

EN BANC

[A.C. No. 7676, June 10, 2014]

**AMADO T. DIZON, COMPLAINANT, VS. ATTY. NORLITA DE TAZA,
RESPONDENT.**

DECISION

REYES, J.:

This concerns an administrative complaint^[1] for disbarment against Atty. Norlita De Taza (Atty. De Taza) for the latter's demand for and receipt of exorbitant sums of money from her client purportedly to expedite the proceedings of their case which was pending before the Court.

The Facts

Amado Dizon (complainant) alleged that sometime in February 2005, he, along with his siblings engaged the services of Romero De Taza Cruz and Associates to represent them in the case of *Eliza T. Castaneda, et al. v. Heirs of Spouses Martin and Lucia Dizon* with G.R. No. 174552.^[2]

The complainant claimed that sometime in February 2007, Atty. De Taza demanded the sum of Seventy-Five Thousand Pesos (P75,000.00) from him to expedite the proceedings before the Court. This amount was over and above the parties' stipulated retainer fee as evidenced by a contract.^[3]

According to the complainant, unknown to him at that time was that, a month earlier or in January 2007, Atty. De Taza had already demanded and received a total of Eight Hundred Thousand Pesos (P800,000.00) from his sibling Aurora Dizon, for the same reason that Atty. De Taza proffered to him, which was to expedite the proceedings of their case before the Court. Handwritten receipts^[4] signed by one Atty. Norlita De Taza were submitted by the complainant, which state:

15 Jan. 2007

Receipt

That the amount received P300,000 shall be used to expedite the case which, in turn shall result in the following:

1. Decision favorable to plaintiff w/in 2 mos. from receipt of said amount;
2. Back rentals up to present should be returned, if the same should not be included in the Decision, the P300,000.00 shall be returned.

Signed

Atty. Norlita De Taza^[5]

18 Jan. 2007

Receipt

The amount of P500,000 has been advanced as part of expense [sic] to expedite the process before the courts. The said amount has been advanced by Ms. Aurora Dizon and the same should be reimbursed to her by her siblings upon winning the case with finality.

Signed

Atty. Norlita De Taza^[6]

On October 24, 2007, the complainant went to this Court in Padre Faura, Manila and learned that the Court had already denied the petition on November 20, 2006, contrary to Atty. De Taza's representations that the case was still pending. He tried to communicate with Atty. De Taza, but she could no longer be found.^[7]

Thereafter, on November 6, 2007, the complainant instituted a complaint for disbarment^[8] against Atty. De Taza. He also attached several affidavits and documents^[9] from other individuals who attested that Atty. De Taza issued bouncing checks and/or failed to pay off her debts to them. A certain Ana Lynda Pineda executed an affidavit^[10] which was attached to the complaint, alleging that Atty. De Taza issued 11 checks^[11] in her favor amounting to ₱481,400.00, which were all dishonored by the bank. Demand letters sent to her went unheeded.

Likewise, Darwin Tiamzon, a creditor of Atty. De Taza, whose affidavit^[12] was attached to the complaint, averred that Atty. De Taza issued a check^[13] for P50,000.00 as payment for her loan. Said check was dishonored by the bank for being drawn against a closed account.

Furthermore, a certain Eleanor Sarmiento submitted an affidavit,^[14] stating that Atty. De Taza owes her ₱29,560.39 and failed to pay the said amount despite repeated demands.

On November 14, 2007, the complainant through a letter^[15] informed the Court that Atty. De Taza is planning to leave the country as she was joining her husband in the United States of America (U.S.A.).

In a Resolution^[16] dated December 10, 2007, Atty. De Taza was required by the Court to file a Comment. However, the copy of the Resolution was returned unserved with the postal carrier's notation "RTS (Return to Sender)-Moved". The

Court then resolved by virtue of the Resolution^[17] dated July 2, 2008, to send a copy to Atty. De Taza's office address at Romero De Taza Cruz and Associates. Said copy was also returned unserved with the notation "RTS-not connected."

It was then required in the Resolution^[18] dated October 8, 2008 that the complainant inform the Court of Atty. De Taza's new address, which the complainant faithfully complied with by giving Atty. De Taza's new address in the U.S.A. The Court, in its Resolution^[19] dated January 26, 2009, directed the Clerk of Court to resend a copy of the Resolution dated December 10, 2007 with a copy of the complaint to Atty. De Taza using the latter's U.S.A. address.

Like the previous occasions, the copy of the Resolution dated December 10, 2007 with the complaint was returned; this time, with the postal carrier's notation "RTS-Unclaimed". The Court in its Resolution^[20] dated September 9, 2009, held that the said copy of the Resolution was deemed served and resolved to consider Atty. De Taza as having waived the filing of her comment. The case was referred to the Integrated Bar of the Philippines (IBP) for investigation, report and recommendation.

A Notice of Mandatory Conference^[21] was sent to the parties, in which they failed to appear. Thus, the parties were directed to file their respective position papers. The complainant, in a letter^[22] addressed to the IBP, averred that he was already residing abroad and maintained that he had already submitted his documentary evidence at the time of the filing of his complaint. Atty. De Taza, for her part, did not file any position paper.

In its Report and Recommendation^[23] dated January 4, 2011, the IBP Commission on Bar Discipline recommended that Atty. De Taza be suspended for a period of two years from the practice of law.

The IBP Board of Governors modified the Commission on Bar Discipline's recommendation in a Resolution^[24] dated January 3, 2013, viz:

*RESOLVED to ADOPT and APPROVE, as it is hereby unanimously 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 the recommendation fully supported by the evidence on record and the applicable laws and rules, and considering Respondent's demand of [?]800,000.00 to expedite the case pending in the Supreme Court when, in fact, the case had long been dismissed, Atty. Norlita De Taza is hereby **SUSPENDED from the practice of law for one (1) year.***^[25]
(Emphasis supplied)

The Issue

WHETHER ATTY. DE TAZA SHOULD BE HELD ADMINISTRATIVELY LIABLE FOR ISSUING BOUNCING CHECKS, DEMANDING AND/OR RECEIVING

MONEY FROM HER CLIENTS UNDER THE GUISE OF HAVING THE PROCEEDINGS BEFORE THE COURT EXPEDITED.

Ruling

The Court acknowledges the fact that Atty. De Taza was not able to refute the accusations against her. Numerous attempts were made to afford her an opportunity to defend herself from the complainant's allegations, but all these efforts were only met with silence. Whether her transfer of residence was an unscrupulous move on her part to evade her creditors, only she would certainly know. But as far as the Court is concerned, all means were exhausted to give Atty. De Taza an avenue to oppose the complainant's charges. Her failure and/or refusal to file a comment will not be a hindrance for the Court to mete out an appropriate sanction.

The Court has time and again ruled that disciplinary proceedings are investigations by the Court to ascertain whether a lawyer is fit to be one. There is neither a plaintiff nor a prosecutor therein. As this Court held in *Gatchalian Promotions Talents Pool, Inc. v. Atty. Naldoza*,^[26] citing *In the Matter of the Proceedings for Disciplinary Action Against Atty. Almacen, et al. v. Yaptinchay*:^[27]

"Disciplinary proceedings against lawyers are sui generis. Neither purely civil nor purely criminal, they do not involve a trial of an action or a suit, but are rather investigations by the Court into the conduct of one of its officers. Not being intended to inflict punishment, [they are] in no sense a criminal prosecution. Accordingly, there is neither a plaintiff nor a prosecutor therein. [They] may be initiated by the Court motu proprio. Public interest is [their] primary objective, and the real question for determination is whether or not the attorney is still a fit person to be allowed the privileges as such. Hence, in the exercise of its disciplinary powers, the Court merely calls upon a member of the Bar to account for his actuations as an officer of the Court with the end in view of preserving the purity of the legal profession and the proper and honest administration of justice by purging the profession of members who by their misconduct have prove[n] themselves no longer worthy to be entrusted with the duties and responsibilities pertaining to the office of an attorney. x x x."^[28] (Italics supplied)

"In administrative proceedings, only substantial evidence, i.e., that amount of relevant evidence that a reasonable mind might accept as adequate to support a conclusion, is required."^[29] Based on the documentary evidence submitted by the complainant, it appears that Atty. De Taza manifested a propensity for borrowing money, issuing bouncing checks and incurring debts which she left unpaid without any reason. The complainant even submitted a document evidencing Atty. De Taza's involvement in an *estafa* and violation of *Batas Pambansa* (B.P.) No. 22 case filed before the Office of the City Prosecutor in Angeles City (I.S. 07-J-2815-36) for drawing checks against a closed account, among other complaint-affidavits executed by her other creditors. Such conduct, while already off-putting when attributed to an ordinary person, is much more abhorrent when the same is exhibited by a