

Title:

****Araceli S. De Jesus vs. Atty. Consuelo Collado: A Case of Misconduct and Disbarment****

Facts:

Araceli S. De Jesus lodged a sworn complaint on February 3, 1992, against Atty. Consuelo Collado, a Court Attorney IV in the Office of the Clerk of Court, Supreme Court of the Philippines. The complaint accused Collado of issuing nine bouncing checks totaling P243,063.75, embodying deceit and conduct unbecoming of a public servant and Bar member. A subsequent complaint sought Collado's disbarment. Collado failed to respond to multiple notices from the Supreme Court and its administrative offices, only replying to the disbarment complaint after considerable delay. Despite an affidavit of desistance from De Jesus, stating Collado had settled her debts, the Supreme Court proceeded with disciplinary actions based on Collado's admissions and the evidence provided. The criminal charges for violation of B.P. Blg. 22 (the Bouncing Checks Law) stemming from the issued checks remained pending.

Issues:

1. Whether Atty. Collado's issuance of bouncing checks constitutes serious misconduct warranting disciplinary action.
2. Whether a lawyer's conduct in private transactions can affect their standing and duties as a member of the Bar and a public servant.
3. Whether the settlement of financial obligations absolves a lawyer from facing disbarment or disciplinary actions for the misconduct leading to those obligations.

Court's Decision:

The Supreme Court resolved the case by addressing each issue systematically:

1. It confirmed that issuing bouncing checks, as admitted by Collado, even in the absence of a criminal conviction, constitutes serious misconduct contrary to the standards expected of Bar members and public servants.
2. It reiterated that a lawyer's behavior, both in professional and private dealings, must adhere to principles of honesty, fairness, and decorum. Collado's actions were deemed to fall short of these standards, affecting her standing as both a Court employee and a Bar member.
3. The Court held that although Collado settled her financial obligations to De Jesus, the

misconduct involved in their incurrence and the potential evasion of consequences through travel remained grounds for disciplinary action.

Consequently, Atty. Collado was suspended from the practice of law for one year and dismissed from her Court service for serious misconduct, with associated penalties including the forfeiture of all retirement benefits except earned leave credits.

Doctrine:

The Court established that the issuance of insufficient funds checks, contrary to the provisions of B.P. Blg. 22, and evasion of financial obligations are acts of serious misconduct that warrant disciplinary action, including disbarment or suspension from the practice of law and dismissal from civil service. It underscored that a lawyer's conduct in private affairs must conform to ethical standards and principles of honesty and fairness, reflecting on their professional integrity and public service role.

Class Notes:

- **Key Elements:**
- Misconduct in private transactions can lead to disbarment or disciplinary actions.
- Ethical standards for lawyers apply to both professional and private behavior.
- Settlement of financial obligations does not negate the misconduct or the consequences that may follow.

- **Legal Statutes/Citations:**
- **B.P. Blg. 22 (Bouncing Checks Law):** Prohibits the making and issuance of a check without sufficient funds.
- **Civil Service Law and Regulations:** Govern the conduct of public servants, including grounds for disciplinary action and dismissal.

- **Application in Case Context:**
- Atty. Collado's issuance of bouncing checks was considered serious misconduct under both the Bar's ethical standards and civil service regulations, leading to her suspension and dismissal.

Historical Background:

This case is reflective of the Court's steadfast commitment to upholding high ethical and moral standards among members of the Philippine Bar and public servants. It illustrates the

principle that a lawyer's conduct, encompassing both their professional duties and private dealings, must always adhere to the legal profession's rigorous ethical demands. This stance is crucial for maintaining public trust in the legal system and ensuring that justice is administered by individuals of unimpeachable integrity and fairness.