

EDWARD ANG LEE, COMPLAINANT, VS. ATTY. EDITHA P. TALABOC, RESPONDENT.*A.C. No. 14530 (Formerly CBD Case No. 22-6636), April 08, 2026*

Ponente: GAERLAN, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/a-c-no-14530/>**GAERLAN, J.:**

The instant administrative case stemmed from a Verified Complaint[1] filed by Edward Ang Lee (Lee) against Atty. Editha P. Talaboc (Atty. Talaboc) with the Commission on Bar Discipline (CBD) of the Integrated Bar of the Philippines (IBP). In his complaint, Lee raised several allegations against Atty. Talaboc for various alleged violations of the Code of Professional Responsibility and Accountability (CPRA), citing multiple instances of professional misconduct.

Antecedents

Lee averred that Atty. Talaboc has been engaged as his lawyer for over 18 years. Towards the latter part of their engagement, their professional relationship soured due to alleged unprofessional and dishonest actions of Atty. Talaboc.[2]

Lee narrated that in 2017, he asked Atty. Talaboc to handle the transfer of title of a property in Quezon City for his friend Raymundo G. Kho (Kho). Atty. Talaboc allegedly requested PHP 400,000.00 for processing of the transfer. However, no progress was made even after four years. Atty. Talaboc also allegedly lost the documents related to the transaction that had been entrusted to her.[3]

Sometime between 2018 and 2019, Lee again sought Atty. Talaboc's services to reconstitute a title to his property. Atty. Talaboc allegedly requested PHP 300,000.00 to file a court petition. Despite the payment, no petition was filed by Atty. Talaboc. Lee claims that Atty. Talaboc admitted using the money for her own purposes.[4]

Lee also averred that Atty. Talaboc failed to turn over some checks to First Solid Rubber Industries Inc. (FSRI), a company where Lee was vice-president. The checks were allegedly in Atty. Talaboc's possession, and pertained to a Batas Pambansa Blg. 22 for which she was engaged by the company.[5]

Additionally, Atty. Talaboc also committed dishonesty when, during proceedings before the Energy Regulatory Commission (ERC) in ERC Case No. 2008-172CC,[6] Atty. Talaboc informed Lee through a telephone call that she was personally present before the ERC to attend to FSRI's case. This claim, however, was belied by Lee's representative who was present and did not see Atty. Talaboc during the proceedings.[7]

Lee further averred that Atty. Talaboc, in another case, failed to submit a Formal Offer of Evidence before a trial court on behalf of FSRI. According to Lee, Atty. Talaboc's failure caused prejudice to FSRI when they eventually lost the case.[8]

Finally, in his Judicial Affidavit,[9] Lee also claimed that Atty. Talaboc failed to execute a favorable Supreme Court judgment secured by her on behalf of FSRI, causing the judgment to lapse, to the detriment of FSRI.[10]

On November 12, 2021, Lee filed the instant disbarment complaint against Atty. Talaboc alleging multiple instances of professional misconduct. Lee accused Atty. Talaboc of violating her oath of office, conduct unbecoming of an officer of the court, gross misconduct, and violating the CPRA.[11]

On January 31, 2022, the CBD issued an Order[12] directing Atty. Talaboc to submit her Answer, which Atty. Talaboc failed to comply with.[13] In an Order[14] dated November 18, 2022, Commissioner Dona Jane M. Alagar. (Commissioner Alagar) noted Atty. Talaboc's failure to submit her Answer.[15]

On February 2, 2023, Lee filed his Compliance with Manifestation,[16] requesting a mandatory conference. Thereafter, on April 27, 2023, Lee filed a Motion to Set Case for Mandatory Conference.[17] In her May 4, 2023 Order,[18] Commissioner Alagar directed both parties to submit their respective verified position papers within 10 days.[19]

Lee filed his Verified Position Paper[20] on May 23, 2023, and on August 24, 2023, filed a Manifestation[21] pointing out Atty. Talaboc's failure to submit her own position paper.[22]

On October 23, 2023, the case was reassigned to Investigating Commissioner Chris A. Ajero (IC Ajero), who set a clarificatory hearing on November 15, 2023 via Zoom, where both parties were required to submit their respective judicial affidavits.[23]

Both parties failed to attend the clarificatory hearing and file their judicial affidavits. The next day, IC Ajero issued a Show-Cause Order for Indirect Contempt[24] against Atty. Talaboc for her willful failure or refusal to obey a lawful order issued by the IBP through the CBD.[25]

On November 16, 2023, Lee filed a Manifestation[26] explaining that he missed the clarificatory hearing due to his late receipt of the Order, and requested additional time to file[27] his judicial affidavit. The request for extension was granted,[28] and on January 19, 2024, Lee filed his Judicial Affidavit.[29]

On February 28, 2024, IC Ajero reiterated the CBD's directive for both parties to submit their respective verified position papers,[30] Lee filed his Verified Position Paper[31] on March 21, 2024. On the other hand, Atty. Talaboc again failed to comply with the directive.[32]

Report and Recommendation of the Investigating Commissioner

IC Ajero submitted his Report and Recommendation[33] on June 14, 2024, finding Atty. Talaboc administratively liable for the various allegations against her. The recommendatory portion of the report reads:

Guided by the ruling in *Spouses William Thomas and Marife Yukot Niles vs. Atty. Casiano S. Retardo*, AC No. 13229, June 21, 2023, and in relation to Sections 33, 34, 35, 37, 38, 39 and 40 of Canon VI of the CPRA, and considering the seriousness of the offenses and the substantial evidence provided by the complainant, the following penalties are recommended for each offense committed by the respondent:

1. 2017 Property Transfer: Suspension from the practice of law for 3 months and a Fine of [PHP 100,000.00].
2. 2018-2019 Title Reconstitution: Suspension from the practice of law for 2 years and a Fine of [PHP 150,000.00].
3. [Batas Pambansa] Blg. 22 Case: Suspension from the practice of law for 1 year and a Fine of [PHP 50,000.00].
4. ERC Case: Suspension from the practice of law for 1 month.
5. SC Case: Suspension from the practice of law for 1 year and a Fine of [PHP 100,000.00].
6. Failure to file a formal offer of evidence: No sanction for want of substantial evidence.

7. For failure to comply with the CBD Orders: Suspension from the practice of law for 6 months.

In addition to the above penalties and pursuant to Section 41 of Canon VI of the CPRA the Respondent is ORDERED to make an accounting of money and property of the complainant and thereafter, within a period, not exceeding three (3) months from receipt of the decision or resolution, she shall return the money and property due the complainant under pain of indirect contempt.

RESPECTFULLY SUBMITTED.[34] (Emphasis in the original)

IC Ajero pointed out several violations of the CPRA pertaining to each allegation against Atty. Talaboc. Specifically, he found that Atty. Talaboc violated Sections 1, 2, and 5 of Canon II on Propriety, Sections 2, 6, 49, 50, and 51 of Canon III on Fidelity, and Sections 1, 2, 3, 4, 5, and 6 of Canon IV on Competence and Diligence.[35]

IC Ajero emphasized that Atty. Talaboc failed to provide any defense throughout the proceedings. Despite multiple directives and orders from the IBP-CBD, she did not submit her answer, verified position paper, or judicial affidavit, nor did she attend the clarificatory hearing.[36]

Resolution of the IBP Board of Governors

The IBP Board of Governors (Board of Governors) issued a Resolution[37] dated August 23, 2024, modifying the Report and Recommendation of IC Ajero. The resolution reads:

RESOLUTION NO. XXVI-CRM-2024-08-19

RESOLVED, to MODIFY, as it is hereby MODIFIED, the Report and Recommendation of the Investigating Commissioner (IC), upon the findings that respondent is a recidivist with the following HISTORY OF SANCTIONS: (i) fine of [PHP] 70,000 (2023), (ii) 2 years suspension (2022), (iii) 6 months suspension and immediate revocation of notarial commission, disqualification from reappointment as notary public for two years (2022), (iv) 3 months suspension with stern warning (2020), (v) 1 year suspension and immediate revocation of notarial commission, disqualification from reappointment as notary public for two years and fine of [PHP] 5,000 (2018), (vi) 1 year suspension with stern warning and instruction to return [PHP] 50,000 to the complainant (2017), THUS TO RECOMMEND INSTEAD to impose upon respondent Atty. Editha P. Talaboc the following penalties for two counts of less serious offenses, gravely aggravated by her impenitent recidivism: (i) for falsely claiming appearance with the Energy Regulatory Commission (ERC), ONE YEAR SUSPENSION from the practice of law, which is double the maximum period prescribed under the rules, with STERN WARNING that a repetition of the same or similar act shall be dealt with more severely; and likewise, (ii) for the violation of Section 34 (c) in relation to Section 37 (b) of Canon VI of the Code of Professional Responsibility and Accountability, considering the previous sanctions, a maximum FINE of [PHP] 100,000.00 FOR EACH COUNT of willful and deliberate disobedience to comply with the orders and [directives] of the IC, (1) in the failure to submit the required Answer, (2) position paper, (3) judicial affidavit, and (4) failure to attend the clarificatory conference, or a TOTAL FINE of [PHP] 400,000.00.[38] (Emphasis in the original)

The Board of Governors affirmed Atty. Talaboc's administrative guilt, but only with regard to two allegations. Specifically, she was penalized for: (1) making false claims to her client regarding her appearance at a hearing before the ERC, and (2) repeatedly failing to comply with the orders of the IBP through the CBD. Both are classified as less serious offenses under the CPRA.

In imposing the penalty, the Board of Governors noted the "impenitent recidivism" displayed by Atty. Talaboc, as evidenced by her history of prior sanctions.[39]

Issue

The issue before the Court is whether Atty. Talaboc should be held administratively liable under the CPRA for the various allegations made by Lee regarding her alleged professional misconduct.

Our Ruling

After a judicious review of the records, the Court resolves to adopt the Resolution and Recommendation of the Board of Governors.

At the outset, the Court emphasizes that the quantum of proof required in disbarment and suspension proceedings against lawyers is substantial evidence, i.e., that amount of relevant evidence that a reasonable mind might accept as adequate to support a conclusion. It is the complainant who has the burden of proving that the respondent is guilty of the administrative charge against him or her.[40]

Elementary is the rule that mere allegations are not equivalent to proof. Conjectures, suspicions, and speculations, without evidence, cannot be given credence.[41]

The Court is consistent in giving primacy to the legal presumption of innocence in favor of lawyers who are administratively charged without proof. As officers of the Court, they are presumed to have performed their duty in accordance with their oath.[42]

Guided by the foregoing principles, the Court now considers each allegation of professional misconduct against Atty. Talaboc, and the corresponding evidence submitted to support each allegation.

2017 Property Transfer

Lee alleged that in 2017, he asked Atty. Talaboc to handle the transfer of title of a property in Quezon City for his friend, Kho. It was also alleged that Atty. Talaboc requested PHP 400,000.00 for processing of the transfer, and that no progress was made after four years. Atty. Talaboc also allegedly lost the documents related to the transaction that had been entrusted to her.

IC Ajero found that Atty. Talaboc violated Canon VI, Section 34(b)[43] and 34(n)[44] of the CPRA, and imposed the penalty of suspension from the practice of law for three months, and a Fine of PHP 100,000.00.

To support his allegation, Lee submitted a Special Power of Attorney[45] (SPA) which shows that a certain Lorna Pacio (Pacio), an alleged employee of Atty. Talaboc, was one of the persons empowered to act on behalf of a certain Maria Guevarra Sy (Sy), in relation to the transfer of a property in Quezon City.

The SPA fails to substantiate the allegation against Atty. Talaboc.

First, based on the SPA, it was a certain Sy, not Kho, who was the party on whose behalf the transfer was sought. In other words, the SPA only shows the existence of an obligation to Sy, not Kho.

Second, nowhere in the SPA is it stated that the amount of PHP 400,000.00 was given to Atty. Talaboc, or her alleged employee, Pacio, to process the transfer. Likewise, there is nothing in the SPA that tends to support the claim that Atty. Talaboc lost any document that may have been handed to her.

At most, what the SPA shows is that Pacio, the alleged employee of Atty. Talaboc, was among the persons authorized by Sy to act on her behalf. No other evidence was submitted to sufficiently support the allegations against Atty. Talaboc.

Notably, there is a glaring lack of any affidavit or statement from Kho that would support the alleged existence, of any duty of Atty. Talaboc to Kho. Almost, the SPA merely shows that Pacio was authorized by Sy, not even Kho, to act on Sy's behalf. Likewise, no receipt or other evidence was presented to show the alleged payment of PHP 400,000.00 to Atty. Talaboc. Thus, the Board of Governors was correct in absolving Atty. Talaboc on this charge.

2018-2019 Title reconstitution

As regards the allegation that Atty. Talaboc failed to accomplish the 2018-2019 reconstitution of title despite payment, IC Ajero found that Atty. Talaboc should be held administratively liable for violating Canon VI, Section 33(b)[46] and (g)[47] of the CPRA. The Board of Governors, however, absolved Atty. Talaboc of this charge.

Aside from Lee's allegation, there is no iota of evidence, whatsoever, to support this claim. Mere allegations cannot be treated as proof of alleged professional misconduct. Consequently, the Board of Governors was also correct in dismissing this charge.

Batas Pambansa Blg. 22 case documents

Lee claimed that FSRI entered into a compromise agreement with a certain Ma. Coleta Isabel Tan in a criminal case before Branch 49 of the Municipal Trial Court (MTC), Caloocan City, concerning a violation of Batas Pambansa Blg. 22. He alleged that after the compromise agreement was executed, Atty. Talaboc failed to turn over some checks related to the case.

IC Ajero held Atty. Talaboc administratively liable, but the Board of Governors absolved her of the charge.

The Court agrees with the Board of Governors.

To support his claim, Lee submitted only the first page of a "Partial Judgment on the Civil Aspect Based on Compromise Agreement." [48] This solitary page, however, is insufficient to substantiate Lee's allegation. The partial judgment, without the accompanying pages or any contextual detail, is merely tangential to the central issue: Atty. Talaboc's alleged failure to turn over the checks. It cannot, by any reasonable standard, be taken as proof of that specific claim.

Lee also presented letters [49] purportedly sent to Atty. Talaboc after the disbarment complaint had already been filed, demanding the return of "any and all documents, original and/or photocopy," relating to several cases. Yet this self-serving document, uncorroborated by other evidence, falls short of proving the allegation. In the absence of additional documentation or testimonial support, and considering the broad and largely unsubstantiated nature of many of the complainant's assertions, the Court finds that Lee failed to meet the requisite burden of proof to establish that Atty. Talaboc withheld the documents in question.

While it is indeed the duty of a lawyer to return documents upon the client's request, the allegation of a failure to observe such duty must be supported by substantial evidence. Mere allegations, unsupported by concrete proof, cannot sustain the imposition of administrative liability. [50]

Failure to execute the Supreme Court Decision

Lee also alleged that Atty. Talaboc negligently failed to execute a favorable Supreme Court judgment secured by Atty. Talaboc on behalf of FSRI, causing the judgment to lapse, to the detriment of FSRI.

This was also correctly dismissed by the Board of Governors.

The only pieces of evidence presented to support this claim were a Complaint for Sum of Money [51] dated November 18, 2008 and an Entry of Judgment [52] from the Court stating that a case between Mindanao Rubber Development Industries Corporation (MRDIC) and FSRI, docketed as G.R. No. 205593, had attained finality on December 3, 2013.

Once again, the evidence failed to substantially support the allegation against Atty. Talaboc.

The core accusation concerns Atty. Talaboc's alleged negligence in failing to execute a judgment she purportedly secured on behalf of MRDIC. However, the documents presented by Lee, specifically, the Entry of Judgment in G.R. No. 205593, merely demonstrate that the decision in that case had attained finality. They do not, on their own, establish any failure on the part of Atty. Talaboc to pursue execution of the judgment.

Allegations of professional negligence require substantial evidence, not mere inference. The Entry of Judgment unaccompanied by other evidence, cannot reasonably be construed as sufficient to establish the alleged failure to execute the judgment. In the absence of such corroboration, the Court cannot impose administrative liability without engaging in speculation. To repeat, the burden of proof rests with the complainant, and without credible supporting evidence, that burden remains unmet.

Dishonesty regarding appearance in the ERC case

With respect to the charge of dishonesty against Atty. Talaboc, the Court concurs with the findings of both the Board of Governors and IC Ajero, and holds that she indeed committed the act complained of.

Lee alleged that Atty. Talaboc committed an act of dishonesty towards him during the proceedings in ERC Case No. 2008-172CC when Atty. Talaboc falsely claimed to have attended a hearing before the ERC. According to Lee, Atty. Talaboc informed him over the phone that she was present at the ERC to attend a scheduled hearing where a settlement, proposal was to be presented by FSRI to Manila Electric Company (MERALCO) and the ERC.

However, unbeknownst to Atty. Talaboc, Lee had a representative at the same hearing who did not see Atty. Talaboc present. Instead, only Pacio was at the hearing.

To substantiate the claim, Lee presented an Order^[53] dated December 20, 2021 from the ERC. In the Order, the ERC specifically pointed out that during the hearing scheduled on February 12, 2020, only Pacio appeared on behalf of FSRI. Because of the absence of FSRI's counsel, the hearing was reset to a later date on March 25, 2020.^[54]

To the Court, this is adequate evidence to prove the allegation against Atty. Talaboc.

Unlike the allegations in the earlier discussion which were unsubstantiated by evidence, the Order of the ERC directly supports Lee's claim. The Order proves that Atty. Talaboc was not at the scheduled hearing, and as a consequence, the hearing on the proposed settlement was reset.

It is a fundamental duty of a lawyer to appear on behalf of a client in legal proceedings.^[55] Lee's expectation that Atty. Talaboc would be present, at the hearing was reasonable, given her prior assurance of attendance. This expectation is further justified since the hearing involved a settlement proposal initiated by FSRI.

Thus, for falsely claiming attendance at a legal proceeding, Atty. Talaboc should be held administratively liable for the less serious offense of simple dishonesty under Canon VI, Section 34(d)^[56] of the CPRA.

Failure to comply with the IBP-CBD Orders

The Court likewise agrees with IC Ajero and the Board of Governors that Atty. Talaboc should be held administratively liable for failure to comply with the IBP Orders.

As pointed out by IC Ajero, Atty. Talaboc failed to comply with the Orders of the IBP-CBD to submit her answer, verified position paper, judicial affidavit, and the order to attend the clarificatory hearing scheduled by IC Ajero.[57]

After reviewing the records, the Court finds that Atty. Talaboc willfully and deliberately disregarded the following orders of the IBP:

- The January 31, 2022 Order[58] directing Atty. Talaboc to submit her answer;
- The May 4, 2023 Order[59] directing Atty. Talaboc to submit her verified position paper;
- The October 23, 2023 Order[60] directing Atty. Talaboc to attend the clarificatory hearing and file her judicial affidavit; and
- The February 28, 2024 Order[61] reiterating the earlier directive for Atty. Talaboc to file her verified position paper.

Canon VI, Section 34(c)[62] of the CPRA classifies as a less serious offense the willful and deliberate disobedience of the orders of the IBP. In view of Atty. Talaboc's outright refusal to comply with the Orders of the IBP, the Court affirms the imposition of administrative liability for four counts of violation of Canon VI, Section 34(c) of the CPRA.

History of sanctions

In its resolution, the Board of Governors noted that Atty. Talaboc has a history of past infractions.

In 2017, the Court, in *Cabuello v. Atty. Talaboc*,[63] found Atty. Talaboc to have violated Canons 17 and 18 of the former Code of Professional Responsibility. In that case, Atty. Talaboc was remiss in her duty to her clients, having failed to appear at any of the hearings in a criminal case, which caused an 11-month delay in the pre-trial proceedings until the trial court was constrained to appoint a counsel de officio. Consequently, she was suspended from the practice of law for one year and directed to return to the complainant the amount of PHP 50,000.00.

There were three other administrative cases filed against Atty. Talaboc. In these cases, while she was not found guilty of the offense charged, she was nevertheless sanctioned for her disregard of Supreme Court and IBP directives. She was meted the following administrative liabilities: (1) a three-month suspension;[64] (2) a PHP 10,000.00 fine[65] and (3) a six-month suspension.[66]

The finding of previous administrative liability is recognized as an aggravating circumstance in Canon VI, Section 38(b)(1) of the CPRA, which provides that:

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: . . . (b) Aggravating Circumstances;

(1)

Finding of previous administrative liability where a penalty is imposed, regardless of nature or gravity[.]

In view of Canon VI, Section 38(b)(1) of the CPRA, the Court may, in its discretion, treat Atty. Talaboc's past infractions as an aggravating circumstance in the instant case.

Penalties

To recapitulate, the Court finds Atty. Talaboc guilty of simple dishonesty towards her client for falsely claiming

attendance at a legal proceeding, in violation of Canon VI, Section 34(d) of the CPRA.

Likewise, she is found guilty of four counts of violation of Canon VI, Section 34(c) of the CPRA for her willful and deliberate disobedience to the Orders of the IBP.

Both simple dishonesty and the willful and deliberate disobedience to the Orders of the IBP are classified as less serious offenses under Section 37(b) of the CPRA, which reads:

CANON VI
ACCOUNTABILITY
Section 37. Sanctions. –

. . . .

(b) If the respondent is found guilty of a less serious offense, any of the following sanctions, or a combination thereof, shall be imposed:

(1)

Suspension from the practice of law for a period within the range of one (1) month to six (6) months, or revocation of notarial commission and disqualification as notary public for less than two (2) years;

(2)

A fine within the range of [PHP] 35,000.00 to [PHP] 100,000.00.

Meanwhile, in accordance with Canon VI, Section 38(b)(1)[67] of the CPRA, the Court may, in its discretion, appreciate the finding of previous administrative liability as an aggravating circumstance.

In relation thereto, Canon VI, Section 39[68] of the CPRA provides that if an aggravating circumstance is present, the Court may impose the penalty of suspension or fine for a period not exceeding double of the maximum prescribed by the rules.

Finally, if a respondent is found liable for more than one offense arising from separate acts or omissions in a single administrative proceeding, the Court shall impose separate penalties for each offense, consistent with Canon VI, Section 40[69] of the CPRA.

In view of all the foregoing, the Court hereby finds that the penalties imposed by the Board of Governors are in conformity with Canon VI, Sections 37, 38, 39, and 40 of the CPRA, and accordingly adopts and affirms its recommendation.

On a final note, it does not escape the Court's attention that in prior administrative proceedings against Atty. Talaboc, she has shown a continued disregard of, and defiance toward, the lawful orders issued by both the Court and the IBP. This unmistakably shows a persistent pattern of contumacious conduct. Such repeated acts of disrespect toward, duly constituted authorities cannot be countenanced, lest it erode the dignity of the legal profession and subvert the orderly administration of justice.

For these reasons, the Court deems it imperative to issue a stern and final warning to Atty. Talaboc that any recurrence of similar misconduct, or any further act of willful defiance of the lawful directives of the Court or the IBP, shall warrant the imposition of the supreme penalty of disbarment or other severe disciplinary sanctions as the Court sees fit. The Court shall not hesitate to exercise its disciplinary authority to protect the integrity of the Bar and uphold the honor of the legal profession.

ACCORDINGLY, the Court finds Atty. Editha P. Talaboc GUILTY of simple dishonesty, and four counts of

willful disobedience to the Orders of the Integrated Bar of the Philippines. She is ORDERED SUSPENDED from the practice of law for one year. She is further ORDERED to PAY a FINE in the amount of PHP 400,000.00.

The suspension from the practice of law shall take effect immediately upon receipt of Atty. Editha P. Tulaboc of this Decision. She is DIRECTED to immediately file a Manifestation with the Court that her suspension has started, copy FURNISH all courts and quasi-judicial bodies where she has entered her appearance as counsel.

Let copies of this Decision be furnished to the Office of the Bar Confidant to be appended to the personal record of Atty. Editha P. Talaboc as an attorney; the Integrated Bar of the Philippines for its information and guidance; and the Office of the Court Administrator for circulation to all courts in the country.

Finally, Atty. Editha P. Talaboc is STERNLY and FINALLY WARNED that a repetition of the same or similar acts in the future shall be dealt with more severely.

SO ORDERED.

Gesmundo, C.J., Caguioa, Hernando, Inting, Zalameda, Rosario, Lopez, Dimaampao, Marquez, Kho, Jr., and Villanueva, JJ., concur.

Lazaro-Javier, J., see concurrences dissent.

Leonen, SAJ., see dissent.

Singh,[*] J., on leave but left a concurring vote.

[*] Singh, J., on leave but left a concurring vote.

[1] Rollo, pp. 4-12.

[2] Id. at 5.

[3] Id. at 6-7.

[4] Id. at 5-6.

[5] Id. at 7.

[6] Also referred to as "LRC Case No. 2008-172CC" in the complainant's Verified Complaint. (See rollo, p. 7)

[7] Rollo, p. 7.

[8] Id.

[9] Id. at 74-79.

[10] Id. at 77.

[11] Id. at 142.

[12] Id. at 13.

[13] Id. at 142.

[14] Id. at 14-15.

[15] Id. at 15.

[16] Id. at 18.

[17] Id. at 22-23.

[18] Id. at 26-27.

[19] Id. at 26.

[20] Id. at 29-37.

[21] Id. at 45-46.

[22] Id. at 45.

[23] Id. at 49-51.

[24] Id. at 62-64.

[25] Id. at 62.

[26] Id. at 56-57.

[27] Id. at 59-60.

[28] Id. at 71-72.

[29] Id. at 74.

[30] Id. at 108-109.

[31] Id. at 112-120.

[32] Id. at 143.

[33] Id. at 141-149.

[34] Id. at 148.

[35] Id. at 144-145.

[36] Id. at 143.

[37] Id. at 139-140.

[38] Id. at 140.

[39] Id.

[40] *Matienzo v. Atty. Topacio*, A.C. No. 8901, April 12, 2023 [Notice, Third Division], citing *Dillon v. De Quiroz*, 893 Phil. 223, 228 (2021) [Per J. Peralta, First Division].

[41] Id.

[42] *Matienzo v. Atty. Topacio*, A.C. No. 8901, April 12, 2023 [Notice, Third Division], citing *Gradiola v. Deles*, 833 Phil. 299, 308 (2018) [Per J. Del Castillo, First Division].

[43] (b) Simple negligence in the performance of duty, or such negligence which does not result in depriving the client of his or her day in court[.]

[44] (n) Unjustifiable failure or refusal to render an accounting of the funds or properties of a client[.]

[45] Rollo, p. 80.

[46] (b) Serious dishonesty, fraud, or deceit, including falsification of documents and making untruthful statements[.]

[47] (g) Misappropriating a client's funds or properties[.]

[48] Rollo, p. 81.

[49] Id. at 38-39, 95-96.

[50] See *Matienzo v. Atty. Topacio*, A.C. No. 8901, April 12, 2023 [Notice, Third Division].

[51] Rollo, pp. 85-90.

[52] Id. at 94.

[53] Id. at 82-84. Penned by Commissioner Alexis M. Lumbatan.

[54] Id. at 82.

[55] See *Judge Madrid v. Atty. Dcalca*, 742 Phil. 514, 518 (2014) [Per J. Bersamin, En Banc].

[56] (d) Simple dishonesty[.]

[57] Rollo, p. 143.

[58] Id. at 13.

[59] Id. at 26-27.

[60] Id. at 49-51.

[61] Id. at 108-109.

[62] (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.

[63] 820 Phil. 370 (2017) [Per J. Peralta, En Banc].

[64] *Sia Su v. Atty. Talaboc*, A.C. No. 8538, February 17, 2020 [Notice, First Division].

[65] *Completo v. Atty. Talaboc*, A.C. No. 8414, February 13, 2023 [Notice, Second Division].

[66] *Re: Resolution Dated August 30, 2017 in OMB-C-C-13-0357 v. Atty. Talaboc*, 961 Phil. 1, 20 (2024) [Per J. Rosario, First Division].

[67] (1) Finding of previous administrative liability where a penalty is imposed, regardless of nature or gravity[.]

[68] SECTION 39. Manner of Imposition. – If one (1) a more aggravating circumstance and no mitigating circumstances are present, the Supreme Court may impose the penalties of suspension or fine for a period or amount not exceeding double of the maximum prescribed under this Rule.

[69] SECTION 40. Penalty for multiple offenses. – If the respondent is found liable for more than one (1) offense arising from separate acts or administrative proceeding, the Court shall impose separate penalties for each offenses. Should the aggregate of the imposed penalties exceed five (5) years of suspension from the practice of law or PHP 1,000,000.00 in fines, the respondent may, in the discretion of the Supreme Court, be mered with the penalty of disbarment.

DISSENTING OPINION

LEONEN, SAJ.:

The ponencia highlights our critical, and often underappreciated, role in safeguarding the integrity of the legal profession. As both the constitutional guardian and disciplinary tribunal, we bear the authority and responsibility to enforce the Code of Professional Responsibility and Accountability (CPRA) and remove members of the Court whose conduct undermines public trust.

A lawyer's repeated and brazen disregard of the CPRA warrants nothing less than the penalty of disbarment. For this reason, I respectfully dissent from the penalty imposed upon respondent Atty. Editha P. Talaboc (Atty. Talaboc). While I agree with the ponencia's finding that respondent is guilty of simple dishonesty, her persistent violations of the CPRA, taken together with her prior administrative infractions, reveal a troubling pattern of conduct that is incompatible with the standards of the legal profession.

Therefore, I submit that respondent should be disbarred from the practice of law.

Edward Ang Lee filed a verified complaint[1] against Atty. Talaboc with the Commission on Bar Discipline (CBD) of the Integrated Bar of the Philippines (IBP), citing the following instances allegedly in violation of the CPRA:

- The 2017 case of transfer of property in Quezon City where Atty. Talaboc asked for PHP 400,000.00. No progress was made because Atty. Talaboc allegedly lost the documents related to this transaction;
- The 2018 case of title reconstitution, where no court petition was filed despite payment of PHP 300,000.00;
- Atty. Talaboc's alleged failure to turn over some checks to First Solid Rubber Industries Inc. (FSRI), a company where Lee was the vice president, in relation to a Batas Pambansa 22 case which she was engaged as counsel by the company;
- Atty. Talaboc's alleged commission of dishonesty when she claimed that she was present during an Energy Regulation Commission hearing although she was absent;
- Atty. Talaboc's alleged failure to execute a favorable Supreme Court decision secured by her on behalf of FSRI;
- Atty. Talaboc's alleged failure to submit a formal offer of evidence before trial court on behalf of FSRI, which prejudiced the latter.[2]

The IBP-CBD issued an Order directing Atty. Talaboc to file an Answer, but she failed to comply. She also did not submit her Verified Position Paper despite being required to do so.[3]

In addition, Atty. Talaboc failed to attend the clarificatory hearing or submit her Judicial Affidavit. The IBP-CBD again instructed her to file her position paper, but she again failed to do so.[4]

The IBP-CBD, through the Investigating Commissioner, issued a Report and Recommendation[5] finding Atty. Talaboc administratively liable for all the allegations. It recommended a penalty of suspension from the practice of law for each violation, except for the alleged failure to file a formal offer of evidence before the trial court for lack of substantial evidence.[6]

The Investigating Commissioner further noted that Atty. Talaboc failed to present any defense throughout the proceedings despite repeated directives and orders from the IBP-CBD. For her continued noncompliance, the

Investigating Commissioner recommended an additional and separate penalty of six months' suspension from the practice of law.[7]

Consequently, the IBP Board of Governors (Board) issued a Resolution,[8] modifying the Report and Recommendation of the IBP-CBD. It cited that Atty. Talaboc is a recidivist—a person who repeatedly engages in criminal behavior. Nonetheless, the Board only affirmed her administrative liability for her alleged commission of dishonesty when she lied about being present during an Energy Regulation Commission hearing; and her repeated failure to comply with the orders of the IBP-CBD.[9] The Resolution of the Board reads:

RESOLVED, to MODIFY, as it is hereby MODIFIED, the Report and Recommendation of the Investigating Commissioner (IC), upon the findings that respondent is a recidivist with the following HISTORY OF SANCTIONS: (i) fine of [PHP] 70,000.00 (2023), (ii) 2 years suspension (2022), (iii) 6 months suspension and immediate revocation of notarial commission, disqualification from reappointment as notary public for two years (2022), (iv) 3 months suspension with stern warning (2020), (v) 1 year suspension and immediate revocation of notarial commission, disqualification from reappointment as notary public for two years and fine of [PHP] 5,000.00 (2018), (vi) 1 year suspension with stern warning and instruction to return [PHP] 50,000.00 to the complainant (2017), THUS TO RECOMMEND INSTEAD to impose upon respondent Atty. Editha P. Talaboc the following penalties for two counts of less serious offenses, gravely aggravated by her impenitent recidivism: (i) for falsely claiming appearance with the Energy Regulatory Commission (ERC), ONE YEAR SUSPENSION from the practice of law, which is double the maximum period prescribed under the rules, with STERN WARNING that a repetition of the same or similar act shall be dealt with more severely; and likewise, (ii) for the violation of Section 34 (c) in relation to Section 37 (b) of Canon VI of the Code of Professional Responsibility and Accountability, considering the previous sanctions, a maximum FINE of [PHP] 100,000.00 FOR EACH COUNT of willful and deliberate disobedience to comply with the orders and directions of the IC, (1) in the failure to submit the required Answer, (2) position paper, (3) judicial affidavit, and (4) failure to attend the clarificatory conference, or a TOTAL FINE of [PHP] 400,000.00.[10] (Emphasis in the original)

The ponencia adopted the Board's Resolution.[11] It also noted four administrative liabilities previously imposed on respondent:

In 2017, the Court, in *Cabuello v. Atty. Talaboc*, found Atty. Talaboc to have violated Canons 17 and 18 of the former Code of Professional Responsibility. In that case, Atty. Talaboc was remiss in her duty to her clients, having failed to appear at any of the hearings in a criminal case, which caused an 11-month delay in the pre-trial proceedings until the trial court was constrained to appoint a counsel de officio. Consequently, she was suspended from the practice of law for one year and directed to return to the complainant the amount of PHP 50,000.00.

There were three other administrative cases filed against Atty. Talaboc. In these cases, while she was not found guilty of the offense charged, she was nevertheless sanctioned for her disregard of Supreme Court and IBP directives. She was meted the following administrative liabilities: (1) a three-month suspension; (2) a PHP 10,000.00 fine; and, (3) a six-month suspension.[12] (Emphasis in the original, citations omitted)

While the ponencia treated the previous administrative liabilities of respondent as an aggravating circumstance, it only imposed a one-year suspension from the practice of law, and a fine of PHP 400,000.00.[13]

In arriving at the penalty, the ponencia reiterated that respondent is liable for simple dishonesty and four counts of willful defiance of the lawful directives of the IBP.[14] Both are classified as a less serious offense.[15] Thus, under Canon VI, Section 37(b) of the CPRA, in relation to Canon VI, Section 39 of the same Code, the Court may only "impose the penalty of suspension or fine for a period not exceeding double the maximum, prescribed, by the rules." [16]

I dissent.

The findings of fact are undisputed in this case. Respondent was found liable with simple dishonesty, in violation of Canon VI, Section 34(d) of the CPRA, for making false representations to her client regarding her appearance at a hearing before the Energy Regulatory Commission.[17] There is also an aggravating circumstance under Canon VI, Section 38(b)(7) of the CPRA for respondent's failure to comply with the lawful orders of the Court and the IBP in relation to this administrative case.[18]

The ponencia also noted that respondent was liable in four other administrative cases.[19] In *Cabueilo v. Atty. Talaboc*,[20] this Court found that respondent violated Canons 17 and 18 of the then Code of Professional Responsibility for being remiss in her duty toward her clients by never appearing in the hearings of the criminal case. Although not penalized for her failure to follow the orders of judicial institutions, both the IBP and this Court already noted respondent's habit of failing to heed the orders of both IBP and the courts in relation to the administrative case filed against her.[21]

In *Sia Su v. Atty. Talaboc*,[22] respondent failed to file her comment to the complaint despite the Court's Resolution requiring her to do so. She also failed to heed the Court's Show Cause Resolution and did not respond to the IBP's directives to file pleadings and to participate in the proceedings. As a result, respondent was suspended from the practice of law for three months.[23]

Similarly, respondent in *Completo v. Atty. Talaboc*[24] was fined PHP 10,000.00 for repeatedly failing to heed the Court's directive to file her comment on the complaint, despite seeking additional time to do so. The Office of the Bar Confidant also submitted a Status Report, informing the Court that there were 12 disciplinary cases against respondent pending before the Court.[25]

More recently, in *Re; Resolution v. Atty. Talaboc*,[26] respondent was again held administratively liable for her failure to comply with the IBP's directives in violation of Canon III, Section 2 of the CPRA. She failed to file her answer despite filing several motions for an extension and failed to attend the mandatory conference set by the IBP.[27] For these infractions, and given her previous administrative liabilities, respondent was suspended from the practice of law for six months.[28]

In all these cases, the Court was not remiss of sternly warning respondent that a repetition of the same or similar acts would be dealt with more severely.

The CPRA introduced the application of qualifying circumstances in administrative cases against lawyers. A list of aggravating circumstances under Canon VI, Section 38 are as follows:

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:

....

(b) Aggravating Circumstances:

(1)

Finding of previous administrative liability where a penalty is imposed, regardless of nature or gravity;

(2)

Age;

(3)

Number of years in the practice of law;

(4)

Employment of fraudulent means to conceal the offense;

(5)

Respondent's act or omission was tainted with bad faith or malice, except when it is an element of the offense;

(6)

Lack of remorse;

(7)

Failure to comply with the orders of the Court and the IBP in relation to an administrative case;

(8)

Other analogous circumstances. (Emphasis supplied)

Meanwhile, Canon VI, Section 39 of the CPRA provides for the manner of imposition of penalties:

SECTION 39. Manner of imposition. — If one (1) or more aggravating circumstances and no mitigating circumstances are present, the Supreme Court may impose the penalties of suspension or fine for a period or amount not exceeding double of the maximum prescribed under this Rule. The Supreme Court may, in its discretion, impose the penalty of disbarment depending on the number and gravity of the aggravating circumstances. (Emphasis supplied)

The plain text of CPRA is instructive. It uses the article "a," which refers to a singular and countable noun. In this case, the noun is "finding of previous administrative liability." As such, each finding of a previous administrative liability, where a penalty is imposed, regardless of nature or gravity, must be considered as a separate and distinct circumstance that can aggravate the appropriate penalty to be imposed.

With this in mind, respondent has been found administratively liable on four separate occasions since 2017, each arising from the same recurring, willful, persistent, and blatant failure to comply with the lawful directives of both the Court and the IBP. Under the plain text of Section 38 of the CPRA, this results in a total of five aggravating circumstances: her four prior administrative offenses and her repeated failure to comply with IBP orders in this case.

As an officer of the court, respondent failed to consistently demonstrate fidelity to the rule of law. Her persistent failure to comply with court orders and IBP processes shows a serious lack of moral character and professionalism, undermining public confidence in both her and the legal profession.

In *Tan v. Atty Pangan*,^[29] the Court held that "[w]hile the Court is mindful of exercising its power to disbar only for the most imperative of reasons, the Court will not hesitate to impose the penalty of disbarment when the guilty party has become a repeat offender."^[30]

Applying Canon VI, Section 39 of the CPRA, the Court may, in its discretion, impose the penalty of disbarment based on the number and gravity of the aggravating circumstances, regardless of whether the offense is classified as serious, less serious, or light.

Respondent has become a repeat offender, showing no indication of correcting her conduct since 2017. The Court should not turn a blind eye in respondent's persistent disregard for the rules for it strikes at the very integrity of the legal profession and undermines the administration of justice. This should not be tolerated. This must end.

ACCORDINGLY, I vote to DISBAR respondent Atty. Editha P. Talaboc from the practice of law.

[1] Ponencia, pp. 14.

[2] Id. at 2-3.

[3] Id. at 3.

[4] Id. at 4.

[5] Id. at 4-5.

[6] Id. at 5.

[7] Id.

[8] Id. at 5-6.

[9] Id at 6.

[10] Id. at 6-7

[11] Id. at 7.

[12] Id. at 13.

[13] Id. at 15.

[14] Id. at 13-14.

[15] Id. at 14.

[16] Id. at 14.

[17] Id. at 13.

[18] Id. at 14.

[19] Id. at 13-14.

[20] 820 Phil. 370 (2017) [Per J. Peralta, En Banc].

[21] Id. at 373-374.

[22] A.C. No. 8538, February 17, 2020 [Notice, First Division]

[23] Id.

[24] A.C. No. 8414, February 13, 2023 [Notice, Second Division].

[25] Id.

[26] 961 Phil. 1 (2024) [Per J. Rosario, First Division].

[27] Id. at 18.

[28] Id. at 20.

[29] 934 Phil. 913 (2023) [Per J. Leonen, En Banc].

[30] Id. (Citations omitted)

CONCURRENCE AND DISSENT

LAZARO-JAVIER, J.:

The present controversy arose from a disbarment complaint filed by complainant Edward Ang Lee (Lee), charging respondent Atty. Editha P. Talaboc (Atty. Talaboc) with conduct unbecoming, gross misconduct, and violations of the Code of Professional Responsibility and Accountability (CPRA) and the Lawyer's Oath due to a series of instances showing professional misconduct.[1]

Atty. Talaboc has been engaged as the lawyer of Lee for over 18 years. Towards the latter part of the engagement, Lee alleged that Atty. Talaboc committed unprofessional and dishonest actions towards him.[2] Specifically, Lee imputed the following acts against Atty. Talaboc:

1. 2017 Property Transfer: Lee asked Atty. Talaboc to handle a transfer of a title of property in Quezon City. Atty. Talaboc requested PHP 400,000.00 for processing the transfer. Despite this, no progress was ever made. Too, Atty. Talaboc lost some important documents entrusted to her.
2. 2018-2019 Reconstitution of Title: Lee asked Atty. Talaboc to reconstitute a title to his property. Atty. Talaboc, in turn, requested PHP 300,000.00 to file the petition in court. Despite payment, no petition was ever filed. Worse, Atty. Talaboc admitted that she used the money for personal use.
3. BP Blg. 22 case: Atty. Talaboc failed to turn over checks to First Solid Rubber Industries (FSRI). These checks pertained to a BP Blg. 22 case for which she was engaged by the company.
4. ERC Case: Atty. Talaboc committed dishonesty when, during proceedings before the Energy Regulatory Commission (ERC), she informed Lee that she was physically present before the ERC to represent FSRI. In truth, she was not there during the proceedings.
5. Failure to file Formal Offer of Evidence: Atty. Talaboc failed to submit a Formal Offer of Evidence before the trial court on behalf of FSRI, which caused prejudice to the latter.
6. SC Case: Atty. Talaboc failed to execute a favorable SC judgment secured by her on behalf of FSRI, causing the judgment to lapse, to the detriment of FSRI.[3]

Following the institution of the complaint, the Integrated Bar of the Philippines – Commission on Bar Discipline (IBP-CBD), by Order dated January 31, 2022, directed Atty. Talaboc to submit her answer, but the latter failed to comply. Afterwards, Lee manifested his request for a mandatory conference. In turn, IBP Commissioner Dona Jane M. Alagar, through Order dated May 4, 2023, directed Lee and Atty. Talaboc to submit their respective Verified Position Papers within 10 days. Lee filed his Verified Position Paper on May 23, 2023. Atty. Talaboc, on the other hand, did not submit hers.[4]

Eventually, the case was reassigned to IBP Commissioner Chris Ajero (Commissioner Ajero), who set the clarificatory hearing on November 15, 2023 via Zoom and required both parties to submit their Judicial Affidavits. Both Lee and Atty. Talaboc failed to attend the clarificatory hearing and file their judicial affidavits. This prompted Commissioner Ajero to issue Show-Cause Order for Indirect Contempt dated November 16, 2023 against Atty. Talaboc for her willful failure to comply with the orders of the IBP-CBD.[5]

Later, on February 28, 2024, Commissioner Ajero reiterated IBP-CBD's directives for Lee and Atty. Talaboc to

filed their respective Verified Position Papers again. Lee filed his Verified Position Paper on March 21, 2024. Meanwhile, Atty. Talaboc still failed to do so.[6]

By Report and Recommendation dated June 14, 2024, Commissioner Ajero found Atty. Talaboc administratively liable for the various allegations of misconduct against her. For Commissioner Ajero, Atty. Talaboc violated the CPRA, specifically Sections 1, 2, and 5 of Canon II on Propriety; Sections 2, 6, 49, 50, and 51 of Canon III on Fidelity; and Sections 1, 2, 3, 4, 5, and 6 of Canon IV on Competence and Diligence.[7]

The IBP Board of Governors (IBP-BOG), by Resolution dated August 23, 2024, modified Commissioner Ajero's report and recommendation, finding Talaboc administratively liable only on the ground of two allegations: (i) making false claims to Lee regarding her appearance at a hearing before the ERC, and (ii) repeatedly failing to comply with the orders of the IBP-CBD. Both these offenses are classified as Less Serious Offenses under the CPRA. The IBP-BOG, in recommending the proper penalty, took consideration of Atty. Talaboc's history of administrative cases as an aggravating circumstance,[8] to wit:

RESOLUTION NO. XXVI-CRM-2024-08-19

RESOLVED, to MODIFY, as it is hereby MODIFIED, the Report and Recommendation of the Investigating Commissioner (IC), upon the findings that respondent is a recidivist with the following HISTORY OF SANCTIONS: (i) fine of 70,000 (2023), (ii) 2 years suspension (2022), (iii) 6 months suspension and immediate revocation of notarial commission, disqualification from reappointment as notary public for two years (2022), (iv) 3 months suspension with stern warning (2020), (v) 1 year suspension and immediate revocation of notarial commission, disqualification from reappointment as notary public for two years and fine of P 5,000 (2018), (vi) 1 year suspension with stern warning and instruction to return P50,000 to the complainant (2017), THUS TO RECOMMEND INSTEAD to impose upon respondent Atty. Editha P. Talaboc the following penalties for two counts of less serious offenses, gravely aggravated, by her impenitent recidivism: (i) for falsely claiming appearance with the Energy Regulatory Commission (ERC), ONE YEAR SUSPENSION from the practice of law, which is double the maximum period prescribed under the rules, with STERN WARNING that a repetition of the same or similar act shall be dealt with more severely; and likewise, (ii) for the violation of Section 34(c) in relation to Section 37(b) of Canon VI of the Code of Professional Responsibility and Accountability, considering the previous sanctions, a maximum FINE of PhP 100,000.00 FOR EACH COUNT of willful and deliberate disobedience to comply with the orders and directions of the IC, (1) in the failure to submit the required Answer, (2) position paper, (3) judicial affidavit, and (4) failure to attend the clarifactory conference, or a TOTAL FINE of PhP 400,000.00.[9]

Against this factual backdrop, the ponencia resolved to adopt and approve with modification the findings and recommendation of the IBP-BOG. It concurred with the IBP-BOG that Atty. Talaboc should be held administratively liable for her dishonest actions regarding her appearance in the ERC Case, as there was adequate evidence to prove that she was not present at the scheduled ERG hearing. For this, Atty. Talaboc is found guilty of Simple Dishonesty under Section 34(d), Canon VI of the CPRA.[10]

The ponencia likewise agreed with the IBP-BOG that Atty. Talaboc should be held administratively liable for her failure to comply with IBP Orders.[11] Further, it made mention of Atty. Talaboc's history of past infractions. In view of Section 38(b)(1) of the CPRA, the Court may, in its discretion, treat these past infractions as an aggravating circumstance in the instant case.[12]

Verily, the ponencia found Atty. Talaboc guilty of simple dishonesty towards her client for falsely claiming attendance at a legal proceeding, in violation of Section 34(d) VI of the CPRA. She is also found guilty of four counts of violation of Section 34(c) of the CPRA for her willful and deliberate disobedience to the orders of the IBP. Anent the proper penalty, it adopted the recommendation of the IBP-BOG and imposed against Atty. Talaboc the penalties of suspension from practice of law for one year and a fine of PHP 400,000.00.[13]

In addition, the ponencia recognized that Atty. Talaboc, in prior administrative proceedings against her, has shown a continued disregard of and defiance toward the lawful orders issued by both the Court and the IBP. This evinced her persistent pattern of stubborn conduct. Thus, it imposed a stern and final warning to Atty. Talaboc, reminding her that any recurrence of similar misconduct, or any further act of willful defiance of the lawful directives of the Court or the IBP, shall warrant the imposition of the supreme penalty of disbarment or other severe disciplinary sanctions.[14]

The ponencia ultimately disposed:

ACCORDINGLY, the Court finds Atty. Editha P. Talaboc GUILTY of simple dishonesty, and four counts of willful disobedience to the orders of the Integrated Bar of the Philippines. She is ORDERED SUSPENDED from the practice of law for one year. She is further ORDERED to PAY a FINE in the amount of PHP 400,000.00.

The suspension from the practice of law shall take effect immediately upon receipt of Atty. Editha P. Talaboc of this Resolution. She is DIRECTED to immediately file a Manifestation with the Court that her suspension has started, copy furnished all courts and quasi-judicial bodies where he has entered her appearance as counsel.

Let copies of this Resolution be furnished to the Office of the Bar Confidant to be appended to the personal record of Atty. Editha P. Talaboc as an attorney; the Integrated Bar of the Philippines for its information and guidance; and the Office of the Court Administrator for circulation to all courts in the country.

Finally, Atty. Editha P. Talaboc is STERNLY and FINALLY WARNED that a repetition of the same or similar acts in the future shall be dealt with more severely.

SO ORDERED.[15]

My insights on this case are two-way.

Prefatorily, I emphasize that Atty. Talaboc never took the chance to defend herself before the IBP and the Court, despite being given several opportunities to do so. She could have expressly denied the allegations against her if they were untrue. *Domingo-Agaton v. Atty. Cruz*[16] enlightens:

The natural instinct of man impels him to resist an unfounded claim or imputation and defend himself. It is totally against our human nature to just remain reticent and say nothing in the face of false accusations. Hence, silence in such cases is almost always construed as implied admission of the truth thereof.[17] (Emphasis supplied)

I reckon that Atty. Talaboc has left the Court with no choice but to deduce her implicit admission of the charges against her. *Qui tacet consentire videtur*. Silence gives consent.[18]

On this score, I opine that Atty. Talaboc is guilty of violating Canon II and Section 2, Canon III of the CPRA.

I elucidate.

Atty. Talaboc is guilty of violation of Canon II of the CPRA

Membership in the Bar is a privilege burdened with conditions. As a privilege bestowed by law through the Supreme Court, membership in the Bar may be withdrawn where circumstances concretely show the lawyer's lack of essential qualifications,[19] including honesty, fidelity, and integrity. Indeed, these traits are not only a condition precedent for admission to the legal profession but must also remain intact to maintain one's standing in

this exclusive and honored society. A high sense of honesty and fair dealing is expected and required of members of the Bar. They must conduct themselves with great propriety, and their behavior must be beyond reproach anywhere and at all times.[20]

To my mind, Atty. Talaboc fell beneath the high standards of morality and integrity expected of members of the Bar. Her flagrant deception and utter disregard of her obligations as Lee's lawyer for more than 18 years have cast dishonorable light on the supposed dignified and noble profession she represents, for which, she must be held accountable.[21]

Canon II of the CPRA reads:

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 respect the law, the courts, tribunals, and other government agencies, their officials, employees, and processes, and act with courtesy, civility, fairness, and candor towards fellow members of the bar.

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.

....

SECTION 11. False Representations or Statements; Duty to Correct. — A lawyer shall not make false representations or statements. A lawyer shall be liable for any material damage caused by such false representations or statements.

A lawyer shall not, in demand letters or other similar correspondence, make false representations or statements, or impute civil, criminal, or administrative liability, without factual or legal basis.

A lawyer shall correct false or inaccurate statements and information made in relation to an application for admission to the bar, any pleading, or any other document required by or submitted to the court, tribunal or agency, as soon as its falsity or inaccuracy is discovered or made known to him or her.

....

A. lawyer is not only mandated to personally obey the laws and the legal processes but is expected to inspire respect and obedience to the laws. As such, any dishonest, immoral, deceitful conduct by a lawyer cannot be tolerated.

Strikingly here, Atty. Talaboc's multiple infractions clearly prove her disrespect for the law, dishonesty, deceit, negligence, and serious breach of the trust and confidence reposed on her by Lee.

First, in the 2017 Property Transfer case and 2018-2019 Reconstitution of Title case, Atty. Talaboc agreed to work on specific tasks for Lee, and in turn, accepted large sums of money – PHP 400,000.00 and PHP 300,000.00, respectively, in order to process these tasks. As it turned out though, she failed to accomplish these tasks. No progress was ever made. Worse, she lost pertinent documents relative to these cases and admitted that she even used the money given to her for her personal use. Further, in the ERC case, she made false

representations about appearing before the ERC on behalf of FSRI, when in truth, she was absent during the hearings.

Dishonesty has been defined as the disposition to lie, cheat, deceive, defraud or betray; be untrustworthy; lacking in integrity, honesty, probity, integrity in principle, fairness and straightforwardness.[22] Surely, Atty. Talaboc's above-mentioned actions amount to a betrayal of the trust reposed in her by her client, Lee.

Second, in the BP Blg. 22 case, ERC case, SC Case, and Failure to File Formal Offer of Evidence case, Atty. Talaboc was clearly remiss in her duties as the counsel of FSRI and Lee, causing serious prejudice to the latter. To reiterate, a lawyer who agrees to take up the cause of a client is expected to competently and diligently protect the latter's rights in accordance with their duties under the CPRA.[23]

Succinctly put, for falling short of what is expected of her as a member of the Bar and as an officer of the court, Atty. Talaboc is answerable not just to Lee, but also to the Court, her profession, and the public in general.[24]

Atty. Talaboc is guilty of violation of Canon III, Section 2 of the CPRA

In addition to violation of Canon II of the CPRA, I agree with the ponencia that Atty. Talaboc should be administratively liable for her unabashed disregard of the IBP-CBD's orders. I submit that she should be found guilty of violation of Canon III, Section 2 of the CPRA for her failure to comply with the separate Orders of the IBP-CBD, specifically requiring her to submit her Answer,[25] file her Verified Position Paper,[26] and attend the clarificatory hearing and submit her Judicial Affidavit.[27] In addition, Commissioner Ajero issued a Show Cause Order for Indirect Contempt dated November 16, 2023 against Atty. Talaboc for her willful refusal to obey the previous orders of the IBP-CBD. Finally, on February 28, 2024, Commissioner Ajero reiterated the IBP-CBD's directives for Atty. Talaboc to file her Verified Position Paper. All these directives fell on deaf ears.

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. Certainly, Atty. Talaboc's act of ignoring the IBP's consecutive directives not only indicated a high degree of irresponsibility but constituted utter disrespect to the judicial institution.[28] 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.[29] Resolutions of the Court and the IBP, as the investigating arm of the Court in administrative cases against lawyers, are not to be construed as mere requests, nor should they be complied with partially, inadequately, or selectively.[30] Hence, We cannot countenance Atty. Talaboc's nonchalant attitude in complying with the IBP's orders.

Jacolbia v. Panganiban[31] ordains that as a member of the IBP, a lawyer is duty-bound to comply with all its lawful directives in deference to its authority over them. Accordingly, a lawyer's failure to comply with the orders of the IBP without justifiable reason manifests their disrespect of judicial authorities and legal processes, for which they must be disciplined accordingly.

Likewise, in Lim v. Rivera,[32] it was stressed that a lawyer should comply with the directives of the IBP not only because they are called upon to obey the legal orders of duly constituted authorities, as well as court orders and processes, but also because the case involved the very foundation of their right to engage in the practice of law. Therefore, a lawyer's lack of concern or interest in the status or outcome of their administrative case would show how much less they would regard the interest of their clients.

In light of these circumstances, it is my view that Atty. Talaboc should be found guilty of violations of (i) Canon II of the CPRA for her dishonest, deceitful, and negligent actions in handling her clients Lee and FSRI's cases; and (ii) Canon III, Section 2 of the CPRA for her disobedience and consistent disregard of the IBP-CBD's orders.

On the proper penalty

Under the CPRA, serious dishonesty, fraud, deceit, misappropriating clients' funds, and gross negligence in the performance of duty, which results in the client being deprived of their day in court, are all classified as serious offenses.[33] Corollarily, Section 37 (a), Canon VI of the CPRA provides the penalties which may be imposed on a lawyer found guilty of a serious offense, viz.:

SECTION 37. Sanctions. —

- (a) if the respondent is found guilty of a serious offense, any of the following sanctions, or a combination thereof, shall be imposed: (1) Disbarment;
- (2) Suspension from the practice of law for a period exceeding six (6) months;
- (3) Revocation of notarial commission and disqualification as notary public for not less than two (2) years; or
- (4) A fine not exceeding [PHP]100,000.00[.]

On the other hand, willful and deliberate disobedience to the lawful orders and processes of the IBP and Court is classified as a less serious offense under the CPRA.[34] Section 37(b) Canon VI of the CPRA imposes the following sanctions for a less serious offense, viz.:

SECTION 37. Sanctions. – ... (b) If the respondent is found guilty of a less serious offense, any of the following sanctions, or a combination thereof, shall be imposed:

(1)

Suspension from the practice of law for a period within the range of one (1) month to six (6) months, or revocation of notarial commission and disqualification as notary public for less than two (2) years;

(2)

A fine within the range of P35,000.00 to P100,000.00[.]

In imposing the appropriate penalty in administrative cases, it is the duty of the Court to exercise its sound judicial discretion based on the surrounding facts of the case.[35] The power to disbar must be exercised with great caution, and may be imposed only in a clear case of misconduct that seriously affects the standing and the character of the lawyer as an officer of the Court and as a member of the Bar.[36] The Court must consider that the primary purposes of disciplinary proceedings are to protect the public; to foster public confidence in the Bar; to preserve the integrity of the profession; and to deter other lawyers from similar misconduct.[37]

The Court, however, will not hesitate to impose the penalty of disbarment when the guilty party has become a repeat offender.[38]

On this point, I respectfully emphasize that the present case marks Atty. Talaboc's fifth instance of being disciplined by the Court. In *Cabuello v. Atty. Talaboc*, [39] she was suspended for one year for never appearing in the hearings of the criminal cases, resulting in the delay of the pre-trial and trial. In *Sia Su v. Atty. Talaboc*, [40] she was suspended for three months for her repeated failure to comply with the Court's Resolutions and the IBP's directives. Later, in *Completo v. Atty. Talaboc* [41] she was fined PHP 10,000.00 for repeatedly failing to heed the Court's directive for her to file her comment on the complaint, despite the fact that she herself even sought additional time to do so. Recently, in *Re: Resolution Dated August 30, 2017 in OMB-C-C-13-0357 v. Atty. Talaboc* [42] she was suspended for six months her failure to comply with the IBP's directives despite being granted extensions and a resetting. In all these cases, Atty. Talaboc was sternly warned that a repetition of the same or similar acts would be dealt with more severely.

Ergo, I posit that the aggravating circumstances of (1) previous administrative liabilities and (2) lack of remorse,

which is evident in Atty. Talaboc's nonchalant attitude towards the IBP and the Court, be considered against her. We must take notice that Atty. Talaboc has been disciplined, by the Court for four times within the past eight years.

Following Canon VI, Section 39 of the CPRA,[43] since there are several aggravating circumstances and no mitigating circumstance in this case, the Court may, in its discretion, impose the penalty of disbarment depending on the number and gravity of the aggravating circumstances.

It is quite obvious that Atty. Talaboc shamelessly has a penchant for acting reprehensibly as a lawyer, such that her violations of the CPRA are so egregious. She has exhibited her moral unfitness and inability to discharge her duties as a member of the Bar. Her actions erode rather than enhance the public perception of the legal profession.

Hence, in view of the totality of her violations, as well as the damage and prejudice they caused, to her client, Atty. Talaboc deserves the ultimate penalty of disbarment.[44] She has, over and over again, brought embarrassment and dishonor to the legal profession.[45]

[1] Ponencia, p. 1.

[2] Id.

[3] Id.

[4] Id. at 2-3.

[5] Id. at 3.

[6] Id.

[7] Id. at 3-4.

[8] Id. at 4-5.

[9] Id. at 8-13.

[10] Id. at 12-13.

[11] Id. at 13-14.

[12] Id. at 14-15.

[13] Id. at 15-16.

[14] Id. at 16.

[15] Id.

[16] 902 Phil. 1 (2021) [Per Curiam, En Banc].

[17] Id. at 9.

[18] Id.; citing Grefaldeo v. Lacson, 355 Phil. 266 (1998) [Per Curiam, En Banc].

[19] See Garrido v. Atty. Garrido and Valencia, 625 Phil. 347, 366 (2010) [Per Curiam, En Banc].

[20] See Mendaza v. Atty. Diciembre, 599 Phil. 182, 191 (2009) [Per Curiam, En Banc].

- [21] Uy v. Atty. Libiran-Meteoro, 954 Phil. 387 (2024) [Per Curiam, En Banc].
- [22] Vera Law v. Hechanova, A.C. No. 13986, February 26, 2025 [Per J. Gaerlan, Third Division].
- [23] Castillo v. Atty. Laki, 955 Phil. 548, 554 (2024) [Per J. Zalameda, En Banc].
- [24] See Besa-Edelmaier v. Atty. Arevalo, 925 Phil. 569, 579 (2022) [Per J. Dimaampao, En Banc].
- [25] IBP-CBD Order dated January 31, 2022.
- [26] IBP-CBD Order dated May 4, 2023.
- [27] IBP-CBD Order October 23, 2023.
- [28] Sebastian v. Atty. Bajar, 559 Phil. 211, 223-224 (2007) [Per J. Carpio, En Banc].
- [29] Kelly v. Atty. Robielos III, 950 Phil. 519, 527 (2024) [Per Curiam, En Banc].
- [30] In re: G.R. No. 185806 v. Atty. Lupeba, 848 Phil. 289, 294 (2019) [Per Curiam, En Banc].
- [31] 871 Phil. 33, 42 (2020) [Per J. Perlas-Bernabe, En Banc].
- [32] 833 Phil. 609, 616-617 (2018) [Per J. Perlas-Bernabe, Second Division].
- [33] Sec. 33. Serious offenses. — SECTION 33. Serious Offenses. — Serious offenses include: . . . (b) Serious dishonesty, fraud, or deceit, including falsification of documents and making untruthful statements; . . . (d) Gross negligence in the performance of duty, or conduct that is reckless and inexcusable, which results in the client being deprived of his or her day in court; . . . (g) Misappropriating a client's funds or properties[.]
- [34] Sec. 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[.]
- [35] Alcantara v. Atty. Solas, 867 Phil. 676, 683 (2019) [Per J. Reyes, Jr., First Division].
- [36] Mangubat v. Atty. Herrera, 922 Phil. 39, 57 (2022) [Per Curiam, En Banc].
- [37] Atty. Saldares v. Atty. Saldares, 934 Phil. 903, 911 (2023) [Per Curiam, En Banc].
- [38] Pacao v. Atty. Limos, 787 Phil. 121, 128 (2016) [Per Curiam, En Banc].
- [39] 820 Phil. 370, 389 (2017) [Per J. Peralta, En Banc].
- [40] A.C. No. 8538, February 17, 2020 [Notice, First Division].
- [41] A.C. No. 8414, February 13, 2023 [Notice, Second Division].
- [42] 961 Phil. 1, 20 (2024) [Per J. Rosario, First Division].
- [43] Sec. 39. Manner of Imposition. — If one (1) or more aggravating circumstances and no mitigating circumstances are present, the Supreme Court may impose the penalties of suspension or fine for a period or amount not exceeding double of the maximum prescribed under this Rule. The Supreme Court may, in its discretion, impose the penalty of disbarment depending on the number and gravity of the aggravating circumstances.
- [44] See: Sison, Jr. v. Atty. Camacho, A.C. No. 10910, January 12, 2016.

[45] See: San Juan v. Atty. Venida, A.C. No. 11317, August 23, 2016.

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