

Title: Dinsay vs. Cioco - A Legal Discourse on the Grounds for Disbarment

Facts:

The case revolves around Atty. Leopoldo D. Cioco, who was implicated in a fraudulent act while serving as Clerk of Court and Ex-Officio Sheriff. The sequence of events began in 1980 when Planters Machinery Corporation (PLAMACO) defaulted on a loan secured through a mortgage with Traders Royal Bank. On March 8, 1984, following the extrajudicial foreclosure initiated by the Bank, the mortgaged properties were auctioned and awarded to the bank itself. The Certificate of Sheriff's Sale, attesting to this transaction, was executed by Atty. Cioco and notarized on the same day. April 1984 unveiled an illicit alteration in the document, where Page Four was replaced to display a significantly reduced bid price of P730,000 from the original P3,263,182.67.

The anomaly prompted administrative charges against Atty. Cioco and Deputy Sheriff Renato M. Belleza, culminating in their dismissal from service in December 1986 through a per curiam resolution for grave misconduct. Subsequent to these events, the present complaint seeks Atty. Cioco's disbarment, leveraging the said fraudulent act as the ground.

Atty. Cioco defended himself by invoking the doctrine of res judicata, arguing that the issue had been adjudicated in the initial Dinsay case, thus precluding its re-litigation.

Issues:

1. Whether the doctrine of res judicata applies to bar the disbarment proceedings against Atty. Cioco.
2. Whether the fraudulent act committed by Atty. Cioco in his capacity as a government official warrants his disbarment as a member of the legal profession.

Court's Decision:

The Supreme Court dismissed Atty. Cioco's defense of res judicata, clarifying that the doctrine applies solely to judicial or quasi-judicial proceedings, not to administrative actions such as disbarment proceedings. The Court differentiated between the administrative action for misconduct as a government official and the disbarment proceedings focused on professional misconduct as a lawyer. It was held that an administrative dismissal does not preclude disbarment for actions compromising one's fitness as a lawyer or exhibiting moral turpitude.

Furthermore, the Court found Atty. Cioco's participation in the falsification of the bid price to be conduct unbecoming of a lawyer, reflecting moral depravity and affecting his

qualification as a member of the legal profession. Hence, the recommendation to suspend Atty. Cioco from the practice of law for one year was affirmed.

Doctrine:

A lawyer may be disciplined for misconduct committed in a governmental position if such actions demonstrate moral turpitude or significantly impair the lawyer's qualification or fitness to practice law.

Class Notes:

1. Res judicata applies only to judicial and quasi-judicial proceedings, not to administrative actions.
2. Misconduct by a lawyer in a governmental post that showcases moral turpitude or affects the lawyer's qualification can be grounds for disciplinary action in the legal profession.
3. Administrative dismissal from a governmental post for misconduct does not preclude disbarment or suspension from the practice of law for the same act.

Historical Background:

This case underscores the Supreme Court's authority in maintaining the integrity and ethical conduct within the Philippine legal profession. It illustrates the procedural and substantive aspects of disciplining members of the bar, delineating the boundaries between administrative actions against government officials and disciplinary actions against lawyers for professional misconduct. The decision reaffirms the Court's commitment to uphold the legal profession's integrity, emphasizing that public office's responsibilities invariably extend to maintaining ethical standards consistent with the legal profession's noble ideals.