

Title: Manzano vs. Soriano, A.C. No. 6492

Facts:

- Contractual Engagement:** Ederlinda K. Manzano engaged Atty. Santiago C. Soriano to manage collection cases related to her construction supply/hardware business. Soriano was allowed the use of an office space in the Manzano Complex building in Nabua, Camarines Sur.
- Lack of Results:** Despite ongoing payments for incidental expenses, Soriano did not achieve any successful collections.
- Dubious Transaction with Debtor:** Soriano convinced debtor Abelino G. Barela to sell land and a house for Php 65,000, promising to hand over Php 50,000 to Manzano to settle Barela's debt.
- Misappropriation of Funds:** Manzano did not receive the Php 50,000. Consequently, she terminated Soriano's services, evicted him, and subsequently charged him with estafa jointly with Barela.
- Unauthorized Notary Acts:** Manzano also discovered that Soriano had been notarizing documents without a commission.
- General Denial:** Soriano denied all allegations and claimed the administrative case was a retaliatory measure due to the grave coercion case he filed against Manzano and her family.
- Non-Participation in Proceedings:** Soriano did not attend the mandatory conference/hearing and failed to file a position paper despite extensions, leading to the Integrated Bar of the Philippines (IBP) Commission on Bar Discipline (CBD) declaring him as having waived his rights.
- Investigators Findings:** Investigating Commissioner Pedro A. Magpayo, Jr. recommended Soriano's disbarment for grave misconduct and malpractice.
- IBP Board of Governors Decision:** The IBP modified the recommendation, opting for indefinite suspension instead of disbarment and cited multiple violations by Soriano, including misconduct and unauthorized notarial practices.

Issues:

- Whether Soriano should be disbarred for grave misconduct due to misappropriation of his client's funds.
- Whether Soriano should be held liable for malpractice due to notarizing documents without a commission.
- Whether Soriano's delinquency in paying his IBP membership dues since 2003 constitutes a failure to comply with his duties as a member of the Bar.

Court's Decision:

1. **Misappropriation of Funds:** The Court agreed with the IBP's findings of Soriano's grave misconduct in misappropriating Php 50,000 meant for Manzano. He misled both his client and Barela, using deceitful tactics to cover up his actions.
2. **Unauthorized Notarial Acts:** Soriano's actions of notarizing documents without proper commission in several years were found to be additional serious malpractice and deceitful conduct.
3. **Historical Non-Payment of Dues:** Although this factor was highlighted by the IBP, the Court primarily focused on the graver misconduct and fraudulent acts he committed.

Doctrine:

1. **Lawyer's Trust Responsibility:** A lawyer must hold in trust all money and property collected or received for or from the client (Canon 16, Code of Professional Responsibility).
2. **Integrity in Legal Practice:** Lawyers must abide by the law, maintain high moral standards, avoid dishonest, immoral or deceitful conduct reflecting on their fitness to practice law.
3. **Notarial Law Compliance:** Only those duly commissioned should perform notarial acts to protect the substantive public interest.

Class Notes:

- **Misappropriation:** Lawyers must hold in trust clients' funds and property (Canon 16, Code of Professional Responsibility).
- **Notarial Authority:** Unauthorized notarial acts can constitute malpractice and the crime of falsification.
- **Moral Turpitude:** Dishonest acts reflecting moral turpitude warrant severe penalties like disbarment.
- **Professional Standards:** The legal profession's high moral standard necessitates an attorney's conduct align with professionalism, decency, and integrity.

Historical Background:

The case unfolds against the backdrop of the Philippine legal profession's strict codes of conduct, highlighting the judiciary's stringent measures to preserve integrity within the practice of law. The case demonstrates the judiciary's uncompromising stance on misconduct, ensuring errant lawyers face stringent repercussions to uphold the legal profession's sanctity.