

EN BANC

[A.C. No. 8172, April 12, 2016]

**ALEX NULADA, COMPLAINANT, VS. ATTY. ORLANDO S. PAULMA,
RESPONDENT.**

R E S O L U T I O N

PERLAS-BERNABE, J.:

The instant administrative case arose from a verified complaint^[1] for disbarment by reason of dishonesty and conviction of a crime involving moral turpitude filed by Complainant Alex Nulada (complainant) against respondent Atty. Orlando S. Paulma (respondent).

The Facts

Complainant alleged that on September 30, 2005, respondent issued in his favor a check in the amount of P650,000.00 as payment for the latter's debt. Because of respondent's standing as a respected member of the community and his being a member of the *Sangguniang Bayan* of the Municipality of Miagao,^[2] Province of Iloilo, complainant accepted the check without question.^[3]

Unfortunately, when he presented the check for payment, it was dishonored due to insufficient funds. Respondent failed to make good the amount of the check despite notice of dishonor and repeated demands, prompting complainant to file a criminal complaint for violation of *Batas Pambansa Bilang* (BP) 22^[4] against respondent,^[5] before the Office of the Provincial Prosecutor, Province of Iloilo, docketed as I.S. No. 2006-637,^[6] which issued a Resolution^[7] dated May 26, 2006 recommending the filing of the appropriate information against respondent before the Municipal Trial Court of Miagao, Province of Iloilo (MTC).^[8] Subsequently, said information was docketed as Criminal Case No. 2604.^[9]

After due proceedings, the MTC rendered a Decision^[10] dated October 30, 2008 finding respondent guilty of violation of BP 22 and ordering him to pay the amount of P150,000.00 as fine, with subsidiary imprisonment in case of failure to pay. Furthermore, he was ordered to pay: (1) the sum of P650,000.00 representing the amount of the check with interest pegged at the rate of twelve percent (12%) per annum computed from the time of the filing of the complaint; (2) filing fees in the amount of P10,000.00; and (3) attorney's fees in the amount of P20,000.00 plus appearance fees of P1,500.00 per hearing.^[11]

Records show that respondent appealed his conviction to the Regional Trial Court of Guimbal, Iloilo, Branch 67 (RTC), docketed as Criminal Case No. 346.^[12] In a Decision^[13] dated March 13, 2009, the RTC affirmed *in toto* the MTC ruling. On April

16, 2009, the RTC Decision became final and executory.^[14]

Prior to the promulgation of the RTC Decision, or on February 12, 2009, complainant filed this administrative complaint before the Court, through the Office of the Bar Confidant.

In his defense,^[15] respondent denied that he committed dishonesty against complainant, as prior to September 30, 2005, he informed the latter that there were insufficient funds to cover the amount of the check. Respondent claimed that he merely issued the check in order to accommodate a friend in whose favor he obtained the loan, stressing that he did not personally benefit from the proceeds thereof.^[16] Unfortunately, said friend had died and respondent had no means by which to pay for the amount of the check.^[17] He also claimed that complainant threatened him and used his unfunded check to the latter's personal advantage.^[18]

Thereafter, the Court, in its Resolution dated November 14, 2011,^[19] referred this administrative case to the Integrated Bar of the Philippines (IBP) for its investigation, report, and recommendation.

The IBP's Report and Recommendation

After conducting mandatory conferences, the Commission on Bar Discipline (CBD) of the IBP issued a Report and Recommendation^[20] dated June 26, 2013, recommending that respondent be suspended from the practice of law for a period of six (6) months for violation of the lawyer's oath and the Code of Professional Responsibility (CPR), as well as for having been found guilty of a crime involving moral turpitude.^[21]

It found that the offense for which respondent was found guilty of, *i.e.*, violation of BP 22, involved moral turpitude, and that he violated his lawyer's oath and the CPR when he committed the said offense. Stressing the importance of the lawyer's oath, the IBP held that by his conviction of the said crime, respondent has shown that he is "unfit to protect the administration of justice or that he is no longer of good moral character"^[22] which justifies either his suspension or disbarment.^[23]

Subsequently, or on October 10, 2014, the IBP Board of Governors issued a Notice of Resolution^[24] adopting and approving with modification the IBP's Report and Recommendation dated June 26, 2013, suspending respondent from the practice of law for a period of two (2) years for having violated the lawyer's oath and the CPR, as well as for having been found guilty of a crime involving moral turpitude.^[25]

The Issue Before the Court

The issue advanced for the Court's resolution is whether or not respondent should be administratively disciplined for having been found guilty of a crime involving moral turpitude.

The Court's Ruling

The Court sustains the findings and conclusions of the CBD of the IBP, as approved,

adopted, and modified by the IBP Board of Governors.

Section 27, Rule 138 of the Rules of Court provides:

Section 27. Disbarment or suspension of attorneys by Supreme Court; grounds therefor. - 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, 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 admission to practice, or for a willful disobedience of any lawful order of a superior court, Or for corruptly or willfully appearing as an attorney for a party to a case without authority to do so. The practice of soliciting cases at law for the purpose of gain, either personally or through paid agents or brokers, constitutes malpractice.

Canon 1 of the CPR mandates all members of the bar "to obey the laws of the land and promote respect for law x x x." Rule 1.01 thereof specifically provides that "[a] lawyer shall not engage in unlawful, dishonest, immoral or deceitful conduct." By taking the lawyer's oath, a lawyer becomes a guardian of the law and an indispensable instrument for the orderly administration of justice.^[26] As such, he can be disciplined for any conduct, in his professional or private capacity, which renders him unfit to continue to be an officer of the court.^[27]

In *Enriquez v. De Vera*,^[28] the Court discussed the purpose and nature of a violation of BP 22 in relation to an administrative case against a lawyer, as in this case, to wit:

[BP] 22 has been enacted in order to safeguard the interest of the banking system and the legitimate public checking account users. The gravamen of the offense defined and punished by [BP] 22 [x x x] is the act of making and issuing a worthless check, or any check that is dishonored upon its presentment for payment and putting it in circulation; the law is designed to prohibit and altogether eliminate the deleterious and pernicious practice of issuing checks with insufficient funds, or with no credit, because the practice is deemed a public nuisance, a crime against public order to be abated.

x x x x

Being a lawyer, respondent was well aware of the objectives and coverage of [BP] 22. If he did not, he was nonetheless presumed to know them, for the law was penal in character and application. His issuance of the unfunded check involved herein knowingly violated [BP] 22, and exhibited his indifference towards the pernicious effect of his illegal act to public interest and public order. He thereby swept aside his Lawyer's Oath that enjoined him to support the Constitution and obey the laws.^[29]

Clearly, the issuance of worthless checks in violation of BP Blg. 22 indicates a lawyer's unfitness for the trust and confidence reposed on him, shows such lack of personal honesty and good moral character as to render him unworthy of public confidence, and constitutes a ground for disciplinary action.^[30]