

Title

****Ma. Herminia T. Tiongson vs. Atty. Michael L. Flores: A Case of Furcating the Segregation Survey****

Facts

In 2014, a person named Vincent provided Atty. Michael L. Flores with a falsified Court Order from the Regional Trial Court (RTC), purportedly issued in Civil Case No. 1445-13, for the segregation survey of land registered under Jacinta R. Tenorio, favoring her heirs. Atty. Flores, aware of the document's falsification, shared it with his client, Arthur Tenorio. The document was then presented to Herminia Tiongson's caretaker by Arthur, Beverly Tenorio, and Leonard Sena, causing distress and leading Herminia to verify the order's authenticity, only to realize the document's fabrication and the absence of such a case.

Herminia lodged a criminal complaint for falsification against Arthur and associates. Simultaneously, Leonard Sena filed a falsification complaint against Atty. Flores. Despite Atty. Flores's denial of creating the document, the public prosecutor identified probable cause for including him as a conspirator. Subsequently, Herminia filed a disbarment complaint (CBD Case No. 15-4595) against Atty. Flores with the Integrated Bar of the Philippines (IBP), accusing him of misconduct and malpractice.

Atty. Flores did not respond to the disbarment proceedings, and the IBP Commission on Bar Discipline recommended his disbarment, highlighting his admissions and the fabricated order's implication. This recommendation was upheld by the IBP Board of Governors.

Issues

1. Whether Atty. Michael L. Flores should be held administratively liable for sharing a falsified court document with his client, knowing its fraudulent nature.
2. Whether Atty. Flores's failure to report the fraudulent document and to prevent its wrongful use constituted a violation of the Code of Professional Responsibility (CPR).
3. The appropriate disciplinary action against Atty. Flores for his conduct.

Court's Decision

The Supreme Court, stressing the investigation's nature in disbarment cases, underscored the difference in evidentiary standard from criminal proceedings, requiring "preponderant evidence" for administrative liability. It differentiated between mere possession and usage of falsified documents and the act of benefiting from such falsifications, concluding insufficient evidence that Atty. Flores authored the falsified document.

However, the Court found Atty. Flores liable for not alerting either the court or the authorities upon realizing the document's falsity, thereby indirectly facilitating its misuse by his clients. Atty. Flores's negligence and inaction constituted a clear violation of Rule 19.02 of the CPR. Thus, the Supreme Court suspended Atty. Flores from the practice of law for one year and imposed a fine of P5,000 for failing to comply with the IBP's directives.

Doctrine

The principle that possession of a forged or falsified document does not automatically impute authorship or liability for falsification was highlighted. However, a lawyer's ethical duty to rectify or report known fraudulent activities involving legal documents was affirmed, establishing that negligence or inaction in such contexts violates the Code of Professional Responsibility.

Class Notes

- **Rule 19.02 of the Code of Professional Responsibility:** Lawyers who learn of their clients' frauds during representation must endeavor to rectify them. Failure to do so, followed by a termination of the lawyer-client relationship, breaches professional ethical standards.
- **Administrative vs. Criminal Proceedings for Lawyers:** The standard of proof in administrative liability cases is "preponderant evidence," distinct from the "proof beyond reasonable doubt" required in criminal trials. Administrative cases focus on the lawyer's fitness to practice law.
- **Difference in Liability for Possession and Usage of Falsified Documents:** Merely possessing a falsified legal document, without evidence of using or benefiting from it, does not suffice to establish authorship or direct liability for its falsification.

Historical Background

This case underscores the judiciary's unwavering stance on professional conduct within the legal profession in the Philippines, particularly regarding the fabrication and misuse of legal documents. It delineates the boundaries of administrative liability in the context of lawyer-client dynamics and the ethical responsibilities lawyers bear in handling potentially fraudulent documents.