

## EN BANC

**[ A.C. No. 11350 [Formerly CBD Case No. 14-4211], August 09, 2016 ]**

**ADEGOKE R. PLUMPTRE, COMPLAINANT, VS. ATTY. SOCRATES R. RIVERA, RESPONDENT.**

### RESOLUTION

#### PER CURIAM:

This resolves a disbarment case against respondent Atty. Socrates R. Rivera for absconding with money entrusted to him and soliciting money to bribe a judge.

On May 13, 2014, complainant Adegoke R. Plumptre filed a complaint for disbarment<sup>[1]</sup> against respondent before the Integrated Bar of the Philippines.

Complainant alleges that on March 7, 2014, he called respondent and asked for help in his application for a work permit from the Bureau of Immigration.<sup>[2]</sup> They met a few days later, and complainant paid respondent P10,000.00 as professional fee.<sup>[3]</sup>

They met again, and complainant gave respondent another P10,000.00, together with his passport. This was allegedly for the processing of his work permit.<sup>[4]</sup>

They met for a third time since respondent asked complainant to submit ID photos.<sup>[5]</sup> Respondent asked complainant for another P10,000.00, but complainant refused as they only agreed on the amount of P20,000.00.<sup>[6]</sup>

Respondent also asked complainant for P8,000.00, allegedly for complainant's other case, which respondent was also working on.<sup>[7]</sup> He explained that P5,000.00 would be given to a Las Piñas judge to reverse the motion for reconsideration against complainant, while P3,000.00 would be used to process the motion for reconsideration. Complainant gave him the P8,000.00.<sup>[8]</sup>

Complainant claims that after respondent received the money, he never received any updates on the status of his work permit and pending court case.<sup>[9]</sup> Further, whenever he called respondent to follow up on his work permit, respondent hurled invectives at him and threatened him and his wife.<sup>[10]</sup>

Complainant would retort by saying that he would file complaints against respondent if he did not give back the money and passport. That was the last time complainant heard from respondent.<sup>[11]</sup>

After inquiring and researching on respondent's whereabouts,<sup>[12]</sup> complainant was able to track down respondent and get back his passport, which respondent cursed

through complainant's aunt.<sup>[13]</sup> However, despite the return of complainant's passport, respondent still refused to return the P28,000.00 earlier endorsed to him.<sup>[14]</sup>

Complainant then decided to file a complaint against respondent before the Integrated Bar of the Philippines.<sup>[15]</sup>

On May 14, 2014, the Integrated Bar of the Philippines issued the Order<sup>[16]</sup> directing respondent to file an answer to the complaint.

Respondent failed to show up at the September 17, 2014 mandatory conference,<sup>[17]</sup> as well as at the second mandatory conference set on October 22, 2014.<sup>[18]</sup> The parties were directed to submit their verified position papers, after which the case was submitted for resolution.<sup>[19]</sup>

On May 27, 2015, the Investigating Commissioner recommended respondent's suspension for two (2) years from the practice of law and return of P28,000.00 to complainant.<sup>[20]</sup>

On June 20, 2015, the Integrated Bar of the Philippines Board of Governors adopted and approved<sup>[21]</sup> the Investigating Commissioner's recommendation, but modified it to disbar respondent from the practice of law, thus:

*RESOLVED to ADOPT and APPROVE, as it is hereby ADOPTED and APPROVED, **with modification**, the Report and Recommendation of the Investigating Commissioner in the above-entitled case, herein made part of this Resolution as Annex "A ", for Respondent's violation of Canon 1, Canon 7, Canon 16, Rule 16.01, Canon 17 and Rule 18.04 of the Code of Professional Responsibility, aggravated by his failure to file Answer and to appear in the Mandatory Conference. Thus, Atty. Socrates R. Rivera is hereby **DISBARRED from the practice of law and his name stricken off from the Roll of Attorneys and Ordered to Return the Twenty Eight Thousand (P28,000.00) Pesos to Complainant.***<sup>[22]</sup> (Emphasis in the original)

On April 20, 2016, the Integrated Bar of the Philippines transmitted the case to this Court for final action under Rule 139-B of the Rules of Court.<sup>[23]</sup>

This Court modifies the findings of the Board of Governors.

## **I**

Respondent's repeated failure to comply with several Resolutions of the Integrated Bar of the Philippines requiring him to comment on the complaint lends credence to complainant's allegations. It manifests his tacit admission. Hence, we resolve this case on the basis of the complaint and other documents submitted to the Integrated Bar of the Philippines.

In *Macarilay v. Serina*,<sup>[24]</sup> this Court held that "[t]he unjustified withholding of funds belonging to the client warrants the imposition of disciplinary action against

the lawyer."<sup>[25]</sup> By absconding with the money entrusted to him by his client and behaving in a manner not befitting a member of the bar, respondent violated the following Canons of the Code of Professional Responsibility:

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

. . . .

CANON 7 - A lawyer shall at all times uphold the integrity and dignity of the legal profession, and support the activities of the integrated bar.

. . . .

CANON 16 - A lawyer shall hold in trust all moneys and properties of his client that may come into his possession.

Rule 16.01. - A lawyer shall account for all money or property collected or received for or from the client.

. . . .

CANON 17 - A lawyer owes fidelity to the cause of his client and he shall be mindful of the trust and confidence reposed in him.

. . . .

CANON 18 - A lawyer shall serve his client with competence and diligence.

. . . .

Rule 18.03. - A lawyer shall not neglect a legal matter entrusted to him, and his negligence in connection therewith shall render him liable.

Rule 18.04. - A lawyer shall keep his client informed of the status of his case and shall respond within a reasonable time to the clients request for information.

As his client's advocate, a lawyer is duty-bound to protect his client's interests and the degree of service expected of him in this capacity is his "entire devotion to the interest of the client, warm zeal in the maintenance and defense of his rights and the exertion of his utmost learning and ability."<sup>[26]</sup> The lawyer also has a fiduciary duty, with the lawyer-client relationship imbued with utmost trust and confidence.<sup>[27]</sup>

Respondent failed to serve his client with fidelity, competence, and diligence. He not only neglected the attorney-client relationship established between them; he also acted in a reprehensible manner towards complainant, *i.e.*, cussing and threatening complainant and his family with bodily harm, hiding from complainant, and refusing without reason to return the money entrusted to him for the processing of the work permit. Respondent's behavior demonstrates his lack of integrity and moral