



SUPREME COURT OF THE PHILIPPINES
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Republic of the Philippines
Supreme Court
Manila

EN BANC

ATTY. NORA M. SALUDARES,
Complainant,

A.C. No. 10612
[Formerly CBD Case No. 17-5384]

Present:

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

- versus -

ATTY. REYNALDO L.
SALUDARES,
Respondent.

Promulgated:

January 31, 2023

X-----X

DECISION

PER CURIAM:

Possession of good moral character is a core qualification for members of the bar.¹ “It is expected that every lawyer, being an officer of the Court, must

* No part.

¹ *Domingo-Agaton v. Atty. Cruz*, A.C. No. 11023, May 4, 2021.

not only be in fact of good moral character, but must also be seen to be of good moral character and leading lives in accordance with the highest moral standards of the community.”² Time and again this Court has reminded the members of the legal profession that “one of the qualifications required of a candidate for admission to the bar is the possession of good moral character, and, when one who has already been admitted to the bar clearly shows, by a series of acts, that he[/she] does not follow such moral principles as should govern the conduct of an upright person, x x x it is the duty of the court, as guardian of the interests of society, as well as of the preservation of the ideal standard of professional conduct, to make use of its powers to deprive him[/her] of his professional attributes which he[/she] so unworthily abused.”³

This is a disbarment Complaint/Petition⁴ filed by Atty. Nora Malubay Saludaes (complainant) against her husband, Atty. Reynaldo Lagda Saludaes (respondent), accusing the latter of gross immorality.

Complainant charged respondent with gross immorality for allegedly carrying an illicit and immoral relationship notwithstanding their subsisting marriage.⁵

Complainant and respondent were married on February 7, 1987. However, despite being lawfully married, respondent admitted to having an affair with a former classmate in high school.⁶ To bolster her accusations, complainant narrated as follows:

- (1) During a family recollection in April of 2014, respondent allegedly confessed having an affair with a lady friend even before he and complainant got married, and that the affair bore a child which they agreed to have aborted. Upon hearing respondent’s confession, complainant retorted that she had suspected the affair all along because of the nights when respondent would leave complainant alone, despite her being pregnant. Complainant further recalled several instances when somebody would call complainant and say “*pahiram ng asawa mo sandali.*” According to complainant, respondent did not refute these allegations;⁷
- (2) In the early part of May 2014, complainant saw a picture of a woman displayed in the wallpaper of respondent’s mobile phone. When complainant asked respondent about the woman’s identity, respondent replied that the woman is a friend and former classmate in high school whom he reconnected with during their recent homecoming;⁸

² *Villarente v. Atty. Villarente, Jr.*, A.C. No. 8866, September 15, 2020.

³ *Domingo-Agaton v. Atty. Cruz*, *supra*.

⁴ *Rollo*, pp. 1-45.

⁵ *Id.* at 1-2.

⁶ *Id.*

⁷ *Id.* at 2.

⁸ *Id.* at 2-3.

- (3) Complainant found a compilation of profile pictures of the same woman in a separate and exclusive folder in respondent's Facebook feed. The folder includes childhood and travel pictures;
- (4) Complainant read and saved a copy of a series of text message exchanges between respondent and the same lady friend which indicated that they had likely nurtured an illicit relationship;

a. Message Exchange dated June 10, 2014:⁹

[Respondent]: miss you

[Lady friend]: I'm sure. Miss you too. Love you, Honey.

[Lady friend]: Yes because Reb might interpret it in another way[.]

[Respondent]: yes n it becomes a tsismis;

[Lady friend]: Yeah, enough that she is told about the two of us, we should keep our family away from that especially the children.

[Lady friend]: Right, I don't want other people's nose in this matter. Yeah[.]

[Respondent]: Dear you may rest. [W]ill call you around 7 pm here. [L]ove you[.]

[Respondent]: yes will call tonight. [L]ove you. Tsupmmmm.

[Lady friend]: [Hmmm, love it!] Hello hon, call ok?

b. Message dated June 13, 2014¹⁰

[Respondent]: Hello dear. I miss you. How are you?

c. Message Exchange dated June 14, 2014¹¹

[Lady friend]: Thank you manang. He's very lucky to have you in his life. You are the rainbow in his cloud. I'm really happy for you both. Lorie's note.

[Respondent]: [O]hh. [F]rom [L]orie.

(Note: Lorie is Respondent's sister based in Australia)

d. Message Exchange dated June 14, 2014¹²

[Lady friend]: I fell asleep. Let me get dresse[d] and talk to you later[.]

[Respondent]: where are you dear? [Get dressed?]

[Lady friend]: Just got to the train station.

[Lady friend]: Relax, Honey, remember, his loss not yours. Love you.

⁹ Id. at 4, 23-30.

¹⁰ Id. at 5, 32.

¹¹ Id. at 5, 36.

¹² Id. at 5, 40.

[Respondent]: yes.

[Lady friend]: Ex also sent me a friend request in FB yesterday. I blocked him so he won't be able to send again.

[Respondent]: tsupmmmm.¹³

- (5) When complainant confronted respondent about the series of messages, respondent admitted in front of their children that the woman is his girlfriend, and even quipped "*disente*" and "*maraming pera 'yon.*"¹⁴
- (6) During one confrontation, respondent showed no remorse for his actions, and treated his extra-marital affair as if it is morally acceptable, and stated "*Ano masama sa ginagawa ko? Maghihiwalay naman tayo,*"¹⁵
- (7) Respondent offered to clarify his relationship with the woman, stating that, "*She is my girlfriend, she is not my mistress. There is no mistress for me,*"¹⁶
- (8) Respondent went to the United States of America to allegedly visit his friend and same woman on July 3 to 18, 2014. On August 8, 2014, complainant found posted on Facebook pictures of respondent and the woman smiling closely beside each other,¹⁷ respondent with his arm wrapped around the woman's shoulder, and respondent and the woman holding hands with interlocking fingers.¹⁸
- (9) Respondent made it known to complainant that he will move out of their conjugal home in September or October 2014, or as soon as the turn-over of their condominium unit is completed. When complainant told respondent to not bring in prostitutes, respondent replied "*kasama ko [siya] sa condo pag nandito siya sa Pilipinas. She is my new wife.*"¹⁹

Complainant posited that respondent's repeated admissions of infidelity prove that respondent is engaging in grossly immoral acts in violation of the code of ethics of lawyers.²⁰

Respondent denied all the allegations of immorality and wrongdoings against him.²¹ The exchange of messages between him and his former high

¹³ Id. at 5, 38-39.

¹⁴ Id. at 5.

¹⁵ Id. at 6.

¹⁶ Id.

¹⁷ Id. at 7-8.

¹⁸ Id at 8.

¹⁹ Id. at 9.

²⁰ Id. at 11.

²¹ Id. at 114.

school classmate are merely messages between friends and expressions of endearment that were taken out of context.²²

To counter the accusation of gross immorality against him, respondent narrated that he was once invited to speak during the celebration of Elementary Day. According to respondent, he would not have been invited by the town mayor and school officials if he was perceived to be an immoral person.²³

On February 24, 2015, complainant filed a motion to withdraw the Complaint because the case has greatly affected their children.²⁴

On June 17, 2015, this Court issued a Resolution²⁵ stating, among others, “to consider the instant administrative case **CLOSED** and **TERMINATED**.”²⁶

Subsequently, complainant filed a Motion for Reconsideration praying that the Court set aside the Resolution dated June 17, 2015 terminating the administrative case and to adjudge respondent guilty of gross immorality, or to refer the case to the Integrated Bar of the Philippines (IBP) for proper investigation and recommendation.²⁷

Thus, the Court, on November 28, 2016 issued a Resolution²⁸ granting complainant’s Motion to Re-Open the Case. On April 26, 2017, We referred the case to the IBP for investigation, report and recommendation.

Report and Recommendation of the IBP

On May 24, 2018, the Investigating Commissioner of the Commission on Bar Discipline (IBP-CBD), recommended the termination of the complaint.²⁹ Noting that the parties executed a Compromise Agreement to settle the civil case between them, and the complainant likewise executed an Affidavit of Desistance seeking the dismissal of the criminal case she filed against herein respondent, and considering the prayer of the parties herein to reinstate the ruling of the Court terminating this disbarment case, which the Investigating Commissioner found to be meritorious, the Investigating Commissioner thus recommended the instant case to be considered closed and terminated.

In a Resolution dated December 15, 2019, the IBP Board of Governors adopted and approved the Report and Recommendation of the Investigating Commissioner to consider the case closed and terminated, finding the same to

²² Id.

²³ Id. at 115-116.

²⁴ Id. at 110-111.

²⁵ Id. at 203-204.

²⁶ Id. at 206-223.

²⁷ Id. at 218-219.

²⁸ Id. at 276-277.

²⁹ Id. at 446-452.

be fully supported by the evidence on record and the applicable laws and rules, and for failure to substantiate the complaint.³⁰

Our Ruling

We disagree with the recommendation of the IBP Board of Governors to dismiss the charge of immorality against respondent. There is substantial evidence showing that respondent did have an illicit relationship with his former high school classmate.

This Court notes that the parties have been embroiled in no less five different cases, *i.e.*, (1) Petition for Disbarment before the Court; (2) Civil Case for Declaration of Nullity of Marriage; (3) Administrative Case before the Ombudsman for Gross Immorality; (4) Petition for Issuance of Protection Order; and (5) Criminal Case for the Violation of Republic Act No. 9262, all involving similar, if not identical allegations, of disrespect to the sanctity of marriage amounting to gross immorality.

Telling of the existence of an illicit relationship between respondent and his paramour are their pictures and exchange of messages which illustrate affection towards one another. They referred to one another as “hon” or “Honey;”³¹ they exchanged playful “tsupmm” conveying kiss sounds to signify giving kisses to each other; they would so casually tell each other “Miss you,” “Miss you too,” “Love you, Honey,” and would even talk about being discreet about their relationship. The veracity of these conversations was backed by the affidavit executed by respondent and complainant’s daughter, admitting that she was the one who took pictures of these exchanges.

Respondent even admitted that the woman is his “*girlfriend*,” despite being already married to complainant; he even displayed the woman in his cellphone’s wallpaper; and boasted in front of his children that the woman is “*disente*” and “*maraming pera*.” Worse, respondent showed no shame nor remorse for his actions, even stating, “*Ano masama sa ginagawa ko? Maghihiwalay naman na tayo*” and “*She is my girlfriend, she is not my mistress*.” Evidence has been offered showing that respondent, at some instances, introduced the woman as his “*new wife*.”

Administrative cases against members of the legal profession are *sui generis*, and are not affected by the result of any civil or criminal case.³² It does not even depend on the existence of a complainant to allow the continuation of the proceedings. The primary objective in disciplinary proceedings against lawyers is public interest. The fundamental inquiry revolves around the finding as to whether the lawyer is still a fit person to be allowed to practice law.³³

³⁰ Id. at 444-445.

³¹ Id. at 331.

³² *Hierro v. Atty. Nava II*, A.C. No. 9459, January 7, 2020.

³³ Id.

Respondent is liable for violating the Code of Professional Responsibility (CPR):

CANON 1

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

CANON 7

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.

It has been repeatedly held that to justify suspension or disbarment, the act complained of must not only be immoral, but *grossly* immoral.³⁴ A grossly immoral act is one 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.³⁵ An act to be considered grossly immoral shall be willful, flagrant, or shameless, as to show indifference to the opinion of good and respectable members of the community.³⁶

Given the foregoing, We find that respondent's intimate relationship with a woman other than his wife, showed his moral indifference to the opinion of the good and respectable members of the community. His actions amount to utter disrespect of the laws on the sanctity of marriage, including his vow of fidelity in his marital relations and affairs. Dishonorable behavior displayed by the respondent warrants disciplinary sanction.

In a line of cases, this Court has emphasized that when the integrity of a member of the bar is challenged, denying the accusations against him/her shall not suffice. He/She must meet the issue and allegations against him/her and over the evidence presented by the opposing party. The party accused of gross immorality shall substantiate his/her plea that he/she has maintained the degree of integrity and morality expected of a member of the bar, at all times.³⁷ Unfortunately, respondent has utterly failed in this regard.

For these reasons, this Court finds respondent guilty of gross immorality in violation of Canon 1, Rule 1.01 and Canon 7, Rule 7.03 of the CPR. In deciding upon what disciplinary sanction should be imposed against a lawyer found guilty of misconduct, the case of *Advincula v. Macabata*³⁸ is instructive:

³⁴ *Valdez v. Atty. Dabon, Jr.*, 773 Phil. 109, 126 (2015), citing *Figuroa v. Barranco, Jr.*, 342 Phil. 408, 412 (1997).

³⁵ *Zaguirre v. Castillo*, 446 Phil. 861, 867 (2003).

³⁶ *Id.*

³⁷ *Fabie v. Atty. Real*, 795 Phil. 488, 495-496 (2016).

³⁸ 546 Phil. 431 (2007).

[x x x] When deciding upon the appropriate sanction, the Court must consider that the primary purposes of disciplinary proceedings are to protect the public; to foster public confidence in the Bar; to preserve the integrity of the profession; and to deter other lawyers from similar misconduct. Disciplinary proceedings are means of protecting the administration of justice by requiring those who carry out this important function to be competent, honorable and reliable men in whom courts and clients may repose confidence. While it is discretionary upon the Court to impose a particular sanction that it may deem proper against an erring lawyer, it should neither be arbitrary and despotic nor motivated by personal animosity or prejudice, but should ever be controlled by the imperative need to scrupulously guard the purity and independence of the bar and to exact from the lawyer strict compliance with his duties to the court, to his client, to his brethren in the profession and to the public.

The power to disbar or suspend ought always to be exercised on the preservative and not on the vindictive principle, with great caution and only for the most weighty reasons and only on clear cases of misconduct which seriously affect the standing and character of the lawyer as an officer of the court and member of the Bar. Only those acts which cause loss of moral character should merit disbarment or suspension, while those acts which neither affect nor erode the moral character of the lawyer should only justify a lesser sanction unless they are of such nature and to such extent as to clearly show the lawyer's unfitness to continue in the practice of law. The dubious character of the act charged as well as the motivation which induced the lawyer to commit it must be clearly demonstrated before suspension or disbarment is meted out. The mitigating or aggravating circumstances that attended the commission of the offense should also be considered.³⁹ Citations omitted)

The respondent's arrogance and cavalier attitude has not escaped the Court's attention. He unabashedly admitted his illicit affair before his wife and children. He even boasted that he's paramour is monied. This only shows that respondent is rotten to the core and no longer deserves to belong to the legal profession.

In line with *Panagsagan v. Panagsagan*⁴⁰ the penalty of disbarment from the practice of law is commensurate under the circumstances.

WHEREFORE, Atty. Reynaldo L. Saldares is found **GUILTY** of Gross Immorality and is **DISBARRED** from the practice of law effective upon notice hereof. His name is ordered **STRICKEN OFF** from the Roll of Attorneys.

Let copies of this Decision be entered in the personal record of Atty. Reynaldo L. Saldares as a member of the Philippine Bar and furnished the Office of the Bar Confidant, the Integrated Bar of the Philippines and the Office of the Court Administrator for circulation to all courts in the country.

³⁹ Id. at 446-447.

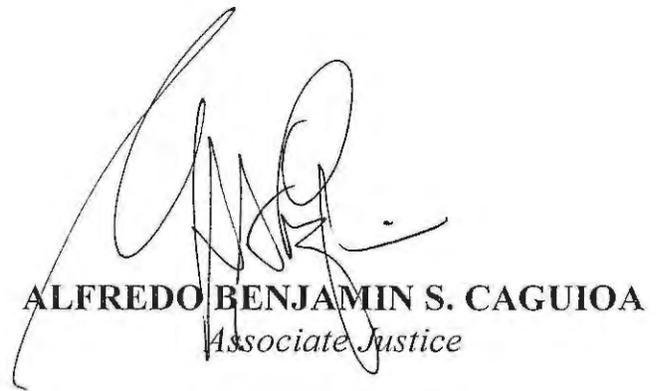
⁴⁰ A.C. No. 7733, October 1, 2019.

No part.

ALEXANDER G. GESMUNDO
Chief Justice



MARVIC M. V. F. LEONEN
Associate Justice



ALFREDO BENJAMIN S. CAGUIOA
Associate Justice

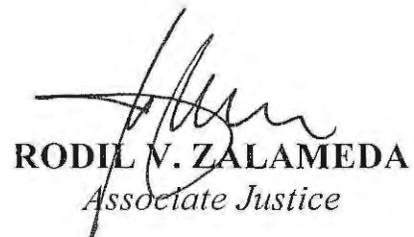


RAMON PAUL L. HERNANDO
Associate Justice

No part.
AMY C. LAZARO-JAVIER
Associate Justice

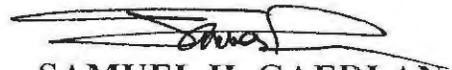


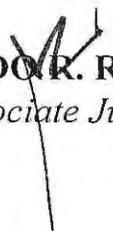
HENRI JEAN PAUL B. INTING
Associate Justice



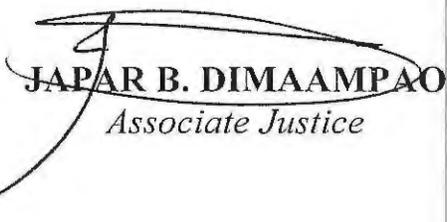
RODIL V. ZALAMEDA
Associate Justice

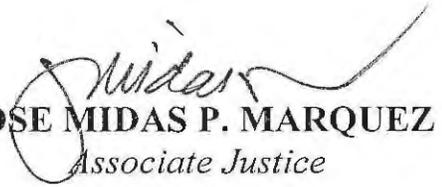
No part.
MARIO V. LOPEZ
Associate Justice


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