

Title:

Diana Ramos vs. Atty. Jose R. Imbang: A Case of Professional Misconduct

Facts:

The case originated in 1992 when Diana Ramos sought the legal services of Atty. Jose R. Imbang, to file civil and criminal actions against the spouses Roque and Elenita Jovellanos. Ramos paid P8,500 as attorney's fees, but only received a receipt for P5,000. Over time, Ramos was repeatedly informed by Imbang to wait outside the courtroom during supposedly scheduled hearings, only to be later told that the hearings were postponed. This occurred six times, with Imbang charging P350 for each "appearance."

Ramos became suspicious and directly inquired about her cases in the trial courts of Biñan and San Pedro, Laguna. She discovered that Imbang, who was actually employed in the Public Attorney's Office (PAO), never filed any case against the Jovellanoses. This promulgated her to file a complaint for disbarment or suspension against Imbang for multiple violations of the Code of Professional Responsibility.

Imbang defended himself by stating that Ramos was aware of his government service position and that he had directed her to another lawyer for her legal needs, which ultimately did not materialize. He claimed the P5,000 was kept merely for safekeeping at Ramos' request and was not a payment for legal services.

The Integrated Bar of the Philippines (IBP) Commission on Bar Discipline (CBD), after evaluation, found Imbang guilty of violating specific provisions of the Code of Professional Responsibility. The IBP Board of Governors modified the CBD recommendation, including an additional penalty should Imbang fail to return the P5,000 with interest.

Issues:

1. Did Atty. Imbang engage in unlawful, dishonest, immoral, or deceitful conduct?
2. Did he fail to account for money collected from a client and undertake a legal service he was not qualified to render due to his government position?
3. Should Atty. Imbang be held accountable for violating the prohibition on private practice while being a government employee, particularly with the Public Attorney's Office?

Court's Decision:

The Philippine Supreme Court adopted the findings of the IBP with modifications, notably disbarred Atty. Imbang for violating the lawyer's oath, and Canon 1, Rule 1.01, and Canon 18, Rule 18.01 of the Code of Professional Responsibility. The court highlighted that

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government lawyers are prohibited from handling private cases and that they must devote their full-time to public service. The acceptance of money from Ramos established an attorney-client relationship, regardless of Imbang's later justification that it was for safekeeping. Imbang was ordered to return the P5,000 with interest from 1995 within 10 days from receipt of the court's resolution.

Doctrine:

The Supreme Court reiterated the doctrine that lawyers in government service are prohibited from engaging in private practice and cannot accept attorney's fees other than their salaries. Upholding integrity, honesty, and a high standard of fairness and loyalty at all times are paramount.

Class Notes:

- **Government Employment and Legal Practice:** Government lawyers are prohibited from engaging in private legal practice and cannot accept fees other than their salaries.
- **Attorney-Client Relationship:** The acceptance of money from a client by a lawyer establishes an attorney-client relationship, demanding utmost fidelity and competence in service.
- **Violations and Consequences:** Violating the Code of Professional Responsibility, especially in terms of dishonest conduct, failure to properly manage client's funds, and engaging in legal services while in a position that prohibits such practice, can lead to severe sanctions, including disbarment.

Historical Background:

This case underscores the stringent ethical obligations imposed on lawyers, particularly highlighting the increased scrutiny on those in government service. It shows the legal profession's commitment to integrity, especially in preventing conflicts of interest between public duties and private practice, thus reinforcing public trust in the legal system and government institutions.