



Republic of the Philippines
Supreme Court
Manila

SUPREME COURT OF THE PHILIPPINES
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SECOND DIVISION

PAULINO LIM,
Complainant,

A.C. No. 12156

- versus -

Present:
CARPIO, J., Chairperson,
PERALTA,
PERLAS-BERNABE,
CAGUIOA, and
REYES, JR., JJ.

**ATTY. SOCRATES R.
RIVERA,**
Respondent.

Promulgated:

20 JUN 2018

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DECISION

PERLAS-BERNABE, J.:

Before the Court is an administrative complaint¹ dated March 9, 2015 filed by Paulino Lim (complainant) against respondent Atty. Socrates R. Rivera (respondent), praying that the latter be meted disciplinary sanctions for defrauding the former by issuing a worthless check as guarantee for the payment of respondent's loan.

The Facts

Complainant alleged that he met respondent sometime in June 2014 in the hallway of the Regional Trial Court of Makati City while accompanying his cousin who was then inquiring about the status of a case. The two (2) became acquainted after striking a conversation with each other. The following month, or in July 2014, respondent borrowed from complainant the amount of ₱75,000.00, which the former needed immediately.²

¹ *Rollo*, pp. 2-4.
² See *id.* at 2.

Complainant did not think twice in lending money to respondent and issuing in his favor BDO Check No. 0356555³ dated July 3, 2014 for ₱75,000.00, especially since the latter issued a guarantee check (Union Bank Check No. 0003405780⁴ dated July 19, 2014) to ensure payment of the loan. Subsequently, respondent made several other loans in the amounts of ₱150,000.00, ₱10,000.00, and another ₱10,000.00, for which he no longer issued any guarantee checks. Complainant claimed to have been taken by respondent's sweet talk and promises of payment considering the millions he expects to receive as contingent fee in one (1) of his cases.⁵

However, when complainant deposited Union Bank Check No. 0003405780, it was dishonored for the reason "Account Closed." Thereafter, respondent would not take or return complainant's calls nor respond to the latter's text messages. He completely avoided complainant.⁶ Consequently, complainant's lawyer wrote a demand letter⁷ dated October 15, 2014 for the payment of respondent's indebtedness in the aggregate amount of ₱245,000.00, but to no avail. Thus, complainant was constrained to file an administrative case before the Integrated Bar of the Philippines (IBP).⁸

In an Order⁹ dated April 17, 2015, the IBP directed respondent to submit his answer to the complaint within a period of fifteen (15) days from receipt of said Order, failing which the case shall be heard *ex parte*.¹⁰ However, respondent filed no answer.¹¹ Subsequently, a Notice of Mandatory Conference/Hearing¹² scheduled on November 13, 2015 was sent to respondent on October 20, 2015, during which the latter did not appear.¹³

The IBP's Report and Recommendation

In a Report and Recommendation¹⁴ dated November 14, 2016, the IBP Investigating Commissioner (IC) found respondent administratively liable, and accordingly, recommended that he be meted the penalty of suspension from the practice of law for one (1) year and be ordered to return to complainant the amount of ₱75,000.00 with legal interest reckoned from July 19, 2014.¹⁵ The other loans alleged by complainant were not duly proven.¹⁶

³ Id. at 6.

⁴ Id. at 7.

⁵ See id. at 3.

⁶ See id.

⁷ Id. at 8.

⁸ See id. at 4.

⁹ Id. at 10.

¹⁰ Id.

¹¹ See Order dated November 13, 2015; id. at 14.

¹² Dated October 14, 2015. Id. at 11.

¹³ Id. at 14.

¹⁴ Id. at 28-30. Penned by Commissioner Michael G. Fabunan.

¹⁵ Id. at 30.

¹⁶ See id. at 29-30.

The IBP IC declared that respondent's act of issuing a worthless check was a violation of Rule 1.01 of the Code of Professional Responsibility (CPR) which requires that "a lawyer shall not engage in unlawful, dishonest, immoral or deceitful conduct." Citing the case of *Foronda v. Alvarez, Jr.*,¹⁷ the IBP IC held that the issuance of a check that was later dishonored for having been drawn against a closed account indicates a lawyer's unfitness for the trust and confidence reposed on him and hence, constitutes a ground for disciplinary action.¹⁸ The penalty of one (1)-year suspension from the practice of law was based on the case of *Lao v. Medel*,¹⁹ where the Court meted the same penalty for gross misconduct committed by deliberately failing to pay just debts and issuing worthless checks.²⁰

In a Resolution²¹ dated June 14, 2017, the IBP Board of Governors adopted the aforesaid report and recommendation.

The Issue Before the Court

The essential issue in this case is whether or not respondent should be held administratively liable for the issuance of a worthless check in violation of the CPR.

The Court's Ruling

After a judicious perusal of the records showing the existence of the loan obligation incurred by respondent as evidenced by complainant's BDO Check No. 0356555 dated July 3, 2014, as well as Union Bank Check No. 0003405780 dated July 19, 2014 issued by respondent to guarantee the payment of said loan but which was dishonored upon presentment for the reason "Account Closed," the Court concurs with the findings and adopts the recommendation of the IBP Board of Governors, except for the return to complainant of the amount of ₱75,000.00 with legal interest.

Time and again, the Court has imposed the penalty of suspension or disbarment for any gross misconduct that a lawyer may have committed, whether it is in his professional or in his private capacity. Good character is an essential qualification for the admission to and continued practice of law. Thus, any wrongdoing, whether professional or non-professional, indicating unfitness for the profession justifies disciplinary action,²² as in this case.

¹⁷ 737 Phil. 1 (2014).

¹⁸ See *rollo*, p. 30.

¹⁹ 453 Phil. 115 (2003).

²⁰ See *rollo*, p. 30.

²¹ See Notice of Resolution No. XXII-2017-1215; *id.* at 26-27.

²² See *Spouses Victory v. Mercado*, A.C. No. 10580, July 12, 2017.

It is undisputed that respondent had obtained a loan from complainant for which he issued a post-dated check that was eventually dishonored and had failed to settle his obligation despite repeated demands. It has been consistently held that “[the] **deliberate failure to pay just debts** and the **issuance of worthless checks** constitute gross misconduct, for which a lawyer may be sanctioned with suspension from the practice of law. Lawyers are instruments for the administration of justice and vanguards of our legal system. They are expected to maintain not only legal proficiency but also a high standard of morality, honesty, integrity and fair dealing so that the peoples’ faith and confidence in the judicial system is ensured. They must at all times faithfully perform their duties to society, to the bar, the courts and to their clients, which **include prompt payment of financial obligations**. They must conduct themselves in a manner that reflects the values and norms of the legal profession as embodied in the Code of Professional Responsibility.”²³ Thus, the IBP IC correctly ruled that respondent’s act of issuing a worthless check was a violation of Rule 1.01, Canon 1 of the CPR, which explicitly states:

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

Rule 1.01 - A lawyer shall not engage in unlawful, dishonest, immoral or deceitful conduct.

In *Enriquez v. De Vera*,²⁴ the Court categorically pronounced that a lawyer’s act of issuing a worthless check, punishable under Batas Pambansa Blg. 22, constitutes serious misconduct penalized by suspension from the practice of law for one (1) year, for which no conviction of the criminal charge is even necessary. Batas Pambansa Blg. 22 was “designed to prohibit and altogether eliminate the deleterious and pernicious practice of issuing checks with insufficient funds, or with no credit, because the practice is deemed a public nuisance, a crime against public order to be abated.”²⁵ Being a lawyer, respondent was well aware of, or was nonetheless presumed to know, the objectives and coverage of Batas Pambansa Blg. 22. Yet, he knowingly violated the law and thereby “exhibited his indifference towards the pernicious effect of his illegal act to public interest and public order.”²⁶

In addition, respondent’s failure to answer the complaint against him and his failure to appear at the scheduled mandatory conference/hearing despite notice are evidence of his flouting resistance to lawful orders of the court and illustrate his despicency for his oath of office in violation of Section 3, Rule 138, Rules of Court.²⁷ Respondent should stand foremost in complying with the directives of the IBP Commission on Bar Discipline not

²³ *Sanchez v. Torres*, 748 Phil.18, 22-23 (2014), citing *Barrientos v. Libiran-Meteoro*, 480 Phil. 661, 671 (2004); emphases supplied.

²⁴ 756 Phil 1 (2015).

²⁵ *Id.* at 11; citing *Ong v. Delos Santos*, 728 Phil. 332, 338 (2014).

²⁶ See *id.*

²⁷ *Sanchez v. Torres*, supra note 23, at 23, citing *Ngayan v. Tugade*, 271 Phil. 654, 659 (1991).

only because as a lawyer, he is called upon to obey the legal orders of duly constituted authorities, as well as court orders and processes, but also because the case involved the very foundation of his right to engage in the practice of law. Therefore, his lack of concern or interest in the status or outcome of his administrative case would show how much less he would regard the interest of his clients.

Indisputably, respondent has fallen short of the exacting standards expected of him as a vanguard of the legal profession. His transgressions showed him to be unfit for the office and unworthy of the privileges which his license and the law confer to him, for which he must suffer the consequence.

The appropriate penalty for an errant lawyer depends on the exercise of sound judicial discretion based on the surrounding facts.²⁸ In the cases of *Lao v. Medel*,²⁹ *Rangwani v. Dino*,³⁰ and *Enriquez v. De Vera*,³¹ the Court imposed the penalty of one (1)-year suspension from the practice of law for deliberate failure to pay just debts and for the issuance of worthless checks. In *Sanchez v. Torres*,³² the Court increased the penalty to two (2) years in light of the amount of the loan which was ₱2,200,000.00, and the fact that respondent therein had repeatedly asked for extensions of time to file an answer and a motion for reconsideration, which he nonetheless failed to submit, and had likewise failed to attend the disciplinary hearings set by the IBP. Considering, therefore, that the amount of the loan proven by complainant herein is ₱75,000.00, the Court sustains the recommended penalty of one (1)-year suspension from the practice of law. With respect, however, to the return of the amount of ₱75,000.00 which respondent received from complainant, the same cannot be sustained. It is settled that in disciplinary proceedings against lawyers, the only issue is whether the officer of the court is still fit to be allowed to continue as a member of the Bar.³³ In *Tria-Samonte v. Obias*,³⁴ the Court held that its “findings during administrative-disciplinary proceedings have no bearing on the liabilities of the parties involved which are purely civil in nature – meaning, those liabilities which have no intrinsic link to the lawyer’s professional engagement – as the same should be threshed out in a proper proceeding of such nature.”³⁵ Thus, the return of the ₱75,000.00 clearly lies beyond the ambit of this administrative case.

WHEREFORE, respondent Atty. Socrates R. Rivera is found **GUILTY** of violating Rule 1.01, Canon 1 of the Code of Professional Responsibility, as well as the Lawyer’s Oath, and is hereby **SUSPENDED**

²⁸ *Spouses Concepcion v. Dela Rosa*, 752 Phil. 485, 496 (2015).

²⁹ *Supra* note 19.

³⁰ 486 Phil. 8 (2004).

³¹ 756 Phil 1 (2015).

³² *Supra* note 23.

³³ *Spouses Concepcion v. Dela Rosa*, *supra* note 28, at 497.

³⁴ 719 Phil. 70 (2013).


³⁵ *Id.* at 81-82.

from the practice of law for one (1) year to commence immediately from the receipt of this Decision, with a **WARNING** that a repetition of the same or similar offense will warrant a more severe penalty.

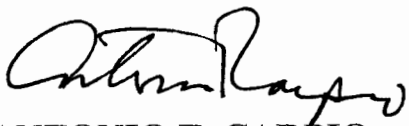
He is **DIRECTED** to immediately file a Manifestation to the Court that his suspension has started, copy furnished all courts and quasi-judicial bodies where he has entered his appearance as counsel.


Let copies of this Resolution be furnished to: the Office of the Bar Confidant to be appended to respondent's personal record as an attorney; the Integrated Bar of the Philippines for its information and guidance; and the Office of the Court Administrator for circulation to all courts in the country.

SO ORDERED.



ESTELA M. BERLAS-BERNABE
Associate Justice

WE CONCUR:


ANTONIO T. CARPIO
Senior Associate Justice
(Per Section 12, Republic Act No. 296,
The Judiciary Act of 1948, As Amended)


DIOSDADO M. PERALTA
Associate Justice


ALFREDO BENJAMIN S. CAGUIOA
Associate Justice


ANDRES E. REYES, JR.
Associate Justice