

**Title:** McKinney vs. Bañares & Miñon-Bañares – Disbarment

**Facts:**

- Engagement Contracts:** Daniel Scott McKinney, as CEO/President of Asia Properties, Inc., entered into an Engagement Contract with Bañares & Associates Law Offices on August 9, 2006. A subsequent contract was signed on August 10, 2007, for the subsidiary, Cadlao Island Development Corporation, later renamed Tinaga Resorts Corporation.
- Land Purchase:** In 2011, the Corporation, through Bañares & Associates, purchased several lots including lots 92 and 94 on Tinaga and Calaguas Islands, Camarines Norte.
- Role of Atty. Bañares:** Atty. Bañares allegedly acted as the buyer on behalf of the Corporation, registering the lots under his name with the arrangement to transfer them to the Corporation later.
- Payment:** McKinney gave respondents P891,838.14 for the lot payments and expenses, claiming non-transfer of lots to the Corporation.
- Administrative Complaint:** McKinney filed a complaint for disbarment due to non-transfer and malpractice by respondents.
- Previous Suspension:** Atty. Bañares had a prior suspension for malpractice.
- Atty. Miñon-Bañares:** Alleged unauthorized practice of law while serving as Municipal Mayor.
- Defensive Arguments:**
  - Atty. Miñon-Bañares:** Denied managing legal issues while mayor, stated her role was that of a broker.
  - Atty. Bañares:** Claimed he managed the funds for purchase and titling correctly.
- Affidavit of Desistance:** On June 13, 2018, McKinney filed an Affidavit of Desistance, expressing disinterest in continuing the case.
- IBP Ruling:** Recommended suspension of Atty. Miñon-Bañares for one year and disbarment of Atty. Bañares.
- Death of Atty. Bañares:** The case against Atty. Bañares was dismissed due to his death.

**Issues:**

- Misappropriation of Client Funds:** Whether respondents misappropriated the funds given for land purchase and titling.
- Circumventing Land Ownership Laws:** Whether respondents violated laws on land ownership by corporations through Atty. Bañares acting as a dummy.
- Unauthorized Practice of Law by Atty. Miñon-Bañares:** Whether Atty. Miñon-Bañares engaged in unauthorized practice of law while serving as an elected municipal mayor.

**Court's Decision:**

1. **Death of Atty. Bañares:** The case against Atty. Bañares was dismissed due to his death.
2. **Misappropriation:** The Court found no substantial evidence of misappropriation by Atty. Miñon-Bañares as the sellers acknowledged full payment.
3. **Circumventing Land Ownership:** Atty. Miñon-Bañares was found complicit in the scheme to register public land titles under Atty. Bañares's name for the Corporation, violating Rule 1.01 of the CPR.
4. **Unauthorized Practice of Law:** Atty. Miñon-Bañares was found guilty of unauthorized practice, performing legal functions while serving as Municipal Mayor, in contravention of Section 90(a) of the Local Government Code of 1991.

**Doctrine:**

1. **Rule 1.01, Canon 1 of CPR:** Lawyers must not engage in unlawful, dishonest, immoral, or deceitful conduct.
2. **Canon 9 of CPR:** Lawyers must not assist in the unauthorized practice of law.
3. **Sec. 3, Article XII of the Constitution:** Corporations are prohibited from applying for registration of land that is part of the public domain.
4. **Sec. 90(a) of the Local Government Code:** Prohibits local chief executives from practicing their profession while in office.

**Class Notes:**

- Elements of Misappropriation in Legal Context: Trust, unauthorized use, dishonest intention.
- Unauthorized Practice of Law: Engagement in legal services by an unqualified or disallowed individual.
- Public Land Ownership Laws: Restrictions on corporations from acquiring public lands to prevent circumvention of constitutional property limits.

**Historical Background:**

The case is contextualized within the ongoing legislative and judicial efforts to ensure ethical standards among lawyers and to maintain the integrity of public domain land ownership. The prohibition against corporate land ownership and unauthorized practice by public officials solidify anti-corruption safeguards in Philippine law. This case highlights the judiciary's role in enforcing these ethical and constitutional mandates.