

**Title:** Vda. Eleanor V. Francisco vs. Atty. Leonardo M. Real: A Case of Non-Payment of Rents and Issuance of Worthless Checks Leading to Disbarment

**Facts:**

The case originated from a complaint by Eleanor V. Francisco against Atty. Leonardo M. Real for non-payment of rent and issuing three worthless checks. The lease agreement, dated February 2012 for a term of one year, involved a property in Antipolo City, with a monthly rent of P6,500.00. The checks issued by Real's wife were dishonored due to a closed account. Despite successive demand letters and failing barangay conciliation, Real did not settle his dues, prompting Francisco to file a small claims action, which led to a favorable decision for her. Real's non-participation in the MTCC proceedings and his continued occupation of the property despite a writ of execution underscored his neglect of financial and professional responsibility. Real, facing financial distress from prior sanctions affecting his practice, contended payments and willingness to settle in installments, a proposal Francisco rejected. The Integrated Bar of the Philippines Commission on Bar Discipline (IBP-CBD) recommended a six-month suspension, modified to disbarment by the IBP Board of Governors considering Real's history of misconduct.

**Issues:**

1. Whether Real's failure to pay rent, issuance of worthless checks, and refusal to vacate constitutes professional misconduct.
2. The appropriate disciplinary action considering Real's repeat offenses and previous disciplinary actions.

**Court's Decision:**

The Supreme Court adopted the IBP-BOG's findings with modifications, focusing on gross misconduct through non-payment of debts and issuance of worthless checks. It highlighted Real's neglect in fulfilling his financial obligations and his misuse of his spouse's checks, behavior unbecoming of a lawyer that detracts from the profession's dignity. Considering his prior suspension and misconduct, the Court found disbarment appropriate, emphasizing the need for lawyers to adhere strictly to legal and ethical standards. Real's motion for reconsideration was denied, underscoring the Court's stance on maintaining the legal profession's integrity.

**Doctrine:**

This case reiterates the principles that lawyers must uphold the law and conduct themselves in a manner that promotes respect for the law and the legal profession. Gross misconduct, particularly involving financial obligations and deceitful acts like issuing worthless checks, can warrant disbarment, especially for repeat offenders.

**\*\*Class Notes:\*\***

- **\*\*Essential Elements of Gross Misconduct:\*\*** Willful wrongdoing, implying wrongful intent, and not merely an error in judgment.
- **\*\*Key Legal Statutes:\*\***
- **\*\*Code of Professional Responsibility (CPR):\*\*** Canon 1, Rule 1.01 forbids engaging in unlawful, dishonest, immoral, or deceitful conduct. Canon 7, Rule 7.03 mandates lawyers uphold the integrity and dignity of the legal profession.
- **\*\*Batas Pambansa Blg. 22 (Bouncing Checks Law):\*\*** Penalizes the making and issuance of a check without sufficient funds, or that is dishonored upon presentation.
- **Application:** This case applied these standards, resulting in disbarment due to Real's repeated professional misdeeds, highlighting the Court's commitment to disciplining members of the bar who fail to live up to ethical and professional responsibilities.

**\*\*Historical Background:\*\***

This case underscores the Philippine legal profession's evolving stance towards misconduct involving financial obligations. The decision reflects the judiciary's aim to sanctify the bar by removing elements that tarnish its image, underpinning the principle that practicing law is a privilege contingent upon maintaining high ethical standards. Real's disbarment, given his history of similar offenses, illustrates the Court's decreasing tolerance for repeated violations, setting a stern precedent for the professional conduct expected of lawyers in the Philippines.