

## EN BANC

**[ A.C. No. 10868 [Formerly CBD Case No. 07-2041], January 26, 2016 ]**

**CHERYL E. VASCO-TAMARAY, COMPLAINANT, VS. ATTY.  
DEBORAH Z. DAQUIS, RESPONDENT.**

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

#### PER CURIAM:

Pretending to be counsel for a party in a case and using a forged signature in a pleading merit the penalty of disbarment.

Cheryl E. Vasco-Tamaray (Vasco-Tamaray) filed a Complaint-Affidavit before the Integrated Bar of the Philippines on July 30, 2007, alleging that respondent Atty. Deborah Z. Daquis (Atty. Daquis) filed, on her behalf, a Petition for Declaration of Nullity of Marriage without her consent and forged her signature on the Petition.<sup>[1]</sup> She also alleged that Atty. Daquis signed the Petition for Declaration of Nullity of Marriage as "counsel for petitioner," referring to Vasco-Tamaray.<sup>[2]</sup>

Vasco-Tamaray stated that Atty. Daquis was not her counsel but that of her husband, Leomarte Regala Tamaray.<sup>[3]</sup> To support her allegation, she attached the Affidavit<sup>[4]</sup> of Maritess Marquez-Guerrero. The Affidavit states:

1. Sometime in October 2006, I accompanied Cheryl Tamaray in going to East Cafe at Rustan's Makati to meet with her husband Leomarte Tamaray;
2. We arrived at the said place at around 7:00 pm *and Leomarte introduced to us (Cheryl and I) Atty. Deborah Z. Daquis as his lawyer.* He further told us that Atty. Daquis' husband also worked in Japan and that's how he got to know the latter and got her services;
3. Among other things, Leomarte told Cheryl that the reason for that meeting and the presence of Atty. Daquis *was because he had decided to file a case to annul his marriage* with Cheryl;
4. Cheryl was shocked and just cried. After awhile [sic], Leomarte's brother arrived and shortly after, the group left;
5. The next instance that I saw Atty. Daquis was when we (Cheryl and 1) went to McDonald's-Greenbelt where Atty. Daquis tried to convince her not to oppose Leomarte's decision to have their marriage annulled[.]<sup>[5]</sup> (Emphasis supplied)

Vasco-Tamaray narrated that in December 2006, Atty. Daquis informed her "that a Petition for Declaration of Nullity of Marriage was filed before the Regional Trial Court of Muntinlupa City."<sup>[6]</sup> In February 2007, Atty. Daquis asked her to appear before the City Prosecutor's Office of Muntinlupa City.<sup>[7]</sup>

On March 5, 2007, Vasco-Tamaray appeared before the City Prosecutor's Office and met Atty. Daquis. She asked Atty. Daquis to give her a copy of the Petition but Atty. Daquis refused.<sup>[8]</sup>

Vasco-Tamaray stated that she obtained a copy of the Petition for Declaration of Nullity of Marriage from Branch 207 of the Regional Trial Court of Muntinlupa City. She was surprised to see that the Petition was allegedly signed and filed by her.<sup>[9]</sup>

Vasco-Tamaray alleged that she did not file the Petition, that her signature was forged by Atty. Daquis, and that her purported community tax certificate appearing on the jurat was not hers because she never resided in Muntinlupa City.<sup>[10]</sup> She attached a Certification issued by the Sangguniang Barangay of Putatan, Muntinlupa City stating that she was "never ... a resident of #9 Daang Hari Street, Umali Compound, Summitville Subdivision, Barangay Putatan."<sup>[11]</sup> She also attached a Certification issued by Barangay Talipapa stating that she has been a resident of "#484-J Saguittarius St., Solville Subd., Barangay Talipapa, Novaliches, Quezon City . . . from 2000 till present."<sup>[12]</sup>

Vasco-Tamaray also alleged that the Petition for Declaration of Nullity of Marriage was Atty. Daquis' idea, consented to by Leomarte Tamaray.<sup>[13]</sup>

She further alleged that she had never received any court process. The Petition states that her postal address is "09 Daang Hari St., Umali Comp., Summitville Subd., Putatan, Muntinlupa City[,]"<sup>[14]</sup> which is the address of her husband's family. The return slips of the notices sent by the trial court were received by Encamacion T. Coletraba and Almencis Cumigad, relatives of Leomarte Tamaray.<sup>[15]</sup>

Atty. Daquis filed an Answer countering that her client was Vasco-Tamaray, complainant herself, and not complainant's husband. She alleged that Vasco-Tamaray knew of the Petition as early as October 2006, not December 2006.<sup>[16]</sup>

With regard to the community tax certificate, Atty. Daquis explained that when she notarized the Petition, the community tax certificate number was supplied by Vasco-Tamaray.<sup>[17]</sup> Atty. Daquis' allegation was supported by the Joint Affidavit of her staff, Ma. Dolor E. Purawan (Purawan) and Ludy Lorena (Lorena).<sup>[18]</sup>

Purawan and Lorena detailed in their Joint Affidavit that they knew Vasco-Tamaray to be a client of Atty. Daquis and that they never saw Atty. Daquis forge Vasco-Tamaray's signature. Purawan stated that she typed the Petition for Declaration of Nullity of Marriage and that the community tax certificate was provided by Vasco-Tamaray.<sup>[19]</sup>

Atty. Daquis alleged that Vasco-Tamaray wanted her to call and demand money from

Leomarte Tamaray but she refused to do so.<sup>[20]</sup>

Atty. Daquis argued that Vasco-Tamaray had a copy of the Petition. When Vasco-Tamaray requested another copy on March 5, 2007, Atty. Daquis was unable to grant her client's request because she did not have a copy of the Petition with her at that time.<sup>[21]</sup>

Atty. Daquis further alleged that Vasco-Tamaray conceived an illegitimate son with a certain Reuel Pablo Aranda. The illegitimate son was named Charles Dino Vasco. Reuel Pablo Aranda signed the Affidavit of Acknowledgment/Admission of Paternity portion of the birth certificate.<sup>[22]</sup>

The Commission on Bar Discipline required the parties to submit their position papers,<sup>[23]</sup> but based on the record, only Vasco-Tamaray complied.<sup>[24]</sup>

The Commission on Bar Discipline recommended the dismissal of the Complaint because Vasco-Tamaray failed to prove her allegations. The Commission on Bar Discipline noted that Vasco-Tamaray should have questioned the Petition or informed the prosecutor that she never filed any petition, but she failed to do so.<sup>[25]</sup>

The Board of Governors of the Integrated Bar of the Philippines adopted and approved the Report and Recommendation of the Commission on Bar Discipline in the Resolution dated September 27, 2014.<sup>[26]</sup>

The issue for resolution is whether respondent Atty. Deborah Z. Daquis should be held administratively liable for making it appear that she is counsel for complainant Cheryl Vasco-Tamaray and for the alleged use of a forged signature on the Petition for Declaration of Nullity of Marriage.

This court finds that respondent violated Canons 1, 7, 10, and 17 of the Code of Professional Responsibility. The charge against respondent for violation of Canon 15 is dismissed.

## I

By pretending to be counsel for complainant, respondent violated Canon 1, Rule 1.01 of the Code of Professional Responsibility and failed to uphold her duty of doing no falsehood nor consent to the doing of any falsehood in court as stated in the Lawyer's Oath.<sup>[27]</sup>

Canon 1, Rule 1.01 of the Code of Professional Responsibility provides:

CANON 1 — A lawyer shall uphold the constitution, obey the laws of the land and promote respect for law and for legal processes.

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

In this case, respondent merely denied complainant's allegation that she was

Leomarte Tamaray's counsel<sup>[28]</sup> but was unable to rebut the other allegations against her.

Respondent admitted that she met complainant in October 2006,<sup>[29]</sup> but did not refute<sup>[30]</sup> the statement in Maritess Marquez-Guerrero's Affidavit that Leomarte Tamaray introduced her as his lawyer.<sup>[31]</sup> Likewise, respondent admitted that she met with complainant subsequently,<sup>[32]</sup> but did not refute Maritess Marquez-Guerrero's statement that in one of the meetings, she tried to convince complainant not to oppose Leomarte Tamaray's decision to annul their marriage.<sup>[33]</sup>

Respondent argued in her Answer that she was the counsel for complainant.<sup>[34]</sup> Yet, there is no explanation how she was referred to complainant or how they were introduced. It appears, then, that respondent was contacted by Leomarte Tamaray to file a Petition for Declaration of Nullity of Marriage on the ground of bigamy. As stated in Maritess Marquez-Guerrero's Affidavit, "Leomarte told Cheryl that the reason for that meeting and the presence of Atty. Daquis was because *he had decided to file a case to annul his marriage with Cheryl*["<sup>[35]</sup>

Based on this, it seems Leomarte Tamaray intended to file the petition for declaration of nullity of marriage. However, respondent made it appear that complainant, not her client Leomarte Tamaray, was the petitioner. There is a probability that respondent did not want Leomarte Tamaray to be the petitioner because he would have to admit that he entered into a bigamous marriage, the admission of which may subject him to criminal liability.

In addition, if it is true that complainant was respondent's client, then there appears to be no reason for respondent to advise her "not to oppose Leomarte's decision to have their marriage annulled."<sup>[36]</sup>

The records of this case also support complainant's allegation that she never received any court process because her purported address in the Petition is the address of Leomarte Tamaray. The Petition states that complainant is "of legal age, Filipino citizen, married with postal address at 09 Daang Hari St., Umali Comp., Summitville Subd., Putatan, Muntinlupa City["<sup>[37]</sup>

The Certificate of Marriage of complainant and Leomarte Tamaray states that Leomarte's residence is at "Summitvil[l]e Subv [sic], Muntinlupa," while complainant's residence is at "Hermosa St. Gagalangin, Tondo, Manila."<sup>[38]</sup> Assuming that complainant lived with her husband after they were married, complainant most likely did not receive court processes because she left their home before the filing of the Petition for Declaration of Nullity of Marriage. As written in the Minutes of the meeting before the Office of the City Prosecutor:

P[etitioner] & R[espondent] met sometime in 1993 through his secretary. They became sweethearts in 1993 and their relationship as steadies lasted until 1996;

During the 3 years of their union, petitioner knew respondent's family as she even sleeps in their house; Theirs was also a long distance

relationship as respondent worked in Japan;

Upon respondents [sic] return to the Philippines they got married in Feb, 1996. They had no children, as respondent immediately left for Japan on March 11, 1996;

Respondent returned to the Philippines but unfortunately he brought another woman. *As a result, petitioner left their house.*<sup>[39]</sup> (Emphasis supplied)

Further, complainant cannot be faulted for her failure to inform the prosecutor that she did not file any petition for declaration of nullity of marriage because during the meeting on March 5, 2007, complainant had no knowledge that the Petition was filed in her name.<sup>[40]</sup> She obtained a copy of the Petition after the March 5, 2007 meeting.<sup>[41]</sup>

In *Yupangco-Nakpil v. Uy*,<sup>[42]</sup> this court discussed Canon 1, Rule 1.01, as follows:

Rule 1.01, Canon 1 of the Code, as it is applied to the members of the legal professions, engraves an overriding prohibition against any form of misconduct, viz:

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

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

The gravity of the misconduct — determinative as it is of the errant lawyer's penalty — depends on the factual circumstances of each case.

. . . .

. . . Verily, members of the Bar are expected at all times to uphold the integrity and dignity of the legal profession and refrain from any act or omission which might lessen the trust and confidence reposed by the public in the fidelity, honesty, and integrity of the legal profession. By no insignificant measure, respondent blemished not only his integrity as a member of the Bar, but also that of the legal profession. In other words, his conduct fell short of the exacting standards expected of him as a guardian of law and justice.<sup>[43]</sup>

When respondent filed the Petition as counsel for complainant when the truth was otherwise, she committed a falsehood against the trial court and complainant.

## II

Respondent violated Canon 7, Rule 7.03 and Canon 10, Rule 10.01 when she