



Republic of the Philippines  
Supreme Court  
Manila

EN BANC

IN RE: PETITION FOR THE  
DISBARMENT OF ATTY.  
ESTRELLA O. LAYSA,

A.C. No. 7936

Present:

PATRICIA MAGLAYA OLLADA  
*Complainant,*

PERALTA, C.J.,  
PERLAS-BERNABE,  
LEONEN,  
CAGUIOA,  
GESMUNDO,  
REYES, J., JR.,  
HERNANDO,  
CARANDANG,  
LAZARO-JAVIER,  
INTING,  
ZALAMEDA,  
LOPEZ,  
DELOS SANTOS, and  
GAERLAN, JJ.

- versus -

ATTY. ESTRELLA O. LAYSA  
*Respondent.*

Promulgated:  
June 30, 2020

X-----X

DECISION

INTING, J.:

For the Court's consideration is the Notice of Resolution<sup>1</sup> dated June 28, 2018 of the Integrated Bar of the Philippines (IBP) Board of Governors that resolved to adopt and approve with modification the Report and Recommendation<sup>2</sup> of the IBP Investigating Commissioner, Atty. Patrick M. Velez (Atty. Velez), dated March 27, 2018. The IBP Board of Governors recommended for the indefinite suspension from the

<sup>1</sup> Rollo, p. 52-53.

<sup>2</sup> *Id.* at 54-65.

practice of law instead of disbarment of respondent Atty. Estrella O. Laysa (Atty. Laysa) and imposed upon her a fine in the amount of ₱5,000.00 for failure to pay her IBP dues and comply with the Mandatory Continuing Legal Education (MCLE) requirements.

### *The Antecedents*

This is an administrative complaint for disbarment filed by Patricia M. Ollada (complainant) against Atty. Laysa.

Complainant alleged the following:

Complainant, a senior citizen residing in Kaybagal, Tagaytay City, needed legal services for a problem she had against her lessor Melates M. Salcedo. At Casino Filipino, Tagaytay City, complainant was introduced to a certain Atty. Laysa, who then agreed to prepare a Demand Letter<sup>3</sup> dated December 27, 2006 against complainant's lessor.<sup>4</sup>

Thereafter, complainant and Atty. Laysa met again at Casino Filipino where Atty. Laysa gave complainant a copy of the lessor's response letter. Displeased with the contents of the response letter, complainant asked Atty. Laysa to file a case against her lessor; complainant issued Equitable PCI Bank Check No. 0141512<sup>5</sup> in the amount of ₱35,000.00 to Atty. Laysa.

After having the check encashed on January 8, 2007, Atty. Laysa allegedly did not respond or communicate anymore with the complainant. There being no update on the status of her case, and due to her poor health, the complainant eventually lost interest to pursue her case and demanded from Atty. Laysa the return of the balance of her ₱35,000.00, through a Letter<sup>6</sup> dated July 24, 2007. Atty. Laysa, however, ignored the complainant's demand. As such, the complainant retained the services of another counsel, Atty. Cecilia Corazon S. Dulay-Archog. The new counsel sent another Demand Letter<sup>7</sup> dated August 21, 2007 to Atty. Laysa for the return of ₱30,000.00. The amount of ₱5,000.00 was deducted from ₱35,000.00 in view of the letter drafted by Atty. Laysa to

<sup>3</sup> *Id.* at 7-8.

<sup>4</sup> *Id.* at 57.

<sup>5</sup> *Id.* at 9.

<sup>6</sup> *Id.* at 10.

<sup>7</sup> *Id.* at 11.

the complainant's lessor. Per Certification<sup>8</sup> dated September 24, 2007 issued by PhilPost, the demand letter against Atty. Laysa was received by her office secretary, Vilma Pabines.<sup>9</sup>

Despite receipt of the complainant's demand letters, Atty. Laysa still did not return the complainant's money. Consequently, the complainant filed a Petition<sup>10</sup> for Disbarment against Atty. Laysa on May 29, 2008.

In the Resolution<sup>11</sup> dated July 30, 2008, the Court required Atty. Laysa to file a comment on the complainant's Petition for Disbarment. However, Atty. Laysa did not file her comment. The Court, in its Resolution<sup>12</sup> dated January 18, 2010, ordered Atty. Laysa to explain why she should not be dealt with disciplinary measures for her failure to comply with the Court's order requiring her to file a comment on the Petition for Disbarment.

In the Resolution<sup>13</sup> dated April 18, 2012, the Court noted that the copy of the Resolution dated January 18, 2010 sent to Atty. Laysa's address at "911 Molina St., 4100 Cavite City" was returned unserved with the notation "Return to Sender (RTS)-Moved, Left No Address." The Court ordered the IBP to give information as to Atty. Laysa's current address.

In the Letter<sup>14</sup> dated June 26, 2012, the IBP informed the Court that Atty. Laysa's current address per record was "Litlit, Silang, Cavite."

In the Resolution<sup>15</sup> dated November 12, 2012, the Court noted the address given by the IBP and waited for Atty. Laysa's compliance to the Resolution dated January 18, 2010, which required her to explain why she should not be dealt with disciplinary measures for failing to comment on the petition to disbar her.

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<sup>8</sup> *Id.* at 12.

<sup>9</sup> *Id.* at 57.

<sup>10</sup> *Id.* at 1-6.

<sup>11</sup> *Id.* at 13.

<sup>12</sup> *Id.* at 15-16.

<sup>13</sup> *Id.* at 22.

<sup>14</sup> *Id.* at 23.

<sup>15</sup> *Id.* at 25.



There being no compliance from Atty. Laysa, the Court imposed a fine of ₱1,000.00 against her and dispensed with the filing of her comment. The Court finally referred Atty. Laysa's case to the IBP for investigation, report, and recommendation.<sup>16</sup>

On January 10, 2017, Atty. Velez issued a Notice of Mandatory Conference,<sup>17</sup> directing the parties to appear before the Commission on Bar Discipline on February 15, 2017. Atty. Velez also ordered the parties to submit their respective mandatory conference briefs.

Neither of the parties attended the mandatory conference nor filed their respective briefs. The IBP, in the Order<sup>18</sup> dated April 6, 2017, required the parties to submit their respective position papers, documentary evidence, and witnesses' judicial affidavits. The notice for complainant, however, was returned unserved with the notation "RTS Deceased."<sup>19</sup>

On September 14, 2017, Atty. Velez ordered the IBP-Accounting office and MCLE office for any information regarding Atty. Laysa's standing as a member of the Bar.<sup>20</sup> On even date, the MCLE office provided the following MCLE record of Atty. Laysa:

1<sup>st</sup> Compliance Period – April 15, 2001 to April 14, 2004 – Non-Compliant (specifically has not filed the required Attorney's Compliance Report (ACR) but has completed the required number of MCLE Units)

2<sup>nd</sup> Compliance Period – April 15, 2004 to April 14, 2007 – Non-Compliant (no record of MCLE units taken)

3<sup>rd</sup> Compliance Period – April 15, 2007 to April 14, 2010 – Non-Compliant (no record of MCLE units taken)

4<sup>th</sup> Compliance Period – April 15, 2010 to April 14, 2013 – Non-Compliant (no record of MCLE units taken)

5<sup>th</sup> Compliance Period – April 15, 2013 to April 14, 2016 – Non-Compliant (no record of MCLE units taken)<sup>21</sup>

<sup>16</sup> See Resolution dated October 12, 2016, *id.* at 28-29.

<sup>17</sup> *Id.* at 42.

<sup>18</sup> *Id.* at 43.

<sup>19</sup> *Id.* Attach at the back portion.

<sup>20</sup> See Order dated September 14, 2017, *id.* at 45.

<sup>21</sup> See MCLE Report dated September 14, 2017, *id.* at 46.

On September 14, 2017, the IBP National Treasurer Jean Francois D. Rivera III reported that Atty. Laysa paid her membership dues only until 2004.<sup>22</sup>

*Recommendation of the IBP Investigating Commissioner*

Investigating Commissioner Atty. Velez recommended that Atty. Laysa be disbarred from the practice of law for her act of abandoning a client's cause, and for her continuous evasion of her responsibilities to the bar.

*Recommendation of the IBP Board of Governors*

In the Resolution<sup>23</sup> dated June 28, 2018, the IBP Board of Governors adopted the findings of facts and recommendation of the Investigating Commissioner Atty. Velez with modification in that Atty. Laysa be meted out with the penalty of indefinite suspension from the practice of law instead of disbarment. The Board also imposed upon her a fine in the amount of ₱5,000.00 for her failure to pay her IBP dues and for her noncompliance with the MCLE requirements.

*The Court's Ruling*

At the outset, it must be pointed out that Atty. Laysa had been remiss in her duty to report to the IBP Chapter Secretary the changes on her office and residence addresses. The lapse on her part caused extreme difficulty on the part of the IBP, and even to the Court, to serve Atty. Laysa with appropriate pleadings and processes relating to her disbarment case.

Section 19 of the IBP By-Laws provides in part:

Section 19. *Registration.* – x x x x

Registration shall be accomplished by signing and filing in duplicate the prescribed registration form containing such information as may be required by the Board of Governors, including the following:

x x x

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<sup>22</sup> *Id.* at 47.

<sup>23</sup> *Id.* at 52-53.

- (c) Office address(es);
- (d) Residence address(es);

x x x

Every change after registration in respect to any of the matters above specified shall be reported within sixty days to the Chapter Secretary who shall in turn promptly report the change to the national office. x x x

In this case, Atty. Laysa changed her office and residence addresses without updating the IBP. There being no court notice or processes that reached Atty. Laysa, she was unable to file a single answer or position paper on the complaint against her. She also failed to attend the mandatory conference of the case and file the required mandatory conference brief. Had Atty. Laysa fulfilled her duty to update her registration with the IBP, she would have received every pleading and notice in relation to the instant case and be able to explain her side. Indubitably, no one is left to blame, but herself.

In the course of the investigation of Atty. Laysa's administrative case, the MCLE office reported that she had not taken any single MCLE compliance units for her second, third, fourth, and fifth compliance period. Likewise, Atty. Laysa had not even paid her IBP membership dues since 2004. Despite being aware of her noncompliance with the requirements of the IBP and the MCLE, which warrants her removal from the Roll of Attorneys, she still offered her legal services and accepted legal fees in the amount of ₱35,000.00. Worse, Atty. Laysa thereafter neither communicated nor updated the complainant about her case.

Indubitably, not only that Atty. Laysa should be in the list of delinquent lawyers for her failure to comply with the IBP and MCLE requirements, she also violated Rule 18.03, Canon 18 of the Code of Professional Responsibility (CPR) which states that:

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.



Atty. Laysa being unmindful of the complainant's cause, the complainant eventually lost interest to pursue her case, and demanded from Atty. Laysa the return of her money worth ₱30,000.00. Atty. Laysa, however, continuously ignored the complainant until the latter's demise.

The foregoing facts showed that Atty. Laysa also violated Rule 16.01, Canon 16 of the CPR which states that:

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.

Atty. Laysa failed to return the complainant's money in the amount of ₱30,000.00, Atty. Laysa is presumed to have misappropriated the money for her own use to the prejudice and in violation of the trust reposed in her by complainant.

The penalty of suspension or disbarment is meted out in clear cases of misconduct that seriously affect the standing and character of the lawyer as an officer of the court. In this case, Atty. Laysa had shown her great propensity to disregard and disrespect the legal profession. More than just abandonment of complainant's cause and failure to return her ₱30,000.00, Atty. Laysa had continuously evaded her responsibilities to the bar. She has not paid her dues to the IBP and has not complied with her second to fifth MCLE compliance period.

Be that as it may, the Court will not disbar a lawyer if it finds that a lesser penalty, such as suspension, will suffice to accomplish the desired end. From the factual backdrop of the case, the Court finds that the penalty of three-year suspension suffices to address Atty. Laysa's misdeeds. Her three-year suspension, to the mind of this Court, suffices to instill in her a firm conviction of maintaining uprightness required of every member of the profession, subject to her compliance with the MCLE requirements, her payment of IBP dues, and the update of her IBP registration.

**WHEREFORE**, the Court finds respondent Atty. Estrella O. Laysa **GUILTY** of violating Rule 16.01, Canon 16 and Rule 18.03, Canon 18 of the Code of Professional Responsibility; and for her non-payment of Integrated Bar of the Philippines membership dues since

2004 and noncompliance with the second to fifth Mandatory Continuing Legal Education compliance period. Thus, the Court imposes upon her the penalty of **THREE-YEAR SUSPENSION** from the practice of law to take effect immediately, subject to her compliance with the Mandatory Continuing Legal Education requirements, her payment of Integrated Bar of the Philippine dues, and the update of her Integrated Bar of the Philippines registration.

Respondent Atty. Estrella O. Laysa is likewise **ORDERED** to immediately pay a fine of ₱5,000.00 for her failure to pay her Integrated Bar of the Philippines dues, and for her noncompliance with the Mandatory Continuing Legal Education requirements.

Further, respondent Atty. Estrella O. Laysa is **ORDERED** to return within ten (10) days from notice of this Decision the amount of ₱30,000.00 to complainant Patricia Maglaya Ollada with interest at the legal rate of 12% *per annum* from her date of receipt on January 8, 2007 until June 30, 2013, and 6% *per annum* from July 1, 2013 until full payment. Respondent Atty. Estrella O. Laysa is directed to submit to the Court proof of payment within ten (10) days thereof.

Let copies of this Decision be furnished the Office of the Bar Confidant to be appended to respondent Atty. Estrella O. Laysa's personal record as an attorney, the Integrated Bar of the Philippines, the Department of Justice, and all courts in the country for their information and guidance.

**SO ORDERED.**

  
**HENRI JEAN PAUL B. INTING**  
*Associate Justice*

WE CONCUR:

  
**DIOSDADO M. PERALTA**  
*Chief Justice*



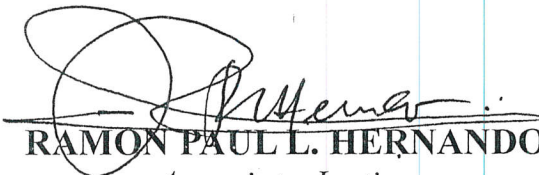
  
**ESTELA M. PERLAS-BERNABE**  
*Associate Justice*

  
**MARVIC M.V.F. LEONEN**  
*Associate Justice*

  
**ALFREDO BENJAMIN S. CAGUIOA**  
*Associate Justice*

  
**ALEXANDER G. GESMUNDO**  
*Associate Justice*

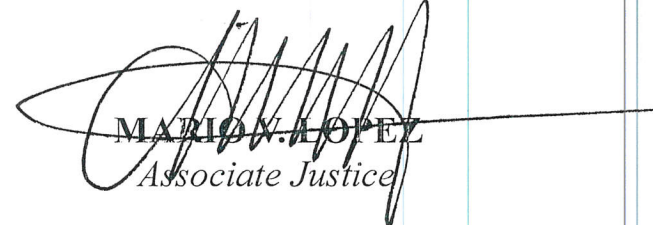
  
**JOSE C. REYES, JR.**  
*Associate Justice*

  
**RAMON PAUL L. HERNANDO**  
*Associate Justice*

  
**ROSMARIE D. CARAT-DANG**  
*Associate Justice*

  
**AMY C. LAZARO-JAVIER**  
*Associate Justice*

  
**RODIL V. ZALAMEDA**  
*Associate Justice*

  
**MARION LOPEZ**  
*Associate Justice*

  
**EDGARDO L. DELOS SANTOS**  
*Associate Justice*

  
**SAMUEL H. GAERLAN**  
*Associate Justice*

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**EDGAR O. ARICHETA**  
Clerk of Court En Banc  
Supreme Court

