

****Title: Benjamin Q. Ong vs. Atty. William F. Delos Santos****

****Facts:****

The case came about when Mr. Benjamin Ong met Atty. William F. Delos Santos through Sheriff Fernando Mercado of the Metropolitan Trial Court of Manila. After developing a rapport, Atty. Delos Santos requested Mr. Ong to encash a postdated check due to an alleged urgent need for cash. Trusting Atty. Delos Santos' word and purported financial stability, Mr. Ong provided PHP 100,000.00 in exchange for a postdated check.

When the check was presented for payment, it was dishonored for being drawn on a closed account. Despite Mr. Ong notifying Atty. Delos Santos and demanding payment, the attorney did not take action to settle the matter. Consequently, Mr. Ong filed a criminal complaint for estafa and violation of Batas Pambansa Blg. 22—the Bouncing Checks Law—against Atty. Delos Santos, as well as a disbarment complaint in the Integrated Bar of the Philippines (IBP) which was docketed as CBD Case No. 11-2985.

During the proceedings, Atty. Delos Santos neither filed an answer to the complaint despite due notice nor countered the evidence presented. The IBP's Bar Commissioner, Jose I. Dela Rama, Jr., recommended suspension from the practice of law for two years, with the additional order to return the PHP 100,000.00 to Mr. Ong, especially because Atty. Delos Santos had previously faced a disbarment case.

****Issues:****

1. Whether Atty. Delos Santos' act of issuing a worthless check violated Canon 1, Rule 1.01 and Canon 7, Rule 7.03 of the Code of Professional Responsibility?

****Court's Decision:****

The Supreme Court agreed with the IBP's findings but modified the recommended penalty. The Court stressed that lawyers are required to maintain good moral character as a continuous obligation for membership in the Bar. Atty. Delos Santos's issuance of an unfunded check not only breached the Lawyer's Oath and the canons of the Code of Professional Responsibility but also adversely affected the entire legal profession's integrity.

Although Atty. Delos Santos had already repaid the amount in question and the criminal case had been dismissed, these were seen as mitigating factors. Still, the Court believed that the recommended penalty by the IBP was too severe and reduced the period of suspension to six months.

****Doctrine:****

- A lawyer's issuance of a worthless check constitutes gross misconduct, violating both the Lawyer's Oath and specific provisions of the Code of Professional Responsibility, particularly Canon 1, Rule 1.01 and Canon 7, Rule 7.03.

****Class Notes:****

- The issuance of a worthless check by a lawyer is a breach of professional ethics under Canon 1, Rule 1.01, and Canon 7, Rule 7.03 of the Code of Professional Responsibility.
- Good moral character is a continuous requirement for practice in the legal profession.
- Lawyers must maintain the integrity and dignity of the profession in both professional and personal capacities.
- Lawyers may be disciplined for misconduct regardless of whether such conduct is related to their professional duties.
- Mitigating circumstances, such as repayment and dismissal of a related criminal case, can affect the severity of disciplinary action.

****Historical Background:****

Atty. Delos Santos' conduct is a reflection of the ongoing challenges within the legal profession in maintaining the highest standards of integrity and ethics, particularly in private transactions. It underscores the courts' commitment to uphold public interest, trust in the legal system, and the profession's credibility through disciplinary measures when members fail to abide by ethical obligations.