

Republic of the Philippines  
Supreme Court  
Manila

EN BANC

IN RE: RESOLUTION DATED  
JUNE 26, 2024 OF THE  
SPECIAL THIRD DIVISION,  
THIS COURT, IN A.C. No.  
12472,

A.C. No. 14347

Present:

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

- versus -

ATTY. GERARDO  
WILFREDO L. ALBERTO,  
Respondent.

Promulgated:

February 4, 2026

X-----X

DECISION

*Per Curiam:*

## The Case

This case arose from a disbarment complaint filed by Atty. Gerardo Wilfredo L. Alberto (Atty. Alberto) against Atty. Chad Rodolfo M. Miel (Atty. Miel) on June 10, 2016 in CBD Case No. 16-4982.<sup>1</sup> The Integrated Bar of the Philippines (IBP) Commission on Bar Discipline (CBD) found that Atty. Alberto deliberately misled the IBP-CBD when he charged Atty. Miel with violation of Sections 74<sup>2</sup> and 75<sup>3</sup> of the Corporation Code<sup>4</sup> based, among others, on the

<sup>1</sup> *Atty. Alberto v. Atty. Miel*, A.C. No. 12472, August 7, 2019 [Notice, Third Division].

<sup>2</sup> Section 74. Books to be kept; stock transfer agent. – Every corporation shall keep and carefully preserve at its principal office a record of all business transactions and minutes of all meetings of stockholders or members, or of the board of directors or trustees, in which shall be set forth in detail the time and place of holding the meeting, how authorized, the notice given, whether the meeting was regular or special, if special its object, those present and absent, and every act done or ordered done at the meeting. Upon the demand of any director, trustee, stockholder or member, the time when any director, trustee, stockholder or member entered or left the meeting must be noted in the minutes; and on a similar demand, the yeas and nays must be taken on any motion or proposition, and a record thereof carefully made. The protest of any director, trustee, stockholder or member on any action or proposed action must be recorded in full on his demand.

The records of all business transactions of the corporation and the minutes of any meetings shall be open to inspection by any director, trustee, stockholder or member of the corporation at reasonable hours on business days and he may demand, in writing, for a copy of excerpts from said records or minutes, at his expense.

Any officer or agent of the corporation who shall refuse to allow any director, trustees, stockholder or member of the corporation to examine and copy excerpts from its records or minutes, in accordance with the provisions of this Code, shall be liable to such director, trustee, stockholder or member for damages, and in addition, shall be guilty of an offense which shall be punishable under Section 144 of this Code: Provided, That if such refusal is made pursuant to a resolution or order of the board of directors or trustees, the liability under this section for such action shall be imposed upon the directors or trustees who voted for such refusal: and Provided, further, That it shall be a defense to any action under this section that the person demanding to examine and copy excerpts from the corporation's records and minutes has improperly used any information secured through any prior examination of the records or minutes of such corporation or of any other corporation, or was not acting in good faith or for a legitimate purpose in making his demand.

Stock corporations must also keep a book to be known as the "stock and transfer book", in which must be kept a record of all stocks in the names of the stockholders alphabetically arranged; the installments paid and unpaid on all stock for which subscription has been made, and the date of payment of any installment; a statement of every alienation, sale or transfer of stock made, the date thereof, and by and to whom made; and such other entries as the by-laws may prescribe. The stock and transfer book shall be kept in the principal office of the corporation or in the office of its stock transfer agent and shall be open for inspection by any director or stockholder of the corporation at reasonable hours on business days.

No stock transfer agent or one engaged principally in the business of registering transfers of stocks in behalf of a stock corporation shall be allowed to operate in the Philippines unless he secures a license from the Securities and Exchange Commission and pays a fee as may be fixed by the Commission, which shall be renewable annually: Provided, That a stock corporation is not precluded from performing or making transfer of its own stocks, in which case all the rules and regulations imposed on stock transfer agents, except the payment of a license fee herein provided, shall be applicable.

<sup>3</sup> Section 75. Right to financial statements. – Within ten (10) days from receipt of a written request of any stockholder or member, the corporation shall furnish to him its most recent financial statement, which shall include a balance sheet as of the end of the last taxable year and a profit or loss statement for said taxable year, showing in reasonable detail its assets and liabilities and the result of its operations.

At the regular meeting of stockholders or members, the board of directors or trustees shall present to such stockholders or members a financial report of the operations of the corporation for the preceding year, which shall include financial statements, duly signed and certified by an independent certified public accountant.

However, if the paid-up capital of the corporation is less than P50,000.00, the financial statements may be certified under oath by the treasurer or any responsible officer of the corporation.

<sup>4</sup> Batas Pambansa Blg. 68 (1980), as amended by Republic Act. No. 11232 (2019).

factual allegations contained in two criminal complaints which turned out to have already been long dismissed.<sup>5</sup>

In its Report and Recommendation dated June 29, 2017, the IBP-CBD recommended that the charges against Atty. Miel be dismissed for lack of merit. It was established that the City Prosecutor's Office of Mandaluyong City had issued two resolutions finding that Atty. Miel did not violate Sections 74 and 75 of the Corporation Code. However, at the time Atty. Alberto filed the disbarment complaint against Atty. Miel, Atty. Alberto deliberately concealed these resolutions and misled the IBP-CBD by citing the already-dismissed criminal complaints as part of the bases of the disbarment complaint.<sup>6</sup>

Verily, the IBP-CBD found that for his deception and dishonesty, Atty. Alberto violated Canon 10 of the Code of Professional Responsibility (CPR) for Lawyers ordaining that a lawyer "owes candor, fairness and good faith to the court," in relation to Rule 10.01 directing that a lawyer shall "not do any falsehood, nor consent to the doing of any in court; nor shall he mislead, or allow the Court to be misled by any artifice." The IBP-CBD recommended his suspension from the practice of law for six months.<sup>7</sup>

Further, the IBP-CBD found Atty. Alberto guilty of forum shopping when after not getting his way at the City Prosecutor's Office, he resorted to a complaint for disbarment, an underhanded attempt to manipulate legal procedures.<sup>8</sup>

The relevant portions of the Report and Recommendation of the IBP-CBD state:

What is disconcerting to this Office is that at the time of the filing of this complaint for disbarment on June 10, 2016, these two dismissals were concealed by Complainant, instead, he misled this Office by citing these two (already dismissed) criminal complaints as part basis of this complaint for disbarment. Complainant is grievously less than candid in his narration of facts and in fact, to our mind, he vainly and intentionally hid these dismissals. He is grossly guilty of forum shopping when after not getting his way at the prosecutor's office, he resorted to this complaint for disbarment.

This is an underhanded attempt [sic] manipulate legal procedures.

We concur with the two resolutions of the City Prosecutors of Mandaluyong City that Atty. Miel did not violate the provisions of Sections 74 and 75 of the Corporation Code. On the other hand, we find the actuation of the Complainant to be dishonest and deceitful and a violation of Canon

<sup>5</sup> *Rollo*, pp. 9-10.

<sup>6</sup> *Id.* at 9.

<sup>7</sup> *Id.* at 10.

<sup>8</sup> *Id.* at 9-10.



10 of the Code of Professional Responsibility for Lawyers which states that “(a) lawyer owes candor, fairness and good faith to the court,” in relation to Rule 10.01 which says that “(a) lawyer shall not do any falsehood, nor consent to the doing of any in court; nor shall he mislead, or allow the Court to be misled by any artifice.

While this Office of the Commission on Bar Discipline is not a court of law, it draws its authority to investigate from the power granted to it by the Supreme Court, and so by inference, candor and honesty are demanded of all who seek the redress of grievance before it. Sadly, the Complainant does not measure up to the demands of the ethics of the legal profession.

WHEREFORE, it is respectfully recommended that this complaint [sic] Atty. Chad Rodolfo M. Miel be dismissed for lack of merit.

Further, it is recommended that for his dishonest and deceitful conduct, Complainant Atty. Gerardo Wilfredo L. Alberto be suspended from the practice of law for six (6) months.<sup>9</sup>

In its Resolution dated May 19, 2018, the IBP Board of Governors (BOG) adopted the recommendation of the IBP-CBD to dismiss the case against Atty. Miel. But as for Atty. Alberto, on considerations of due process, the IBP-BOG resolved to refer back the case against him to the IBP-CBD for investigation, viz.:

RESOLVED to ADOPT the findings of fact and recommendation of the Investigating Commissioner, with modification, to DISMISS the case against Respondent. However, as to the recommendation against Complainant, the same is SET ASIDE and that the charge against him is hereby REFERRED to the Commission on Bar Discipline for investigation to afford him his right to due process.<sup>10</sup>

Under Resolution<sup>11</sup> dated August 7, 2019, in A.C. No. 12472, the Supreme Court First Division adopted the foregoing factual findings, legal conclusions, and recommendation, in this wise:

This Court notes the May 19, 2018 Resolution of the Integrated Bar of the Philippines Board of Governors, which adopted with modifications the findings of fact and recommendation of the Investigating Commissioner in his June 29, 2017 Report and Recommendation to dismiss the Complaint against respondent Atty. Chad Rodolfo M. Miel. In its Resolution, the Board of Governors resolved to set aside the recommendation to suspend complainant Atty. Gerardo Wilfredo L. Alberto from the practice of law for six (6) months and refer the case to the Commission on Bar Discipline for investigation to afford him his right to due process.

This Court adopts and approves the findings of fact, conclusions of law, and recommendation of the Investigating Commissioner as adopted by the Board of Governors. We set aside the recommendation to suspend

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

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

<sup>11</sup> *Atty. Alberto v. Atty. Miel*, A.C. No. 12472, August 7, 2019 [Notice, Third Division].



complainant from the practice of law for six (6) months. To afford him his right to due process, we refer the charge against him to the Commission on Bar Discipline for investigation.

**WHEREFORE**, this Court resolves to **DISMISS** the Complaint against respondent Atty. Chad Rodolfo M. Miel. The recommendation to suspend complainant Atty. Gerardo Wilfredo L. Alberto from the practice of law for six (6) month is **SET ASIDE** and the charge against him is **REFERRED** to the Commission on Bar Discipline for investigation to afford him his right to due process.<sup>12</sup> (Emphasis in the original)

In compliance with the aforesaid ruling, on February 3, 2020, the IBP-CBD issued a Notice of Mandatory Conference, with a directive for the parties to file their respective pre-conference briefs. As it turned out, only Atty. Miel filed his pre-conference brief. Atty. Alberto did not.<sup>13</sup>

Meantime, the Covid-19 pandemic struck. As a result, travel restrictions were imposed in areas under community quarantine, causing physical mandatory conference unworkable.<sup>14</sup>

By the Order dated August 18, 2020, the IBP-CBD directed the parties to submit their official email addresses and contact numbers, for purposes of conducting online video mandatory conference. They were also given the option to waive the conduct of mandatory conference and to proceed with the submission of their respective position papers, by filing their respective manifestations through conventional and electronic mode.<sup>15</sup>

On November 18, 2020, Atty. Miel manifested his willingness to waive the mandatory conference and to proceed with the submission of position papers. But again, nothing was heard from Atty. Alberto. By the Order dated March 23, 2021, the IBP-CBD required the parties to submit via conventional and electronic mail their respective verified position papers with attachments, if any, within a non-extendible period of 10 days from receipt of notice. As what happened before, only Atty. Miel submitted his position paper; Atty. Alberto did not.<sup>16</sup>

### **Report and Recommendation of the IBP-CBD**

In its Report and Recommendation<sup>17</sup> dated April 15, 2022, the IBP-CBD recommended that Atty. Alberto be indefinitely suspended from the practice of law for his dishonest and deceitful conduct in not disclosing that the criminal charges he recycled against Atty. Miel were already dismissed by

---

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

<sup>13</sup> *Rollo*, p. 8.

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

<sup>15</sup> *Id.* at 8–9.

<sup>16</sup> *Id.* at 9.

<sup>17</sup> *Id.* at 8–13.

the City Prosecutor's Office. His liability was found to have been aggravated by his repeated failure to comply with its various directives.<sup>18</sup>

### Report and Recommendation of the IBP Board of Governors

On September 1, 2022, the IBP-BOG issued its Resolution<sup>19</sup> which approved and adopted the aforesaid Report and Recommendation to impose on Atty. Alberto the penalty of indefinite suspension, and fine in the amount of PHP 5,000.00 for each count of disobedience or a total of PHP 10,000.00, viz.: (1) failure to attend the Mandatory Conference, and (2) failure to file a position paper. Thus:

RESOLVED, to NOTE and AGREE with the action of the Commission on Bar Discipline (CBD) of the Integrated Bar of the Philippines (IBP) to proceed with the investigation of this case, without being oblivious of the Supreme Court's decision in the cases entitled "*Spouses Edwin B. Buffe and Caren M. Silverio-Buffe v. Sec. Raul M. Gonzales et al.*, A.C. No. 8168, [October 12, 2016], and *Eduardo R. Alicias, Jr. v. Atty. Myrna V. Macatangay et al.*", A.C. No. 7478, [January 11, 2017] ruling that the IBP has no jurisdiction to entertain a disciplinary case against certain government lawyers if the acts complained of relate to the discharge of the official functions of such lawyers, considering that the Supreme Court had, through a resolution dated [August 7, 2019], specifically required the IBP to investigate and submit its recommendation in the instant case;

RESOLVED, to APPROVE and ADOPT, as it is hereby APPROVED and ADOPTED, the Report and Recommendation of the Investigating Commissioner (IC) to impose upon Respondent Atty. Gerardo Wilfredo L. Alberto the penalty of **INDEFINITE SUSPENSION**; and

RESOLVED FURTHER, to recommend the imposition upon Respondent Atty. Gerardo Wilfredo L. Alberto of a **FINE** in the amount of [PHP]5,000.00 each for disobeying the directives of the IC, i.e., - i) failure to attend the Mandatory Conference, and ii) failure to file a Position Paper, or a **total of Ten Thousand Pesos [PHP] 10,000.00.**<sup>20</sup> (Emphasis in the original)

### Our Ruling

The Court adopts the factual findings and legal conclusions of the IBP-BOG, but imposes the maximum penalty of disbarment on Atty. Alberto.

On April 11, 2023, the Court promulgated the Code of Professional Responsibility and Accountability (CPRA).<sup>21</sup> While it took effect only on May 29, 2023, its provisions shall apply to all pending and future cases, except

<sup>18</sup> *Id.* at 11.

<sup>19</sup> *Id.* at 6-7.

<sup>20</sup> *Id.*

<sup>21</sup> CODE OF PROFESSIONAL RESPONSIBILITY AND ACCOUNTABILITY, A.M. No. 22-09-01-SC, *See also* OCA Circular No. 200-2023, May 19, 2023.

to the extent that retroactive application would not be feasible or would work injustice, in which case the procedure under which the cases were filed shall govern.<sup>22</sup>

Here, the disbarment complaint filed by Atty. Alberto based on false accusations was filed on June 10, 2016, when CPR was still in effect.<sup>23</sup> Under the CPR, acts of deception and misrepresentation when aggravated by prior derogatory disciplinary record and blatant disregard of the orders of the Court and IBP, constitute grounds for disbarment.<sup>24</sup> The same holds true under the CPRA. Likewise, the acts constituting the infractions committed by Atty. Alberto which are punishable under CPR are likewise punishable under the CPRA. Thus, the application of CPRA to the present case, in lieu of the old CPR, cannot be said to be unduly prejudicial to Atty. Alberto.

CPRA prohibits lawyers from engaging in deceitful conduct such as making false or misleading statements, viz.:

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 8. *Prohibition against misleading the court, tribunal, or other government agency.* — A lawyer shall not misquote, misrepresent, or mislead the court as to the existence or the contents of any document, argument, evidence, law, or other legal authority, or pass off as one's own the ideas or words of another, or assert as a fact that which has not been proven.

.....

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.

---

<sup>22</sup> CODE OF PROFESSIONAL RESPONSIBILITY AND ACCOUNTABILITY, General Provisions, sec. 1.

<sup>23</sup> *Rollo*, p. 9.

<sup>24</sup> *Rubio v. Caoibes, Jr.*, 931 Phil. 718, 741 (2022) [*Per Curiam, En Banc*].



A lawyer shall correct false or inaccurate statements and information made in relation to an application for admission to the bar, any pleading, or any other document required by or submitted to the court, tribunal or agency, as soon as its falsity or inaccuracy is discovered or made known to him or her.

In disbarment proceedings, the quantum of proof is substantial evidence.<sup>25</sup> Here, there is substantial evidence<sup>26</sup> that Atty. Alberto misled the IBP-CBD into believing that there were two existing criminal complaints against Atty. Miel for violation of provisions of the Corporation Code, when in fact he knew perfectly well that these two criminal complaints were already dismissed with finality by the City Prosecutor's Office of Mandaluyong City. The IBP-CBD itself narrated that Atty. Alberto was "grievously less than candid in his narration of facts,"<sup>27</sup> and to its mind, "he vainly and intentionally hid these dismissals."<sup>28</sup> He is therefore guilty of *serious dishonesty under Canon II, Sections 1, 8, and 11, of the CPRA*. It shows his moral depravity to lie and deceive, in order to cause the disbarment of Atty. Miel.

In *Pancrudo v. Cajés, Jr.*,<sup>29</sup> citing *Office of the Ombudsman v. Espina*,<sup>30</sup> the Court had the occasion to expound on the concept of dishonesty, viz.:

[D]ishonesty, which is defined as the "disposition to lie, cheat, deceive, or defraud; untrustworthiness, lack of integrity," is classified in three (3) gradations, namely: serious, less serious, and simple. *Serious dishonesty comprises dishonest acts*: (a) causing serious damage and grave prejudice to the government; (b) directly involving property, accountable forms or money for which respondent is directly accountable and the respondent shows an intent to commit material gain, graft and corruption; (c) *exhibiting moral depravity on the part of the respondent*; (d) involving a Civil Service examination, irregularity or fake Civil Service eligibility such as, but not limited to, impersonation, cheating and use of crib sheets; (e) committed several times or in various occasions; (f) committed with grave abuse of authority; (g) *committed with fraud and/or falsification of official documents relating to respondent's employment*; and (h) *other analogous circumstances*. A dishonest act without the attendance of any of these circumstances can only be characterized as simple dishonesty. In between the aforesaid two forms of dishonesty is less serious dishonesty which obtains when: (a) the dishonest act caused damage and prejudice to the government which is not so serious as to qualify as serious dishonesty; (b) the respondent did not take advantage of his/her position in committing the dishonest act; and (c) other analogous circumstances.<sup>31</sup> (Emphasis supplied)

<sup>25</sup> *Belen v. Atty. Exconde*, A.C. No. 9358, October 4, 2023 [Notice, First Division].

<sup>26</sup> That amount of relevant evidence which a reasonable mind might accept as adequate to justify a conclusion. See *Partsch v. Atty. Vitorilio*, 919 Phil. 32, 38 (2022) [Per J. Hernando, *En Banc*], citing *Spouses Nocuenca v. Bensi*, 870 Phil. 430, 437 (2020) [Per J. Hernando, Second Division].

<sup>27</sup> *Rollo*, p. 9.

<sup>28</sup> *Id.*

<sup>29</sup> A.C. No. 11090, July 3, 2023 [Notice, First Division].

<sup>30</sup> 807 Phil. 529 (2017) [*Per Curiam*, First Division].

<sup>31</sup> *Id.* at 541-542.

Serious dishonesty is classified as a serious offense under Canon VI, Section 33 of the CPRA, and 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 years; or (d) a fine exceeding PHP 100,000.00.<sup>32</sup>

In Canon VI, Section 38(b) of the CPRA, the Court may, in its discretion, appreciate the following aggravating circumstances:

- (1) *Finding of previous administrative liability where a penalty is imposed, regardless of nature or gravity;*
- (2) Age;
- (3) Number of years in the practice of law;
- (4) Employment of fraudulent means to conceal the offense;
- (5) Respondent's act or omission was tainted with bad faith or malice, except when it is an element of the offense;
- (6) *Lack of remorse;*
- (7) *Failure to comply with the orders of the Court and the IBP in relation to an administrative case;* and
- (8) Other analogous circumstances. (Emphasis supplied)

Canon VI, Section 39 of the CPRA states that if one or more aggravating circumstances and no mitigating circumstances are present, the Court may impose the penalties of suspension or fine for a period or amount not exceeding double of the maximum prescribed. Too, the Court may, in its discretion, impose the penalty of *disbarment* depending on the number and gravity of the aggravating circumstances.

Here, the aggravating circumstances listed in Canon VI, Section 38(b) specifically paragraphs (1), (6), and (7) of the CPRA are present. Evidently, Atty. Alberto never appeared nor filed any pleading, motion, or compliance during the proceedings before the IBP-CBD. His inexplicable failure to submit his pre-conference brief, position paper and compliance with the directives of the IBP-CBD constitute willful disobedience directed not only against it, but against the Court itself. Hence, he is also guilty of violating Canon III (Fidelity), Sections 2 and 7 of the CPRA:

SECTION 2. *The responsible and accountable lawyer.* — A lawyer shall uphold the constitution, obey the laws of the land, promote respect for laws and legal processes, safeguard human rights, and at all times advance the honor and integrity of the legal profession.

As an officer of the court, a lawyer shall uphold the rule of law and conscientiously assist in the speedy and efficient administration of justice.

.....

---

<sup>32</sup> CODE OF PROFESSIONAL RESPONSIBILITY AND ACCOUNTABILITY, Canon VI, sec. 37(a).

SECTION 7. *Prohibition against frivolous suits and abuse of court processes.* — A lawyer shall not:

- (a) file or encourage the filing of any suit or proceeding not authorized by law or jurisprudence and without any evidentiary support;
- (b) unduly impede the execution of an order or judgment which is warranted;  
or
- (c) abuse court processes.

Indeed, lawyers are called upon to obey court orders and processes, and willful disregard thereof will subject the lawyer not only to punishment for contempt, but to disciplinary sanctions as well. In fact, graver responsibility is imposed upon a lawyer than any other to uphold the integrity of the courts and to show respect to their processes.<sup>33</sup>

### *Finding of previous administrative liability*

#### **1. Supreme Court *En Banc* in A.C. No. 12289 dated April 2, 2019 (*Atty. Muntuerto, Jr. v. Atty. Alberto*)<sup>34</sup>**

In the aforesaid case, Atty. Alberto was found to have violated the Lawyer's Oath and the CPR by: (a) notarizing documents without having been issued a notarial commission; (b) allowing a non-lawyer to sign a motion filed in court, despite it being his (Atty. Alberto's) responsibility as the attorney of record; (c) repeatedly failing to indicate his Mandatory Continuing Legal Education compliance number in his pleadings. Additionally, Atty. Alberto also exhibited defiance towards the IBP's directives by failing to file his answer and his verified position paper despite being required to do so. He further disregarded the proceedings by failing to attend the mandatory conference despite notice. For these infractions, the Court *En Banc* suspended Atty. Alberto from the practice of law for five years, viz.:

**WHEREFORE**, the Court **SUSPENDS** respondent **ATTY. GERARDO WILFREDO L. ALBERTO** from the practice of law for five (5) years effective upon receipt of this decision; **PERMANENTLY BARS** him from being commissioned as Notary Public in the Philippines effective upon his receipt of this decision; and **STERNLY WARNS** him that a stiffer penalty will be imposed should he commit a similar offense hereafter.

Let this decision be attached to the records of **ATTY. GERARDO WILFREDO L. ALBERTO** in the Office of the Bar Confidant and the Integrated Bar of the Philippines; and be furnished to the Office of the Court Administrator for proper dissemination to all courts throughout the country.

<sup>33</sup> *Sebastian v. Atty. Bajar*, 559 Phil. 211, 224 (2007) [Per J. Carpio, *En Banc*].

<sup>34</sup> 850 Phil. 1139 (2019) [Per C.J. Bersamin, *En Banc*].



**SO ORDERED.**<sup>35</sup> (Emphasis in the original)

**2. Supreme Court Second Division in A.C. No. 6766 dated August 4, 2021 (*Anacay v. Atty. Alberto*)**<sup>36</sup>

The Court's Second Division found Atty. Alberto liable for deceitful conduct when, on several occasions, he obtained loans from his client who happened to be an elderly blind man. By way of guile and trickery, he extracted money from his client purportedly to be used for payment of filing fee of a criminal complaint and/or personal loan. Worse, Atty. Alberto failed to return the amounts despite numerous demands from his client.

When the complaint was filed, the Court required Atty. Alberto to file his Comment, but he ignored the same. The Court issued another Resolution requiring Atty. Alberto to show cause why he should not be held in contempt of court for failure to file the required Comment, and to comply with the previous Resolution; but he again did not comply. When the Court imposed a fine of PHP 1,000.00, still, he did not pay the fine. Thus, in a Resolution dated July 8, 2009, the Court directed the Director of the National Bureau of Investigation (NBI) to arrest and detain Atty. Alberto for five days and until the latter shall have complied with the Court's previous Resolutions. On September 9, 2009, Atty. Alberto was arrested and detained at the NBI-Tagaytay, Cavite District Office. On September 10, 2009, he submitted his Manifestation of Compliance with Motion to Lift Warrant of Arrest and/or Motion for Release upon Own Recognizance or of Counsel, and later filed his Comment.<sup>37</sup>

The Court's Second Division suspended Atty. Alberto from the practice of law for two years, viz.:

**WHEREFORE**, respondent Atty. Gerardo Wilfredo L. Alberto is **SUSPENDED** for a period of **TWO (2) YEARS** from the practice of law with a **STERN WARNING** that a repetition of any of the offenses involved in this case or a commission of similar acts will merit a more severe penalty. Respondent is also **DIRECTED** to inform this Court of the date of his receipt of this Decision to determine the reckoning point of the effectivity of his suspension.

Let a copy of this Decision be made part of respondent's records in the Office of the Bar Confidant, and copies be furnished the Integrated Bar of the Philippines and the Office of the Court Administrator for circulation to all courts.

**SO ORDERED.**<sup>38</sup> (Emphasis in the original)

<sup>35</sup> *Id.* at 1151.

<sup>36</sup> 909 Phil. 373 (2021) [Per J. Gaerlan, Second Division].

<sup>37</sup> *Id.* at 374-375.

<sup>38</sup> *Id.* at 381-382.



Verily, Atty. Alberto's underhanded tactics and sly manipulations coupled with his blatant and repeated disregard of the orders of the Court and the IBP, clearly transgressed the lines of propriety and have no redeeming value whatsoever.

Atty. Alberto has relentlessly brought embarrassment and dishonor to the legal profession. He had been sternly warned that a similar violation would merit a more severe penalty, yet, his palpable disregard of the orders of the Court and the IBP persisted. At this point, the Court cannot turn a blind eye on Atty. Alberto's unfortunate lack of remorse and abject arrogance as evinced by his constant deceitful conduct, and disobedience of the notices and orders of the Court and the IBP. Disbarment, no less, is warranted under the circumstances.


**ACCORDINGLY**, the Court finds respondent Atty. Gerardo Wilfredo L. Alberto **GUILTY** of violation of Canon II (Propriety), Sections 1, 8, and 11, as well as Canon III (Fidelity), Sections 2 and 7 of the Code of Professional Responsibility and Accountability. He is **DISBARRED** from the practice of law and his name is **ORDERED STRICKEN OFF** from the Roll of Attorneys.

This Decision takes effect immediately. Respondent Atty. Gerardo Wilfredo L. Alberto is ordered to inform this Court and the Office of the Bar Confidant in writing of the date he is notified hereof.

Let a copy of this Decision be furnished to the Office of the Bar Confidant to be entered into respondent Atty. Gerardo Wilfredo L. Alberto's records. Copies shall likewise be furnished to the Integrated Bar of the Philippines and the Office of the Court Administrator for circulation to all courts throughout the country for their information and guidance.


**SO ORDERED.**

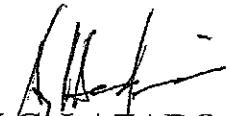
**WE CONCUR:**


  
ALEXANDER G. GESMUNDO  
*Chief Justice*

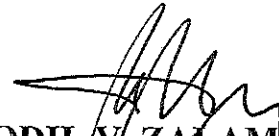
  
MARVIC M.V.F. LEONEN  
*Associate Justice*

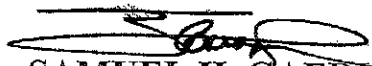
  
ALFREDO BENJAMIN S. CAGUIOA  
*Associate Justice*

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

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

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


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

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

  
**RICARDO R. ROSARIO**  
*Associate Justice*

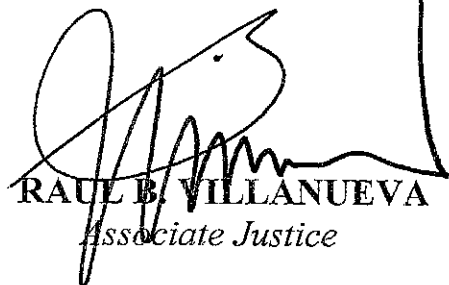
  
**JHOSEP V. LOPEZ**  
*Associate Justice*

  
**JAPAR B. DIMAAMPAO**  
*Associate Justice*

  
**JOSE MIDAS P. MARQUEZ**  
*Associate Justice*

  
**ANTONIO T. KHO, JR.**  
*Associate Justice*

  
**MARIA FILOMENA D. SINGH**  
*Associate Justice*

  
**RAUL B. VILLANUEVA**  
*Associate Justice*