

MARIFE C. MANONGSONG, COMPLAINANT, VS. ATTY. ARIEL M. REYES, RESPONDENT.

A.C. No. 13998 (Formerly CBD Case No. 22-6799), August 13, 2025

Ponente: ROSARIO, J.

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ROSARIO, J.:

Before the Court is an administrative complaint[1] filed by Marife Manongsong (Manongsong) against Atty. Ariel Reyes (Atty. Reyes) before the Integrated Bar of the Philippines (IBP) Commission on Bar Discipline (IBP-CBD) for gross misconduct.[2]

Factual Antecedents

Sometime in 2019, Atty. Reyes approached Manongsong to borrow PHP 1 million, which he will use for the operational expenses of his law firm and law practice. As security for the loan, Atty. Reyes issued two Metrobank checks in the amount of PHP 500,000.00 each. Manongsong decided to loan him the requested amount.[3]

Manongsong successfully encashed the first Metrobank check from Atty. Reyes worth PHP 500,000.00 as partial payment for the loan. However, the second check was dishonored by Metrobank for being drawn against a closed account.[4]

When Manongsong reached out to Atty. Reyes to inform him that the second check was dishonored and to demand for the payment of the loan, Atty. Reyes assured her that he will pay the loan on a certain date. Afterwards, Atty. Reyes would again propose a new date as to when the balance will be paid and the cycle continued. With this, Manongsong was constrained to engage the services of a lawyer to assist her in demanding payment from Atty. Reyes.[5]

Thus, Manongsong served a Demand Letter[6] to Atty. Reyes's law office, which was received by his secretary, Bergen Macaraig, on September 22, 2022. A copy of the Demand Letter was also sent via LBC Express to his residence and it was received by his helper, Richelle Bacay, on September 9, 2022.[7]

Despite the written demand, Atty. Reyes refused to reach out to Manongsong and settle his liability. Manongsong alleged that she can no longer contact Atty. Reyes through texts and he cannot be located at his residential and law office address.[8] Thus, Manongsong filed the instant complaint before the IBP-CBD.

In his Answer,[9] Atty. Reyes pleaded for understanding and consideration. He explained that he had no malicious intent to disregard the rules and that he was "financially devastated caused by wrong personal economic decision aggravated by the pandemic." [10]

In the proceedings before the IBP, Atty. Reyes failed to submit his mandatory conference brief, to appear in the mandatory conference, and to submit his position paper despite due notice. He also failed to offer any explanation for his noncompliance.[11]

Ruling of the Integrated Bar of the Philippines

In a Report and Recommendation[12] dated May 2, 2023, the IBP Investigating Commissioner found that Atty. Reyes is guilty of gross misconduct for the issuance of a worthless check to settle his financial obligation.[13] Thus, it was recommended that Atty. Reyes be suspended from the practice of law for a period of one year.[14]

In its Resolution[15] dated June 2, 2023, the IBP Board of Governors modified the recommended penalty of the IBP Investigating Commissioner to suspension from the practice of law for six months.

Issue

The main issue is whether respondent committed gross misconduct and should be held administratively liable for the issuance and dishonor of a worthless check.

Ruling of the Court

After a judicious perusal of the records, the Court resolves to adopt and approve the findings of fact and recommendation of the IBP Board of Governors, although with modification as to the imposable penalty.

Lawyers are instruments for the administration of justice and vanguards of our legal system. They are expected to maintain not only legal proficiency but also a high standard of morality, honesty, integrity, and fair dealing so that the people's faith and confidence in the judicial system is ensured.[16] They must at all times faithfully perform their duties to society, to the bar, the courts, and to their clients, which include prompt payment of financial obligations.[17]

Accordingly, the following provisions under the Code of Professional Responsibility and Accountability (CPRA)[18] are relevant in the instant case:

CANON II PROPRIETY

A lawyer shall, at all times, act with propriety and maintain the appearance of propriety in personal and professional dealings, observe honesty, respect and courtesy, and uphold the dignity of the legal profession consistent with the highest standards of ethical behavior.

Section 1. Proper conduct. — A lawyer shall not engage in unlawful, dishonest, immoral, or deceitful conduct.

Section 2. Dignified conduct. —

....

A lawyer shall not engage in conduct that adversely reflects on one's fitness to practice law, nor behave in a scandalous manner, whether in public or private life, to the discredit of the legal profession.

A lawyer's issuance of checks which were later dishonored for having been drawn against a closed account indicates a lawyer's unfitness for the trust and confidence reposed on him or her. It shows a lack of personal honesty and good moral character as to render him or her unworthy of public confidence. It also manifests a lawyer's low regard to his or her commitment to the oath he or she has taken when he or she joined the fold, seriously and irreparably tarnishing the image of the profession that he or she should hold in high esteem.[19]

Moreover, in the recent case of *Tan v. Atty. Pangan*,[20] the Court held that the respondent's act of reneging on a promise to return money despite repeated demands, his issuance of a bouncing check, and the substantial sum of money involved is tantamount to gross misconduct.[21]

Here, it is evident from the records that respondent had an outstanding loan of PHP 500,000.00 to the complainant and that the check he issued was dishonored for having been drawn against a closed account, in violation of *Batas Pambansa Blg. 22*. [22] He also made several promises to pay his debt promptly, yet, he reneged on his obligation to the extent that complainant was constrained to seek the assistance of another lawyer in order to demand

payment from him. Clearly, such acts constitute gross misconduct.

Gross misconduct is a serious offense, which is punishable by either or a combination of the following sanctions: (1) disbarment; (b) suspension from the practice of law for a period exceeding six months; or (c) a fine exceeding PHP 100,000.00.[23]

In *Lao v. Atty. Medel*, [24] the Court held that the deliberate failure to pay just debts and the issuance of worthless checks constitute gross misconduct, for which a lawyer may be sanctioned with one-year suspension from the practice of law.[25]

In determining the appropriate penalty for the respondent's gross misconduct, the Court likewise considers the mitigating circumstances attendant to this case.

Relevantly, Canon VI, Section 38 of the CPRA enumerates the following modifying circumstances which may be appreciated by the Court in determining the imposable penalty:

Section 38. Modifying circumstances. — In determining the appropriate penalty to be imposed, the Court may, in its discretion, appreciate the following mitigating and aggravating circumstances:

(a)

Mitigating circumstances:

(1)

First offense, except in charges of gross misconduct, bribery or corruption, grossly immoral conduct, misappropriating a client's funds or properties, sexual abuse, and sale, distribution, possession and/or use of illegal drugs or substances;

(2)

Absence of bad faith or malice;

(3)

Return of the amounts owed;

(4)

Expression of remorse;

(5)

Reconciliation with the complainant;

(6)

Rectification of wrongdoing;

(7)

Act or omission did not prejudice the client;

(8)

Age;

(9)

Number of years in the practice of law;

(10)

Humanitarian considerations; and

(11)

Other analogous circumstances. (Emphasis supplied)

Consequently, the Court takes note of the respondent's plea for understanding and consideration of his financial situation, as well as his explanation that his financial hardship was brought about by a "wrong personal economic decision aggravated by the pandemic." [26] To the Court's mind, this acknowledgment reflects a measure of remorse for his shortcomings. It is also undeniable that the COVID-19 pandemic has had a significant adverse impact on the livelihood of many, including lawyers engaged in private practice such as the respondent.

Canon VI, Section 38(a) of the CPRA recognizes humanitarian considerations and other analogous circumstances as grounds for reducing the impossible penalties against erring lawyers.

Even prior to the effectivity of the CPRA, the Court has extended a degree of leniency in imposing penalties against lawyers when mitigating factors are present. In the 2016 case of *Egger v. Atty. Duran*, [27] the Court reduced the impossible penalty of suspension against respondent lawyer from one year to six months on account of the latter's dire financial condition brought by Typhoon Yolanda and his willingness to return the money he received from complainant as soon as he recovers from such economic status.

Also, as aptly pointed out by my esteemed colleague, Associate Justice Hernando, the circumstances show that out of the two checks of PHP 500,000.00 each that were issued by the respondent as payment for his loan, the first check cleared. This partial payment manifests the respondent's intent and good faith to repay his loan.

Thus, in view of the mitigating circumstances present, the Court finds that a six-month suspension from the practice of law is sufficient penalty for the respondent's gross misconduct.

Lastly, Canon III, Section 2 of the CPRA requires a lawyer to promote respect for legal processes, uphold the rule of law, and conscientiously assist in the speedy and efficient administration of justice, thus:

CANON III
FIDELITY

....

Section 2. The responsible and accountable lawyer. — A lawyer shall uphold the constitution, obey the laws of the land, promote respect for laws and legal processes, safeguard human rights, and at all times advance the honor and integrity of the legal profession.

As an officer of the court, a lawyer shall uphold the rule of law and conscientiously assist in the speedy and efficient administration of justice.

Here, the respondent's deliberate disregard of the IBP's orders constitutes a violation of above-cited CPRA provision. Without offering any justifiable reason, the respondent failed to heed the IBP's orders to submit a mandatory conference brief, to appear in the mandatory conference, and to submit his position paper despite due notice.

Under Canon VI, Section 34 of the CPRA, a lawyer's failure to comply with the IBP's orders in connection with an administrative case is deemed as a less serious offense:

Section 34. Less serious offenses. — Less serious offenses include:

....

(c) Violation of Supreme Court rules and issuances in relation to Bar Matters and administrative disciplinary proceedings, including willful and deliberate disobedience of the orders of the Supreme Court and the IBP.

As a less serious offense, the CPRA prescribes that the penalty of either a suspension from the practice of law for a period within the range of one month to six months, or a fine within the range of PHP 35,000.00 to PHP 100,000.00, or a combination of both of these penalties, may be imposed against the erring lawyer.[28]

Relevantly, in the recent case of *Grand Pillar International Development, Inc. v. Atty. Cruz*,[29] the Court imposed a fine of PHP 50,000.00 against the respondent lawyer who failed to obey the IBP's orders in the administrative case, thus:

As a member of the Bar, Atty. Cruz ought to have known that the orders of the IBP-CBD as the investigating arm of the Court in administrative cases against lawyers are not mere requests but directives which should be complied with promptly and completely. She should be reminded that as a lawyer, she must maintain respect not only to the courts, but also to judicial officers and other duly constituted authorities, including the IBP.

Thus, her contumelious disregard of the lawful orders and processes of this Court and the IBP-CBD directing her to file her comment, to attend the mandatory conference, and to file her position paper, despite due notice, constitute a breach of her sworn duty as a lawyer, which is classified as a less serious offense under Canon VI, Section 34 of the Code of Professional Responsibility and Accountability (CPRA).[34] The Court, therefore, imposes a fine of PHP 50,000.00, pursuant to Canon VI, Section 37(b) of the CPRA.[30] (Emphasis supplied)

Considering the factual circumstances in both *Grand Pillar International Development, Inc.* and the present case, the Court notes a striking similarity in the nature of the respondent's violations—specifically, his repeated and unjustified failure to comply with the lawful directives of the IBP. Given this recurrence of misconduct, the Court finds it fitting to impose a fine of PHP 50,000.00 against the respondent for his continued defiance of the IBP's orders.

The power to discipline members of the Bar is an essential aspect of the Court's authority to regulate the legal profession. It is exercised not as a means of punishment, but to protect the public and uphold the integrity of the legal system. Nonetheless, the Court remains mindful that disciplinary sanctions carry serious consequences, not only to a lawyer's reputation but also to his or her ability to earn a living. The practice of law is the lawyer's primary means of livelihood and to strip someone of such privilege, whether in the form of disbarment or suspension, amounts to stripping one of a career and a means to keep himself or herself alive.[31] Thus, the imposition of administrative sanctions must always be exercised with great caution.

While the Court does not condone the respondent's misconduct, it seeks to strike a fair balance between safeguarding the interests of the public from erring lawyers and avoiding the undue and prolonged deprivation of a person's livelihood, especially when he or she has already endured financial hardship as a result of the pandemic. This, however, should not be construed as a license for impunity. The respondent's willful defiance of the IBP's orders is treated as a separate and distinct offense, unrelated to the mitigating circumstances considered in his favor. His financial difficulties, though acknowledged, neither justify nor explain his failure to comply with the IBP's orders or, at the very least, to provide a credible explanation for his noncompliance.

In light of these considerations, the Court finds it appropriate to impose the penalty of suspension from the practice of law for six months, along with a fine of PHP 50,000.00.

ACCORDINGLY, the Court finds respondent Atty. Ariel M. Reyes GUILTY of violating Canons II and III of the

Code of Professional Responsibility and Accountability, and is **SUSPENDED** from the practice of law for a period of six months. He is also meted a **FINE** in the amount of PHP 50,000.00 for his repeated disobedience to the orders of the Integrated Bar of the Philippines. Payment of the fine shall be made to this Court within a period of 10 days from the receipt of this Decision, and the respondent is **ORDERED** to submit to the Court the proof of compliance within 10 days from such payment.

The suspension from the practice of law shall take effect immediately upon receipt of this Decision and the respondent is **DIRECTED** to immediately file a Manifestation to the Court that his suspension has started, stating the exact date of receipt of this Decision, copy furnished all courts and quasi-judicial bodies where he has entered his appearance as counsel.

Let a copy of this Decision be furnished to: (a) the Office of the Court Administrator for dissemination to all courts throughout the country; (b) the Integrated Bar of the Philippines for its information and guidance; and (c) the Office of the Bar Confidant to be appended to the respondent's personal record.

SO ORDERED.

Gesmundo, C.J. (Chairperson), Hernando, Zalameda, and Marquez, JJ., concur.

[1] Rollo, pp. 4-13.

[2] Docketed as CBD Case No. 22-6799.

[3] Rollo, p. 5.

[4] Id.

[5] Id. at 5-6.

[6] Id. at 31.

[7] Id. at 6.

[8] Id. at 7.

[9] Id. at 43-44.

[10] Id.

[11] Id. at 157.

[12] Id. at 156-160. The May 2, 2023 Report and Recommendation in CBD Case No. 22-6799 was penned by Commissioner Donna Ann T. Balboa of the Commission on Bar Discipline, Integrated Bar of the Philippines, Pasig City.

[13] Id. at 159.

[14] Id. at 160.

[15] Id. at 154. The June 2, 2023 Notice of Resolution for Resolution No. CBD-XXV-2023-06-06 was signed by Doroteo Lorenzo B. Aguila of the Integrated Bar of the Philippines, Board of Governors, Pasig City.

[16] Lao v. Atty. Medel, 453 Phil. 115, 120 (2003) [Per J. Panganiban, En Banc].

[17] Id.

- [18] See Resolution dated November 14, 2023, stating that the CPRA took effect on May 30, 2023.
- [19] *Wilkie v. Atty. Limos*, 591 Phil. 1, 8 (2008) [Per J. Leonardo-De Castro, First Division].
- [20] A.C. No. 12878, January 31, 2023 [Per J. Leonen, En Banc].
- [21] *Id.* at 5. This pinpoint citation refers to the copy of the Decision uploaded to the Supreme Court website.
- [22] *Batas Pambansa Blg. 22* (1979), sec. 1.
- [23] See CODE OF PROF. RESPONSIBILITY & ACCOUNTABILITY, Canon VI, sec. 33 in relation to sec. 37.
- [24] 453 Phil. 115 (2003) [Per J. Panganiban, En Banc].
- [25] *Id.* at 123-124.
- [26] *Rollo*, p. 158.
- [27] 795 Phil. 9, 17 (2016) [Per J. Perlas-Bernabe, First Division].
- [28] See CODE OF PROF. RESPONSIBILITY & ACCOUNTABILITY, Canon VI, sec. 37.
- [29] A.C. No. 11001 (Formerly CBD Case No. 21-6449), August 19, 2024 [Per J. Dimaampao, Third Division].
- [30] *Id.* at 9. This pinpoint citation refers to the copy of the Decision uploaded to the Supreme Court website.
- [31] See *Velasco v. Doroin*, 582 Phil. 1, 11 (2008) [Per Curiam, En Banc].

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