

**IN RE: ORDER DATED OCTOBER 27, 2016 ISSUED BY BRANCH 137,
REGIONAL TRIAL COURT, MAKATI IN CRIMINAL CASE NO. 14-765,
COMPLAINANT, VS. ATTY. MARIE FRANCES E. RAMON,
RESPONDENT.**

A.C. No. 12456. September 08, 2020

Ponente: LOPEZ, J.

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LOPEZ, J.:

The penalty of suspension or disbarment can no longer be imposed on a lawyer who had been disbarred except for recording purposes. We observe this rule in this administrative case involving an attorney who practiced law despite her previous suspension.

ANTECEDENTS

On October 27, 2016, the Regional Trial Court Branch 137 of Makati City issued an Order[1] putting on record that Atty. Marie Frances Ramon appeared as private prosecutor in Criminal Case No. 14-765 despite her suspension from the practice of law, thus:

Let it be made of record, too, that Atty. Marie Frances E. Ramon again entered her appearance as private prosecutor in this case notwithstanding her suspension from the practice of law for a period of five (5) years as per the Supreme Court's en banc decision in A.C. No. 11078 dated July 19, 2016. x x x

x x x x

While the act of Atty. Ramon of continuously appearing in court and practicing law during the period of her five-year suspension may be contemptuous, the court leaves it up to the Office of the Bar Confidant and the Integrated Bar of the Philippines to take necessary action in light of the stern warning embodied in the above-cited decision.[2] (Emphasis supplied.)

Accordingly, the Integrated Bar of the Philippines (IBP) docketed the Order as an administrative complaint against Atty. Ramon.[3] Despite due notice, Atty. Ramon did not file an answer and did not attend the mandatory conference.[4] On March 27, 2018, the IBP Commission on Bar Discipline reported that Atty. Ramon violated the suspension order and is guilty of unauthorized practice of law which warrants the penalty of disbarment. The Commission likewise noted that the National Bureau of Investigation arrested Atty. Ramon after she falsified a Decision of the Court of Appeals (CA),[5] viz.:

The rule is clear that when an individual lawyer seeks to circumvent the compelling force of the law, he must be made to answer for that violation.

In cases where a suspension has been imposed on a lawyer, and yet he continues to practice law, the Supreme Court has been clear x x x that such act constitute[s] malpractice and Gross Misconduct x x x.

x x x x

A further examination of related incidents relative to the same respondent shows that she was complicit in an elaborate scheme to sell fake Court of Appeals Decisions. Last March of 2016, x x x, she was arrested by the National Bureau of Investigation for allegedly selling fake decisions of the CA x x x.

x x x x

It appears that the attitude of Respondent Lawyer is aimed at flouting the laws of the land. x x x. This kind of deceitful conduct does not belong to the pristine universe of the law. x x x

WHEREFORE, under the attendant circumstances, it is Respectfully RECOMMENDED (sic) corresponding penalty of DISBARMENT from the practice of law be meted against Respondent Lawyer Atty. Marie Frances E. Ramon for her deceitful conduct, disrespect to the IBP and to the Supreme Court of the Philippines, and violation of Canons 1, 1.02 and 11 of the Code of Professional Responsibility.

It is likewise recommended that the appropriate investigation into the activities of same lawyer with respect to the illegal sale of fake decisions of the Court of Appeals should also be investigated to prevent any further injury or harm to the public and to the judicial institution.[6] (Emphases Supplied)

On June 28, 2018, the IBP Board of Governors modified the penalty from disbarment to indefinite suspension from the practice of law, to wit:

RESOLVED to ADOPT the findings of fact and recommendation of the Investigating Commissioner, with modification, recommending instead the imposition upon the Respondent of the penalty of INDEFINITE SUSPENSION FROM THE PRACTICE OF LAW, and a FINE of Five Thousand Pesos (Php5,000.00) for failure to comply with the directive of the CBD. (Emphasis in the original.)

RULING

The Court adopts the IBP's findings with modification as to the penalty.

It is undisputed that Atty. Ramon was suspended from the practice of law for a period of five years. In *Mercullo v. Ramon*,^[7] the Court en banc found that Atty. Ramon engaged in dishonest and deceitful conduct. Atty. Ramon obtained substantial amount from her clients and made them believe that she could assist in redeeming the foreclosed property because she is working in the National Home Mortgage Finance Corporation. Yet, Atty. Ramon did not notify her clients that she is no longer connected with such agency. Worse, Atty. Ramon took advantage of her client's full trust and falsely informed them that she had initiated the redemption proceedings. Absent contrary evidence, it is presumed that Atty. Ramon received a copy of the suspension order^[8] and must desist from practicing law during such period. Notably, a lawyer's suspension is not automatically lifted. The lawyer must submit the required documents and wait for this Court's order lifting the suspension before resuming the practice of law.^[9]

Here, Atty. Ramon defied the suspension order and appeared as private prosecutor in a criminal case. As such, Atty. Ramon is administratively liable for willfully disobeying the lawful order of a superior court and appearing as an attorney without authority. Apropos is Section 27, Rule 138 of the Rules of Court, thus:

SECTION 27. Disbarment or suspension of attorneys by Supreme Court; grounds therefor.— A member of the bar may be disbarred or suspended from his office as attorney by the Supreme Court for any deceit, malpractice, or other gross misconduct in such office, grossly immoral conduct, or by reason of his conviction of a crime involving moral turpitude, or for any violation of the oath which he is required to take before admission to practice, or for a wilful disobedience of any lawful order of a superior court, or for corruptly or wilfully appearing as an attorney for a party to a case without authority so to do. The practice of soliciting cases at law for the purpose of gain, either personally or through paid agents or brokers, constitutes

malpractice. (Emphases supplied.)

Case law consistently provides an additional suspension of six months on instances involving unauthorized practice of law. In *Molina v. Magat*,^[10] *Lingan v. Calubaquib*,^[11] *Feliciano v. Bautista-Lozada*,^[12] *Ibana-Andrade v. Paita-Moya*,^[13] *Paras v. Paras*,^[14] and *Valmonte v. Quesada, Jr.*,^[15] the respondents were suspended for a period of six months for practicing law despite the previous order of suspension. However, we note that Atty. Ramon had already been disbarred. In *Lampas-Peralta v. Ramon*,^[16] the Court removed Atty. Ramon's name from the Roll of Attorneys after it was proven that she drafted a fake decision of the CA and exacted exorbitant fees from her clients. On this score, the additional penalty can no longer be imposed upon Atty. Ramon because of her previous disbarment. We do not have double or multiple disbarment in our laws or jurisprudence.^[17] Once a lawyer is disbarred, there is no penalty that could be imposed regarding his privilege to practice law. Nevertheless, the corresponding penalty should be adjudged for recording purposes on the lawyer's personal file with the Office of the Bar Confidant, which should be taken into consideration in the event that he subsequently files a petition for reinstatement.^[18]

Lastly, the Court may impose a fine upon a disbarred lawyer who committed an offense prior to disbarment. The Court does not lose its exclusive jurisdiction over other offenses of a disbarred lawyer committed while he was still a member of the legal profession.^[19] In this case, Atty. Ramon disobeyed the orders of the IBP Commission without justifiable reason when she did not file an answer and did not attend the mandatory conference despite due notice. Hence, Atty. Ramon must pay a fine of P5,000.00.^[20]

FOR THESE REASONS, Atty. Marie Frances E. Ramon is GUILTY of unauthorized practice of law in violation of Section 27, Rule 138 of the Rules of Court and is SUSPENDED from the practice of law for a period of six months. However, this penalty can no longer be imposed considering that she has already been disbarred. Nevertheless, the penalty should be considered in the event that she should apply for reinstatement.

Atty. Marie Frances E. Ramon is also meted a FINE in the amount of P5,000.00 for disobedience to the orders of the Integrated Bar of the Philippines. These payments shall be made within ten days from notice of this decision.

Let a copy of this Decision be furnished to the Office of the Bar Confidant to be entered into Atty. Marie Frances E. Ramon's records. Copies shall likewise be furnished to the Integrated Bar of the Philippines and the Office of the Court Administrator for circulation to all courts concerned.

SO ORDERED.

Peralta, C.J. (Chairperson), no part.

Perlas-Bernabe, Leonen, Caguioa, Gesmundo, Reyes, J. Jr., Carandang, Lazaro-Javier, Inting, Zalameda, Delos Santos, and Gaerlan, JJ., concur.

Hernando, J., no part.

Baltazar-Padilla, J., on leave.

[1] Rollo, pp. 3-4; penned by Presiding Judge Ethel V. Mercado-Gutay.

[2] Id.

[3] Rollo, pp. 6-7.

[4] Id. at 8-12.

[5] Id. at 17-26.

[6] Id. at 20-26.

[7] 790 Phil. 267 (2016).

[8] *Spouses Agner v. BPI Family Savings Bank, Inc.*, 710 Phil. 82 (2013), citing RULES OF COURT, Rule 131, Section 3 (v).

[9] Guidelines for lifting an order suspending a lawyer from the practice of law. See also *Maniago v. De Dios*, 631 Phil. 139, 145-146 (2010).

[10] 687 Phil. 1 (2012).

[11] 737 Phil. 191 (2014).

[12] 755 Phil. 349 (2015).

[13] 763 Phil. 687 (2015).

[14] 807 Phil. 153 (2017).

[15] A.C. No. 12487, December 4, 2019.

[16] A.C. No. 12415, March 5, 2019.

[17] *Yuhico v. Gutierrez*, 650 Phil. 225 (2010). See also *Sanchez v. Torres*, 748 Phil. 18 (2014).

[18] *Dumlao, Jr. v. Camacho*, A.C. No. 10498, September 4, 2018, 878 SCRA 595. See also *Rico v. Madrazo, Jr.*, A.C. No. 7231, October 1, 2019.

[19] *Punla v. Maravilla-Ona*, 816 Phil. 776 (2017); *Domingo v. Revilla, Jr.*, A.C. No. 5473, January 23, 2018, 852 SCRA 360; and *Valmonte v. Quesada, Jr.*, *supra*.

[20] *Domingo v. Sacdalan*, A.C. No. 12475, March 26, 2019, citing *Ojales v. Atty. Villahermosa III*, 819 Phil. 1, 2017.

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