

Judge Nimfa P. Sitaca vs. Atty. Diego M. Palomares, Jr.

Facts:

- Incident Basis:** In September 1997, Criminal Case No. RTC-1503 for murder was raffled to RTC-Branch 35, Ozamiz City, where Judge Nimfa P. Sitaca was the presiding judge. Dunhill Palomares, the accused in the case, was represented by his father, Atty. Diego M. Palomares, Jr.
- Bail Bond Presentation:** Branch Clerk Atty. Roy Murallon reported that Atty. Diego Palomares, Jr. was in court to secure the approval of a bail bond worth P200,000. The bail bond and release order were seemingly signed by Judge Nazar Chavez of RTC-Branch 18, Cagayan de Oro City.
- Approval of Bail:** Judge Sitaca approved the bail bond and release order after verifying Judge Chavez's apparent signature.
- Suspicion of Fraud:** Later, Atty. Murallon received a letter from Branch Clerk of Court Atty. Glenn Peter Baldado of RTC-Branch 18, stating that the bail bond was non-existent and had never been processed by their court.

Procedural Posture:

- Complaint Filed:** On April 5, 2000, Judge Sitaca filed a complaint for falsification/disbarment/discipline against Atty. Diego Palomares, Jr.
- Respondent's Denial:** In his Comment dated September 19, 2000, Atty. Palomares denied creating the spurious bail bond. He claimed the assistance of William Guialani, arranged by his client, Bentley House International Corporation (BHIC).
- IBP-CBD Investigation:** The case was referred to the IBP Commission on Bar Discipline (IBP-CBD) on March 19, 2003. The investigation concluded that respondent violated Canon 10, Rule 10.01 of the Code of Professional Responsibility (CPR).
- IBP Board's Action:** The IBP Board adopted the findings but noted procedural deficiencies, leading to a remand to the IBP for further proceedings.
- Subsequent Hearings:** Judge Sitaca declined to attend further hearings, relying on existing records. Atty. Palomares moved for dismissal due to lack of evidence but was denied.
- Amended IBP Recommendation:** On March 27, 2009, Commissioner Jose dela Rama, Jr. recommended increased suspension due to differences in earlier findings indicating greater involvement by the respondent.
- IBP Board of Governors' Final Resolution:** Increasing the suspension recommendation from 18 months to three years.

**Issues:**

1. **Existence of Procedural Deficiencies:** Were procedural steps in investigating the administrative complaint properly followed?
2. **Validity and Authenticity of Bail Bond:** Were the documents presented for the bail bond of Dunhill Palomares falsified?
3. **Respondent's Involvement:** Did Atty. Diego Palomares, Jr. have a significant role in the creation and submission of the fraudulent bail documents?

**Court's Decision:**

1. **Procedural Compliance:** The Court established the need for strict adherence to procedural rules but found substantial compliance in the overall handling by the IBP-CBD and IBP Board of Governors.
2. **Falsification and Misrepresentation:** It was concluded that the bail bond and release order were indeed falsified documents. The Court highlighted inconsistencies in respondent's claims and the absence of proceedings for petitioning or approving bail, indicating that the documents were not valid.
3. **Direct Involvement:** The Court found strong circumstantial evidence revealing Atty. Diego Palomares, Jr.'s active role in falsifying and submitting the fraudulent documents. His actions contravened moral and ethical expectations, leading the Court to disbar him.

**Doctrine:**

- **Rule 1.01, Canon 1 of the Code of Professional Responsibility:** Lawyers must uphold the law and promote respect for legal processes; engage neither in unlawful nor dishonest conduct.
- **Rule 10.01, Canon 10 of the Code of Professional Responsibility:** Lawyers must not commit falsehoods or mislead the court by any form of artifice.
- **Presumption of Authorship in Falsification:** Possession, usage, and benefitting from a falsified document imply authorship of the said falsification.

**Class Notes:**

- **Elements of Rule 1.01, Canon 1 (CPR):**
 - Obey laws and uphold the constitution.
 - Promote and maintain respect for the law.
- **Elements of Rule 10.01, Canon 10 (CPR):**
 - Avoid falsehoods, whether in court or outside.
 - Do not mislead the court or consent to any artifice.

****Statutory Provisions:****

- Canon 1 and Canon 10, Code of Professional Responsibility ([Rule 1.01, Canon 1](<http://sc.judiciary.gov.ph>), [Rule 10.01, Canon 10](<http://sc.judiciary.gov.ph>))

**Historical Background:**

- The case contextually highlights issues of legal ethics within the Philippine judiciary, emphasizing adherence to stringent procedural and ethical standards amid rising concerns regarding falsifications and fraudulent actions at various legal processes' levels. The decision epitomizes the judicial community's effort in preserving integrity and trust in the legal profession, ensuring accountability, and safeguarding the sanctity of legal processes.