

****Title:**** Grace M. Anacta vs. Atty. Eduardo D. Resurreccion: A Case of Legal Deceit and Misconduct

****Facts:**** The case revolves around the complainant, Grace M. Anacta, who engaged Atty. Eduardo D. Resurreccion on November 15, 2004, to handle her petition for annulment of marriage, paying him PHP 42,000.00. Resurreccion allegedly filed the petition in December 2004, showing Anacta a stamped copy indicating receipt by the Regional Trial Court (RTC) of Quezon City. However, upon checking with the court, Anacta discovered that no such petition was filed, leading her to terminate Resurreccion's services. After failed attempts to get a satisfactory explanation and reimbursement from Resurreccion, Anacta filed a complaint for disbarment against him with the Integrated Bar of the Philippines Committee on Bar Discipline (IBP-CBD) in August 2007. Throughout the proceedings, Resurreccion remained unresponsive, failing to attend the mandatory conference or submit his answer, leading to the case's resolution ex-parte.

****Issues:****

1. Whether Atty. Resurreccion committed deceit and malpractice by claiming to file a petition for annulment that was never filed and pocketing the fee paid for it.
2. Whether the respondent's non-participation in the disciplinary proceedings implies admission of guilt.
3. Appropriate disciplinary action for Atty. Resurreccion's misconduct.
4. Whether the return of the PHP 42,000.00 to Anacta falls within the Supreme Court's disciplinary authority.

****Court's Decision:**** The Court adopted the IBP's findings, concluding that Atty. Resurreccion's failure to file the annulment petition despite receiving payment constituted deceit and dishonesty. His inaction in the face of the proceedings against him was interpreted as implied admission of the truth of the accusations. Thus, Resurreccion was suspended from the practice of law for four years and directed to return the PHP 42,000.00 to Anacta within 30 days from the decision's promulgation. The decision emphasized the disciplinary proceeding's purpose: not to punish the erring attorney but to protect the administration of justice and maintain trust in the legal profession.

****Doctrine:**** The case reiterates that deceit, malpractice, or gross misconduct by an attorney warrants disciplinary action, including suspension or disbarment, to protect the administration of justice and maintain the legal profession's integrity. It also clarifies the Supreme Court's authority to order the restitution of funds in disciplinary proceedings when

the misconduct involves the mishandling of client funds.

****Class Notes:****

- ****Good Moral Character for Lawyers:**** Lawyers must possess good moral character and adhere to ethical standards, failing which they may face suspension or disbarment.
- ****Duty to File Documents and Return Funds:**** Lawyers are obligated to perform the services for which they are paid and must return any funds received if they fail to render such services.
- ****Disciplinary Proceedings:**** Non-participation in disciplinary proceedings against a lawyer can be deemed an implied admission of guilt.
- ****Authority of Supreme Court:**** The Supreme Court has the authority in disciplinary proceedings to order lawyers to return funds received from clients as part of its mandate to enforce ethical standards within the legal profession.

****Historical Background:**** This case illustrates the ongoing efforts of the Philippine legal system to ensure ethical conduct within the legal profession. It underscores the principle that lawyers hold a fiduciary relationship with their clients, requiring them to act with the highest degree of honesty, integrity, and fairness. The case also demonstrates the disciplinary processes established to address professional misconduct and enforce accountability.