

792 Phil. 626

EN BANC

[A.C. No. 11350 [Formerly CBD Case No. 14-4211]. August 09, 2016]

ADEGOKE R. PLUMPTRE, COMPLAINANT, VS. ATTY. SOCRATES R. RIVERA, RESPONDENT.

RESOLUTION

PER CURIAM:

This resolves a disbarment case against respondent Atty. Socrates R. Rivera for absconding with money entrusted to him and soliciting money to bribe a judge.

On May 13, 2014, complainant Adegoke R. Plumptre filed a complaint for disbarment^[1] against respondent before the Integrated Bar of the Philippines.

Complainant alleges that on March 7, 2014, he called respondent and asked for help in his application for a work permit from the Bureau of Immigration.^[2] They met a few days later, and complainant paid respondent P10,000.00 as professional fee.^[3]

They met again, and complainant gave respondent another P10,000.00, together with his passport. This was allegedly for the processing of his work permit.^[4]

They met for a third time since respondent asked complainant to submit ID photos.^[5] Respondent asked complainant for another P10,000.00, but complainant refused as they only agreed on the amount of P20,000.00.^[6]

Respondent also asked complainant for P8,000.00, allegedly for complainant's other case, which respondent was also working on.^[7] He explained that P5,000.00 would be given to a Las Piñas judge to reverse the motion for reconsideration against complainant, while P3,000.00 would be used to process the motion for reconsideration. Complainant gave him the P8,000.00.^[8]

Complainant claims that after respondent received the money, he never received any

updates on the status of his work permit and pending court case.^[9] Further, whenever he called respondent to follow up on his work permit, respondent hurled invectives at him and threatened him and his wife.^[10]

Complainant would retort by saying that he would file complaints against respondent if he did not give back the money and passport. That was the last time complainant heard from respondent.^[11]

After inquiring and researching on respondent's whereabouts,^[12] complainant was able to track down respondent and get back his passport, which respondent coursed through complainant's aunt.^[13] However, despite the return of complainant's passport, respondent still refused to return the P28,000.00 earlier endorsed to him.^[14]

Complainant then decided to file a complaint against respondent before the Integrated Bar of the Philippines.^[15]

On May 14, 2014, the Integrated Bar of the Philippines issued the Order^[16] directing respondent to file an answer to the complaint.

Respondent failed to show up at the September 17, 2014 mandatory conference,^[17] as well as at the second mandatory conference set on October 22, 2014.^[18] The parties were directed to submit their verified position papers, after which the case was submitted for resolution.^[19]

On May 27, 2015, the Investigating Commissioner recommended respondent's suspension for two (2) years from the practice of law and return of P28,000.00 to complainant.^[20]

On June 20, 2015, the Integrated Bar of the Philippines Board of Governors adopted and approved^[21] the Investigating Commissioner's recommendation, but modified it to disbar respondent from the practice of law, thus:

*RESOLVED to ADOPT and APPROVE, as it is hereby ADOPTED and APPROVED, **with modification**, the Report and Recommendation of the Investigating Commissioner in the above-entitled case, herein made part of this Resolution as Annex "A ", for Respondent's violation of Canon 1, Canon 7, Canon 16, Rule 16.01, Canon 17 and Rule 18.04 of the Code of Professional Responsibility, aggravated by his failure to file Answer and to appear in the Mandatory Conference. Thus, Atty. Socrates R. Rivera is hereby **DISBARRED from the***

practice of law and his name stricken off from the Roll of Attorneys and Ordered to Return the Twenty Eight Thousand (P28,000.00) Pesos to Complainant.^[22] (Emphasis in the original)

On April 20, 2016, the Integrated Bar of the Philippines transmitted the case to this Court for final action under Rule 139-B of the Rules of Court.^[23]

This Court modifies the findings of the Board of Governors.

I

Respondent's repeated failure to comply with several Resolutions of the Integrated Bar of the Philippines requiring him to comment on the complaint lends credence to complainant's allegations. It manifests his tacit admission. Hence, we resolve this case on the basis of the complaint and other documents submitted to the Integrated Bar of the Philippines.

In *Macarilay v. Serina*,^[24] this Court held that "[t]he unjustified withholding of funds belonging to the client warrants the imposition of disciplinary action against the lawyer."^[25] By absconding with the money entrusted to him by his client and behaving in a manner not befitting a member of the bar, respondent violated the following Canons of the Code of Professional Responsibility:

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

....

CANON 7 - A lawyer shall at all times uphold the integrity and dignity of the legal profession, and support the activities of the integrated bar.

....

CANON 16 - A lawyer shall hold in trust all moneys and properties of his client that may come into his possession.

Rule 16.01. - A lawyer shall account for all money or property collected or received for or from the client.

....

CANON 17 - A lawyer owes fidelity to the cause of his client and he shall be mindful of the trust and confidence reposed in him.

....

CANON 18 - A lawyer shall serve his client with competence and diligence.

....

Rule 18.03. - A lawyer shall not neglect a legal matter entrusted to him, and his negligence in connection therewith shall render him liable.

Rule 18.04. - A lawyer shall keep his client informed of the status of his case and shall respond within a reasonable time to the clients request for information.

As his client's advocate, a lawyer is duty-bound to protect his client's interests and the degree of service expected of him in this capacity is his "entire devotion to the interest of the client, warm zeal in the maintenance and defense of his rights and the exertion of his utmost learning and ability."^[26] The lawyer also has a fiduciary duty, with the lawyer-client relationship imbued with utmost trust and confidence.^[27]

Respondent failed to serve his client with fidelity, competence, and diligence. He not only neglected the attorney-client relationship established between them; he also acted in a reprehensible manner towards complainant, *i.e.*, cussing and threatening complainant and his family with bodily harm, hiding from complainant, and refusing without reason to return the money entrusted to him for the processing of the work permit. Respondent's behavior demonstrates his lack of integrity and moral soundness.

Del Mundo v. Capistrano^[28] has reiterated the exacting standards expected of law practitioners:

To stress, the practice of law is a privilege given to lawyers who meet the high standards of legal proficiency and morality, including honesty, integrity and fair dealing. They must perform their fourfold duty to society, the legal profession, the courts and their clients, in accordance with the values and norms of the legal profession as embodied in the Code of Professional Responsibility. *Falling short*

of this standard, the Court will not hesitate to discipline an erring lawyer by imposing an appropriate penalty based on the exercise of sound judicial discretion in consideration of the surrounding facts.^[29] (Emphasis supplied, citations omitted)

A lawyer must, at no time, lack probity and moral fiber, which are not only conditions precedent to his entrance to the bar but are likewise essential demands for his continued membership.^[30]

II

When complainant refused to give respondent any more money to process his work permit, respondent persuaded complainant to give him an additional P8,000.00 purportedly to ensure that a motion for reconsideration pending before a Las Piñas judge would be decided in complainant's favor.^[31] However, after receiving P28,000.00 from complainant for the work permit and ensuring the success of complainant's court case, respondent made himself scarce and could no longer be contacted.

Although nothing in the records showed whether the court case was indeed decided in complainant's favor, respondent's act of soliciting money to bribe a judge served to malign the judge and the judiciary by giving the impression that court cases are won by the party with the deepest pockets and not on the merits.^[32]

"A lawyer shall not counsel or abet activities aimed at defiance of the law or at lessening confidence in the legal system."^[33] Further, "a lawyer shall not state or imply that he is able to influence any public official, tribunal or legislative body."^[34]

By implying that he can negotiate a favorable ruling for the sum of P8,000.00, respondent trampled upon the integrity of the judicial system and eroded confidence on the judiciary. This gross disrespect of the judicial system shows that he is wanting in moral fiber and betrays the lack of integrity in his character. The practice of law is a privilege, and respondent has repeatedly shown that he is unfit to exercise it.

III

As for the sufficiency of notice to respondent of the disbarment proceedings against him,

this Court notes that on May 14, 2014, the Integrated Bar of the Philippines directed respondent to answer the complaint against him, but he failed to file his answer.^[35] The Integrated Bar of the Philippines set two (2) separate dates for mandatory conferences^[36] after respondent failed to attend the first setting, but he failed to appear in both instances.^[37] All issuances from the Integrated Bar of the Philippines had the requisite registry receipts attached to them.

Stemmerik v. Mas^[38] discussed the sufficiency of notice of disbarment proceedings. This Court held that lawyers must update their records with the Integrated Bar of the Philippines by informing it of any change in office or residential address and contact details.^[39] Service of notice on the office or residential address appearing in the Integrated Bar of the Philippines records shall constitute sufficient notice to a lawyer for administrative proceedings against him or her.^[40]

WHEREFORE, respondent Arty. Socrates R. Rivera is **SUSPENDED** from the practice of law for three (3) years. He is **ORDERED** to return to complainant Adegoke R. Plumptre the amount of P28,000.00 with interest at 6% per annum from the date of promulgation of this Resolution until fully paid. He is likewise **DIRECTED** to submit to this Court proof of payment of the amount within 10 days from payment.

Let copies of this Resolution be entered in respondent's personal record as a member of the bar, and be furnished to the Integrated Bar of the Philippines and the Office of the Court Administrator for dissemination to all courts in the country.

SO ORDERED.

Sereno, C. J., Carpio, Velasco, Jr., Leonardo-De Castro, Peralta, Bersamin, Del Castillo, Perez, Mendoza, Reyes, Perlas-Bernabe, Leonen, Jardeleza, and Caguioa, JJ., concur.
Brion, J., on leave.

NOTICE OF JUDGMENT

Sirs/Mesdames:

Please take notice that on August 9, 2016 a Decision/Resolution, copy attached herewith, was rendered by the Supreme Court in the above-entitled case, the original of which was received by this Office on September 28, 2016 at 2:30 p.m

Very truly yours,
(SGD)
WILFREDO V.
LAPITAN
Division Clerk of
Court

^[1] *Rollo*, pp. 2-13.

^[2] *Id.* at 2.

^[3] *Id.*

^[4] *Id.*

^[5] *Id.*

^[6] *Id.*

^[7] *Id.* at 4.

^[8] *Id.*

^[9] *Id.* at 3.

^[10] *Id.*

^[11] *Id.*

^[12] *Id.* at 4-5.

^[13] *Id.* at 3.

^[14] *Id.*

^[15] *Id.* at 2-13.

^[16] *Id.* at 14.

^[17] *Id.* at 22.

^[18] Id. at 24.

^[19] Id.

^[20] Id. at 46-47, Report and Recommendation.

^[21] Id. at 35-36, Notice of Resolution.

^[22] Id. at 35.

^[23] Id. at 34.

^[24] 497 Phil 348 (2005) [Per J. Panganiban, Third Division].

^[25] Id. at 360.

^[26] Section 15, Canons of Professional Ethics.

^[27] *Saldivar v. Cabanes, Jr.*, 713 Phil. 530, 537 (2013) [Per. J. Perlas-Beraabe, Second Division].

^[28] 685 Phil 687 (2012) [Per J. Perlas-Bernabe, Third Division].

^[29] Id. at 693.

^[30] *Gonzaga v. Villanueva, Jr.*, 478 Phil. 859, 869 (2004) [Per C.J. Davide, Jr., First Division].

^[31] *Rollo*, p. 4.

^[32] Id. at 3.

^[33] Code of Professional Responsibility, Canon 1, rule 1.02.

^[34] Code of Professional Responsibility, Canon 15, rule 15.06.

^[35] *Rollo*, p. 14.

^[36] Id. at 15 and 22.

^[37] Id. at 21 and 23.

^[38] 607 Phil. 89 (2009) [Per Curiam, En Banc].

^[39] Id. at 95-96.

^[40] Id.

Date created: March 21, 2018