

## **EN BANC**

**[ A.C. No. 12174, August 28, 2018 ]**

**ALFRED LEHNERT, COMPLAINANT, V. ATTY. DENNIS L. DIÑO,  
RESPONDENT.**

### **R E S O L U T I O N**

**LEONEN, J.:**

Complainant Alfred Lehnert (Lehnert) filed this administrative Complaint<sup>[1]</sup> before the Integrated Bar of the Philippines on November 11, 2015. He prayed that respondent Atty. Dennis L. Diño (Atty. Diño) be permanently disbarred for violating the lawyer's oath, as well as the Code of Professional Responsibility, when he committed two (2) violations of Batas Pambansa Blg. 22.

In his Complaint, Lehnert narrated that an Information against Atty. Diño was filed with Branch 34, Metropolitan Trial Court, Quezon City, charging him with two (2) counts of violation of Batas Pambansa Blg. 22. A Warrant of Arrest<sup>[2]</sup> was then issued for Atty. Diño's arrest. Members of the Philippine National Police and National Bureau of Investigation attempted to serve the warrant on Atty. Diño. However, despite their exhaustive efforts, they were unable to locate him at his residential addresses in Bulacan, Quezon City, San Lazaro, and Sta. Cruz, or even at his office address in Intramuros, Manila.<sup>[3]</sup> Thus, considering that Atty. Diño was hiding to evade arrest, Lehnert prayed for his immediate disbarment.<sup>[4]</sup>

In a Notice of Mandatory Conference dated March 4, 2016, Atty. Diño and Lehnert were directed to submit their respective mandatory conference briefs, and to appear before the Commission on Bar Discipline of the Integrated Bar of the Philippines on April 29, 2016.<sup>[5]</sup> However, Atty. Diño did not appear or submit any brief to the Commission on Bar Discipline.<sup>[6]</sup>

On June 29, 2016, the Investigating Commissioner found Atty. Diño guilty of violating Canon 1, Rule 1.01<sup>[7]</sup> of the Code of Professional Responsibility by issuing in favor of Lehnert post-dated checks, which were subsequently dishonored. Moreover, the Investigating Commissioner noted that although Atty. Diño had not yet been convicted of the crime charged, his acts of evading arrest and failing to participate in the administrative proceedings before the Commission on Bar Discipline further gave the impression that he was probably guilty. Thus, she recommended that Atty. Diño be suspended from the practice of law for two (2) years.<sup>[8]</sup>

On July 17, 2017, the Board of Governors of the Integrated Bar of the Philippines passed Resolution No. XXII-2017-1164, adopting the findings of fact and recommendation of the Investigating Commissioner imposing on Atty. Diño the penalty of suspension of two (2) years from the practice of law.<sup>[9]</sup>

This Court agrees with the findings of the Board of Governors and sustains its recommended penalty.

In *Lao v. Medel*,<sup>[10]</sup> this Court stressed that a lawyer's payment of financial obligations is part of his duties:

Verily, lawyers must at all times faithfully perform their duties to society, to the bar, to the courts and to their clients. As part of those duties, they must promptly pay their financial obligations. Their conduct must always reflect the values and norms of the legal profession as embodied in the Code of Professional Responsibility. On these considerations, the Court may disbar or suspend lawyers for any professional or private misconduct showing them to be wanting in moral character, honesty, probity and good demeanor — or to be unworthy to continue as officers of the Court.

It is equally disturbing that respondent remorselessly issued a series of worthless checks, unmindful of the deleterious effects of such act to public interest and public order.<sup>[11]</sup> (Citations omitted)

This Court continues to state that the issuance of worthless checks constitutes gross misconduct and violates Canon 1 of the Code of Professional Responsibility, which mandates all members of the bar "to obey the laws of the land and promote respect for law." Issuance of worthless checks also violates Rule 1.01 of the Code, which mandates that "[a] lawyer shall not engage in unlawful, dishonest, immoral or deceitful conduct."

Thus, this Court has imposed the penalty of one (1)-year suspension from the practice of law for a cavalier attitude toward incurring debts.<sup>[12]</sup> This Court has imposed a higher penalty of two (2)-year suspension on a lawyer who issued worthless checks and also disregarded the Integrated Bar of the Philippines' orders in administrative proceedings.<sup>[13]</sup>

In light of the foregoing, this Court finds the recommended penalty of two (2)-year suspension from the practice of law proper.

**WHEREFORE**, respondent Atty. Dennis L. Diño is **SUSPENDED** from the practice of law for two (2) years. He is likewise **WARNED** that a repetition of similar acts shall be dealt with more severely.

The respondent, upon receipt of this Resolution, shall immediately serve his suspension. He shall formally manifest to this Court that his suspension has started, and copy furnish all courts and quasi-judicial bodies where he has entered his appearance, within five (5) days from receipt of this Resolution. Respondent shall also serve copies of his manifestation on all adverse parties in all the cases he entered his formal appearance.

Let a copy of this Resolution be furnished to the Office of the Bar Confidant to be attached to Atty. Dennis L. Diño's personal record. Copies of this Resolution should also be served on the Integrated Bar of the Philippines for its proper disposition, and the Office of the Court Administrator for circulation to all courts in the country.

**SO ORDERED.**