



Republic of the Philippines

Supreme Court
Baguio City

SUPREME COURT OF THE PHILIPPINES
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SECOND DIVISION

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**RENO R. GONZALES, JR. AND
ROBIN BRYAN F.
CONCEPCION,**

Complainants,

A.C. No. 10627 [from A.C. No. 6622]

Present:

- versus -

**ATTYS. SOCRATES RIVERA
AND CRES DAN BANGOY,**

Respondents.

LEONEN, S.A.J., Chairperson,
LAZARO-JAVIER,
M. LOPEZ,
J. LOPEZ, and
KHO, JR., JJ.

Promulgated:

APR 03 2024

[Signature]

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DECISION

KHO, JR., J.:

The instant administrative case stemmed from the Resolution¹ dated August 19, 2014 issued by the Court in A.C. No. 6622, entitled "*Manuel G. Villatuya v. Atty. Bede S. Tabalingcos (Villatuya v. Atty. Tabalingcos)*", which, among others, treated the *Letter-Request*² dated May 8, 2014 filed by complainants Reno R. Gonzales, Jr. and Bryan F. Concepcion (complainants) of Tan Venturaza and Valdez Law Office as a Complaint against respondents Attys. Socrates Rivera (Rivera) and Cres Dan Bangoy (Bangoy; collectively,

¹ *Rollo*, pp. 1-6. Penned by Clerk of Court Enriqueta E. Vidal.
² *Id.* at 7-10.

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respondents) for violation of Canon 9 of the Code of Professional Responsibility (CPR).

The Facts

In the July 10, 2012 Decision³ in *Villatuya v. Atty. Tabalingcos*, the Court disbarred Atty. Bede S. Tabalingcos (Tabalingcos) for engaging in Bigamy. Thereafter, the Court denied with finality Tabalingcos's Motion for Reconsideration in a Resolution dated August 28, 2012. Records revealed that Tabalingcos received a copy of the said Resolution on October 2, 2012.⁴ Despite his disbarment, however, it appears that Tabalingcos continued to perform acts that constituted the practice of law, specifically by filing, among others, motions for extension dated September 18, 2012 and October 18, 2012 in an administrative case before the Bangko Sentral ng Pilipinas (BSP), docketed as OSI-AC No. 2012-027 (BSP case). Thus, complainants filed the letter-request informing the Court of Tabalingcos's actions.⁵ They likewise requested the Court to investigate respondents, Tabalingcos's partners and associates, for possible violation of Canon 9⁶ of the CPR for allegedly assisting Tabalingcos, directly or indirectly, in his unauthorized practice of law.⁷

With respect to respondents, complainants particularly alleged that Bangoy, together with Tabalingcos, signed as counsel under the Tabalingcos and Associates Law Office the Motion for Extension of Time to File Memorandum⁸ dated October 18, 2012 filed in the BSP case, despite the latter's disbarment. Rivera, on the other hand, signed the *Notice of Change of Address*⁹ dated December 2, 2013 as co-counsel of Tabalingcos and Associates Law Office in the same BSP case.¹⁰ Moreover, complainants asserted that by respondents' act of signing the pleadings on behalf of the Tabalingcos and Associates Law Office, they misrepresented to the public that Tabalingcos was still authorized to practice law.¹¹

³ Not attached to the *rollo*.

⁴ *Rollo*, p. 1.

⁵ *Id.* at 1-2.

⁶ CANON 9 - A Lawyer shall not, directly, or indirectly, assist in the unauthorized practice of law.

Rule 9.01 - A lawyer shall not delegate to any unqualified person the performance of any task which by law may only be performed by a member of the bar in good standing.

Rule 9.02 - A lawyer shall not divide or stipulate to divide a fee for legal services with persons not licensed to practice law, except:

- (a) Where there is a pre-existing agreement with a partner or associate that, upon the latter's death, money shall be paid over a reasonable period of time to his estate or to persons specified in the agreement; or
- (b) Where a lawyer undertakes to complete unfinished legal business of a deceased lawyer; or
- (c) Where a lawyer or law firm includes non-lawyer employees in a retirement plan even if the plan is based in whole or in part, on a profit-sharing agreement.

⁷ *Rollo*, p. 2.

⁸ *Id.* at 14-16.

⁹ *Id.* at 36-37.

¹⁰ *Id.* at 7-8.

¹¹ *Id.* at 8.

In the said Resolution¹² dated August 19, 2014 issued by the Court in A.C. No. 6622, the Court found Tabalingcos guilty of unauthorized practice of law. The Court also treated complainants' letter-request as a complaint against respondents which was subsequently docketed as A.C. No. 10627. Thereafter, in a Resolution¹³ dated December 3, 2014, the Court required respondents to file their respective comments.

In compliance, Bangoy filed his Comment¹⁴ dated November 4, 2014 claiming that he was no longer an associate of Tabalingcos and Associates Law Office upon the finality of Tabalingcos's disbarment in October 2012. He explained that he left the law firm in August 2012 to establish his own law office "because of the Decision of the [Court] x x x in July 2012 Decision"¹⁵ that disbarred Tabalingcos. Moreover, he denied any knowledge or participation in: (a) Tabalingcos's unauthorized practice of law; (b) the cases Tabalingcos allegedly appeared as a counsel; and (c) the pleadings Tabalingcos purportedly signed. He thus, prayed that the case against him be dismissed for lack of merit.¹⁶ For his part, Rivera failed to file his comment.

In their Reply,¹⁷ complainants argued that Bangoy's defense is self-serving considering his failure to present any evidence with respect to his separation from the Tabalingcos and Associates Law Office, as well as his alleged independent practice. Further, they pointed out that the *Motion for Extension of Time to File Memorandum* signed by Bangoy in the BSP case was in fact filed two months after the latter learned of Tabalingcos's disbarment. For respondents, Bangoy's signature in said motion was a confirmation that: (i) he was still a practicing member of the law firm; (ii) he knew about the BSP case; (iii) he knew of Tabalingcos's continued unlawful practice of law; and (iv) he knew of the continuous use of his name by Tabalingcos's law firm.¹⁸ Finally, they averred that Rivera's failure to comment was an implied admission of his knowledge and consent to Tabalingcos's unauthorized practice of law.¹⁹

Thereafter, in view of Rivera's failure to file his comment, the Court issued a Resolution²⁰ dated July 30, 2018 requiring him to show cause why he should not be disciplinarily dealt with or held in contempt. This notwithstanding, Rivera still failed to file his comment and/or comply with the show cause Resolution. Thus, the Court issued a Resolution²¹ dated November 9, 2020: (1) imposing upon Rivera a fine of PHP 1,000.00 payable

¹² *Id.* at 1-6.

¹³ *Id.* at 39-40.

¹⁴ *Id.* at 43-47.

¹⁵ *Id.* at 44.

¹⁶ *Id.* at 43-46.

¹⁷ *Id.* at 76-80.

¹⁸ *Id.* at 76-77.

¹⁹ *Id.* at 78.

²⁰ *Id.* at 92.

²¹ *Id.* at 97. Penned by Division of Clerk of Court Teresita Aquino Tuazon.

to the Court within 10 days from notice, or imprisonment of five days if the fine is not paid within said period; and (2) requiring him to comply with the Court's directive to file his comment. To this date, Rivera has yet to comply with these directives; thus, the fine imposed in the November 9, 2020 Resolution stands.

Thereafter, the Court referred to the Office of the Bar Confidant (OBC) for appropriate action the failure of Rivera to pay the fine and file his comment as ordered by the Court.²²

The Report and Recommendation of the OBC

In a Report and Recommendation²³ dated December 23, 2022, the OBC recommended that: (a) Rivera be suspended from the practice of law for six months and pay the fine of PHP 1,000.00 imposed by the Court in the November 9, 2020 Resolution; and (b) the filing of Rivera's comment be dispensed with and that a penalty of fine in the amount of PHP 10,000.00 be imposed in view of his defiance of the Court's resolutions despite multiple notices. However, since Rivera has already been previously disbarred from the practice of law,²⁴ the penalty of suspension should be considered in the event that he would file for reinstatement.

The Court thereafter submitted the case directly for resolution,²⁵ without necessitating referral of the complaint to the OBC for investigation, report, and recommendation, in view of the extant facts and circumstances of the case. In this regard, the Court notes that to date, Rivera has not filed his Comment nor paid the fine of PHP 1,000.00 imposed by the Court in the November 9, 2020 Resolution.²⁶

The Issue Before the Court

The sole issue for the Court's resolution is whether grounds exist to hold respondents administratively liable in this case.

²² See Resolution dated November 10, 2021, *id.* at 99.

²³ *Id.* at 106–110.

²⁴ See *Reyes v. Rivera*, 887 Phil. 247 (2020) [Per Curiam, *En Banc*].

²⁵ See Section 30, Canon VI of A.M. No. 22-09-01-SC, or The Code of Professional Responsibility and Accountability, which states that: "In proceedings x x x commenced by complaint filed with the Supreme Court, the Supreme Court may refer the case for investigation, report and recommendation x x x" and thus, the referral is permissive and subject to the Court's discretion, not mandatory.

²⁶ See the Postmaster's Reply to the Court's Letter dated October 11, 2022 inquiring as to when the December 3, 2020 Notice addressed to Socrates Rivera was delivered. Per the Postmaster's Reply, the letter was delivered to the addressee's authorized agent, Mike Anthony Romero, on December 23, 2020 (*id.* at 101). Meanwhile, per the Certification dated December 12, 2022 of the Cash Collection and Disbursement Division -- FMBO, "no record of payment [has been] made by Socrates Rivera x x x x" (*id.* at 103).

The Court's Ruling

The Court resolves to: (a) adopt the findings and recommendation of the OBC with respect to Rivera's failure to pay the fine and file his comment, with modification; and (b) hold Bangoy administratively liable for assisting in unauthorized practice of law, as will be further discussed hereunder.

I.

At the outset, it is important to note that on April 11, 2023, the Court *En Banc* unanimously approved A.M. No. 22-09-01-SC or the "Code of Professional Responsibility and Accountability" (CPRA), repealing the CPR, Sections 20 to 37 of Rule 138, and Rule 139-B of the Rules of Court. Section 3 of the General Provisions of the CPRA states that it "shall take effect 15 calendar days after its publication in the Official Gazette or any newspaper of general circulation." The CPRA was published in the Philippine Star and Manila Bulletin on May 14, 2023 and hence, already effective on May 30, 2023.²⁷

In this relation, Section 1 of the General Provisions of the CPRA states that it "*shall be applied to all pending and future cases, except to the extent that in the opinion of the [Court], its retroactive application would not be feasible or would work injustice, in which case the procedure under which the cases were filed shall govern.*"

In view of the foregoing, the Court shall resolve this case under the framework of the CPRA, to the extent that it is applicable.

II.

A careful review of the records convinced the Court that Bangoy is guilty of *directly or indirectly, assisting in Tabalingcos's unauthorized practice of law.*²⁸

The term "practice of law" implies customarily or habitually holding oneself out to the public as a lawyer for compensation as a source of livelihood or in consideration of his services.²⁹ Holding one's self out as a lawyer may be shown by acts indicative of that purpose, such as identifying oneself as an attorney, or associating oneself as a partner of a law office for the general

²⁷ See *Request of the Public Attorney's Office to Delete Section 22, Canon III of the Proposed Code of Professional Responsibility and Accountability*, A.M. No. 23-05-05-SC [Per J. Gesmundo, *En Banc*].

²⁸ *Muntuerto v. Alberto*, A.C. No. 12289, April 2, 2019 [Per J. Bersamin, *En Banc*].

²⁹ See *Cambaliza v. Cristal-Tenorio*, 478 Phil. 378, 388 (2004) [Per J. Davide, Jr., *En Banc*].

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practice of law,³⁰ including the preparation of pleadings, and other papers incident to actions and special proceedings.³¹ A lawyer who has been disbarred but who nonetheless continues to perform these acts is guilty of unauthorized practice of law, and a lawyer who assists in such unauthorized practice of law is equally guilty of violation of the Lawyer's Oath and the CPRA.³²

In this case, it is undeniably clear that Bangoy knew that Tabalingcos was already disbarred and no longer authorized to practice law when he co-signed as counsel the *Motion for Extension of Time to File Memorandum*³³ in the BSP case. Despite his denial, the records and his own admission show that he knew about Tabalingcos's disbarment weeks before he supposedly left the Tabalingcos and Associates Law Office and at least two months prior to his co-signing the said motion in the BSP case.³⁴ This notwithstanding, he knowingly and willfully signed the motion together with Tabalingcos, effectively holding out to the public that they are authorized to represent their client and file said motion as regular members of the Philippine Bar in good standing even when Tabalingcos is not. Verily, Tabalingcos's act constituted unauthorized practice of law—as in fact found by the Court in the August 19, 2014—with which Bangoy knowingly and willingly participated in.

It is settled that the practice of law is a high personal privilege limited to citizens of good moral character, with special educational qualifications, duly ascertained and certified.³⁵ The purpose is to protect the public, the court, the client, and the bar from the incompetence or dishonesty of those unlicensed to practice law and not subject to the disciplinary control of the Court.³⁶ As such, it is a lawyer's duty to prevent, or at the very least not to assist in, the unauthorized practice of law.³⁷ A lawyer who assists and abets the unauthorized practice of law by a non-lawyer deliberately violates the Lawyer's Oath and transgresses the canons of the *Code of Professional Responsibility and Accountability*. He or she thereby manifests a lack of respect for the law and dishonesty and deserves to be severely punished.³⁸

³⁰ See *Cambaliza v. Cristal-Tenorio*, 478 Phil. 378, 388 (2004) [Per J. Davide, Jr., *En Banc*]; *Bonifacio v. Era*, 819 Phil. 170, 182 (2017) [Per J. Tijam, *En Banc*], citing *Noe-Lucsamana v. Bustamante*, 677 Phil. 1, 5 (2011) [Per J. Carpio, Second Division]. See also *Cavetano v. Monsod*, 278 Phil. 235 (1991) [Per J. Paras, *En Banc*].

³¹ *Bonifacio v. Era*, 819 Phil. 170, 180 (2017) [Per J. Tijam, *En Banc*], citing *Cavetano v. Monsod*, 278 Phil. 235 (1991) [Per J. Paras, *En Banc*].

³² See *Bonifacio v. Era*, 819 Phil. 170 (2017) [Per J. Tijam, *En Banc*].

³³ *Id.* at 14–16, particularly *id.* at 16.

³⁴ Bangoy's Comment, *rollo*, pp. 43–48, particularly p. 44.

³⁵ *Petelo v. Atty. Rivera*, A.C. No. 10408, October 16, 2019 [Per J. Hernando, Third Division].

³⁶ *Cambaliza v. Cristal-Tenorio*, 478 Phil. 378, 389 (2004) [Per J. Davide, Jr., *En Banc*].

³⁷ *Bonifacio v. Era*, 819 Phil. 170, 184 (2017) [Per J. Tijam, *En Banc*].

³⁸ *Muntuerto v. Alberto*, 850 Phil. 1139, 1142 (2019) [Per J. Bersamin, *En Banc*].

Section 27, Rule 138 of the Rules of Court provides that a lawyer may be disbarred or suspended by this Court for any of the following acts: (1) deceit; (2) malpractice; (3) gross misconduct in office; (4) grossly immoral conduct; (5) conviction of a crime involving moral turpitude; (6) violation of the Lawyer's Oath; (7) willful disobedience of any lawful order of a superior court; and (8) willfully appearing as an attorney for a party without authority to do so.

A member of the Bar found administratively liable for violating the lawyer's oath and/or breaching the ethics of the legal profession may be penalized, or even disbarred or suspended from his/her office as an attorney. The appropriate penalty on an errant lawyer depends on the exercise of sound judicial discretion based on the surrounding facts.³⁹

Under Canon VI of the CPRA, violation of Supreme Court rules and issuances in relation to Bar Matters and administrative disciplinary proceedings, including willful and deliberate disobedience of the orders of the Supreme Court constitute less serious offenses⁴⁰ which, under Section 37(b) thereof, would warrant the penalties of suspension from the practice of law, fine, or both:

SECTION 37. *Sanctions.* -

- (b) If the respondent is found guilty of a less serious offense, any of the following sanctions, or a combination thereof, shall be imposed:
- (1) Suspension from the practice of law for a period within the range of one month to six months, or revocation of notarial commission and disqualification as a notary public for less than two years;
 - (2) A fine within the range of PHP 35,000.00 to PHP 100,000.00.

In *Cambaliza v. Cristal-Tenorio*,⁴¹ the Court suspended therein respondent from the practice of law for six months for allowing two non-lawyers, one of them her husband, to hold themselves out as lawyers and senior partners in her law office. The same penalty was imposed in *Noe-Lacsamana v. Bustamante*,⁴² penned by Associate Justice Antonio T. Carpio, as well as in *Judge Laguindanum v. Quintana*,⁴³ penned by Associate Justice Reynato S. Puno. Accordingly, pursuant to case law, the Court suspends Bangoy from the practice of law for a period of six months.

³⁹ See *Jimenez v. Atty. Francisco*, 749 Phil. 551, 574 (2014) [Per J. Mendoza, Second Division].

⁴⁰ See Section 34(c), Canon VI of the CPRA.

⁴¹ 478 Phil. 378 (2004) [Per J. Davide Jr., First Division].

Note that in *Tapay v. Bancolo* 707 Phil. 1 (2013) [Per J. Carpio, Second Division], the Court imposed a one-year suspension from the practice of law. Meanwhile, in *Muntuerto v. Alberto* (A.C. No. 12289, April 2, 2021) [Per J. Bersamin, *En Banc*], the Court suspended respondent from the practice of law for five years who was guilty of, among others, assisting in the unauthorized practice of law. While in *Bonifacio v. Era* 819 Phil. 170 (2017) [Per J. Tijam, *En Banc*], the Court imposed a mere one-month suspension from the practice of law against therein respondent.

⁴² 677 Phil. 1 (2011) [Per J. Carpio, Second Division].

⁴³ 608 Phil. 727 (2009) [Per J. Puno, *En Banc*].

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III.

With respect to Rivera, however, the Court is not convinced that he should be held administratively liable for assisting in unauthorized practice of law for the mere act of signing the *Notice of Change of Address* as co-counsel of the Tabalingcos and Associates Law Office in the BSP case. As the Court discerns, Rivera had no power or authority to remove Tabalingcos and Associates Law Office as his co-counsel on record in the BSP case. Thus, he could have merely included the name Tabalingcos and Associates Law Office in said notice to state a matter of record.

Further, there appears to be no ethical compulsion for a lawyer to cause the removal of a disbarred lawyer from the name of a law firm which the former is a co-counsel of. While the Court, in the case of *Kimteng v. Atty. Young*,⁴⁴ penned by Associate Justice Marvic M.V.F. Leonen, ruled that the name of a disbarred lawyer cannot be retained in the firm's name as it may mislead the public into believing that the lawyer is still authorized to practice law, the Court held liable for contempt the other name partners of a law firm who exerted no effort to remove the name of an already disbarred name partner:

Walter T. Young (Atty. Young), Jovito Gambol (Atty. Gambol), and Dan Reynald Magat (Atty. Magat) are lawyers practicing under the firm, Young Revilla Gambol & Magat. They entered their appearance in the liquidation proceedings as counsels for the liquidator.

An Opposition was filed against the appearance of Young Revilla Gambol & Magat on the ground that Revilla was already disbarred in 2009.

x x x x petitioners David Yu Kimteng, Mary L. Yu, Winnie L. Yu, Vivian L. Yu, Rosa Gan, Lilian Chua Woo Yukimteng, Santos Yu, Marcelo Yu, and Sin Chiao Yu Lim filed this **Petition under Rule 71 to cite respondents Atty. Walter T. Young, Anastacio E. Revilla, Jr.,⁴⁵ Atty. Jovito Gambol, Atty. Dan Reynald R. Magat, and Judge Ofelia L. Calo in contempt.**⁴⁶

x x x x

From the time respondent Revilla was disbarred in 2009, it appears that no efforts were exerted to remove his name from the firm name. Thus, respondents Atty. Young and Atty. Magat are held liable for contempt of court.

x x x x

⁴⁴ 765 Phil. 926 (2015) [Per J. Leonen, Second Division].

⁴⁵ Anent Revilla's liability, the Court held "[p]etitioners included Revilla as a respondent, but they did not serve copies of the Petition and subsequent pleadings upon him. Respondent Revilla also did not receive a copy of this court's Resolution requiring respondents to comment. Thus, this court shall refrain from ruling upon respondent Revilla's liability."

⁴⁶ Meanwhile, as the Court directed, "[t]he Complaint against respondent Judge Ofelia L. Calo [was] re-docketed as an administrative matter."

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[Meanwhile,] [r]espondent Atty. Gambol filed a separate Comment, explaining that he dropped respondent Revilla's name from the firm name in the pleadings that he filed in several courts. x x x This court recognizes respondent Atty. Gambol's effort to avoid misleading the public by removing respondent Revilla's name in the pleadings he filed. Thus, the Complaint against him is dismissed. (Emphasis supplied)

Neither was there any substantial evidence in this case to demonstrate any act of active misrepresentation on the part of Rivera that is tantamount to aiding and abetting the unauthorized practice of law. In *Cambaliza*,⁴⁷ therein respondent was found by the Court guilty of assisting in unauthorized practice of law when she listed as senior partners in the letterhead of her law office the names of two persons who were non-lawyers. Likewise, in *Plus Builders, Inc. v. Revilla*,⁴⁸ the Court found respondent lawyer guilty of assisting in unauthorized practice of law when he held himself out as a law partner of the "KDC Legal Services, Law Offices and Associates" which was rendering legal services together with persons not licensed to practice law. Manifestly, the foregoing acts are clearly different from the mere act of signing a *Notice of Change of Address* as co-counsel of law firm whose name partner has been disbarred, as in this case.

Besides, it should be pointed out that a law office is a corporate entity composed of different individual members and has a separate personality from any of its name partners.⁴⁹ Accordingly, when a client engages a law office to represent him or her in a case, the law office is, technically speaking, considered as the client's counsel on record, and not the individual lawyers who are members thereof.⁵⁰ Therefore, the fact that a name partner is disbarred does not necessarily mean that the entire law office is unauthorized to practice law.

Nonetheless, the Court remains aware of Rivera's disregard of the present disbarment case against him and his repeated defiance of the Court's directives. His failure to comply with the directives to file a Comment and the show cause Resolution, as well as his failure to pay the fine imposed in the

⁴⁷ 478 Phil. 378 (2004) [Per J. Davide Jr., First Division].

Note that in *Tapay v. Bancoilo* (707 Phil. 1 (2013) [Per J. Carpio, Second Division]), the Court imposed a one-year suspension from the practice of law. Meanwhile, in *Muntuerto v. Alberto* (A.C. No. 12289, April 2, 2019 [Per J. Bersamin, *En Banc*]), the Court suspended respondent from the practice of law for five years who was guilty of, among others, assisting in the unauthorized practice of law. While in *Bonifacio v. Era* (819 Phil. 170 (2017) [Per J. Tijam, *En Banc*]), the Court imposed a mere one-month suspension from the practice of law against therein respondent.

⁴⁸ 533 Phil. 250 (2006) [Per J. Panganiban, *En Banc*].

⁴⁹ See *Saludo v. PNB*, G.R. No. 193138, August 20, 2018 [Per J. Jardeleza, First Division].

⁵⁰ See *Lucero v. NLRC*, 280 Phil. 238 (1991) [Per J. Medialdea, First Division] where the Court held that since "petitioner's counsel on record is the law firm itself and not only one of its lawyers", then "[i]f the lawyer who was assigned to handle the case became physically incapable to attend to it, x x x it is the duty and responsibility of the law firm, being the counsel on record, to be vigilant of the developments of its clients' cases. In *B.R. Sebastian Enterprises, Inc. v. Court of Appeals*, 282 Phil. 928 (1992) [Per J. Davide, Jr., Third Division], the Court ruled that since therein petitioner's counsel was the law firm of BAIZAS, ALBERTO & ASSOCIATES, the death of the lawyer handling the case did not extinguish the lawyer-client relationship between said firm and petitioner

November 9, 2020 Resolution, which remains unpaid, constitutes gross misconduct and insubordination or disrespect which, alone, can merit the penalty of disbarment.⁵¹ The Court defined gross misconduct as “any inexcusable, shameful, flagrant, or unlawful conduct on the part of the person concerned in the administration of justice which is prejudicial to the rights of the parties or to the right determination of a cause.”⁵² It is a “conduct that is generally motivated by a premeditated, obstinate, or intentional purpose.”⁵³

Under Canon VI of the CPRA, gross misconduct constitutes a serious offense which, under Section 37(a) thereof would warrant the penalties of disbarment, suspension from the practice of law, fine, or a combination thereof:

SECTION 37. Sanctions. —

- (a) If the respondent is found guilty of a serious offense, any of the following sanctions, or a combination thereof, shall be imposed:
- (1) Disbarment;
 - (2) Suspension from the practice of law for a period exceeding six months;
 - (3) Revocation of notarial commission and disqualification as notary public for not less than two years; or
 - (4) A fine not exceeding PHP 100,000.00.

In *Bernal Jr. v. Fernandez*,⁵⁴ the Court held that failure to comply with the Court’s directive to comment on a letter-complaint constitutes gross misconduct and insubordination, or disrespect. Similarly, in *Cuizon v. Macalino*,⁵⁵ the Court, in a *Per Curiam* ruling, held that as an officer of the court, it is a lawyer’s duty to uphold the dignity and authority of the court and that the highest form of respect for judicial authority is shown by a lawyer’s obedience to court orders and processes. Moreover, a lawyer who willfully disobeys a court order requiring him to do something may not only be cited and punished for contempt but may also be disciplined as an officer of the court.

On this score, the Court is cognizant of Rivera’s previous administrative cases which, to the Court’s mind, shows his propensity to disregard the CPR and violate the Lawyer’s Oath. In *Petelo v. Rivera*,⁵⁶ the Court suspended Rivera from the practice of law for a period of one year for allowing a non-lawyer to file an unauthorized civil complaint. In *Reyes v. Rivera* (A.C. No. 9114),⁵⁷ Rivera was disbarred, and his name was ordered stricken off the Roll of Attorneys for misrepresenting to have filed a petition

⁵¹ See *Yamon-Leach v. Astorga*, A.C. No. 5987, August 28, 2019 [*Per Curiam, En Banc*], citing *Krursel v. Atty. Abion*, 789 Phil. 584 (2016) [*Per Curiam, En Banc*]; *Sebastian v. Atty. Bajar*, *supra* note 14; *Cuizon v. Atty. Macalino*, 477 Phil. 569 (2004) [*Per J. Carpio, En Banc*]; and *Punla v. Maravilla-One*, 816 Phil. 776 (2017) [*Per Curiam, En Banc*].

⁵² See *Sebastian v. Bajar*, 559 Phil. 211, 224 (2007) [*Per J. Carpio, En Banc*].

⁵³ *Id.*

⁵⁴ 503 Phil. 26, 30 (2005) [*Per J. Carpio-Morales, Third Division*].

⁵⁵ 477 Phil. 569, 575 (2004) [*Per Curiam, En Banc*].

⁵⁶ A.C. No. 10408, October 16, 2019 [*Per J. Hernando, Third Division*].

⁵⁷ A.C. No. 9114, October 06, 2020 [*Per Curiam, En Banc*].

for declaration of nullity of marriage and furnishing his client with a fake decision despite due receipt of professional fees. And recently in *Professional Services, Inc. v. Rivera* (A.C. No. 11241), Rivera was found guilty of defrauding his client for which he was meted with the penalty of fine in the amount of PHP 100,000.00 in view of his previous disbarment in *Reyes v. Rivera*.⁵⁸

Under Section 42, Canon VI of the CPRA, when the respondent has been previously disbarred and is subsequently found guilty of a new charge which deserves the penalty of disbarment, it shall not be imposed but the penalty shall be recorded in the respondent's personal file in the Office of the Bar Confidant which shall be considered should the disbarred lawyer subsequently applies for judicial clemency.

The foregoing circumstances taken together, the Court deems it proper to impose upon respondent a penalty of fine in the amount of PHP 50,000.00.⁵⁹ Moreover, the Court resolves to reiterate the order issued by the Court in the Resolution⁶⁰ dated November 9, 2020 directing Rivera to pay a fine in the amount of PHP 1,000.00, which remains unpaid.

ACCORDINGLY, the Court finds respondents Socrates Rivera and Atty. Cres Dan Bangoy **GUILTY** of violating the Code of Professional Responsibility and Accountability. They are hereby meted the following penalty:

(a) As for Rivera, he is hereby **FINED** in the amount of PHP 50,000.00.

Further, the **ORDER** issued by the Court in the Resolution dated November 9, 2020 directing Rivera to **PAY** the fine in the amount of PHP 1,000.00 stands.

⁵⁸ A.C. No. 11241, November 3, 2020 [*Per Curiam, En Banc*].

⁵⁹ See *Yamon-Leach v. Astorga*, A.C. No. 5987, August 28, 2019 [*Per Curiam, En Banc*], wherein respondent was disbarred for his continued violation of the Lawyer's Oath and various provisions of the CPR, even after he was previously suspended from the practice of law; *Cuizon v. Atty. Macalino*, 477 Phil. 509 (2004) wherein respondent was disbarred for, among others, disobeying court orders; *Sebastian v. Bajar*, 559 Phil. 211 (2007) [*Per J. Carpio, En Banc*], wherein respondent was suspended from the practice of law for three years for gross misconduct and willful disobedience of the lawful orders of a superior court; *Bernal v. Fernandez*, 503 Phil. 26 (2005), wherein respondent was suspended from the practice of law for three months for willful failure to pay just debt and misconduct; *Punla v. Maravilla-One*, 816 Phil. 776 (2017) [*Per Curiam, En Banc*], wherein respondent was imposed a fine in the amount of PHP 40,000.00 in view of her disbarment in a previous administrative case, entitled *Suarez v. Maravilla-Ona*, 796 Phil. 27 (2016) [*Per Curiam, En Banc*]; *Professional Services, Inc. v. Rivera*, A.C. No. 11241, November 3, 2020 [*Per Curiam, En Banc*] wherein Rivera was meted with the penalty of fine in the amount of PHP 100,000.00, in lieu of disbarment for defrauding his client and because of his previous infractions. See also *San Jose Homeowners Association Inc. v. Romanillos*, 499 Phil. 99 (2005) [*Per Curiam, En Banc*] wherein respondent was disbarred for continuing using the title "judge" even after he had previously resigned from the judiciary in view of then pending administrative case against him, and also because of his previous infractions.

Meanwhile, in *Tan v. Sermonia*, 612 Phil. 314 (2009) [*Per J. Chico-Nazario, Third Division*]; and *Rio v. Capistrano*, A.C. No. 9855, June 17, 2019 [*First Division*], therein respondents were admonished for their repeated failure to comply with directive to file comment in the administrative case against them.

⁶⁰ *Id.* at 97.

(b) As for Atty. Bangoy, he is hereby **SUSPENDED** from the practice of law for six months effective immediately upon receipt of this Decision. Further, he is **STERNLY WARNED** that a repetition of the same offense or similar acts in the future shall be dealt with more severely.

The suspension from the practice of law shall take effect immediately upon receipt of this Decision. Atty. Bangoy is **DIRECTED** to immediately file a Manifestation to the Court that his suspension has started stating the exact date of receipt of this Decision, copy furnished all courts and quasi-judicial bodies where he has entered his appearance as counsel.

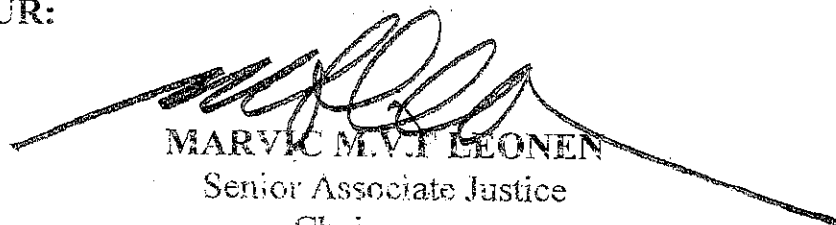
Let a copy of this Decision be entered in the personal records of Atty. Bangoy as a member of the Bar, and copies furnished the Office of the Bar Confidant, the Integrated Bar of the Philippines; and the Office of the Court Administrator, for circulation to all courts in the country.

After completing his suspension, Atty. Bangoy shall file with the Office of the Bar Confidant a Sworn Statement pursuant to Section 45 of the Code of Professional Responsibility and Accountability.

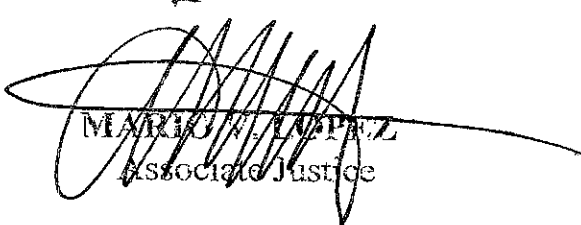
SO ORDERED.


ANTONIO T. KHO, JR.
Associate Justice

WE CONCUR:


MARVIC M.V.J. LEONEN
Senior Associate Justice
Chairperson


AMY C. LAZARO-JAVIER
Associate Justice


MARIO M. LOPEZ
Associate Justice


JOSEP T. LOPEZ
Associate Justice