

EN BANC

[A.C. No. 11246, June 14, 2016]

**ARNOLD PACAO, COMPLAINANT, VS. ATTY. SINAMAR LIMOS,
RESPONDENT.**

DECISION

PER CURIAM:

Before this Court is a verified complaint^[1] filed on November 4, 2011 by Arnold Pacao (complainant), seeking the disbarment of Atty. Sinamar Limos (Atty. Limos) for conduct unbecoming of a member of the Bar.

The Facts

Sometime in March 2008, complainant's wife Mariadel Pacao, former vault custodian of BHF Pawnshop (BHF) branch in Mandaluyong City, was charged with qualified theft by BHF. At the preliminary investigation, Atty. Limos appeared as counsel for BHF. Thereafter, the case was filed before the Regional Trial Court of Mandaluyong City.^[2]

To buy peace, the complainant initiated negotiation with BHF, through Atty. Limos, for a possible settlement. A meeting was then arranged between the complainant and Atty. Limos, where the latter represented that she was duly authorized by BHF. After a series of negotiations, Atty. Limos relayed that BHF is demanding the sum of P530,000.00 to be paid in full or by installments. Further negotiation led to an agreement whereby the complainant would pay an initial amount of P200,000.00 to be entrusted to Atty. Limos, who will then deliver to the complainant a signed affidavit of desistance, a compromise agreement, and a joint motion to approve compromise agreement for filing with the court.^[3]

On October 29, 2009, the complainant gave the initial amount of P200,000.00 to Atty. Limos, who in turn, signed an Acknowledgment Receipt^[4] recognizing her undertakings as counsel of BHF. However, Atty. Limos failed to meet the terms of their agreement. Notwithstanding such failure, Atty. Limos still sought to get from the complainant the next installment amount of their purported agreement, but the latter refused.^[5]

Thereafter, in June 2010, the complainant met BHF's representative, Camille Bonifacio, who informed him that Atty. Limos was no longer BHF's counsel and was not authorized to negotiate any settlement nor receive any money in behalf of BHF. The complainant also learned that BHF did not receive the P200,000.00 initial payment that he gave to Atty. Limos.^[6]

This prompted the complainant to send a demand letter^[7] to Atty. Limos to return

the P200,000.00 initial settlement payment, but the latter failed and refused to do so.^[8]

The complainant then filed a disbarment case against Atty. Limos before the Integrated Bar of the Philippines (IBP) - Commission on Bar Discipline (CBD). The IBP-CBD required Atty. Limos to file an answer but she did not file any responsive pleading.^[9] A mandatory conference was then set on March 1 and 29, 2012, and April 19, 2012, but Atty. Limos failed to attend. Thereafter, the IBP-CBD ordered the parties to submit their position paper, but once again, Atty. Limos did not bother to submit her position paper.

On May 5, 2014, the Investigating Commissioner recommended the disbarment of Atty. Limos.^[10] The Investigating Commissioner found enough evidence on record to prove that Atty. Limos committed fraud and practiced deceit on the complainant to the latter's prejudice by concealing or omitting to disclose the material fact that she no longer had the authority to negotiate and conclude a settlement for and on behalf of BHF, nor was authorized to receive the P200,000.00 from the complainant. Atty. Limos was likewise ordered to return to the complainant the full amount of P200,000.00 with interest thereon at the rate of 12% *per annum* from the date of her receipt of the said amount to the date of her return of the full amount.^[11]

In a Resolution^[12] dated April 19, 2015, the IBP Board of Governors adopted and approved the Investigating Commissioner's report and recommendation.

On March 8, 2016, the IBP transmitted the notice of the resolution and the case records to the Court for final action pursuant to Rule 139-B of the Rules of Court.^[13] As per verification of the Court, neither party has filed a motion for reconsideration or a petition for review thereafter.

The Issue

Whether or not the instant disbarment complaint constitutes a sufficient basis to disbar Atty. Limos from the practice of law?^[14]

Ruling of the Court

To begin with, the Court notes that this is not the first time that Atty. Limos is facing an administrative case, for she had already been twice suspended from the practice of law, by this Court, for three months each in *Villaflores v. Atty. Limos*^[15] and *Wilkie v. Atty. Limos*.^[16] In *Villaflores*, Atty. Limos received attorney's fees of P20,000.00 plus miscellaneous expenses of P2,000.00, but she failed to perform her undertaking with her client; thus she was found guilty of gross negligence and dereliction of duty. Likewise, in *Wilkie*, Atty. Limos was held administratively liable for her deceitful and dishonest conduct when she obtained a loan of P250,000.00 from her client and issued two postdated checks in the latter's favor to pay the said loan despite knowledge of insufficiency of funds to cover the same. In both cases, the Court, gave Atty. Limos a warning that repetition of the same or similar acts by her will merit a more severe penalty.

Once again, for the third time, Atty. Limos is facing an administrative case before

this Court for receiving the amount of P200,000.00 from the complainant purportedly for a possible amicable settlement with her client BHF. However, Atty. Limos was no longer BHF's counsel and was not authorized to negotiate and conclude a settlement for and on behalf of BHF nor was she authorized to receive any money in behalf of BHF. Her blunder is compounded by the fact that she did not turn over the money to BHF, nor did she return the same to the complainant, despite due demand. Furthermore, she even tried to get the next installment knowing fully well that she was not authorized to enter into settlement negotiations with the complainant as her engagement as counsel of BHF had already ceased.

The fact that this is Atty. Limos' third transgression exacerbates her offense. The foregoing factual antecedents demonstrate her propensity to employ deceit and misrepresentation. It is not too farfetched for this Court to conclude that from the very beginning, Atty. Limos had planned to employ deceit on the complainant to get hold of a sum of money. Such a conduct is unbecoming and does not speak well of a member of the Bar.

Atty. Limos' case is further highlighted by her lack of regard for the charges brought against her. Similar with *Wilkie*, despite due notice, Atty. Limos did not bother to answer the complaint against her. She also failed to file her mandatory conference brief and her verified position paper. Worse, Atty. Limos did not even enter appearance either personally or by counsel, and she failed to appear at the scheduled date of the mandatory conferences which she was duly notified.^[17]

By her failure to present convincing evidence, or any evidence for that matter, to justify her actions, Atty. Limos failed to demonstrate that she still possessed the integrity and morality demanded of a member of the Bar. Her seeming indifference to the complaint brought against her was made obvious by her unreasonable absence from the proceedings before the IBP. Her disobedience to the IBP is, in fact, a gross and blatant disrespect for the authority of the Court.

Despite her two prior suspensions, still, Atty. Limos is once again demonstrating to this Court that not only is she unfit to stay in the legal profession for her deceitful conduct but is also remiss in following the dictates of the Court, which has supervision over her. Atty. Limos' unwarranted obstinacy is a great insolence to the Court which cannot be tolerated.

The present case comes clearly under the grounds given in Section 27,^[18] Rule 138 of the Revised Rules of Court. The Court, however, does not hesitate to impose the penalty of disbarment when the guilty party has become a repeat offender. Considering the serious nature of the instant offense and in light of Atty. Limos' prior misconduct which grossly degrades the legal profession, the imposition of the ultimate penalty of disbarment is warranted.

In imposing the penalty of disbarment upon Atty. Limos, the Court is aware that the power to disbar is one to be exercised with great caution and only in clear cases of misconduct that seriously affect the standing and character of the lawyer as a legal professional and as an officer of the Court.^[19] However, Atty. Limos' recalcitrant attitude and unwillingness to heed with the Court's warning, which is deemed to be an affront to the Court's authority over members of the Bar, warrant an utmost disciplinary sanction from this Court. Her repeated desecration of her ethical