous Complaint v. Judge Dagala*,¹² I advanced three circumstances where a lawyer's indiscretions would merit disbarment:

The highest penalty should be reserved for those who commit indiscretions that (a) are repeated, (b) result in permanent rearrangements that cause extraordinary difficulties on existing legitimate relationships, or (c) are *prima facie* shown to have violated the law. The negligence or utter lack of callousness of spouses who commit indiscretions as shown by their inability to ask for forgiveness, their concealment of the act from their legitimate relationships, or their lack of support for the children born out of wedlock should be aggravating and considered for the penalty to be imposed.¹³

In this case, the majority narrowed down respondent's transgressions to his entering an extramarital affair, living with a woman not his wife, and flaunting his affair to the public. It did rule that the evidence presented by the private complainant, respondent's wife, failed to prove that respondent contracted a bigamous marriage.¹⁴ Nonetheless, for the majority, the proven acts have already warranted his disbarment.¹⁵

I disagree as to the penalty imposed. Suspension from the practice of law would have been sufficient.

⁸ *Id.* at 398–400.

⁹ J. Leonen, Concurring Opinion in *Advincula v. Advincula*, 787 Phil. 101, 120 (2016) [Per J. Bersamin, *En Banc*].

¹⁰ J. Leonen, Dissenting Opinion in *Zerna v. Zerna*, 882 Phil. 19 (2020) [Per Curiam, *En Banc*].

¹¹ J. Leonen, Separate Concurring Opinion in *Hierro v. Nava II*, 868 Phil. 56, 69 (2020) [Per Curiam, *En Banc*].

¹² 814 Phil. 103 (2017) [Per Curiam, *En Banc*].

¹³ *Id.* at 155.

¹⁴ *Ponencia*, p. 6.

¹⁵ *Id.* at 8.

Respondent's actions do not fall under any of the three circumstances I laid down in *Judge Dagala*. First, respondent was not shown to have repeatedly entered extramarital affairs. Second, the facts do not show that his acts resulted in a permanent rearrangement causing extraordinary difficulty on existing relationships. Private complainant did not allege that respondent refused to provide support for her and their son, nor did she allege that respondent completely abdicated his role as a father. Lastly, respondent did not commit any act that *prima facie* violates the law.

Similarly, it has not been shown that respondent's transgressions impacted or related to his duties as a lawyer, or that maintaining his license to practice law will reduce the public's confidence in the legal profession and the rule of law.

As such, respondent has not breached the threshold that will merit his disbarment. "The penalty of disbarment must be a last resort. Where a lesser penalty may accomplish the goal of discipline[in]g the erring lawyer, disbarment should not be imposed."¹⁶ Suspension from the practice of law for three years is commensurate to the gravity of respondent's transgressions.

In the recent cases of *Juni v. Juni*¹⁷ and *Saldares v. Saldares*,¹⁸ this Court *En Banc* sagely traversed the many nuances of gross immorality to arrive at the just penalty.

In *Juni*, Atty. Mario Juni (Atty. Juni) left his wife and two children to cohabit with another woman, Ruth Vaguchay (Ruth). Despite the subsistence of his first marriage, Atty. Juni sired two children with Ruth and even contracted his second marriage with her.¹⁹ This Court merely suspended him from the practice of law for five years, as his actions did not show that he was unfit to remain a member of the legal profession:

The penalty of disbarment must be a last resort. Where a lesser penalty may accomplish the goal of discipline[in]g the erring lawyer, disbarment should not be imposed. While Atty. Juni left complainant to cohabit with Ruth and sired two children with her, the same standing alone does not show Atty. Juni's unfitness to remain a member of the Bar. Atty. Juni did not deny his circumstances, instead he exhibited candor due to his religious belief that he is now a converted [M]uslim. Thus, without any evidence showing that his transgression seriously affected his standing and character as an officer of the court, a penalty of suspension from the practice of law for five years is proper.²⁰ (Citation omitted)

¹⁶ *Juni v. Juni*, A.C. No. 11599, August 3, 2021 [*Per Curiam, En Banc*], at 7. This pinpoint citation refers to a copy of the decision uploaded to the Supreme Court website.

¹⁷ A.C. No. 11599, August 3, 2021 [*Per Curiam, En Banc*].

¹⁸ A.C. No. 10612, January 31, 2023 [*Per Curiam, En Banc*].

¹⁹ *Juni v. Juni*, A.C. No. 11599, August 3, 2021 [*Per Curiam, En Banc*], at 2.

²⁰ *Id.*

In *Saldares*, Atty. Reynaldo Saldares (Atty. Saldares) not only engaged in an extramarital affair, but he showed no qualms or remorse to the extent that he unabashedly admitted to his wife and children that he was having an illicit affair. Worse, he boasted to his children that his paramour was “*disente*” and “*maraming pera*[.]”²¹ For these acts, Atty. Saldares undeniably caused extraordinary difficulty on his relationship with his children. For a child to hear their father proudly proclaim such traits of a paramour will naturally skew that child’s views on relationships. This Court, therefore, justifiably disbarred Atty. Saldares.²²

With the majority’s ruling in this case, this Court seemed to have backslid to an antiquated overinvolvement in primarily private affairs. Lawyers are called to account for how their behavior affects the legal profession, without more. Disciplinary cases should never be used as a forum for individuals to vindicate private rights that are beyond the lawyer’s professional dealings.

As I stated in my opinion in *Hierro v. Nava II*:²³

The State must not excessively intrude into the personal relationships of lawyers to the extent that it unduly affects their professional standing. Marital indiscretion by itself is insufficient to strip one’s license to practice law. To sensibly implement our notion of secular morality is to reckon with the prevailing realities of how marriage works, and not dwell on its idealized versions.²⁴

ACCORDINGLY, I vote to **SUSPEND** Atty. Vincenzo Nonato M. Taggug from the practice of law for three years.



MARVIC M.V.F. LEONEN
Senior Associate Justice

²¹ *Saldares v. Saldares*, A.C. No. 10612, January 31, 2023 [*Per Curiam, En Banc*], at 4.

²² *Id.* at 8.

²³ 868 Phil. 56 (2020) [*Per Curiam, En Banc*].

²⁴ *Id.* at 70.