Republic of the Philippines
Supreme Court
Manila

EN BANC

GILDA J. ROSCA,
Complainant,

- versus -

ATTY. MICHAEL JOHN C. DELMENDO,
Respondent.

A.C. No. 11795

Present:

GESMUNDO, *C.J.*,
LEONEN, *SAJ*,
CAGUIOA,
HERNANDO,
LAZARO-JAVIER,
INTING,*
ZALAMEDA,
LOPEZ, M.,
GAERLAN,*
ROSARIO,
LOPEZ, J.,
DIMAAMPAO,
MARQUEZ,
KHO, JR.,* and
SINGH, *JJ.*

Promulgated:

November 21, 2023

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DECISION

***PER CURIAM*:**

Public office is a public trust.[1] Lawyers in government service should perform their professional obligations with the highest standard of ethics, competence, and professionalism.[2] Their conduct directly impacts the functioning

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* On Official Leave

1 CONST., art. XI, sec. 1.

2 *See Fuji v. Atty. Dela Cruz,* 807 Phil. 1, 15 (2017) [Per J. Leonen, Second Division]. *See also Far Eastern Shipping Company v. Court of Appeals and Philippine Ports Authority*, 357 Phil. 703, 723 (1998) [Per J.

of public service and the welfare of the citizenry. Thus, adhering to ethical principles is not just a matter of professional duty—it represents a higher calling. Their oath of office binds them to protect and uphold the law, not to break or violate it. Their duty to steer clear of false representation or corruption inheres in the privilege of practicing law as public servants. They bear the heavy burden of putting aside their private interest in favor of public interest, and their private activities should not interfere with the discharge of their official functions.[3] Any deviation from this exacting mandate warrants this Court's disciplinary action.

We resolve the Complaint-Affidavit[4] filed by Gilda J. Rosca (Gilda) against Atty. Michael John C. Delmendo (Atty. Delmendo).

ANTECEDENTS

In October 2015, Atty. Delmendo asked brokers Joycelyn Pameron (Joycelyn) and Evelyn Salor (Evelyn) if they knew someone who could extend a loan with a good land as security. Atty. Delmendo gave Joycelyn and Evelyn a photocopy of Transfer Certificate Title (TCT) No. T-240036,[5] which was registered in the name of Jufraida C. Jamero (Jufraida).

Atty. Delmendo explained that TCT No. T-240036 was the subject of a pending reconstitution.[6] The involved property was sold by Jufraida to one Emma Ledonio,[7] who executed a Deed of Assignment over the property in favor of her son, Ramon Ledonio (Ramon).[8]

Atty. Delmendo claimed that the order of reconstitution was about to be released and forwarded to the Register of Deeds of Quezon City.[9] Thereafter, Joycelyn and Evelyn approached Gilda and asked the latter to finance the reconstitution. Joycelyn accompanied Gilda to the Land Registration Authority (LRA) office and they met with Atty. Delmendo.

Atty. Delmendo introduced himself as the Head of the Legal Affairs Department. He assured Gilda of the authenticity of the transaction. He undertook to return her money if the reconstituted title would not be released within 30 working days.[10] They also agreed that upon release of the reconstituted title, a real estate mortgage would be executed in Gilda's favor as security for the payment of the loan amounting to PHP 11,200,000.00.[11]

Regalado, *En Banc*].

3 *Olazo v. Justice Tinga (Ret.)*, 651 Phil. 290, 299 (2010) [Per J. Brion, *En Banc*].

4 *Rollo*, pp. 1–12.

5 *Id.* at 13–14.

6 *Id.* at 15–16.

7 *Id.* at 22–23.

8 *Id.* at 24–25.

9 *Id.* at 75.

10 *Id.* at 2.

11 *Id.* at 120–122.

Believing Atty. Delmendo's assurances, Gilda agreed to finance the reconstitution. They executed a "*Warranty and Undertaking on the Loan Obtained from Gilda J. Rosca*" (warranty).[12] It was signed by Ramon as the borrower and Atty. Delmendo as the guarantor. Consequently, Gilda issued Check No. 0007151465 payable to Atty. Delmendo, amounting to PHP 3,000,000.00.[13] Atty. Delmendo encashed the check and furnished Gilda a photocopy of the Report dated October 13, 2015 (Report), signed and approved by Administrator Eulalio C. Diaz.[14]

Later, Atty. Delmendo asked again for money, supposedly to be given to persons who will sign the necessary documents. Hence, Gilda personally delivered to Atty. Delmendo additional cash amounting to PHP 4,800,000.00.[15]

Despite the lapse of 30 working days, the reconstituted title was not released. Gilda sent a series of text messages to Atty. Delmendo inquiring about the status of the reconstitution. Instead of releasing the reconstituted title, Atty. Delmendo handed Gilda a photocopy of the unsigned Order dated April 12, 2016 (Order).[16]

Gilda attempted to obtain a certified copy of the Report and Order. Yet, she learned from the Records Section that both documents were spurious. Gilda also verified through Joycelyn, informing that the tax declaration in Jufraida's name was non-existent. Gilda sought to confront Atty. Delmendo, but the latter could not be reached.[17] Aggrieved, Gilda lodged this disbarment complaint against Atty. Delmendo.[18]

In his Comment,[19] Atty. Delmendo denied the acts imputed against him. He asserted that he was introduced to Gilda as the investigating officer assigned to the reconstitution of Jufraida's title, not as Head of the Legal Affairs Department. Further, the documents evidencing the reconstitution were already part of public records as early as 1992.

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12 *Id.* at 26–27.

13 *Id.* at 28.

14 *Id.* at 87–89.
The Report stated:
WHEREFORE, premises duly considered, it is respectfully recommended that the recall order of Benjamin Bustos be set aside for being unlawful and invalid and that it was issued without due process of law and with grave abuse of discretion amounting to lack or excess of jurisdiction. Also it is recommended that the order of reconstitution of TCT No. 240036 be reinstated and the Registry of [D]eeds of Quezon City is hereby ordered to issue reconstituted title of TCT No. 240036 provided that all necessary documents and requirements for its reconstitution are complied with. And that the Reconstituted copy of TCT No. 151212 be removed or expunged from the Office of the Registry of Deeds.

15 *Id.* at 1–4.

16 *Id.* at 70.
The decretal portion of the Order reads:
WHEREFORE, this Authority holds that the Order of Reconstitution dated February 25, 1992 of the original of TCT No. 240036 in the name of Jufraida C. Jamero STANDS. And that the Supplemental Order dated November 16, 1993 recalled, invalidated and excluded for being void, unlawful and illegal.
SO ORDERED.

17 *Id.* at 4–8.

18 *Id.* at 1–12.

19 *Id.* at 114–122.

Atty. Delmendo alleged that he was not privy to the loan agreement. It was Ramon who received the PHP 4,800,000.00 cash from Gilda. What Atty. Delmendo received was the amount of PHP 3,000,000.00 from Evelyn as a personal loan.[20]

Meanwhile, Gilda filed a complaint-affidavit for violation of Section 7(d) of Republic Act No. 6713,[21] Section 3(e) of Republic Act No. 3019,[22] and a complaint for Estafa through Falsification against Atty. Delmendo and Ramon. Gilda likewise sued Atty. Delmendo for Conduct Unbecoming of a Public Official and Dishonesty before the Office of the Ombudsman (Ombudsman).[23]

On May 4, 2017, the Office of the City Prosecutor of Quezon City recommended the filing of an Information for Estafa through Falsification against Atty. Delmendo and Ramon.[24]

On February 20, 2018, the Ombudsman also found probable cause to charge Atty. Delmendo of violation of Section 3(e) of Republic Act No. 3019, and Section 7(d) of Republic Act No. 6713. However, the complaint against Ramon was dismissed for insufficiency of evidence.[25]

In its ruling, the Ombudsman found Atty. Delmendo guilty of violating Section 7(d) of Republic Act No. 6713 and Grave Misconduct. The Ombudsman ordered his dismissal from service pursuant to Section 11(b) of Republic Act No. 6713 and Rule 10, Sections 46(A), (3), and (10) of the Revised Rules on Administrative Cases in the Civil Services (RRACCS). He was also meted with accessory penalties under Rule 10, Section 52(A) of RRACCS.[26]

By Letter dated March 1, 2018, Inspection and Investigating Division Chief Michael C. Superable confirmed that the disputed title's reconstitution was

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[20] *Id.* at 114–118.

[21] CODE OF CONDUCT AND ETHICAL STANDARDS FOR PUBLIC OFFICIALS AND EMPLOYEES (1989).

[22] Republic Act No. 3019 (1960), Anti-Graft and Corrupt Practices Act.

[23] *Id.* at 175.

[24] *Id.* at 210–214.

[25] *Id.* at 188–200.

[26] *Id.* at 175–187, 185.
The Office of the Ombudsman disposed:

> **WHEREFORE**, this Office finds Michael John Dela Cruz Delmendo guilty of violation of Section 7(d) of RA 6713 and Grave Misconduct and imposes upon him the penalty of Dismissal from the Service under Section 11 (b) of RA 6713 and Section 46 (A), (3) and (10), Rule 10 of the Revised Rules on Administrative Cases in the Civil Service (RRACCS) with all its accessory penalties under Section 52 (A), Rule 10 of RRACCS.
>
> In the event that the penalty of dismissal against respondent Michael John Dela Cruz Delmendo can no longer be implemented due to retirement, resignation, or for any other reason, the alternative penalty is FINE equivalent to his salary for ONE (1) YEAR shall be imposed, payable to the Office of the Ombudsman, with the same accessory penalties of dismissal from the service.
>
> The Honorable Administrator of the Land Registration Authority is hereby directed to immediately implement this Decision and to advise this Office within five (5) days from receipt through the Central Records Division, 2nd Floor, Ombudsman Building, Agham Road, Diliman, Quezon City, the date when the same has been implemented pursuant to Section 15 (3) of Republic Act No. 6770 (The Ombudsman Act of 1989).
>
> **SO ORDERED.** (Emphasis in the original)

assigned to Atty. Delmendo. However, no issuances relating to the reconstitution can be located in the case record.[27]

Report and Recommendation of the Integrated Bar of the Philippines – Commission on Bar Discipline (IBP – CBD)

In its Report and Recommendation,[28] the IBP-CBD recommended the disbarment of Atty. Delmendo for soliciting bribe money to facilitate the release of the reconstituted title. The IBP-CBD emphasized that Atty. Delmendo's acts are not only abusive to his client's trust; it also undermined the trust and faith of the public in the legal profession.[29]

By Resolution No. CBD-XXV-2023-01-14,[30] the IBP Board of Governors adopted the factual findings and recommendation of the IBP-CBD, to *wit*:

> ***RESOLVED, to APPROVE and ADOPT, as it is hereby APPROVED and ADOPTED,*** *the Report and Recommendation of the Investigating Commissioner to impose upon Respondent Atty. Michael John Delmendo the penalty of* ***DISBARMENT*** *for grave violations of Rule 1.01, Rule 6.2, and Rule 7.03 of the Code of Professional Conduct.*[31] (Emphasis in the original)

RULING

We adopt the findings and recommendations of the IBP.

A disbarment proceeding aims to purge the law profession of unworthy members of the bar. As the most severe form of disciplinary sanction, the power to disbar must be exercised with great caution. It is imposed only for the most imperative reasons and in clear cases of misconduct affecting the standing and moral character of the lawyer as an officer of the court and as a member of the bar.[32]

Previously, a lawyer's conduct and responsibility were assessed under the rubric of the Code of Professional Responsibility issued on June 21, 1988.[33] On April 11, 2023, the Court adopted the Code of Professional Responsibility and Accountability (CPRA).[34] This became effective on May 29, 2023.[35] The CPRA

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27 *Id.* at 330.
28 *Id.* at 349–357. Submitted by Commissioner Beatriz O. Geronilla-Villegas.
29 *Id.* 354–357.
30 *Id.* at 347–348.
31 *Id.* Signed by National Secretary Doroteo Lorenzo B. Aguila.
32 *Lim v. Atty. Bautista*, A.C. No. 13468, February 21, 2023 [*Per Curiam*, *En Banc*] at 7. This pinpoint citation refers to the copy of the Decision uploaded to the Supreme Court website.
33 *Judge Drilon and Atty. Romero v. Atty. Maglalang*, A.C. No. 8471, August 22, 2023 [*Per Curiam*, *En Banc*] at 8. This pinpoint citation refers to the copy of the Decision uploaded to the Supreme Court website.
34 *See* SC A.M. No. 22-09-01-SC, April 11, 2023, OCA Circular No. 200-2023, May 19, 2023, and OCA Circular No. 331-2023, September 22, 2023.
35 OCA Circular No. 200-2023, May 19, 2023.

applies to all ongoing and forthcoming cases, except when applying it retroactively is impractical or unjust.[36] In such cases, the rules under which the cases were filed will prevail.[37]

We apply the CPRA in this case. Like its precursor, the CPRA prohibits lawyers from performing improper acts, such as bribery and falsification. Under Canon VI, Section 33(b)[38] of the CPRA, falsification of documents is considered a *serious offense* punishable with disbarment. Recently, the Court strongly condemned a lawyer's fabrication of a trial court order in a civil case.[39] The spurious order falsely granted a petition for the presumptive death of the lawyer's client's husband. The lawyer falsely claimed that he filed such a petition on behalf of his client, when in fact, his client had instructed him to file a petition for nullity of marriage. The lawyer also falsely claimed that the petition for presumptive death was heard and granted by the complainant Judge of the Regional Trial Court. After carefully considering the evidence and circumstances, the Court imposed the severest penalty, disbarment, on the respondent lawyer. The Court held him accountable for the forged document.

In disbarment proceedings, the complainant must prove the allegations through substantial evidence,[40] or that amount of relevant evidence which a reasonable mind might accept as adequate to justify a conclusion.[41] A mere charge or allegation of wrongdoing does not suffice.[42]

In this case, we find the required threshold of evidence. Atty. Delmendo's possession and use of a spurious document, to make it appear that he had facilitated the reconstitution process, establishes him as the presumed forger.[43] Gilda declared that Atty. Delmendo furnished her with a photocopy of an unsigned Order.[44] The text messages between Gilda and Atty. Delmendo also revealed that it was Ramon who eventually had the Order signed.[45] However, circumstantial evidence show that Atty. Delmendo was involved in the falsification of the Report. Gilda's assertion that Atty. Delmendo personally delivered an already signed and approved Report to Gilda was corroborated by

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36 CODE OF PROF. RESPONSIBILITY & ACCOUNTABILITY, General Provisions, sec. 1.

37 *Id.*

38 Section 33. *Serious offenses.* – Serious offenses include:
(b) Serious dishonesty, fraud, deceit, including *falsification of documents* and making untruthful statements;
Section 37. *Sanctions.* –
(a) If the respondent is found guilty of a serious offense, any of the following sanctions, or a combination thereof, any of the following sanctions or a combination thereof, shall be imposed:
(1) Disbarment;
(2) Suspension from the practice of law for a period of exceeding six (6) months;
(3) Revocation of notarial commission and disqualification as notary public for not less than two (2) years; or
(4) A fine exceeding [PHP] 100,000.00

39 *Judge Drilon and Atty. Romero v. Atty. Maglalang*, A.C. No. 8471, August 22, 2023 [*Per Curiam*, *En Banc*] at 11. This pinpoint citation refers to the copy of the Decision uploaded to the Supreme Court website.

40 *Fajardo v. Atty. Alvarez*, 785 Phil. 303, 322 (2016) [Per J. Leonen, Second Division].

41 *Saladaga v. Atty. Astorga*, 748 Phil. 1, 16 (2014) [Per J. Leonardo-De Castro, *En Banc*]. *See* CODE OF PROF. RESPONSIBILITY & ACCOUNTABILITY, Canon VI, sec. 32.

42 *Advincula v. Atty. Macabata*, 546 Phil. 431, 446 (2007) [Per J. Chico-Nazario, Third Division].

43 *See Desmoparan v. People of the Philippines*, 850 Phil. 966, 978 (2019) [Per J. Peralta, Third Division].

44 *Rollo*, p. 6.

45 *Id.* at 52, 56.

Joycelyn and Evelyn.[46] The subsequent letter from the Chief of Inspection and Investigation Division of the LRA also confirmed that the Report does not form part of the case records.[47]

In contrast, the defense of Atty. Delmendo is frivolous and unsubstantiated. Atty. Delmendo simply denied that he fabricated the Report without any proof or explanation as to how the document came into his possession. Absent satisfactory explanation, the presumption of authorship of the fake Report stands against Atty. Delmendo.

Atty. Delmendo violated the following sections of Canon II of the CPRA:

> **CANON II**
> *Propriety*
>
> A lawyer shall, at all times, act with propriety and maintain the appearance of propriety in personal and professional dealings, observe honesty, respect and courtesy, and uphold the dignity of the legal profession consistent with the highest standards of ethical behavior.
>
> SECTION 1. *Proper conduct.* — A lawyer shall not engage in unlawful, dishonest, immoral, or deceitful conduct.
>
> SECTION 2. *Dignified conduct.* — . . .
>
> A lawyer shall not engage in conduct that adversely reflects on one's fitness to practice law, nor behave in a scandalous manner, whether in public or private life, to the discredit of the legal profession.
>
> . . . .
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> SECTION 5. *Observance of fairness and obedience.* — A lawyer shall, in every personal and professional engagement, insist on the observance of the principles of fairness and obedience to the law.
>
> . . . .
>
> SECTION 11. *False representations or statements; duty to correct.* — A lawyer shall not make false representations or statements. A lawyer shall be liable for any material damage caused by such false representations or statements.
>
> A lawyer shall not, in demand letters or other similar correspondence, make false representations or statements, or impute civil, criminal, or administrative liability, without factual or legal basis.

Atty. Delmendo engaged in the unlawful, dishonest, and deceitful act of falsifying an official document. *Rivera v. Atty. Dalangin*[48] defines "unlawful," "dishonest," or "deceitful" conduct as follows:

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[46] *Id.* at 93–95, 162–166.
[47] *Id.* at 330.
[48] 878 Phil. 29 (2020) [Per J. Lopez, First Division].

> An "unlawful" conduct refers to any act or omission that is contrary to, or prohibited or unauthorized by, or in defiance of, disobedient to, or disregards the law. It does not necessarily imply the element of criminality although the concept is broad enough to include such element. To be "dishonest" means the disposition to lie, cheat, deceive, defraud or betray; be unworthy; lacking in integrity, honesty, probity, integrity in principle, fairness and straight forwardness. A "deceitful" conduct means the proclivity for fraudulent and deceptive misrepresentation, artifice or device that is used upon another who is ignorant of the true facts, to the prejudice and damage of the party imposed upon.[49]

Gilda relied on the false misrepresentations of Atty. Delmendo. Notably, Atty. Delmendo affixed his signature in the warranty as a guarantor. By doing so, Atty. Delmendo expressly guaranteed that the reconstitution is free from legal impediment and undertook to pay the loan in the event that the reconstituted title is not turned over to Gilda within 30 working days. While the transaction is in the nature of a loan agreement secured by a real estate mortgage, a plain reading of the warranty reveals its true and unlawful purpose—*to commit bribery by soliciting money in exchange for the early release of the reconstituted title.*

Under Canon VI, Section 33(c) of the CPRA, bribery or corruption is also categorized as a *serious offense* likewise punishable by disbarment.[50] Not only is it unlawful, it also constitutes dishonesty and deceit because Gilda relied on the misrepresentation that she can secure a favorable ruling by entering into the loan agreement. Atty. Delmendo created the impression that being a government lawyer in the LRA, he can expedite and influence the outcome of processes in his office. This conduct transgresses Canon II, Section 15 of the CPRA, *viz.*:

> SECTION 15. *Improper claim of influence or familiarity.* — A lawyer shall observe propriety in all dealings with officers and personnel of any court, tribunal, or other government agency, whether personal or professional. Familiarity with such officers and personnel that will give rise to an appearance of impropriety, influence, or favor shall be avoided.
>
> A lawyer shall not make claims of power, influence, or relationship with any officer of a court, tribunal, or other government agency.

In *Fajardo v. Atty. Alvarez,*[51] the Court found respondent to have engaged in unlawful and dishonest conduct by communicating that he could help the complainant obtain a favorable decision because of his personal relationships with the officers or employees in the Office of the Ombudsman.

In *Lim v. Atty. Bautista,*[52] respondent was held liable for assuring his client that the national prosecution service and the administration of justice can be influenced.

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49 *Id.* at 36.

50 CODE OF PROF. RESPONSIBILITY & ACCOUNTABILITY, Canon VI, sec. 37.

51 785 Phil. 303, 324 (2016) [Per J. Leonen, Second Division].

52 A.C. No. 13468, February 21, 2023 [*Per Curiam, En Banc*] at 11. This pinpoint citation refers to the copy of the Decision uploaded to the Supreme Court website.

Similarly, here, Atty. Delmendo's representation that the reconstitution proceedings can be expedited for a consideration reveals his predisposition to disregard the law and legal processes.

Furthermore, Atty. Delmendo placed his personal interest above the integrity of the legal profession and the public service. His mischiefs flout the tenets required of government lawyers, Canon II, Sections 28 and 30 of the CPRA, read:

> SECTION 28. *Dignified Government Service.* — Lawyers in government service shall observe the standard of conduct under the CPRA, the Code of Conduct and Ethical Standards for Public Officials and Employees, and other related laws and issuances in the performance of their duties.
>
> Any violation of the CPRA by lawyers in government service shall be subject to disciplinary action, separate and distinct from liability under pertinent laws or rules.
>
> SECTION 30. *No financial interest in transactions; no gifts.* — A lawyer in government shall not, directly or indirectly, promote or advance his or her private or financial interest or that of another, in any transaction requiring the approval of his or her office. Neither shall such lawyer solicit gifts or receive anything of value in relation to such interest.
>
> Such lawyer in government shall not give anything of value to, or otherwise unduly favor, any person transacting with his or her office, with the expectation of any benefit in return.

Olazo v. Justice Tinga (Ret.)[53] aptly explained that:

> Since public office is a public trust, *the ethical conduct demanded upon lawyers in the government service is more exacting than the standards for those in private practice*. Lawyers in the government service are subject to constant public scrutiny under norms of public accountability. They also bear the heavy burden of having to put aside their private interest in favor of the interest of the public; *their private activities should not interfere with the discharge of their official functions.*
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> . . . .
>
> In *Huyssen v. Gutierrez*, we defined promotion of private interest to *include soliciting gifts or anything of monetary value in any transaction requiring the approval of his or her office, or may be affected by the functions of [their] office.*[54] (Emphasis supplied)

Atty. Delmendo is not only a lawyer practicing his profession. He was also the investigating officer tasked to determine the propriety of the disputed reconstitution and his recommendation weighs to the LRA Administrator. Whether Atty. Delmendo introduced himself as the Head of the Legal Affairs Department is irrelevant. What is material is that Atty. Delmendo utilized the knowledge and information acquired through his public position for his personal gain. Significantly, Joycelyn and Evelyn corroborated that Atty. Delmendo told

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53 651 Phil. 290 (2010) [Per J. Brion, *En Banc*].

54 *Id.* at 299–300.

them about the status of the pending reconstitution. He used this as a leverage to entice them to look for a person who could extend a loan.[55] Joycelyn also affirmed that it was Atty. Delmendo who guaranteed the authenticity of the anomalous transaction to Gilda, upon which the latter was lured to part with her big amount of money.[56]

More importantly, Check No. 0007151465 indicates that the amount of PHP 3,000,000.00 was encashed by Atty. Delmendo. His signature in the *conforme* portion of the *Acknowledgement Receipt*[57] pertaining to the receipt of PHP 4,800,000.00 clearly proves that he successfully received the money. The excuse that he received PHP 3,000,000.00 from Evelyn as a personal loan is unacceptable. His claim is unsupported by any evidence to rebut the existence of the check issued under the name of Gilda's company. At any rate, the excerpt of text messages quoted below proves that his assurances convinced Gilda to finance the reconstitution and the solicited amount was intended as bribe money:

> **DATE**: December 7, 2015
>
> **MRS. ROSCA:** Hi sir this is Mrs rosca. Any update re title release? When can this be finish? Thanks
>
> **ATTY. DELMENDO:** Hi maam, i already submitted it and maybe it is already for transmittal. Will verify and update you asap.
>
> . . . .
>
> **DATE**: December 18, 2015
>
> **MRS. ROSCA:** Good morning sir. Any update on the title release?
>
> **ATTY. DELMENDO:** Good morning din po maam. Sorry for the late reply kasi papasok palang po ako office at mahina signal sa house. The last time I followed it up po nung nagtext kayo e lumabas na sa office ni dep. Will verify po mamaya then will inform you po.
>
> . . . .
>
> **DATE**: April 11, 2016
>
> **MRS. ROSCA:** Atty how come the order you gave us is unsigned? We gave you 7m in exchanged for this docs up to the RD. You told me that the allocated budget for the RD was 2m. What happen to all of this? I demand for you to return the 7m now. See me ASAP before I act on this.
>
> . . . .
>
> **DATE**: April 13, 2016
>
> **MRS. ROSCA:** Atty_ we were able to make all arrangements with admin and RD. 500 thou to Diaz and 1.5 to RD. How do you want to handle this? Money is already

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[55] *Rollo,* pp. 74–75, 93–94.
[56] *Id.* at 75.
[57] *Id.* at 106.

with you. Let us not delay this further. I want this to be finish tomorrow. Please advise.

. . . .

DATE: April 14, 2016

MRS. ROSCA: Atty you are not answering my text. I don't like to release another 2m on this account. It's either you give back the 7m or the 2 m that is needed to finish the process. I know you are a lawyer and knows legality of what you signed to us.

. . . .

DATE: April 19, 2016

MRS. ROSCA: Good morning Atty! Our arrangement is to give you until today to finish the work on Mr Lidonio's title. Kindly give update. Thanks

ATTY. DELMENDO: Good morning maam. Will give you update asap. Thanks!

. . . .

DATE: April 20, 2016

MRS. ROSCA: Atty_ just tell me if you are going to work on our agreement or not. You received 7m and promised to give title mid dec. I don't like to keep on contacting you on this. It's now April and I'm feed [sic] up. All you know is to promised and promised and never ending hospital problem. Mr Ledonio has no money.

ATTY. DELMENDO: Good morning maam. Im going to office tom and verify from admin office coz mr ledonio handed the order to admin diaz. Thanks! [58]

To be sure, the act of soliciting money for any transaction requiring the approval of the errant lawyer's office is precisely the kind of serious offense that the CPRA abhors. Atty. Delmendo's unfulfilled promise of returning the money and his evasiveness reflected his lack of integrity and moral delinquency, which is antithetical to CPRA's preamble and description of an ethical lawyer:

> An ethical lawyer is a lawyer possessed of integrity. Integrity is the sum total of all the ethical values that every lawyer must embody and exhibit. A lawyer with integrity, therefore, acts with independence, propriety, fidelity, competence and diligence, equality and accountability.[59]

Atty. Delmendo betrayed the good moral character required from all lawyers, especially from one occupying a public office. Every lawyer is obliged to uphold the law.[60] A lawyer who assists a client in a dishonest scheme or who connives in violating the law commits an act that justifies severe disciplinary action against the lawyer.[61]

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[58] *Id.* at 33–56.
[59] CODE OF PROF. RESPONSIBILITY & ACCOUNTABILITY, Preamble
[60] CODE OF PROF. RESPONSIBILITY & ACCOUNTABILITY, Canon III, sec. 2.
[61] *Donton v. Atty. Tansingco,* 526 Phil. 1, 5 (2006) [Per J. Carpio, Third Division].

Penalty

As mentioned, under the CPRA, falsification of documents and bribery are considered serious offenses.[62] Canon VI, Section 37(a) of the CPRA provides that a respondent found guilty of a serious offense may be sanctioned with any or a combination of the following penalties: (a) disbarment; (b) suspension from the practice of law for a period exceeding six months; (c) revocation of notarial commission and disqualification as notary public for not less than two (2) years; or (d) a fine exceeding PHP 100,000.00. The appropriate penalty for an erring lawyer depends on the exercise of sound judicial discretion based on the surrounding facts.[63]

In similar cases where lawyers abused their public position and engaged in unlawful, dishonest, or deceitful conduct to promote their private interest, the Court found them guilty of gross misconduct and imposed the supreme penalty of disbarment.

In *Atty. Vitriolo v. Atty. Dasig,*[64] respondent Atty. Felina S. Dasig, who, during her term as Officer-In-Charge of the Legal Affairs Services of the Commission on Higher Education, demanded sum of money from persons with applications pending before her office, was found liable for gross misconduct and dishonesty. Atty. Dasig was disbarred.

In *Lim v. Atty. Barcelona,*[65] a senior lawyer of the National Labor Relations Commission, who was caught in the act of extorting bribe money was expelled by the Court as a member of the Bar. In disbarring respondent, the Court emphasized that lawyers in government service, discharging their official tasks, have more restrictions than lawyers in private practice. As such, want of moral integrity is to be more severely condemned in a lawyer who holds a responsible public office.

In *Huyssen v. Atty. Gutierrez,*[66] the Court disbarred a lawyer who was a former member of the Board of Special Inquiry of the Bureau of Immigration and Deportation (BID). The lawyer asked money in consideration of the complainant's pending application for visas, prepared receipts with the letterhead of the BID, and issued worthless checks to cover up his misdeeds.

The Court also disbarred lawyers who simulated official documents. We condemned the misrepresentation and deception of their clients.

In *Krursel v. Atty. Abion,*[67] the complainant paid substantial amounts of money to the respondent in relation to the filing of the complaint for injunction.

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[62] CODE OF PROF. RESPONSIBILITY & ACCOUNTABILITY, Canon VI, sec. 33(b) and 33(c).
[63] *Sison, Jr. v. Atty. Camacho*, 777 Phil. 1, 14 (2016) [*Per Curiam, En Banc*].
[64] 448 Phil. 199 (2003) [*Per Curiam, En Banc*].
[65] 469 Phil. 1, 12 (2004) [*Per Curiam, En Banc*].
[66] 520 Phil. 117 (2006) [*Per Curiam, En Banc*].
[67] 789 Phil. 584 (2016) [*Per Curiam, En Banc*].

The respondent did not issue any receipt or accounting despite demands. Instead, the respondent drafted a fake order from the Court to deceive the complainant. We did not hesitate to disbar respondent.

In *Gonzaga v. Atty. Abad,*[68] the respondent authored a forged decision and entry of judgment in favor of his client's petition for declaration of nullity of marriage. Respondent received professional fees from his client and declared that he can influence the judge who will handle the case. We adjudged respondent guilty of gross misconduct and expelled him from membership in the bar for deceiving his client and the court.

Guided by these analogous cases, we abhor the unscrupulous acts committed by Atty. Delmendo that failed to measure up to the lofty standard of honesty and integrity required of every lawyer in the government service. Time and again, we have emphasized that possession of good moral character is a condition precedent and a continuing requirement to enjoy the privilege of the practice of law.[69] Otherwise, "membership in the bar may be terminated when a lawyer ceases to have good moral conduct."[70] In view of the totality of his violations, we impose upon Atty. Delmendo the ultimate penalty of disbarment.

ACCORDINGLY, respondent Atty. Michael John C. Delmendo is **DISBARRED** from the practice of law and his name is **ORDERED STRICKEN** from the Roll of Attorneys.

Let a copy of this Decision be furnished to the Office of the Bar Confidant to be entered into respondent's personal record. Copies of this judgment shall be furnished to the Integrated Bar of the Philippines and the Office of the Court Administrator for circulation to all courts concerned.

SO ORDERED.

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68 A.C. No. 13163, March 15, 2022 [*Per Curiam*, *En Banc*] at 9. This pinpoint citation refers to the copy of the Decision uploaded to the Supreme Court website.

69 *Gubaton v. Atty. Amador*, 835 Phil. 825, 835 (2018) [Per J. Perlas-Bernabe, Second Division].

70 *St. Louis University Laboratory High School (SLU-LHS) Faculty and Staff v. Atty. Dela Cruz*, 531 Phil. 213, 222 (2006) [Per Chico-Nazario, *En Banc*].

WE CONCUR:

ALEXANDER G. GESMUNDO
Chief Justice

MARVIC M.V.F. LEONEN
Senior Associate Justice

ALFREDO BENJAMIN S. CAGUIOA
Associate Justice

RAMON PAUL L. HERNANDO
Associate Justice

AMY C. LAZARO-JAVIER
Associate Justice

On Official Leave
HENRI JEAN PAUL B. INTING
Associate Justice

RODIL V. ZALAMEDA
Associate Justice

MARIO V. LOPEZ
Associate Justice

On Official Leave
SAMUEL H. GAERLAN
Associate Justice

RICARDO R. ROSARIO
Associate Justice

JHOSEP Y. LOPEZ
Associate Justice

JAPAR B. DIMAAMPAO
Associate Justice

JOSE MIDAS P. MARQUEZ
Associate Justice

On Official Leave
ANTONIO T. KHO, JR.
Associate Justice

MARIA FILOMENA D. SINGH
Associate Justice