

****Title**:** Atty. Pedro L. Linsangan vs. Atty. F. George P. Lucero

****Facts**:**

1. ****Loan Acquisition and Issuance of Check**:** On April 2, 2007, Atty. F. George P. Lucero (respondent) obtained a loan of PHP 100,000.00 from Atty. Pedro L. Linsangan (complainant) and issued a post-dated check dated April 30, 2007.
2. ****Default and Check Dishonor**:** Upon the loan's due date, the respondent stopped communicating with the complainant. Consequently, the complainant deposited the check, which was dishonored due to a closed account.
3. ****Demand for Payment**:** On August 21, 2007, the complainant notified the respondent of the dishonored check and demanded payment. The respondent failed to pay despite reasonable time afforded.
4. ****Notification to Respondent's Family**:** On February 23, 2014, the complainant's son, Atty. Gerardo M. Linsangan, informed the respondent's daughter, Adelaida Lucero, about the issue. Adelaida redirected communication back to the respondent.
5. ****Filing of Disbarment Complaint**:** Due to continued default, the complainant filed a disbarment complaint on March 17, 2014, accusing the respondent of gross misconduct.
6. ****Proceedings and Non-Compliance**:** Despite several orders served, the respondent failed to acknowledge or comply due to lack of receipt proof. Eventually, he was served on February 28, 2022, but still did not file a position paper. The case was submitted for resolution on March 1, 2022.

****Issues**:**

1. ****Gross Misconduct**:** Whether the respondent's act of issuing a bouncing check constitutes gross misconduct under Section 27, Rule 138 of the Rules of Court.
2. ****Violation of Code of Professional Responsibility**:** Whether the respondent's actions violate specific provisions of the Code of Professional Responsibility (CPR), including Canons 1, 7, 11, and 12.
3. ****Failure to Comply with IBP Orders**:** Whether the respondent's failure to file a position paper and comply with IBP orders merits additional penalties.

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

1. ****Gross Misconduct**:** The Supreme Court affirmed that issuing a worthless check constitutes gross misconduct. The respondent violated his oath and obligations as a lawyer, demonstrating deceitful conduct (Canon 1, Rule 1.01). This act diminishes the integrity and public trust in the legal profession (Canon 7, Rule 7.03).

2. **Violation of CPR**: The Court found multiple violations of the CPR. By issuing a dishonored check, the respondent contravened the directives under Canon 1 and Canon 7. Moreover, his disregard for court orders to file a position paper evidenced disrespect for judicial processes (Canons 11 and 12, Rule 12.04).

3. **Imposition of Penalties**: The Court modified the IBP's recommendation. It imposed a suspension from the practice of law for one (1) year (citing analogous cases like Grande v. Silva and Santos-Tan v. Robiso) and fined the respondent PHP 5,000.00 for non-compliance with IBP directives. A stern warning was issued against future violations.

Doctrine:

1. **Gross Misconduct**: Issuing a worthless check by a lawyer is deemed gross misconduct under Section 27, Rule 138, warranting disciplinary action.
2. **CPR Violations**: Specific acts such as unauthorized issuance of worthless checks, non-compliance with court/IBP orders, and general conduct that reflects adversely on a lawyer's fitness to practice law, violate the Code of Professional Responsibility.

Class Notes:

- **Key Elements**:

- **Issuing Worthless Checks**: BP 22 violations implicate gross misconduct in legal practice.
- **Respect for Law and Legal Processes**: Canon 1 and Canon 7, CPR; violations here lead to administrative penalties.
- **Compliance with Judicial Orders**: Canon 11, Canon 12, Rule 12.04, CPR; non-compliance results in fines and suspension.
- **Statutes**:
- **Section 27, Rule 138 of the Rules of Court**: Basis for disbarment/suspension for gross misconduct.
- **Batas Pambansa Blg 22**: Penalizes issuance of checks without sufficient funds.

Historical Background:

The case reflects ongoing judicial efforts to uphold ethical standards within the Philippine legal profession, emphasizing the importance of maintaining public trust and personal integrity among lawyers. The decision underlines the judiciary's commitment to disciplining errant lawyers, thus protecting the profession's honor and ensuring justice's proper administration. This decision aligns with precedents set in earlier cases focused on similar ethical breaches.