

Title: Alifer C. Pante vs. Atty. Jose Allan M. Tebelin

Facts:

1. **Introduction and Agreement**: Alifer C. Pante (complainant) was introduced to Atty. Jose Allan M. Tebelin (respondent) by his uncle in June 2012. Pante needed legal assistance to file a case for the declaration of nullity of his marriage. They agreed on a fee of Php 200,000 and entered into an Attorney-Client Agreement on July 13, 2012. Pante paid a down payment of Php 30,000, for which Tebelin issued a receipt.
2. **Initial Payments**: Pante, along with Tebelin, visited a psychologist (Dr. Arnulfo V. Lopez), paying Php 20,000 for psychological services. Later, Pante made additional payments: Php 19,000 at the Mall of Asia and Php 51,000 at the Luk Yuen restaurant.
3. **False Petition**: Despite these payments, Tebelin provided Pante with a copy of a Petition for Declaration of Nullity, which the Regional Trial Court (RTC), Pasay City, later confirmed was non-existent.
4. **Communication Breakdown**: Pante faced difficulties contacting Tebelin, prompting a personal inquiry at RTC, where he discovered the false petition. Despite threats of a complaint, Tebelin failed to perform the contracted services.
5. **Subsequent Payments**: Pante lent Tebelin additional funds (Php 50,000 in February 2014, and further amounts totaling Php 30,000) under various pretexts, including educational expenses and publication fees. These payments were also misappropriated.
6. **No Progress**: By February 2017, Pante, realizing the continued inaction on his case, was forced to retain another lawyer. Consequently, he filed an administrative complaint against Tebelin on March 2, 2017.
7. **IBP Involvement**: Despite multiple notifications, Tebelin ignored the proceedings at the Integrated Bar of the Philippines (IBP). The IBP Investigating Commissioner recommended a one-year suspension, which the IBP Board of Governors later modified to disbarment on December 15, 2019, with an extended resolution on July 3, 2022.

Issues:

1. Did Atty. Tebelin violate Canons 16, 17, and 18 of the Code of Professional Responsibility (CPR)?
2. Did Atty. Tebelin's actions constitute grounds for his disbarment?

3. What is the appropriate penalty for Atty. Tebelin's misconduct?

Court's Decision:

1. ****Violation of Canons****: The court found that Tebelin violated Canons 16 (trustworthiness with client's funds), 17 (fidelity to a client's cause), and 18 (competence and diligence). Instead of filing the annulment, Tebelin gave Pante a fraudulent petition and misappropriated the funds provided for legal fees.
2. ****Dishonesty and Deceit****: Tebelin's actions fell under serious misconduct per the Code of Professional Responsibility and Accountability (CPRA), including dishonesty, fraud, and gross negligence. This included providing a non-existent court petition and borrowing money under false pretenses while neglecting his professional obligations.
3. ****Disbarment****: Recognizing Tebelin's repeated misconduct and prior administrative penalties, the Court decided disbarment was warranted. Tebelin was ordered to return all sums received from Pante with legal interest and proof of payment within three months.

Doctrine:

1. ****Client Funds****: Lawyers must hold in trust and account for all client funds and avoid commingling or misappropriating these funds (Canon 16, CPR).
2. ****Fidelity and Trust****: Lawyers owe absolute fidelity to their clients' cause and must preserve the trust, confidence, and interest of their clients (Canon 17, CPR).
3. ****Competence and Diligence****: Lawyers must serve their clients with the utmost competence and diligence, pursuing their clients' lawful objectives by all means within the law (Canon 18, CPR).

Class Notes:

1. ****Canon 16, 17, and 18 of CPR****:
 - Canon 16: Trust in handling clients' money.
 - Canon 17: Loyalty and fidelity to clients.
 - Canon 18: Competence and diligence in serving clients.
2. ****CPRA Provisions****:
 - Honest and proper conduct in both personal and professional dealings.
 - Upholding fiduciary duties and client trust.
 - Prohibition on borrowing money from clients.
3. ****Lawyer's Oath****: Lawyers must faithfully discharge duties towards justice, avoid

falsifying documents, and uphold integrity without self-interest. (Case Brief / Digest)

Historical Background:

The Supreme Court's decision reflects a strongly reinforced ethical standard for the legal profession in the Philippines, emphasizing the severe repercussions for lawyers who undermine client trust and misappropriate funds. The case serves as an important precedent in maintaining the integrity and accountability of lawyers, ensuring public confidence in the judicial system.