

EN BANC

[A.C. No. 7418, October 09, 2007]

ANDREA BALCE CELAJE, COMPLAINANT, VS. ATTY. SANTIAGO C. SORIANO, RESPONDENT.

R E S O L U T I O N

AUSTRIA-MARTINEZ, J.:

Before this Court is a disbarment case filed against Atty. Santiago C. Soriano (respondent) for gross misconduct.

In the Complaint dated June 1, 2005 filed before the Integrated Bar of the Philippines (IBP), Andrea Balce Celaje (complainant) alleged that respondent asked for money to be put up as an injunction bond, which complainant found out later, however, to be unnecessary as the application for the writ was denied by the trial court. Respondent also asked for money on several occasions allegedly to spend for or to be given to the judge handling their case, Judge Milagros Quijano, of the Regional Trial Court, Iriga City, Branch 36. When complainant approached Judge Quijano and asked whether what respondent was saying was true, Judge Quijano outrightly denied the allegations and advised her to file an administrative case against respondent.^[1]

In his Answer, respondent denied the charges against him and averred that the same were merely concocted by complainant to destroy his character. He also contended that it was complainant who boasted that she is a professional fixer in administrative agencies as well as in the judiciary; and that complainant promised to pay him large amounts of attorney's fees which complainant however did not keep.^[2]

Both parties appeared in the Mandatory Conference and Hearing on January 18, 2006. Thereafter, the case was submitted for decision.^[3]

In the Report and Recommendation dated January 24, 2006, IBP-Commission on Bar Discipline Commissioner Dennis A.B. Funa found respondent guilty of Gross Misconduct in his relations with his client and recommended that respondent be suspended for three years from the practice of law.^[4]

In the Report, Commissioner Funa found that:

During the hearing conducted, Complainant alleged that she has remitted to Respondent, on various dates, amounts of money totaling to **more or less P270,000.00**.

According to Complainant the amounts given in several instances were all undocumented and not acknowledged in writing.

However, for the alleged amount of P14,000.00 **intended for an injunction bond**, some documents in writing were made.

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While the amounts remitted by Complainant to Respondent were never acknowledged in writing and were not documented, **due credence** must be given to Complainant's allegations especially over the amount of P14,800.00 intended for the injunction. Indeed, there is **no ill-motive at all on the part of Complainant to fabricate charges** against Respondent. Unfortunately, none of the P270,000.00 given by Complainant to Respondent was ever documented and therefore accuracy of the amounts could not be established and substantiated.

What has been documented only pertains to the unpaid P5,800.00 intended for the injunction bond. However, it has been established that indeed an accumulated amount of P9,000.00 has been remitted by Respondent to Valentina Ramos and **only the unpaid P5,800.00 remains unaccounted for by the Respondent.**

During the hearing conducted, Complainant reiterated her accusations against the Respondent and expressed that she has been aggrieved and misled by Respondent. According to Complainant, this was made possible because **she was not aware of or knowledgeable on legal matters and practices.** Respondent has only offered denials to the charges.

However, the circumstances gives credibility to herein Complainant in the absence of any evil motive on her part.

Accordingly, Respondent is clearly guilty of *misappropriating his client's funds in the amount of P5,800.00.* While other amounts may have been misappropriated, Complainant alleges P270,000.00, the exactness of the amounts could not be established.

Respondent is also guilty of **deceiving his client** and abusing his client's confidence **in requesting for several amounts of money on the pretense that he had to spend for and pay the trial judge.**

Respondent is hereby ORDERED to immediately deliver the unaccounted for amount of Five Thousand Eight Hundred Pesos (P5,800.00) to Complainant, submitting a Compliance Report thereon.^[5]

On September 8, 2006, the Board of Governors of the IBP passed a Resolution thus:

*RESOLVED to ADOPT and Approve, as it is hereby ADOPTED and APPROVED, **with modification**, the Report and Recommendation of the Investigating Commissioner of the above-entitled case, herein made part of this Resolution as Annex "A-; and, finding the recommendation fully supported by the evidence on record and the applicable laws and rules, and considering that Respondent is guilty of gross misconduct for misappropriating his client's funds, Atty. Santiago C. Soriano is hereby **SUSPENDED** from the practice of law for two (2) years and likewise*