

ADELINA T. VILLANUEVA, COMPLAINANT, VS. ATTY. TERESITA STA. ANA, RESPONDENT.*CBD Case No. 251. July 11, 1995*Read online (full-text search, related cases, audio case brief): <https://batas.org/library/1f9d8c3dfe02/>**PER CURIAM:**

Complainant Adelina T. Villanueva has sought the disbarment of respondent Attorney Teresita Sta. Ana.

From the Report and Recommendation of the Commission on Bar Discipline and the records of the case, it would appear that complainant first met respondent lawyer some time in April 1992 when the former brought certain documents to the latter for notarization. Respondent later learned that complainant had planned to borrow a substantial sum from a bank or lending institution. Respondent represented that she could facilitate the loan if complainant could put up a land collateral and provide a "guaranty deposit" of P150,000.00. Evidently convinced that respondent could help, complainant handed over and entrusted to respondent the amount of P144,000.00, as well as various documents, e.g., a special power of attorney, deed of sale, tax declaration and land title (in the name of complainant's father), required for the loan application. Respondent later told complainant that an additional amount of P109,000.00 was needed for withholding and documentary stamp taxes, plus surcharges. Complainant thereupon decided to forego the loan application. She demanded from respondent the return of her money; however, the latter not only failed to heed the request but also then began to avoid complainant.

Complainant finally sought assistance from the Office of the Vice-President of the Philippines; which referred the matter to the National Bureau of Investigation ("NBI"). Respondent was subpoenaed twice by the agent-on-case but she failed in both instances to appear. The investigation, nonetheless, went through; thereafter, the NBI recommended that respondent be criminally charged with estafa under Article 315, paragraph 1(b), of the Revised Penal Code and that disbarment proceedings be taken against her. In a letter-referral, dated 03 May 1993, then NBI Director Epimaco A. Velasco transmitted to the Commission on Bar Discipline ("Commission") of the Integrated Bar of the Philippines ("IBP") the Bureau's evaluation.

The Commission required respondent to respond to the charges but respondent neither complied nor appeared at any of the hearings scheduled by it.

In the course of its proceedings, the Commission noted several criminal charges filed against respondent; viz:

- (1) Criminal Case No. 92-8849 for Falsification of Private Document, pending before the Regional Trial Court of Antipolo, Branch 73;
- (2) Criminal Case No. 93-9289 for Estafa under Article 315, par. 1(b) of the Revised Penal Code, pending before the Regional Trial Court of Antipolo, Branch 72;
- (3) Criminal Case No. 93-118159 for Estafa through Falsification of Public Document filed with the Regional Trial Court of Manila, Branch 15, which resulted in her conviction. The dispositive portion of the decision, dated 24 March 1994, read:

"WHEREFORE, this Court finds the accused GUILTY beyond reasonable doubt of the complex crime of

Estafa thru falsification of public document and hereby imposes upon said accused an indeterminate penalty of 2 years 4 months of prison correccional as minimum to 20 years of reclusion temporal as maximum and indemnify the offended party the sum of P136,000.00 and to pay the cost."[1]

(4) Criminal Cases Nos. 8015 and 8019 for Violation of Section 3(c), Republic Act No. 3019, pending before the Second Division of the Sandiganbayan;

(5) Criminal Cases Nos. 7351 and 7354 also for Violation of Section 3(c), Republic Act No. 3019, pending before the Second Division of the Sandiganbayan;

(6) Criminal Case No. 7036 for Violation of Section 3(c), Republic Act No. 3019, pending before the Second Division of the Sandiganbayan; and

(7) Criminal Case No. 6731 for Violation of Section 3(c), Republic Act No. 3019, pending before the Second Division of the Sandiganbayan.

In the Commission's Report and Recommendation, dated 25 July 1994, Investigating Commissioner Victor C. Fernandez recommended that "the respondent be disbarred for being totally unfit to be a member of the legal profession." [2] In its Resolution No. XI-94-219, dated 14 January 1995, the Board of Governors of the Integrated Bar of the Philippines ("IBP") resolved to adopt and approve the report of the Investigating Commissioner.

We also agree.

Well-settled is the rule that good moral character is not only a condition precedent to an admission to the legal profession but it must also remain extant in order to maintain one's good standing in that exclusive and honored fraternity. [3] The Code of Professional Responsibility mandates:

"CANON 1 - x x x.

"Rule 1.01 - A lawyer shall not engage in unlawful, dishonest, immoral or deceitful conduct.

"CANON 16 - A lawyer shall hold in trust all moneys and properties of his client that may come into his possession.

"Rule 16.01 - A lawyer shall account for all money or property collected or received for or from the client."

Despite all the opportunities accorded to her, respondent has failed to present her defense and to refute the charges or, at the very least, to explain herself. The Court is thus left with hardly any choice other than to accept the findings and recommendations of the Integrated Bar of the Philippines and the Commission on Bar Discipline.

WHEREFORE, respondent Teresita Sta. Ana is DISBARRED. The Clerk of Court is directed to strike out her name from the Roll of Attorneys.

SO ORDERED.

Narvasa, C.J., Padilla, Regalado, Davide, Jr., Romero, Melo, Puno, Vitug, Kapunan, Mendoza, and Francisco, JJ., concur.

Feliciano, Bellosillo, and Quiason, JJ., on leave.

[1] Rollo, p. 138.

[2] Rollo, p. 140.

[3] See *Leda vs. Tabang*, 206 SCRA 395; *People vs. Tuanda*, 181 SCRA 692.

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