

EN BANC

[A.C. No. 11064, September 27, 2016]

**BIENVENIDA FLOR SUAREZ, COMPLAINANT, VS. ATTY.
ELEONORA. MARAVILLA-ONA, RESPONDENT.**

DECISION

PER CURIAM:

This administrative case arose from a verified letter-complaint^[1] dated July 19, 2012 filed by complainant Bienvenida Flor Suarez before the Commission on Bar Discipline (CBD) of the Integrated Bar of the Philippines (IBP) seeking for the refund of the professional and legal fees which she paid to respondent Atty. Eleonora. Maravilla-Ona.

The Facts

On February 22, 2011, Bienvenida went to the office of Atty. Maravilla-Ona to seek the latter's legal assistance in transferring title to a land, under her name. Atty. Maravilla-Ona agreed to render her services for a consideration of forty-eight thousand pesos (P48,000) by way of professional and legal fees. Accepting the engagement, Bienvenida turned over the necessary documents to Atty. Maravilla-Ona and gave the latter the amount of one thousand pesos (P1,000) as down payment, as evidenced by Official Receipt No. 51553^[2] dated February 22, 2011.

On March 4, 2011, Bienvenida returned to Atty. Maravilla-Ona's office to make another payment in the amount of thirty-five thousand pesos (P35,000), as evidenced by Official Receipt No. 49376. Thereafter, on March 28, 2011, Bienvenida made her final payment to Atty. Maravilla-Ona in the amount of twelve thousand pesos (P12,000), as evidenced by Official Receipt No. 52163.^[3]

Despite the lapse of a considerable period, Bienvenida did not receive any update on the status of the transfer of land title under her name. Apparently, Atty. Maravilla-Ona failed to do anything to facilitate the said transfer of title. Thus, Bienvenida opted not to push through with the transaction and, instead, claimed reimbursement for the amounts she paid to Atty. Maravilla-Ona, to which the latter agreed.

After a year of waiting, Atty. Maravilla-Ona issued to Bienvenida a Bank of Commerce check dated May 9, 2012 in the amount of fifty-eight thousand pesos (P58,000).^[4] However, to Bienvenida's dismay, when she presented the check to the bank, it was dishonored due to insufficiency of funds. Atty. Maravilla-Ona thereafter made several promises to return Bienvenida's money, which, up to this moment, remain unfulfilled.

Aggrieved, Bienvenida filed the instant administrative case before the CBD praying for the recovery of P58,000, representing the amount of the dishonored check

issued by Atty. Maravilla-Ona.

Acting on the complaint, the CBD, through Director for Bar Discipline Pura Angelica Y. Santiago, issued an Order^[5] dated August 1, 2012 requiring Atty. Maravilla-Ona to submit her Answer to the complaint, with a warning that failing to do so would render her in default. However, notwithstanding the said warning, Atty. Maravilla-Ona did not submit any Answer.

On January 31, 2013, IBP Commissioner Loreto C. Ata (Commissioner Ata) notified the parties to appear for a mandatory conference scheduled on March 7, 2013. The notice stated that "nonappearance by any of the parties shall be deemed a waiver of their right to participate in further proceedings."^[6]

At the mandatory conference, only Bienvenida appeared. Thus, Commissioner Ata issued an Order^[7] noting Atty. Maravilla-Ona's absence during the mandatory conference and her failure to file an Answer. Accordingly, Atty. Maravilla-Ona was declared in default.

Considering the condition and age of Bienvenida, who was already 84 years old at that time, Commissioner Ata found it imperative to proceed with the investigation *ex parte*. Hence, after clarificatory questions were propounded on Bienvenida, the mandatory conference was terminated and the case was submitted for report and recommendation.^[8]

Findings and Recommendation of the IBP

In its Report and Recommendation^[9] dated July 22, 2014, the CBD found that Atty. Maravilla-Ona was guilty of gross misconduct and violations of the Code of Professional Responsibility for: (1) issuing a worthless check; (2) refusing to settle due obligations despite demand; (3) failing to serve the complainant with competence and diligence; and (4) failing to apprise her client of the status of the transactions.^[10] Thus, the CBD recommended that Atty. Maravilla-Ona be suspended from the practice of law for a period of one (1) year and ordered to pay Bienvenida the amount of P58,000.

On December 13, 2014, the IBP Board of Governors passed a Resolution^[11] adopting the Report and Recommendation of the CBD with the modification increasing Atty. Maravilla-Ona's penalty to disbarment, to wit:

**RESOLUTION NO. XXI-
2014-917
CBD Case No. 12-3534
Bienvenid[a] Flor Suarez
vs.
Atty. EleonorA. Maravilla-
Ona**

*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", and finding Respondent guilty of gross misconduct and violation of the Code of Canon 18 and Rule 18.04 of the Code of Professional Responsibility for issuing a worthless check, for her refusal to settle due obligations despite demand, for her failure to serve the Complainant with competence and diligence, and for her failure to apprise her client of the status of transactions in relation to a plethora of cases, Atty. Eleanor A. Maravilla-Ona is hereby **DISBARRED from the practice of law and [her] name ORDERED stricken off from the Roll of Attorneys.***^[12]

On January 11, 2016, the CBD transmitted to this Court the Notice of Resolution along with the records of this case. ^[13]

The Court's Ruling

We concur with the IBP Board of Governors' finding of administrative liability.

Canon 1, Rule 1.01 of the Code provides that "[lawyers] shall not engage in unlawful, dishonest, immoral or deceitful conduct." By taking the lawyer's oath, lawyers become guardians of the law and indispensable instruments for the orderly administration of justice.^[14] As such, they can be disciplined for any conduct, in their professional or private capacity, which renders them unfit to continue to be officers of the court.^[15]

In the instant case, it is clear that Atty. Maravilla-Ona violated her sworn duties under the Lawyer's Oath and the Code. The records plainly show that Atty. Maravilla-Ona was completely remiss and negligent in fulfilling her obligations as a lawyer to Bienvenida. After collecting the full amount of her professional and legal fees, Atty. Maravilla-Ona did not take a single step to process the registration of land title in Bienvenida's name. Worse, when asked to return the money she received from Bienvenida, Atty. Maravilla-Ona issued a worthless check which consequently bounced when presented for payment.

In *Belleza v. Atty. Macasa*, the Court ruled that a lawyer's failure to return the client's money upon demand gives rise to the presumption that the lawyer has misappropriated it for his or her own use to the prejudice of and in violation of the trust reposed in him or her by the client. It is a gross violation of general morality as well as of professional ethics; it impairs public confidence in the legal profession and deserves punishment.^[16] Atty. Maravilla-Ona's failure to return Bienvenida's money is a breach of Rule 16.01 of the Code, which provides:

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

Atty. Maravilla-Ona's agreement to render her legal services to Bienvenida, sealed by her receipt of her legal fees, is an assurance and representation that she would be diligent and competent in fulfilling her responsibilities as Bienvenida's lawyer. However, Atty. Maravilla-Ona acted to the contrary. Thus, the IBP correctly found

that she violated Canon 18 and Rule 18.03 thereof, which state:

Canon 18 A lawyer shall serve his client with competence and diligence;

xxxx

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

Atty. Maravilla-Ona's negligence, her failure to return her client's money, and her act of issuing a worthless check constitute dishonesty, abuse of trust and confidence, and betrayal of her client's interests. These acts undoubtedly speak of deceit. Deceitful conduct involves moral turpitude and includes anything done contrary to justice, modesty or good morals. It is an act of baseness, vileness or depravity in the private and social duties which a person owes to his or her fellowmen or to society in general, contrary to justice, honesty, modesty, or good morals.^[17] Such malfeasance is not only unacceptable, disgraceful, and dishonorable to the legal profession; it also reveals a basic moral flaw that makes her unfit to practice law.

^[18]

In this regard, Section 27, Rule 138 of the Revised Rules of Court mandates that a lawyer may be disbarred or suspended by this Court for any of the following acts: (1) deceit; (2) malpractice; (3) gross misconduct in office; (4) grossly immoral conduct; (5) conviction of a crime involving moral turpitude; (6) violation of the lawyer's oath; (7) willful disobedience of any lawful order of a superior court; and (8) willfully appearing as an attorney for a party without authority to do so.^[19] Thus, a lawyer may be disbarred or suspended for any violation of his oath, a patent disregard of his duties, or an odious deportment unbecoming an attorney. However, the question as to what disciplinary sanction should be meted out against a lawyer found guilty of misconduct requires consideration of a number of factors.

In the instant case, the misconduct of Atty. Maravilla-Ona is aggravated by her unjustified refusal to obey the orders of the IBP directing her to file an answer to the complaint of Bienvenida and to appear at the scheduled mandatory conference. This constitutes blatant disrespect for the IBP which amounts to conduct unbecoming a lawyer. In *Almendarez, Jr. v. Langit*, We held that a lawyer must maintain respect not only to the courts, but also to judicial officers and other duly constituted authorities, including the IBP:

The misconduct of respondent is aggravated by his unjustified refusal to heed the orders of the IBP requiring him to file an answer to the complaint-affidavit and, afterwards, to appear at the mandatory conference. Although respondent did not appear at the conference, the IBP gave him another chance to defend himself through a position paper. Still, respondent ignored this directive, exhibiting a blatant disrespect for authority. Indeed, he is justly charged with conduct unbecoming a lawyer, for a lawyer is expected to uphold the law and promote respect for legal processes. Further, a lawyer must observe and maintain respect not only to the courts, but also to judicial officers and other duly constituted