

EN BANC

[A.C. No. 12079, November 10, 2020]

**EDUARDO B. MANALANG, COMPLAINANT, VS. ATTY. CRISTINA
BENOSA BUENDIA, RESPONDENT.**

R E S O L U T I O N

PER CURIAM:

Before us is a disbarment complaint against Atty. Cristina Benosa Buendia (Atty. Buendia) for allegedly deceiving complainant Eduardo B. Manalang (Manalang) in connection with the latter's petition for nullity of his marriage.

Sometime in 2011, Manalang engaged the services of Atty. Buendia for the declaration of nullity of his marriage. Atty. Buendia told Manalang that the proceeding usually lasts from one (1) to two (2) years, but with her services, it can be hastened to six (6) months to one (1) year. Manalang hesitated at first, but Atty. Buendia assured him that everything was legal. Thus, an agreement was made where Manalang would pay legal fees amounting to P275,000.00 plus documentation and out of pocket expenses.^[1]

On two (2) separate dates, Manalang paid P10,000.00 and P15,000.00, for the full payment of the acceptance fee. He also made a partial payment, for the proceedings amounting to P 120,000.00. On another date, Manalang met with Atty. Buendia in Chowking at San Juan to pay P30,000.00 representing legal fees.^[2]

When Manalang followed up on the status of the case sometime in April 2012, Atty. Buendia assured him that everything was going smoothly. At that time, Manalang manifested that if there were problems in expediting the resolution of the case, he was willing to go through the usual process even if it takes longer. However, Atty. Buendia replied: "*Ed, hindi na pwede kasi magbabayad na naman ikaw niyan. Di bale maiksing panahon na lang naman, matatapos na din.*" She then told him to put his trust and confidence in her.^[3]

From June to September 2012 Manalang tried to contact Atty. Buendia to follow-up his case but she never answered his calls. Manalang also visited Atty. Buendia's office three times but she was always unavailable.^[4]

On September 7, 2012, Atty. Buendia eventually agreed to meet Manalang in the office of one Atty. Neil Salazar (Atty. Salazar) located along Visayas Avenue. During the meeting, Manalang learned from Atty. Buendia that Atty. Salazar was actually the one handling his case. He also found out that his case was filed in Ballesteros, Cagayan. Atty. Buendia explained that she and Atty. Salazar knew someone in Cagayan who can help them, and that they will get results by November 6, 2012. She also promised that she will update Manalang within 15 days, but never did.^[5]

Manalang tried to contact Atty. Buendia from September 22, 2012 to April 2013, to no avail. It was only on April 15, 2013 that Atty. Buendia messaged Manalang to say the annulment case was finally resolved and the decision was already available. However, Manalang remained doubtful of his case being filed because he was never furnished a copy of the decision.^[6]

On April 28, 2013, Manalang met Atty. Buendia in her office in Kamuning and asked for a copy of the decision. Atty. Buendia initially refused, but when Manalang insisted, she hesitatingly gave him a copy of a decision rendered by the 33rd Branch of the Regional Trial Court in Ballesteros, Cagayan dated December 28, 2011.^[7]

The caption in the decision said that the case is for "Declaration of Nullity" entitled "Eduardo B. Manalang, Petitioner versus Rosa Brutus-Manalang" docketed as "Civil Case No. 33-268-2010." Atty. Buendia also gave Manalang a copy of a Certificate of Finality dated February 17, 2012, from the same court.^[8]

Afterwards, Atty. Buendia demanded P50,000.00 for processing the registration of the nullity with the National Statistics Office, an amount which Manalang deposited to Atty. Buendia's BPI Account on May 10, 2013. By that time, Manalang already paid a total of P225,000.00.^[9]

When Manalang inspected the decision, he observed that it contained fabricated details regarding his marriage, such as physical violence allegedly inflicted on him. He also noticed that the facts therein were different from what he had narrated to Atty. Buendia. These made him doubt the veracity of the documents.^[10]

Manalang then contacted Atty. Buendia to clarify the discrepancies in the decision. He made at least 50 phone calls and 40 text messages to Atty. Buendia from May 2013 to January 2014, but she never responded. Manalang also visited Atty. Buendia's office in Kamuning four (4) times, but she never showed up.^[11]

This made Manalang grow even more suspicious which is why he took it upon himself to go to Ballesteros, Cagayan to find out the status of his case. There, he learned that there was "absolutely no case filed for the dissolution of [his] marriage."^[12] As soon as he found out, he contacted Atty. Buendia but she never responded.^[13]

On June 27, 2014, Manalang filed a Complaint^[14] against Atty. Buendia before the Integrated Bar of the Philippines.

In her Answer,^[15] Atty. Buendia said that she has never handled a nullity case before and for this reason, she referred Manalang to Atty. Neil Tabbu (Atty. Tabbu). She claimed that Manalang insisted on not appearing in the proceedings—something she did not take seriously as she advised Manalang to talk to Atty. Tabbu instead.^[16]

Atty. Buendia also alleged that she only agreed to be an intermediary between Manalang and Atty. Tabbu who practices in Cagayan. She said they also agreed that Atty. Tabbu will handle the case for P275,000.00.^[17]

Atty. Buendia admitted to receiving the following payments: (a) P10,000.00 and P15,000.00 acceptance fees; (b) P120,000.00 partial payment for nullity

proceedings; and (c) P30,000.00 legal fees. However, she claimed she only received these as an intermediary and not as the lawyer of Manalang.^[18]

Further, Atty. Buendia averred that she updated Manalang of the status of his case, but only as relayed to her by Atty. Tabbu.^[19] As to Manalang's allegation that no case was filed, Atty. Buendia stated that she has no knowledge as to the truthfulness of this claim.^[20] She further asserted that Manalang long knew that a different lawyer was handling the case.^[21]

She also disavowed giving a copy of the decision, and the Certificate of Finality to Manalang.^[22] Further, she denied demanding an additional P50,000.00 for the registration of the nullity in the National Statistics Office.^[23] She averred that no payments accrued to her as the amount formed part of the payment for Atty. Tabbu and it was deposited in her account only because she agreed to be an intermediary.^[24]

The Integrated Bar of the Philippines Investigating Commissioner^[25] found that Atty. Buendia violated Canon 1, Rule 1.01, and Canon 18, Rules 18.03 and 18.04, of the Code of Professional Responsibility and recommended the penalty of disbarment for gross misconduct.

This was adopted by the Integrated Bar of the Philippines Board of Governors^[26] which recommended Atty. Buendia's disbarment for her "failure to file a case of annulment of marriage despite receipt of acceptance fee from her client in the amount of P270,000.00."^[27] In addition, the Board of Governors reasoned that she should be disbarred "for her production of a spurious decision with certificate of finality from the court."^[28]

Atty. Buendia moved for reconsideration, but it was denied.^[29]

For resolution is the issue of whether or not respondent Atty. Buendia should be disbarred for her misrepresentations and for deceiving her client.

In *Zaldivar v. Sandiganbayan*,^[30] this Court explained the burdens ascribed to the practice of law. At all times, members of the legal profession must remain highly ethical and should observe faithful compliance with the rules of the profession. Failure to dispense these duties results in this Court's exercise of its ultimate power of disciplining errant members:

[T]he practice of law is a *privilege burdened with conditions*. Adherence to the *rigid standards of menial fitness, maintenance of the highest degree of morality and faithful compliance with the rules of the legal profession* are the conditions required for remaining a member of good standing of the bar and for enjoying the privilege to practice law.

The Supreme Court, as guardian of the legal profession, has ultimate disciplinary power over attorneys. This authority to discipline its members is not only a right, but a bounden duty as well. The Court cannot, and will not, tolerate any outbursts from its members without running the risk of disorder, chaos and anarchy in the administration of justice. That is why respect and fidelity to the Court is demanded of its members "not for the sake of the temporary incumbent of the judicial

office, but for the maintenance of its supreme importance."^[31]
(Emphasis supplied)

This Court's authority to discipline the members of the legal profession arises from its constitutional prerogative to regulate the practice of law.^[32] Moreover, the "power to discipline attorneys, who are officers of the court, is an inherent and incidental power in courts of record, and one which is essential to an orderly discharge of judicial functions."^[33]

Rule 138, Section 27 of the Rules of Court enumerates the grounds for disbarment or suspension of lawyers:

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.^[34]

In dealing with clients, Canon 1 of the Code of Professional Responsibility states that a lawyer shall uphold the law and promote respect for law and the legal processes. This Canon is comprised of four (4) rules:

CANON 1 - A LAWYER SHALL UPHOLD THE CONSTITUTION, OBEY THE LAWS OF THE LAND AND PROMOTE RESPECT FOR LAW OF AND LEGAL PROCESSES.

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

Rule 1.02 - A lawyer shall not counsel or abet activities aimed at defiance of the law or at lessening confidence in the legal system.

Rule 1.03 - A lawyer shall not, for any corrupt motive or interest, encourage any suit or proceeding or delay any man's cause.

Rule 1.04 - A lawyer shall encourage his clients to avoid, end or settle a controversy if it will admit of a fair settlement.^[35]

The duty of a lawyer to uphold the Constitution, obey the laws of the land, and promote respect for law and legal processes^[36] demands that he or she shall "not engage in unlawful, dishonest, immoral or deceitful conduct."^[37] *Saladaga v. Astorga*^[38] explains:

Any act or omission that is contrary to, prohibited or unauthorized by, in defiance of, disobedient to, or disregards the law is "unlawful." "Unlawful" conduct does not necessarily imply the element of criminality although the concept is broad enough to include such element.

To be "dishonest" means the disposition to lie, cheat, deceive, defraud or betray; be untrustworthy; lacking in integrity, honesty, probity, integrity in principle, fairness and straightforwardness. On the other hand, conduct that is "deceitful" means as follows:

Having the proclivity for fraudulent and deceptive misrepresentation, artifice or device that is used upon another who is ignorant of the true facts, to the prejudice and damage of the party imposed upon. In order to be deceitful, the person must either have knowledge of the falsity or acted in reckless and conscious ignorance thereof, especially if the parties are not on equal terms, and was done with the intent that the aggrieved party act thereon, and the latter indeed acted in reliance of the false statement or deed in the manner contemplated to his injury.^[39] (Citations omitted)

As members of the legal profession, lawyers are bound to respect and uphold the law at all times. They must be honest with their dealings, especially with respect to their clients. In *Caballero v. Sampana*:^[40]

Rule 1.01 of the Code of Professional Responsibility states that "a lawyer shall not engage in unlawful, dishonest, immoral or deceitful conduct." As such, membership in the legal profession is a privilege that is bestowed upon individuals who are not only learned in law, but are also known to possess good moral character. Lawyers must conduct themselves beyond reproach at all times, whether they are dealing with their clients or the public at large, and a violation of the high moral standards of the legal profession justifies the imposition of the appropriate penalty, including suspension and disbarment. Thus, while the Court has emphasized that the power to disbar is always exercised with great caution and only for the most imperative reasons or cases of clear misconduct affecting the standing and moral character of the lawyer as an officer of the court and member of the Bar, it has, likewise, underscored the fact that any transgression, whether professional or non-professional, indicating unfitness for the profession justifies disciplinary action, as in the case of the respondent.

Section 27, Rule 138 of the Rules of Court provides that a member of the Bar may be disbarred or suspended from his office as attorney by the Supreme Court for any deceit, malpractice, or other gross misconduct in such office. Gross misconduct has been defined as any inexcusable, shameful or flagrantly unlawful conduct on the part of the person involved in the administration of justice, conduct that is prejudicial to the rights of the parties, or to the right determination of the cause.^[41]

This Court will not hesitate to mete out the grave penalty of disbarment if a lawyer is found guilty of misrepresentation and deception of his or her client.

Madria v. Rivera^[42] has analogous circumstances to this case. In *Madria*, petitioner obtained the legal services of respondent to help her with the annulment of her marriage. Respondent guaranteed he can obtain the decree of annulment without petitioner appearing in court. Months later, respondent informed petitioner that her