

**\*\*Title:\*\*** \*Tumbokon v. Pefianco (Disbarment Proceedings Against Atty. Mariano R. Pefianco)\*

**\*\*Facts:\*\***

The administrative complaint for disbarment was filed by Engr. Gilbert Tumbokon against Atty. Mariano R. Pefianco, anchored on allegations of grave dishonesty, gross misconduct constituting deceit, grossly immoral conduct, and unauthorized money-lending business. The complaint revolved around an agreement between Tumbokon and Pefianco, wherein Pefianco was to pay Tumbokon a 20% (later reduced to 10%) commission from attorney's fees received for representing the Spouses Amable and Rosalinda Yap in a partition of estate case. Pefianco allegedly failed to pay the commission after receiving attorney's fees amounting to 17% of the estate (about P40 million). Tumbokon's demand for payment was ignored by Pefianco, who contended that the Yaps assumed the obligation to pay Tumbokon's commission. Additionally, Pefianco was accused of abandoning his legal wife to cohabit with another woman and engaging in unauthorized money-lending operations. Pefianco denied the allegations and countered that the complaint was baseless.

The case was referred by the Supreme Court to the Integrated Bar of the Philippines (IBP) for investigation, report, and recommendation. The IBP Commissioner recommended a one-year suspension for Pefianco, which the IBP Board of Governors approved.

**\*\*Issues:\*\***

1. Whether Atty. Mariano R. Pefianco violated professional ethics by allegedly failing to pay a referral commission as agreed.
2. Whether Pefianco's cohabitation with a woman not his wife and having children with her constitutes grossly immoral conduct.
3. Whether Pefianco engaged in unauthorized money-lending business.

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

The Supreme Court adopted the findings and recommendation of the IBP Board of Governors, finding Pefianco guilty of violating the Lawyer's Oath, and Rule 1.01, Canon 1; and Rule 9.02, Canon 9 of the Code of Professional Responsibility. The allegations of illegal money lending were found not sufficiently established. Pefianco was suspended from the practice of law for one year.

**\*\*Doctrine:\*\***

The case reiterates the established doctrines that:

1. Lawyers must maintain high standards of legal proficiency, morality, honesty, integrity, and fair dealing.
2. Betrayal of marital fidelity or sexual relations outside marriage is considered disgraceful and immoral, manifesting deliberate disregard of the sanctity of marriage.
3. Lawyers shall not divide legal service fees with non-lawyers, except in specified exceptions which were not met in this case.

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

1. **\*\*Professional Ethics and Conduct:\*\*** Lawyers are subject to disciplinary action for conduct that fails to meet standards of morality, honesty, and integrity, both in their professional and private lives.
2. **\*\*Sanctity of Marriage:\*\*** Sexual relations outside marriage are deemed disgraceful and immoral by the legal profession, underscoring the importance of marital vows.
3. **\*\*Fee-Sharing with Non-Lawyers:\*\*** The prohibition against fee-sharing with non-lawyers is designed to maintain the professionalism and integrity of legal services, with specific exceptions provided under Rule 9.02, Canon 9 of the Code of Professional Responsibility.

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

This case highlights the ongoing efforts of the legal community in the Philippines to regulate and ensure the ethical conduct of its members. It showcases the mechanisms in place for addressing complaints against lawyers and stresses the importance of upholding the professional and moral standards expected of the legal profession. Through such disciplinary proceedings, the Supreme Court, along with the Integrated Bar of the Philippines, plays a crucial role in maintaining public trust in the legal system and enforcing standards of legal practice.