

## EN BANC

### [ ADM. CASE No. 8383, December 11, 2012 ]

**AMPARO BUENO, COMPLAINANT, VS. ATTY. RAMON A. RAÑESES,  
RESPONDENT.**

### D E C I S I O N

#### PER CURIAM:

Before the Court is the Complaint for Disbarment<sup>[1]</sup> against Atty. Ramon Rañeses filed on March 3, 1993 by Amparo Bueno with the Integrated Bar of the Philippines-Commission on Bar Discipline (*IBP-CBD*). Commissioner Agustinus V. Gonzaga, and subsequently Commissioner Victoria Gonzalez-de los Reyes, conducted the fact-finding investigation on the complaint.

Commissioner Rico A. Limpingco submitted a Report and Recommendation<sup>[2]</sup> dated September 29, 2008 to the IBP Board of Governors which approved it in a resolution dated December 11, 2008.

In a letter<sup>[3]</sup> dated August 12, 2009, IBP Director for Bar Discipline Alicia A. Risos-Vidal transmitted to the Office of Chief Justice Reynato Puno (retired) a Notice of Resolution<sup>[4]</sup> and the records of the case.

#### Factual Antecedents

In her complaint,<sup>[5]</sup> Bueno related that she hired Atty. Rañeses to represent her in Civil Case No. 777. In consideration for his services, Bueno paid Atty. Rañeses a retainer fee of P3,000.00. She also agreed to pay him P300.00 for every hearing he attended. No receipt was issued for the retainer fee paid.

Atty. Rañeses prepared and filed an answer in her behalf. He also attended hearings. On several occasions, Atty. Rañeses would either be absent or late.

Bueno alleged that on November 14, 1988, Atty. Rañeses asked for P10,000.00. This amount would allegedly be divided between him and Judge Nidea, the judge hearing Civil Case No. 777, so that they would not lose the case. Atty. Rañeses told Bueno not to tell anyone about the matter. She immediately sold a pig and a refrigerator to raise the demanded amount, and gave it to Atty. Rañeses.

According to Bueno, Atty. Rañeses asked for another P5,000.00 sometime in December 1988, because the amount she had previously given was inadequate. Bueno then sold her sala set and colored television to raise the demanded amount, which she again delivered to Atty. Rañeses.

Bueno later discovered that the trial court had required Atty. Rañeses to comment

on the adverse party's offer of evidence and to submit their memorandum on the case, but Atty. Rañeses failed to comply with the court's directive. According to Bueno, Atty. Rañeses concealed this development from her. In fact, she was shocked when a court sheriff arrived sometime in May 1991 to execute the decision against them.

Bueno went to Atty. Rañeses' office to ask him about what happened to the case. Atty. Rañeses told her that he had not received any decision. Bueno later discovered from court records that Atty. Rañeses actually received a copy of the decision on December 3, 1990. When she confronted Atty. Rañeses about her discovery and showed him a court-issued certification, Atty. Rañeses simply denied any knowledge of the decision.

In a separate affidavit,<sup>[6]</sup> Bueno related another instance where Atty. Rañeses asked his client for money to win a case. Sometime in June 1991, Atty. Rañeses allegedly asked her to deliver a telegram from Justice Buena of the Court of Appeals to her aunt, Socorro Bello. He told her to tell Bello to prepare P5,000.00, an amount that Justice Buena purportedly asked for in relation to Criminal Case No. T-1909 that was then on appeal with the Court of Appeals.

According to Bueno, Atty. Rañeses went to Bello's residence two weeks later. In her (Bueno's) presence, Bello paid Atty. Rañeses P5,000.00. Bello demanded a receipt but Atty. Rañeses refused to issue one, telling her that none of his clients ever dared to demand a receipt for sums received from them.

*Atty. Rañeses never filed an answer against Bueno's complaint. He repeatedly failed to attend the hearings scheduled by Commissioner Gonzaga on March 20, 2000,<sup>[7]</sup> on May 11, 2000<sup>[8]</sup> and on October 2, 2000.<sup>[9]</sup> During the hearing on October 2, 2000, Commissioner Gonzaga issued an Order<sup>[10]</sup> declaring Atty. Rañeses in default. Bueno presented her evidence and was directed to file a formal offer.*

On October 10, 2000, the IBP-CBD received a "Time Motion and Request for Copies of the Complaint and Supporting Papers"<sup>[11]</sup> (dated September 30, 2000) filed by Atty. Rañeses. Atty. Rañeses asked in his motion that the hearing on October 2, 2000 be reset to sometime in December 2000, as he had prior commitments on the scheduled day. He also asked for copies of the complaint and of the supporting papers, claiming that he had not been furnished with these. In the interest of substantial justice, Commissioner Gonzaga scheduled a clarificatory hearing on November 16, 2000.<sup>[12]</sup>

*Atty. Rañeses failed to attend the hearing on November 16, 2000. In the same hearing, Commissioner Gonzaga noted that the registry return card refuted Atty. Rañeses' claim that he did not receive a copy of the complaint. Commissioner Gonzaga scheduled another clarificatory hearing on January 17, 2001. He stated that if Atty. Rañeses failed to appear, the case would be deemed submitted for resolution after the complainant submits her memorandum.<sup>[13]</sup>*

*Atty. Rañeses did not attend the January 17, 2001 hearing. On the same day, Commissioner Gonzaga declared the case deemed submitted for resolution after the complainant's submission of her memorandum.<sup>[14]</sup>*

At some point, the case was reassigned to Commissioner De los Reyes who scheduled another hearing on March 14, 2003.<sup>[15]</sup> During the hearing, only Bueno and her counsel were present. The Commissioner noted that the IBP-CBD received a telegram from Atty. Rañeses asking for the hearing's resetting because he had prior commitments. The records, however, showed that Atty. Rañeses never filed an answer and the case had already been submitted for resolution. Thus, Commissioner De los Reyes issued an Order<sup>[16]</sup> directing Bueno to submit her formal offer of evidence and her documentary evidence, together with her memorandum.

The IBP-CBD received Bueno's Memorandum<sup>[17]</sup> on May 27, 2003, but she did not file any formal offer, nor did she submit any of the documentary evidence indicated as attachments to her complaint.

### ***The Investigating Commissioner's Findings***

In his report<sup>[18]</sup> to the IBP Board of Governors, Commissioner Limpingo recommended that Atty. Rañeses be absolved of the charge of negligence, but found him guilty of soliciting money to bribe a judge.

Commissioner Limpingo noted that Bueno failed to provide the court records and certifications that she indicated as attachments to her complaint. These would have proven that Atty. Rañeses had indeed been negligent in pursuing her case. Without these documents, which are not difficult to procure from the courts, Commissioner Limpingo concluded that he would only be left with Bueno's bare allegations which could not support a finding of negligence.

Commissioner Limpingo, however, found Bueno's allegation that Atty. Rañeses solicited money to bribe judges to be credible. According to Commissioner Limpingo, the act of soliciting money to bribe a judge is, by its nature, done in secret. He observed that Bueno had consistently affirmed her statements in her affidavit, while *Atty. Rañeses did nothing to refute them*.

Commissioner Limpingo also noted that *Atty. Rañeses even made a false claim before the investigating commissioners*, as he alleged in his "Time Motion and Request for Copies of the Complaint and Supporting Papers" that he did not receive the complaint against him, a fact belied by the registry receipt card evidencing his receipt.

Thus, Commissioner Limpingo recommended that Atty. Rañeses be disbarred for failure to maintain his personal integrity and for failure to maintain public trust.

The IBP Board of Governors adopted and approved the Investigating Commissioner's Report and Recommendation, but reduced the penalty to indefinite suspension from the practice of law.<sup>[19]</sup>

### **The Court's Ruling**

The Court approves the IBP's findings but resolves to disbar Atty. Rañeses from the practice of law in accordance with Commissioner Limpingo's recommendation and based on our own observations and findings in the case.