



Republic of the Philippines  
 Supreme Court  
 Manila  
 EN BANC

SUPREME COURT OF THE PHILIPPINES  
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AA TOTAL LEARNING  
 CENTER FOR YOUNG  
 ACHIEVERS, INC.  
 REPRESENTED BY LOYDA L.  
 REYES,

AC. No. 12418

*Complainant,*

Present:

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

- versus -

ATTY. PATRICK A. CARONAN,  
*Respondent.*

Promulgated:

March 10, 2020

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**DECISION**

**HERNANDO, J.:**

Before this Court is a *Verified Complaint* for Disbarment<sup>1</sup> docketed as CBD Case No. 14-4396 filed by complainant AA Total Learning Center for

<sup>1</sup> *Rollo*, pp. 2-11.

Young Achievers, Inc. (AA), represented by Loyda L. Reyes (Reyes) against respondent Atty. Patrick A. Caronan (Caronan) for violation of the Code of Professional Responsibility.

*The antecedent facts are as follows:*

Sometime in 2012, respondent Caronan and Solly Cruz offered to sell to complainant Reyes a parcel of land located in J.P. Rizal St. Ususan, Taguig City (subject property) and claimed that they were representatives of Maricel A. Atanacio (Atanacio), the registered owner of the subject property.

Finding the property suitable for AA's future campus, Reyes became interested in the subject property and thus, went along with Caronan and conducted an ocular inspection of the same. Thereat, Caronan briefly introduced Reyes to Atanacio who thereafter immediately went off to another direction.<sup>2</sup>

On March 9, 2012, Caronan asked Reyes to meet him and Atanacio to discuss and finalize the final purchase price of the subject property. During the scheduled meeting, Caronan advised Reyes that Atanacio will no longer be joining them and that he authorized him to finalize the purchase price on her behalf.<sup>3</sup>

Relying on the representations of Caronan, Reyes agreed that the final purchase price of the subject property shall be at Fifteen Million Six Hundred Fifty Thousand Pesos (₱15,650,000.00), inclusive of transfer fees and capital gains tax. Reyes also agreed to pay Two Hundred Fifty Thousand Pesos (₱250,000.00) as earnest money and paid the initial amount of One Hundred Thousand Pesos (₱100,000.00).<sup>4</sup>

On March 23, 2012, Caronan collected from Reyes the balance of the earnest money amounting to One Hundred Fifty Thousand Pesos (₱150,000.00). Reyes paid One Hundred Thousand Pesos (₱100,000.00) in cash and tendered another Fifty Thousand Pesos (₱50,000.00) in check. The payment was duly acknowledged by Caronan.<sup>5</sup>

Thereafter, another meeting was set by Caronan in Metrobank Fort Bonifacio for the signing of the *Deed of Absolute Sale*<sup>6</sup> and the payment of the initial 50% of the purchase price. When Reyes arrived at the meeting place, Caronan informed her that Atanacio will not be joining them and that she has already signed the *Deed of Absolute Sale*. When the deed was presented to Reyes, indeed a signature was already affixed above the name of Atanacio.

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<sup>2</sup> Id. at 3.

<sup>3</sup> Id. at 4.

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

<sup>5</sup> Id. at 4.

<sup>6</sup> Id. at 179-180.

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Meanwhile, Caronan, in behalf of Atanacio, signed the *Memorandum of Agreement*<sup>7</sup> (*MOA*) which embodied the terms and conditions of the sale.<sup>8</sup>

Following the terms of the sale, Reyes issued a Metrobank Manager's check to the order of Atanacio in the amount of Seven Million Pesos (₱7,000,000.00) which was duly acknowledged by Caronan. It was agreed that the balance of the purchase price shall be paid upon transfer of the title to AA's name. The parties also agreed that the processing of the payment of appropriate taxes and fees, as well as registration of the sale in favor of AA, shall be undertaken by Caronan.<sup>9</sup>

Meanwhile, Reyes gave Caronan Four Hundred Fifty Thousand Pesos (₱450,000.00) to settle the Capital Gains Tax and the Transfer Fees by issuing another Metrobank check amounting to Three Hundred Thousand Pesos (₱300,000.00) and tendering the remaining One Hundred Fifty Thousand (₱150,000.00) in cash. On even date, the Three Hundred Thousand Pesos (₱300,000.00) Metrobank check was encashed by Caronan. The payment was again duly acknowledged by him.<sup>10</sup>

On April 13, 2012, Reyes was notified that the Metrobank Check amounting to Seven Million Pesos (₱7,000,000.00) was already negotiated by Atanacio at Metrobank Taytay Branch.<sup>11</sup>

Caronan, in the meantime, promised to deliver the title under AA's name by the first week of June 2012. He assured Reyes that the transfer will not be a problem since he is friends with the Registrar of Deeds of Taguig. In the ensuing weeks, Caronan gave updates and provided reasons for the delay in transfer. However, in July 2012, Caronan could no longer be reached.<sup>12</sup>

Thus, on July 19, 2012, Reyes requested a meeting with Atanacio. She inquired about the cause of the delay in the transfer of the title in AA's name considering that in the *Deed of Absolute Sale*, Atanacio committed to immediately transfer the title of the subject property in AA's name and especially since the payment of Seven Million Pesos (₱7,000,000.00) was already tendered to Caronan, her representative. Atanacio was shocked upon hearing what Reyes said and categorically denied any participation in the said sale transaction. She disowned signing any *Deed of Absolute Sale* and categorically denied authorizing Caronan to negotiate in her behalf the sale of her property. She maintained that she never received a single centavo from the transaction.<sup>13</sup>

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<sup>7</sup> Id. at 181-182.

<sup>8</sup> Id. at 4-5.

<sup>9</sup> Id. at 4.

<sup>10</sup> Id. at 4.

<sup>11</sup> Id. at 4-5.

<sup>12</sup> Id. at 6.

<sup>13</sup> Id. at 6.

Alarmed, Reyes in turn immediately sought advice from her legal counsel who prepared a letter demanding the return of the monies that Reyes paid in the total amount of Seven Million Seven Hundred Thousand Pesos (₱7,700,000.00). The demand letter however remained unheeded.

Reyes eventually learned that aside from the misrepresentations employed by Caronan in the execution of the *Deed of Absolute Sale* and *MOA*, he likewise employed fraudulent machinations in negotiating in his favor the Metrobank Manager's check amounting to Seven Million Pesos (₱7,000,000.00). Caronan, in cahoots with a certain Noraida Tanon (Tanon), introduced Tanon to the bank officials as Atanacio and the payee of the check. By presenting fake identification cards, Caronan and Tanon successfully facilitated the withdrawal of Two Million Pesos (₱2,000,000.00) and deposited the balance of Five Million Pesos (₱5,000,000.00) in the account of Caronan's wife, Rosana Caronan.<sup>14</sup>

In her *Sinumpaang Salaysay* dated August 22, 2012,<sup>15</sup> Tanon admitted that she impersonated Atanacio upon the instruction of Caronan. According to Tanon, she was reassured by Caronan that her pretending to be Atanacio was legal and that as a lawyer, he would never put her in harm's way. Tanon thus relied on Caronan's representations and acceded to his plan.<sup>16</sup>

Verily, Caronan, through fraud and deceit, successfully appropriated for himself the total amount of Seven Million Seven Hundred Thousand Pesos (₱7,700,000.00) to the detriment of AA. Thus, on November 22, 2012, complainant AA, as represented by Reyes, filed a case against Caronan for *estafa*.<sup>17</sup>

Later on, complainants likewise learned that Caronan's real name is "Richard A. Caronan" and that he assumed the identity of his brother, Patrick A. Caronan and used his school credentials to obtain a law degree. It was also later found out that the real Patrick A. Caronan filed a disbarment case against the respondent.<sup>18</sup> A criminal complaint for violation of the *Anti-Alias Law* was likewise filed by AA against Caronan and the same prospered into a full-blown case.

Finally, Reyes, representing AA, filed before the Integrated Bar of the Philippines (IBP) Commission on Bar Discipline (CBD) the instant *Verified Complaint* against Caronan accusing him of gross misconduct. The complaint alleged that the actuations of Caronan constituted grave transgressions of the solemn oath of a lawyer and violation of the Code of Professional Responsibility warranting his permanent disbarment.<sup>19</sup> AA and Reyes thus

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<sup>14</sup> Id. at 7-8.

<sup>15</sup> Id. at 186-188.

<sup>16</sup> Id. at 8.

<sup>17</sup> Id. at 8.

<sup>18</sup> Id. at 9.

<sup>19</sup> Id. at 75-76.

prayed that Caronan be perpetually disbarred from the practice of law and his name permanently stricken off the Roll of Attorneys.

Respondent, on the other hand, denied all the accusations against him and averred that the same were only lies perpetrated by complainant Reyes and her husband, Brigadier General Joselito M. Reyes, to disparage his reputation.<sup>20</sup>

He maintained that the present administrative complaint against him was a mere retaliation on the part of Spouses Reyes for his filing of several criminal cases against them before the Office of the Ombudsman. It was just a strategy on their part to learn in advance his defense in the criminal cases he filed against them as well as to weaken him “economically” since his legal practice was his only source of income. He averred that apart from the present disbarment case, another one for the same cause of action was filed by the Spouses Reyes against him and docketed as CBD Case No. 14-4301.<sup>21</sup>

Respondent countered that the allegation against him regarding the negotiation of the Metrobank Manager’s Check in the amount of Seven Million Pesos (₱7,000,000.00) was simply unbelievable considering the rigid banking requirements in encashing a Manager’s check. Moreover, the same cannot be taken cognizance of by the CBD as the case is already a subject of a separate criminal case.<sup>22</sup>

Additionally, neither can the *Sinumpaang Salaysay* allegedly executed by Tanon be given weight considering that it was obtained through fraud and intimidation. The affidavit was notarized by Atty. Cherry Belmonte-Lim (Atty. Lim), the Chairman of the Bids and Awards Committee of the Armed Forces of the Philippines and a close colleague of the Spouses Reyes.<sup>23</sup>

Respondent alleged that sometime in 2012, he was detained in PNP-CIDG-NCR Camp Crame for trumped up charges of illegal possession of firearms and explosives filed by the Spouses Reyes. He claimed that the Spouses Reyes confiscated five Transfer Certificates of Title covering properties in Nueva Ecija which were jointly owned by him and his wife. The amount of the properties involved is far more than the Seven Million Pesos (₱7,000,000.00) imputed against him. Also, when the police searched his home armed with a search warrant that was fraudulently obtained, several personal properties belonging to the respondent and his family were forcibly taken and ended up in the possession of the Spouses Reyes and the police.

Finally, anent the issue of his “identity”, respondent maintained that the disbarment case filed by a certain Patrick A. Caronan and docketed as CBD Case No. 14-4301, was a mere reiteration of the complaint filed against him

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<sup>20</sup> Id. at 76.

<sup>21</sup> Id. at 76.

<sup>22</sup> Id. at 77.

<sup>23</sup> Id. at 77-78.

by Joseph G. Agtarap in 2009 in A.C. No. 10074 wherein the Supreme Court already exonerated him from the charges. Hence, the issue regarding his identity was already settled and cannot be re-litigated upon on the basis of *res judicata*.<sup>24</sup>

In sum, the respondent moved for the dismissal of the instant disbarment for lack of merit or in the alternative, for the proceedings to be held in abeyance pending resolution of the same issues in the criminal cases filed against him by complainant Reyes.<sup>25</sup>

### **Report and Recommendation of the Integrated Bar of the Philippines**

In his Report and Recommendation dated July 14, 2017,<sup>26</sup> Investigating Commissioner Ferdinand I. Diño recommended the dismissal of the *Verified Complaint* for being moot and academic in light of Our pronouncement in A.C. No. 11316 dated July 12, 2016 captioned “*Patrick A. Coronan v. Richard A Coronan a.k.a. Atty. Patrick A. Coronan*” where “Atty. Patrick A. Caronan” was ordered disbarred and stricken off the Roll of Attorneys. The Investigating Commissioner no longer passed upon the merits of the *Verified Complaint* and instead quoted in *toto* the ruling of this Court in the aforementioned case which highlighted the gross dishonesty and utter lack of moral fitness on the part of the respondent when he assumed the name, identity and school records of his brother.

In the *Resolution* dated February 22, 2018,<sup>27</sup> the Board of Governors (BOG) of the IBP resolved to adopt the findings of facts and recommendation of the Investigating Commissioner with modification that the ultimate penalty of disbarment be imposed upon respondent and his name stricken off the Roll of Attorneys. The Resolution states:

*RESOLVED to ADOPT the findings of fact and recommendation of the Investigating Commissioner, with modification, and instead recommend the imposition upon the Respondent Atty. Patrick A. Corona (sic) of the ultimate penalty of DISBARMENT, and that his name stricken off from the Roll of Attorneys.*

### ***The Issue Before this Court***

Whether or not respondent Coronan should be disbarred and his name stricken off the Roll of Attorneys.

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<sup>24</sup> Id. at 76-77.

<sup>25</sup> Id. at 79.

<sup>26</sup> Id. at 257-270.

<sup>27</sup> Id. at 255.

### *The Court's Ruling*

This Court adopts the recommendation of the Investigating Commissioner to dismiss the *Verified Complaint* for being moot in light of this Court's pronouncement in A.C. No. 11316 promulgated on July 12, 2016.<sup>28</sup>

Herein respondent is the same respondent involved in A.C. No. 11316. We also note that respondent adopted the same defense he used in A.C. No. 11316 stating in essence that his identity can no longer be raised as an issue as it had already been resolved in CBD Case No. 09-2362 where the IBP BOG dismissed the administrative case filed against him, and which case had already been declared closed and terminated by this Court in A.C. No. 10074.<sup>29</sup>

The dispositive portion of the *Decision* in A.C. No. 11316 is as follows:

**WHEREFORE**, respondent Richard A. Caronan a.k.a. "Atty. Patrick A. Caronan" (respondent) is found **GUILTY** of falsely assuming the name, identity, and academic records of complainant Patrick A. Caronan (complainant) to obtain a law degree and take the Bar Examinations. Accordingly, without prejudice to the filing of appropriate civil and/or criminal cases, the Court hereby resolves that:

(1) the name "Patrick A. Caronan" with Roll of Attorneys No. 49069 is ordered **DROPPED** and **STRICKEN OFF** the Roll of Attorneys;

(2) respondent is **PROHIBITED** from engaging in the practice of law or making any representations as a lawyer;

(3) respondent is **BARRED** from being admitted as a member of the Philippine Bar in the future;

(4) the Identification Cards issued by the Integrated Bar of the Philippines to respondent under the name "Atty. Patrick A. Caronan" and the Mandatory Continuing Legal Education Certificates issued in such name are **CANCELLED** and/or **REVOKED**; and

(5) the Office of the Court Administrator is ordered to **CIRCULATE** notices and **POST** in the bulletin boards of all courts of the country a photograph of respondent with his real name, "Richard A. Caronan," with a warning that he is not a member of the Philippine Bar and a statement of his false assumption of the name and identity of "Patrick A. Caronan."

Let a copy of this Decision be furnished the Office of the Bar Confidant, the Integrated Bar of the Philippines, and the Office of the Court Administrator.

<sup>28</sup> 789 Phil. 628 (2016).

<sup>29</sup> *Rollo*, pp. 76-77.

**SO ORDERED.**<sup>30</sup>

Considering the foregoing, there is no need to resolve the merits of the case and determine whether or not “Atty. Patrick Caronan” is guilty of the violations imputed against him. After all, disciplinary proceedings conducted by the IBP are reserved only for those belonging in the legal profession. Clearly, respondent is not and was never a member of the bar. Hence, the penalty of disbarment is not available to him. Besides, AA and Reyes’s prayer that respondent be forever barred from the law practice and his name stricken off the Roll of Attorneys was already imposed upon respondent as among his penalties in A.C. No. 11316.

Nonetheless, it is only fitting to stress once again that the practice of law is not a right but a privilege bestowed by the State only on those who possess and continue to possess, the qualifications required by law for the conferment of such privilege.<sup>31</sup>

In *Heck v. Judge Santos*,<sup>32</sup> this Court elucidated, viz.:

The qualification of good moral character is a requirement which is not dispensed with upon admission to membership of the bar. This qualification is not only a condition precedent to admission to the legal profession, but its continued possession is essential to maintain one’s good standing in the profession. It is a continuing requirement to the practice of law and therefore does not preclude a subsequent judicial inquiry, upon proper complaint, into any question concerning one’s mental or moral fitness before he became a lawyer. This is because his admission to practice merely creates a rebuttable presumption that he has all the qualifications to become a lawyer. The rule is settled that a lawyer may be suspended or disbarred for *any* misconduct, even if it pertains to his private activities, as long as it shows him to be wanting in moral character, honesty, probity or good demeanor. Possession of good moral character is not only a prerequisite to admission to the bar but also a continuing requirement to the practice of law.<sup>33</sup>

We also take this opportunity to reiterate that administrative cases against lawyers belong to a class of their own, distinct from and may proceed independently of civil and criminal cases.<sup>34</sup> There is no prejudicial question not proscription that will prevent it from proceeding.<sup>35</sup> *Double jeopardy* or *In Pari Delicto*<sup>36</sup> are also not available as defenses as to bar the disciplinary proceedings against an erring lawyer. It should be noted that it can be

<sup>30</sup> Supra note 28 at 639.

<sup>31</sup> *Libit v. Oliva*, 307 Phil. 388-392 (1994).

<sup>32</sup> 467 Phil. 798 (2004).

<sup>33</sup> Id. at 823.

<sup>34</sup> *Guevarra v. Atty. Eala*, 555 Phil. 713, 725 (2007).

<sup>35</sup> *Calo v. Degamo*, 20 SCRA 447, 450 (1967).

<sup>36</sup> *Samaniego v. Ferrer*, 578 Phil. 1, 5 (2008).



initiated *motu proprio* by the Supreme Court or the IBP and even without a complaint and can proceed regardless of lack of interest of the complainants, if the facts proven so warrant.

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. 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 proven themselves no longer worthy to be entrusted with the duties and responsibilities pertaining to the office of an attorney.<sup>37</sup>

All told, the privilege to practice the legal profession is not a permanent right and may be taken away if one falls short of the requirements imposed by law.

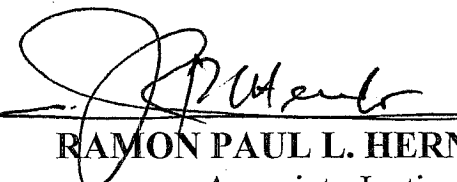
**WHEREFORE**, the Court **NOTES** the Resolution of the Board of Governors of the Integrated Bar of the Philippines in CBD Case No. 14-4396 dated February 22, 2018. The Court **ADOPTS** the findings of fact of Investigating Commissioner Ferdinand I. Diño in his Report and Recommendation dated July 14, 2017 and **ACCEPTS** his recommendation to dismiss the complaint for being moot in view of Our pronouncement in A.C. No. 11316, without prejudice to pending or to be filed civil and criminal cases against respondent.

This case is **DECLARED CLOSED** and **TERMINATED**.

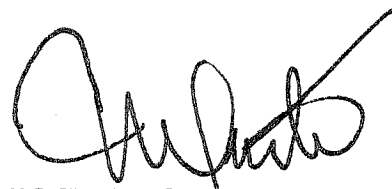
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<sup>37</sup> *Gatchalian Promotions Talent Pool, Inc. v. Atty. Naldoza*, 374 Phil. 1, 10-11 (1999), citing: *In re Almacen*, 31 SCRA 562, 600 (1970).

**SO ORDERED.**

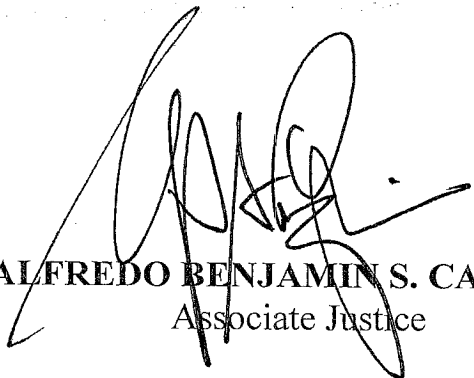
  
**RAMON PAUL L. HERNANDO**  
Associate Justice


WE CONCUR:

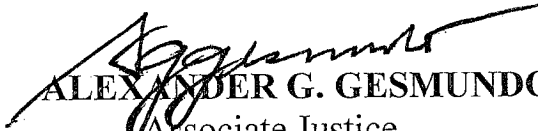
  
**DIOSDADO M. PERALTA**  
Chief Justice

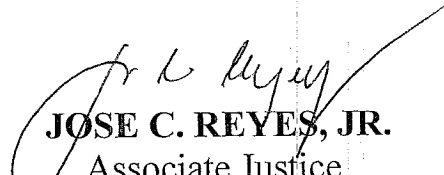
  
**ESTELA M. PERLAS-BERNABE**  
Associate Justice

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

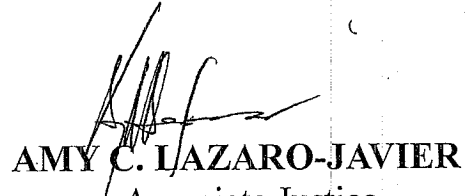
  
**ALFREDO BENJAMIN S. CAGUIOA**  
Associate Justice


  
**ANDRES B. REYES, JR.**  
Associate Justice

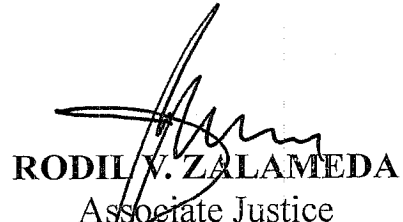
  
**ALEXANDER G. GESMUNDO**  
 Associate Justice

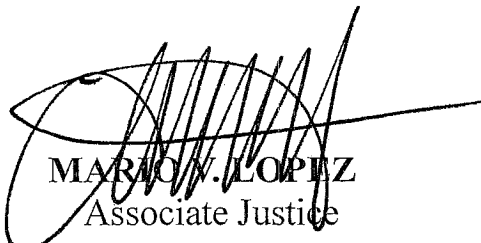
  
**JOSE C. REYES, JR.**  
 Associate Justice


  
**ROSMARIE B. CARANDANG**  
 Associate Justice

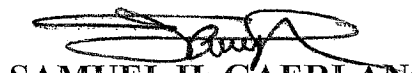
  
**AMY C. LAZARO-JAVIER**  
 Associate Justice

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

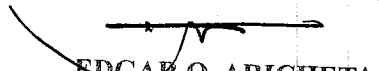
  
**RODIL V. ZALAMEDA**  
 Associate Justice

  
**MARICEL N. 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