

HEIRS OF THE LATE SPOUSES LYDIA PARABOT GARCIA AND JOSE RAMON GARCIA, REPRESENTED BY MILA GARCIA, COMPLAINANTS, VS. ATTY. GUELLERMO M. TABALDO, RESPONDENT.

A.C. No. 14627 [Formerly CBD Case No. 23-6861], November 11, 2025

Ponente: SINGH, J.

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SINGH, J.:

For the Court's resolution is a Verified Complaint for Disbarment[1] filed by Mila Garcia Torres (Mila), as representative of the complainants - Heirs of the Late Spouses Lydia Parabot Garcia and Jose Ramon Garcia (Heirs of Spouses Garcia), charging respondent Atty. Guillermo M. Tabaldo (Atty. Tabaldo) with violation of Canon 1, Rule 1.01,[2] and Canon 16, Rule 16.03,[3] of the Code of Professional Responsibility (CPR).

The Facts

In her Verified Complaint, dated October 12, 2022, Mila alleged that in December 2020, Atty. Tabaldo obtained from the Heirs of Spouses Garcia the amount of PHP 555,000.00 for the payment of the estate tax of the properties left by their deceased parents, Spouses Lydia Parabot Garcia and Jose Ramos Garcia (Spouses Garcia). In June 2021, Atty. Tabaldo informed the Heirs of Spouses Garcia that the amount previously collected was insufficient to settle the estate tax in full. Accordingly, he requested an additional amount of PHP 179,000.00, which the Heirs of Spouses Garcia agreed to provide.[4]

Subsequently, the Heirs of Spouses Garcia demanded that Atty. Tabaldo provide Bureau of Internal Revenue (BIR) receipts as proof of payment of the estate tax. However, despite repeated follow-ups and demands, Atty. Tabaldo allegedly failed to furnish the said documents.[5]

With this lack of compliance from Atty. Tabaldo, Mila personally obtained a Certificate Authorizing Registration (CAR) from the BIR. Upon doing so, she discovered that the estate tax paid by Atty. Tabaldo amounted to only PHP 23,038.41, and that certain obligations remained outstanding with BIR Trece Martires, Cavite.[6]

Feeling defrauded, the Heirs of Spouses Garcia, through counsel, sent Atty. Tabaldo a letter,[7] dated July 28, 2022, demanding that he return the amount of PHP 710,963.59, representing the total sum of money he received from them, less the amount of estate tax actually paid.[8]

In response, on August 8, 2022, Atty. Tabaldo sent an email[9] addressing the demand letter. He explained that the PHP 555,000.00 was intended to settle and enter into a compromise with the BIR regarding the estate tax, allegedly negotiated through his contacts in the agency. He further explained that the additional PHP 179,000.00 was requested in June 2021 when the assessment was submitted for final approval by the Revenue District Office (RDO).[10]

He also attributed delays in the processing of the transaction to the imposition of COVID-19 Alert Level 4 over the National Capital Region from December 2021 to January 2022. Moreover, he requested that he and his consultant, Mrs. Frieda Flores[11] (Mrs. Flores), be permitted to finalize the settlement of the estate of Emiliano

Parabot Garcia, the deceased son of the late Spouses Garcia, and to submit the required documents to the BIR Cavite for issuance of the CAR within 10 to 15 days. During that period, he will undertake to follow up with his BIR contact regarding the refund of unused funds and committed to personally account for the disbursed amounts to the counsel of the Heirs of Spouses Garcia and return the excess funds, with or without said refund from his BIR contact.[12]

Failing to thereafter hear from Atty. Tabaldo, the Heirs of Spouses Garcia sent another demand letter to him on September 2, 2022, reiterating their call to return the amount of PHP 710,963.59.[13]

In his Verified Answer,[14] dated March 17, 2023, Atty. Tabaldo admitted that he received the aforementioned amounts from the Heirs of Spouses Garcia to cover for the estimated expenses for estate taxes, facilitation fees with the BIR, and for other expenses necessary for the issuance of the CAR. He denied, however, that he refused to account for the same. He countered that he had explained to the Heirs of Spouses Garcia that the transaction with the BIR is still pending and that he be allowed to complete the transaction and account for the funds thereafter.[15]

With regard to the said facilitation fees with the BIR, Atty. Tabaldo explained that arrangements were necessary because only three out of the five heirs signed the Deed of Extrajudicial Settlement, but Mila wanted to process it already. It was only in November 2021 that all of the heirs signed the said Deed.[16]

Atty. Tabaldo attributed the delay in the processing of the BIR transaction to the COVID-19 pandemic as no personal follow-up were permitted. He also narrated that in February 2022, he was diagnosed with Ischemic Angina (impeded block flow to the heart) and in April 2022, he suffered a heart attack, which made him unable to communicate constantly with Mila.[17]

The Integrated Bar of the Philippines Commission on Bar Discipline (IBP-CBD) then directed the parties to file their respective Preliminary Conference Briefs and Position Papers. Only the Heirs of Spouses Garcia complied with this directive. Thereafter, Commissioner Dranyl Jared P. Amoroso (Commissioner Amoroso) proceeded to resolve the case.[18]

The following documentary evidence are attached to the records of the case:

For the Heirs of Spouses Garcia

- Special Power of Attorney[19] authorizing Mila to represent the other heirs of the late Spouses Garcia;
- Demand Letter to Atty. Tabaldo,[20] dated July 28, 2022;
- Reply of Atty. Tabaldo,[21] dated August 8, 2022;
- Demand Letter to Atty. Tabaldo,[22] dated September 2, 2022;
- Reply of Atty. Tabaldo,[23] dated October 17, 2022;
- CAR[24] that amounts only to PHP 23,038.41; and
- Judicial Affidavit of Mila.[25]

For Atty. Tabaldo:

- Medical Abstract, dated April [9],[26] 2022;
- Letter,[27] dated August 8, 2022; and
- Letter,[28] dated October 17, 2022.

The Recommendation of IBP Commissioner

Commissioner Amoroso found substantial evidence establishing that Atty. Tabaldo is guilty of "unjustifiable failure or refusal to render an accounting of the funds or properties of a client," under Canon VI, Section 34 of the Code of Professional Responsibility and Accountability (CPRA). In addition to evidence showing that he received a total of PHP 734,000.00 from the Heirs of Spouses Garcia, he also admitted to receiving said amount and failing to return it despite several demands.

The failure to account for and return the amount was found to be "unjustifiable" as Atty. Tabaldo also admitted, the transaction with the BIR was still pending at the time the Heirs of Spouses Garcia demanded for the return of the money. There is also no evidence on record that Atty. Tabaldo has paid the money to the BIR at the time of demand. Thus, it was incumbent upon Atty. Tabaldo to immediately return the amount entrusted to him.

Commissioner Amoroso also found Atty. Tabaldo's use of "facilitation fees" in his transaction with the BIR to be disturbing. This does not justify his failure to return the funds to the Heirs of Spouses Garcia. On the contrary, it renders him guilty of "[g]ross misconduct, or any inexcusable, shameful, or flagrant unlawful conduct" under Canon II, Sections 1 and 12 of the CPRA, as well as "[b]ribery and corruption" under Canon VI, Section 33 of the CPRA. Furthermore, the involvement of his so-called tax consultant, Mrs. Flores, does not serve to mitigate his liability.

From the foregoing, the recommendation of Commissioner Amoroso reads:

ACCORDINGLY, the undersigned Commissioner respectfully recommends that Atty. Guillermo B. Tabaldo be found GUILTY of one [] count of "Unjustifiable failure or refusal to render an accounting of the funds or properties of a client" under Canon VI, Section 34 of the CPRA, committed in violation of Canon III, Section 49 of the CPRA; and GUILTY of one [] count of "Gross misconduct, or any inexcusable, shameful or flagrant unlawful conduct" and "Bribery or corruption" under Canon VI, Section 33 of the CPRA, committed in violation of Canon II, Sections 1 and 12 of the CPRA, and consequently, the IBP-CBD impose the following penalties against him:

1. SUSPENSION from the practice of law for a period of six [] months, for the first count of "Unjustifiable failure or refusal to render an accounting of the funds or properties of a client", a Less Serious Offense under Canon VI, Section 34 of the CPRA.
2. SUSPENSION from the practice of law for a period of five [] years, for the second count of "Gross misconduct, or any inexcusable, shameful or flagrant unlawful" and "Bribery or corruption," which are Serious Offenses under Canon VI, Section 33 of the CPRA.

Lastly, pursuant to Canon VI, Section 37 of the CPRA, which states that, "[i]n all instances, when the offense involves money or property owed, which is intrinsically linked to the lawyer-client relationship, the respondent shall be ordered to return the same," Respondent should be directed to return the amount of [PHP710,963.59] to Complainants, within ten [] days from receipt of the IBP-CBD's Resolution.

Pasig City, 31 July 2024.[29] (Emphasis in the original)

The Recommendation of the IBP Board of Governors (IBP-BOG)

The IBP-BOG resolved to adopt the recommendation of Commissioner Amoroso:

RESOLVED, to APPROVE and ADOPT, as it is hereby APPROVED and ADOPTED, the Report and Recommendation of the Investigating Commissioner with regard to the unjustifiable failure or refusal to render an accounting of funds or properties of a client, to mete out upon respondent Atty. Guillermo M. Tabaldo the penalty of SUSPENSION from the practice of law for SIX [] MONTHS with STERN WARNING that a repetition of the same or similar act shall be dealt with more severely, and to DIRECT respondent to RETURN

to complainant the amount of [PHP710,963.59] within three months from receipt of the decision of the Supreme Court in the case, pursuant to [Canon VI, Section 41] of the Code of Professional Responsibility and Accountability (CPRA); and

RESOLVED FURTHER, with the finding that respondent Atty. Guillermo M. Tabaldo is liable for the serious offense of gross misconduct and bribery, to recommend to mete out upon him the penalty of SUSPENSION from the practice of law for FIVE [] years within STERN WARNING that a repetition of the same or similar act shall be dealt with more severely.[30] (Emphasis in the original)

The Issue

Should respondent be disciplined as a member of the Bar for the alleged 1) Unjustified failure or refusal to render an accounting of the funds received from the complainants; and 2) gross misconduct and Bribery?

The Ruling of the Court

The Court adopts the recommendations of the IBP, albeit with modifications.

Applicability of the CPRA

Preliminarily, it must be noted that on April 11, 2023, the Court promulgated A.M. No. 22-09-01-SC,[31] or the CPRA. The transitory provision of the CPRA states that it shall be applied to all pending and future cases, as in the present case, except when its retroactive application would not be feasible or would create an unjust scenario for either party.[32] There being no such excepting circumstance here, the CPRA was properly applied.

Respondent is guilty of 1) Unjustifiable failure or refusal to render an accounting of the funds of a client, and 2) Misappropriation of client's funds

The Court agrees that Atty. Tabaldo is guilty of unjustifiable failure or refusal to render and accounting of the funds received from his clients, the complainants, in relation with Canon III, Section 49 of the CPRA:

Section 49. Accounting during engagement. — A lawyer, during the existence of the lawyer- client relationship, shall account for and prepare an inventory of any fund or property belonging to the client, whether received from the latter or from a third person, immediately upon such receipt.

When funds are entrusted to a lawyer by a client for a specific purpose, the lawyer shall use such funds only for the client's declared purpose. Any unused amount of the entrusted funds shall be promptly returned to the client upon accomplishment of the stated purpose or the client's demand. (Emphasis supplied)

In comparison with Rule 16.01 of the CPR, which simply states that a lawyer must account for all money or property collected or received for or from a client, the CPRA now clearly defines the nature and extent of this duty, both during the existence of the lawyer-client relationship and after its termination.[33]

Here, the Court concurs with the findings of Commissioner Amoroso that respondent admitted to having received the subject amount from the complainants and failed to account for or return said funds, as supported by the evidence on record. Pertinent portions of respondent's Verified Answer point to this fact:

2. Respondent admits receipt of the amount of [PHP] 555,000.00 on December 2020 and the amount of [PHP] 179,000.00 sometime in January 2021 from [Mila]. However, it is not true that the undersigned refused to account the same. While it is true that demands to account for the funds were made, the undersigned had explained to the counsel for the complainant that the transaction with the BIR is still pending and the undersigned requested the complaint, through her counsel to allow the undersigned to complete the transaction and account the funds thereafter.

....

3. That it is true that [Mila] made follow-ups, but every time she did so, the undersigned explained to her the status of the transaction and would meet with her. It is also true that she asked for the BIR receipts but it was explained to her that all the documents are still with [Mrs. Flores] and all will be turned over to her once the transaction is completed[.]

....

5. It is true that the undersigned received the [demand] letters[,] dated August 8, 2022 and September 2, 2022. In the reply to the letter of August 8, 2022, indeed the undersigned undertook to account the expenses incurred and turn-over the unused funds[.][34] (Emphasis supplied)

In *RODCO Consultancy and Maritime Services Corporation v. Atty. Concepcion*,^[35] the Court has pronounced that "the relationship between a lawyer and his client is highly fiduciary and ascribes to a lawyer a great degree of fidelity and good faith. As such, lawyers have the duty to account for the money or property they receive for or from their clients . . . Failure of a lawyer to return the money entrusted to him by his client upon demand creates a presumption that he has appropriated the same for his own use."^[36]

Here, it is undisputed that respondent received the total amount of PHP 734,000.00 intended for the payment of the estate taxes of the late Spouses Garcia, among other related expenses. However, the CAR obtained by Mila reveals that the actual estate tax paid amounted to only PHP 23,038.41. This leaves a remaining balance of PHP 710,963.59 in the possession of respondent, which he has failed to return despite repeated demands.

Moreover, it should be noted that respondent failed to present any evidence to refute the allegations made by the complainants. His ultimate explanation for not returning or accounting for the subject amount is that the transaction with the BIR regarding the estate's settlement remains pending. In his Verified Answer, he stated that upon completion of said transaction, he would submit and deliver to Mila all documents issued by the BIR, including receipts and accounting of the expenses incurred, and return any remaining funds from the amount he received.

Regrettably, more than two years have passed since the filing of his Verified Answer, and the records show that he has yet to fulfill his commitments and obligations to the complainants. While the Court acknowledges respondent's medical emergencies, such circumstances do not constitute valid justification for failing to comply with his fiduciary duties to his clients.

Additionally, as found by Commissioner Amoroso, no other evidence was presented by respondent to demonstrate that any additional payments were made to the BIR as of the date of demand. Accordingly, it was incumbent upon him to immediately return the funds entrusted to him. In *JYQ Holdings & Mgt. Corp. v. Atty. Lauron*,^[37] the Court resolved that "[i]f the money was not used accordingly, the money must be immediately returned to the client. Otherwise, the lawyer's failure to return the money to his client despite numerous demands is a violation of the trust reposed on him and is indicative of his lack of integrity."^[38]

Arguably, it may be said that the complainants readily parted with their money and gave it to respondent for the settlement of the estate of their late parents despite knowing that the other heirs have not signed the Deed of Extrajudicial Settlement of Estate. The Court's recent pronouncement in *Lizada v. Tecson*^[39] is worth stressing:

[A] lawyer's duty to account is an integral part of their duty of fidelity.

....

[I]f the lawyer advises their client to use the latter's funds for an illicit purpose, or if they accede to the client's

instructions to use said funds for an illicit purpose, said lawyer violates their duty to account even if the client agrees to their advice or if said lawyer simply accedes to their client's instructions. Elsewise stated, if a lawyer uses their client's funds for an unlawful purpose, said lawyer cannot tenably invoke the defense that the client agreed to such use, or that said use is upon the client's instructions.

A lawyer, therefore, has the responsibility to always ensure that the expenditure or utilization of the client's funds or properties is in accordance with law. If a lawyer fails to observe this duty, they must return to the client the latter's unlawfully spent funds upon the client's demand.[40] (Emphasis supplied)

Guided by the foregoing, respondent is indeed guilty of unjustifiable failure or refusal to render an accounting of the funds of a client. Notably, it should be stressed that the duty to render an accounting is absolute. The failure to render an accounting of the funds received gives rise to the presumption that he has appropriated the same for his own use in violation of the trust reposed upon him by his clients.[41]

In addition to the offense of unjustifiable failure or refusal to render an accounting of the funds of a client, the Court also finds that respondent is guilty of misappropriating funds of a client as he failed to offer any evidence to overcome the same. The recent case of *Stewart v. Atty. Rioflorido*[42] finds relevance:

Notably, the failure to return a client's money gives rise to the presumption that the lawyer has misappropriated the funds. As pronounced in *Romo v. Atty. Ferrer*:

A lawyer shall account for all money or property collected or received for or from the client. The duty to render an accounting is absolute. The failure to do so upon demand amounts to misappropriation which is a ground for disciplinary action not to mention the possible criminal prosecution. Misappropriation of a client's funds or property constitutes a gross violation of professional ethics and a betrayal of public confidence in the legal profession. It, likewise, shows a lawyer's lack of integrity and propriety, which requires the imposition of disciplinary action[.]

Here, Atty. Rioflorido failed to promptly return the money entrusted to him despite Stewart's repeated demands and the termination of his services as counsel. Notwithstanding several opportunities to return the funds, Atty. Rioflorido still failed to do so. The presumption of misappropriation, thus, arises.[43] (Citations omitted)

Respondent is guilty of Gross Misconduct and Bribery

The record also speaks for itself regarding respondent's admission of having used the funds collected from the complainants as so-called "facilitation fees." This acknowledgment is evident in the relevant portions of his Verified Answer, which read:

2.1. It is true that the aforesaid amounts were intended to cover [the] estimated expenses for estate taxes, facilitation fees with the BIR and for other expenses necessary for the issuance of a CAR for all the heirs of the late Lydia Parobot Garcia and Jose Ramos Garcia.

....

5. [B]ut when the undersigned had a meeting with [Mrs. Flores] for the turn-over of documents, the undersigned was informed that it would be best to complete the transaction so as not to waste the facilitation arrangements she made.

....

7.3. In December 2020, [Mila] decided to proceed with the settlement of estate taxes and to transfer the title to their names already, using the Deed of Extrajudicial Settlement that she and her two sisters namely[,] Ma. Fe Parobot and Maria Theresa Parobot had signed, sans the signatures of Fe Trinidad Garcia and Don Ayoma. It

was explained to her that the undersigned will make arrangements to facilitate what she wanted. Thus, [Mila] released funds for the purpose.

7.4. The undersigned through [Mrs. Flores] then made arrangements with the RDO 39, and entrusted payments to the tax consultant's contact at the BIR . . . The additional facilitation fees were then required. The undersigned then advised [Mila] on the matter, and agreed to proceed with the process. Hence, additional funds were released to the undersigned and use [sic] to settle the compromise and facilitation fees[.][44] (Emphasis supplied)

Without a doubt, this action of respondent—recommending that arrangements be made with the BIR and to pay "facilitation fees"—amounts to gross and unethical conduct. It is a violation of the rule of law. It also constitutes dishonesty and deceit because the complainants would not have willingly parted with their money without the representation of respondent that arrangements would be made with the BIR to facilitate what she wanted.[45] It bears emphasis that every lawyer should act and comport himself in a manner that would promote public confidence in the integrity of the legal profession.[46] respondent miserably failed to observe this.

On this score, the Court quotes with concurrence the findings of Commissioner Amoroso:

Respondent's admission of having resorted to "facilitation fees with the BIR," whether directly or through his so-called "tax consultant," warrants a finding of a violation of Canon II, Sections 1 and 12 of the CPRA, which makes him guilty of "Gross misconduct, or any inexcusable, shameful or flagrant unlawful conduct" and "Bribery or corruption" under Canon VI, Section 33 of the CPRA.

[T]he Supreme Court in *Arellano University, Inc. v. Atty. Mijares III*, has said in no uncertain terms that "There is no legitimate expense called 'facilitation' fee. This term is a deodorized word for bribe money."

[Respondent's] several admissions speak for themselves. It is conduct that should not be countenanced. The fact that [respondent] has a "tax consultant" in the person of one "[Mrs. Flores]" whom [respondent] entrusted payments to, does not in any way mitigate his liability. In fact, Canon II, Section 12 of the CPRA imposes upon [respondent] the duty to report such conduct – which, based on [respondent's] submissions, he also did not do[.][47] (Emphasis and underscoring in the original)

The recent case of *Lizada*, again, remains to be instructive:

[A] lawyer's duty of fidelity does not mean blind loyalty to their client's cause. Rather, fidelity means faithfulness to the rule of law. Based on these premises, a lawyer's duty to account, which includes their duty to spend or use the client's funds for its stated purpose, must necessarily align with their duty of fidelity. In other words, it is incumbent upon the lawyer, as part of their duty of fidelity, to spend or use their client's funds only for a lawful purpose.

A lawyer, therefore, shall not advise their client to use the latter's funds or properties for an illicit purpose. In the same vein, a lawyer cannot just blindly obey their client's instructions on how the latter's funds or properties are to be utilized. Should the client instruct a lawyer to use or spend their funds for an illicit purpose, the lawyer has the legal duty to advise such client of the illegality of the latter's desired course of action, and the professional duty to propose a legal alternative. If the client insists on their instructions to use their funds for an illicit purpose, the lawyer is not without recourse. In such a situation, the lawyer may terminate the lawyer-client relationship.[48] (Emphasis supplied)

Here, the settlement of the estate tax of the late Spouses Garcia is not illicit per se. The impropriety in this case is when respondent acceded to the plan of Mila to push through with the settlement despite being fully aware from the outset that not all heirs had signed the Deed of Extrajudicial Settlement of Estate. Rather than acquiescing to her plan, he ought to have advised a lawful and more appropriate course of action. Alternatively, he should have declined further involvement, instead of enabling a conduct that contravenes legal and ethical standards. As a

lawyer and an officer of the court, far more is expected of him—he should have known better.

Respondent is guilty of Disobedience of the orders of the IBP

In addition to the foregoing violations, records also show that respondent deliberately failed to file his preliminary conference brief and position paper despite receipt of the IBP's orders.[49] This is treated as a less serious offense under the CPRA.[50]

The proper penalty

The CPRA classifies (1) Misappropriation of client's funds, (2) Gross Misconduct, and (3) Bribery as serious offenses.[51] They are punishable by (1) disbarment; (2) suspension from the practice of law for a period exceeding six months; (3) revocation of notarial commission and disqualification as notary public for not less than two years; or (4) a fine exceeding PHP 100,000.00, or a combination thereof.[52]

Meanwhile, (1) Unjustifiable failure or refusal to render an accounting of the funds of a client, and (2) Disobedience of the orders of the IBP are considered as less serious offenses.[53] They carry with them the penalty of (1) suspension from the practice of law for a period within a range of one month to six months, or revocation of notarial commission and disqualification as notary public for less than two years; or (2) a fine within the range of PHP 35,000.00 to PHP 100,000.00, or a combination of both.[54]

No mitigating circumstances can be appreciated in this case considering the nature of respondent's offenses.[55] Notably, given that he is guilty of several offenses, the CPRA provides that "if the 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. Should the aggregate of the imposed penalties exceed five years of suspension from the practice of law or PHP 1 million in fines, the respondent may, in the discretion of the Supreme Court, be meted with the penalty of disbarment." [56]

Our jurisprudence is replete with cases wherein the Court imposed upon the erring lawyer the penalty of suspension from the practice of law for the latter's failure to return their client's funds despite demand and for misappropriating their client's funds.[57] In the recent case of *Stewart v. Atty. Rioflorido*, [58] the Court found therein respondent lawyer guilty of the offenses of unjustifiable failure to render an accounting and misappropriation of client's funds. For these offenses, the Court imposed separate penalties for each offense as follows: (1) suspension from the practice of law for a period of six months for his unwarranted failure or refusal to render an accounting; and (2) suspension from the practice of law for period of one year for his unjustified withholding of his client's funds.[59]

Similarly, in *JYQ Holdings & Mgt. Corp. v. Atty. Lauron*, [60] the Court found therein respondent lawyer guilty of misappropriating its client's funds and failing to render an accounting thereof. Accordingly, the Court imposed against the respondent the penalty of suspension from the practice of law for nine months for misappropriating his client's funds, and suspension from the practice of law for three months for failing to render an accounting of JYQ's funds.[61]

In *Bautista-Regodoz v. Atty. Rubia*, [62] therein respondent was also suspended from the practice of law for two years for the serious offense of misappropriating her client's funds, and fined in the amount of PHP 35,000 for the offense of disobeying the lawful orders of the IBP.

In *Paez v. Atty. Debuque*, [63] the Court found therein respondent guilty of gross misconduct when he submitted two different answers with conflicting claims as regards the full payment of the purchase price of the property he

brought from therein complainant, who was incarcerated at that time. For this, the Court meted a penalty of suspension from the practice of law for three years.

With respect to the offense of bribery, the case of Judge Dumlao v. Atty. Camacho[64] is instructive. Here, the Court found therein respondent guilty of influence peddling, attempted bribery, threatening court officers and disrespecting court processes. While therein respondent has been previously disbarred, the Court still imposed upon him the corresponding penalty of suspension for two years from the practice of law for purposes of recording it in his personal file in the Office of the Bar Confidant, and that should he apply for the lifting of his disbarment, the imposed penalty should be considered in the resolution of the same.

In administrative cases involving lawyers, it is well settled that the appropriate penalty for erring lawyers depends on the exercise of sound judicial discretion based on the surrounding facts of each case.[65] Thus, guided by the applicable rules and jurisprudence, the Court imposes the following sanctions against respondent:

(1)

for his unjustifiable failure or refusal to render and accounting of the funds entrusted to him, he is suspended from the practice of law for six months;

(2)

for the misappropriation of his client's funds, he is further suspended from the practice of law for one year;

(3)

for gross misconduct, he is suspended from the practice of law for one year;

(4)

for bribery, he is likewise suspended from the practice of law for two years; and

(5)

for disobedience of the orders of the IBP, he is fined the amount of PHP 35,000.00

Further, respondent is also directed to return to the Heirs of Spouses Garcia the amount of PHP 710,963.95, representing the total sum of money he received from them, less the amount of estate tax actually paid, with interest rate of 6% per annum, from the finality of this Decision until full payment.

A final note, the members of the Bar should always uphold the moral standards of the legal profession, which imposes upon them the duty to act with the highest degree of professionalism, decency, and nobility in the course of their practice of law. Anything less than that will constrain this Court to hold them accountable in order to preserve the dignity of the legal profession and the proper administration of justice.[66]

ACCORDINGLY, the Court finds respondent Atty. Guillermo M. Tabaldo GUILTY of:

- Misappropriation of client's funds, gross misconduct, and Bribery. He is **SUSPENDED** from the practice of law for four years with **STERN WARNING** that a repetition of the same or similar act shall be dealt with more severely.

- Unjustifiable failure or refusal to render an accounting of the funds of a client, and disobedience of the orders of the Integrated Bar of the Philippines. For unjustifiable failure or refusal to render an accounting of the funds of a client, he is **SUSPENDED** from the practice of law for six months with **STERN WARNING** that a repetition of the same or similar act shall be dealt with more severely. Meanwhile, for disobedience of the orders of the

Integrated Bar of the Philippines, he is meted a FINE in the amount of PHP 35,000.00

- Finally, Atty. Guillermo M. Tabaldo is ORDERED to IMMEDIATELY RETURN to the complainants, the Heirs of the Late Spouses Lydia Garcia and Jose Ramon Garcia, the amount of PHP 710,963.59, with interest rate of 6% per annum, from the finality of this Resolution until full payment.

Let copies of this Decision be furnished the Office of the Bar Confidant to be entered into the records of respondent Atty. Guillermo M. Tabaldo. Copies shall likewise be furnished the (a) Integrated Bar of the Philippines, which shall disseminate copies thereof to all its Chapters; (b) all administrative and quasi-judicial agencies of the Republic of the Philippines; and (c) the Office of the Court Administrator for circulation to all courts concerned.

SO ORDERED.

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

Leonen, Acting C.J., dissenting. Should be disbarred.

Caguioa, J., see separate opinion.

Hernando,[*] and Lazaro-Javier,[*] JJ., on official business.

[*] On official business.

[1] Rollo, pp. 3-7.

[2] Rule 1.03 – A lawyer shall not engage in unlawful, dishonest, immoral or deceitful conduct.

[3] Rule 16.03 – A lawyer shall deliver the funds and property of his client when due or upon demand. However, he shall have a lien over the funds and may apply so much thereof as may be necessary to satisfy his lawful fees and disbursements, giving notice promptly thereafter to his client. He shall also have a lien to the same extent on all judgments and executions he has secured for his client as provided for in the Rules of Court.

[4] Rollo, p. 148.

[5] Id.

[6] Id.

[7] Id. at 14-15.

[8] Id. at 148.

[9] Id. at 17-18.

[10] Id. at 148.

[11] Id. at 29.

[12] Id. at 149.

[13] Id.

[14] Id. at 24-33.

[15] Id. at 24.

- [16] Id. at 29.
- [17] Id. at 26.
- [18] Id. at 152, 160.
- [19] Id. at 11-12.
- [20] Id. at 14.
- [21] Id. at 17-18.
- [22] Id. at 19-20.
- [23] Id. at 38-39.
- [24] Id. at 13.
- [25] Id. at 88-96.
- [26] April 7, 2022 and April 12, 2022 in some parts of the rollo.
- [27] Id. at 36-37.
- [28] Id. at 38.
- [29] Id. at 160.
- [30] Id. at 145-146.
- [31] A.M. No. 22-09-01-SC (2023).
- [32] Code of Professional Responsibility and Accountability, General Provisions, sec. 1.
- [33] Lizada v. Tecson, A.C. No. 14203, February 18, 2025 [Per Curiam, En Banc] at 6. This pinpoint citation refers to the copy of the Decision uploaded to the Supreme Court website.
- [34] Rollo, pp. 42-45.
- [35] 906 Phil. 1 (2021) [Per Curiam, En Banc].
- [36] Id. at 10.
- [37] 956 Phil. 26 (2024) [Per J. Singh, Third Division].
- [38] Id. at 43.
- [39] A.C. No. 14203, February 18, 2025 [Per Curiam, En Banc].
- [40] Id. at 9-10. This pinpoint citation refers to the copy of the Decision uploaded to the Supreme Court website.
- [41] See Dizon v. Trinidad-Radoc, 944 Phil. 1, 11 (2023) [Per Curiam, En Banc], and Romo v. Atty. Ferrer, 889 Phil. 595, 601 (2020) [Per J. Lopez, En Banc].
- [42] 956 Phil. 90 (2024) [Per J. Gaerlan, Third Division].
- [43] Id. at 98-99.
- [44] Rollo, p. 42-46.

[45] See *Rosca v. Atty. Delmendo*, 949 Phil. 576 (2023) [Per Curiam, En Banc].

[46] *Judge Dumlao v. Atty. Camacho*, 839 Phil. 509, 519 (2018) [Per J. Gesmundo, En Banc].

[47] *Rollo*, p. 159.

[48] *Lizada v. Tecson*, A.C. No. 14203, February 18, 2025 [Per Curiam, En Banc] at 9-10. This pinpoint citation refers to the copy of the Decision uploaded to the Supreme Court website.

[49] *Rollo*, p. 139.

[50] CODE OF PROFESSIONAL RESPONSIBILITY AND ACCOUNTABILITY, Canon VI, sec. 34(c). See also *Bautista-Regodoz v. Atty. Rubia*, 959 Phil. 897, 906 (2024) [Per Curiam, En Banc].

[51] CODE OF PROFESSIONAL RESPONSIBILITY AND ACCOUNTABILITY, Canon VI, sec. 33.

[52] CODE OF PROFESSIONAL RESPONSIBILITY AND ACCOUNTABILITY, Canon VI, sec. 37.

[53] CODE OF PROFESSIONAL RESPONSIBILITY AND ACCOUNTABILITY, Canon VI, sec. 34.

[54] CODE OF PROFESSIONAL RESPONSIBILITY AND ACCOUNTABILITY, Canon VI, sec. 37.

[55] CODE OF PROFESSIONAL RESPONSIBILITY AND ACCOUNTABILITY, Canon VI, sec. 38.

[56] CODE OF PROFESSIONAL RESPONSIBILITY AND ACCOUNTABILITY, Canon VI, sec. 40.

[57] See *Campos v. Atty. Estebal*, 792 Phil. 542 (2016) [Per J. Del Castillo, Second Division], and *Olayta-Camba v. Atty. Bongon*, 757 Phil. 1 (2015) [Per J. Perlas-Bernabe, First Division].

[58] 956 Phil. 90 (2024) [Per J. Gaerlan, Third Division].

[59] *Id.* at 101.

[60] 956 Phil. 26 (2024) [Per J. Singh, Third Division].

[61] *Id.* at 56.

[62] 959 Phil. 897 (2024) [Per Curiam, En Banc].

[63] 955 Phil. 1 (2024) [Per J. Dimaampao, En Banc].

[64] 839 Phil. 509 (2018) [Per J. Gesmundo, En Banc].

[65] *JYQ Holdings & Mgt Corp. v. Atty. Lauron*, 956 Phil. 26, 53 (2024) [Per J. Singh, Third Division].

[66] *Rodeo Consultancy and Maritime Services Corporation v. Atty. Concepcion*, 906 Phil. 1 (2021) [Per Curiam, En Banc].

DISSENTING OPINION

LEONEN, SAJ:

The lifeblood of the judiciary is neither force nor money, but the enduring confidence of the public in its integrity. Unlike the legislative which wields the power of the purse, or the executive which commands the armed forces, the judiciary's power rests solely on the people's willingness to abide by its judgments.

The public's obedience, however, is sustained only so long as the courts exemplify the highest standards of honesty, impartiality, and moral uprightness. Consequently, when a lawyer—an officer of the court and a sworn

guardian of the legal order—becomes the very one to transgress it, the breach strikes at the core of the justice system itself. This grave offense cannot be tolerated and should be met with the ultimate penalty of disbarment.

In this case, Atty. Guillermo M. Tabaldo (Atty. Tabaldo) should not have been merely suspended and ordered to pay fines; he should have been disbarred.

Atty. Tabaldo not only misappropriated PHP 734,000.00 of the money entrusted to him,[1] he also acquiesced in his client's plan to deprive other heirs of their respective shares of the estate. He accomplished this through illicit means, including the payment of "facilitation fees" to the Bureau of Internal Revenue to secure the issuance of a Certificate Authorizing Registration for the estate properties, even without the participation of all the heirs in the extrajudicial settlement.[2] Here, the purported "facilitation fees," as correctly observed by the investigating commissioner, is just a euphemism for a bribe.[3]

Canon VI, Section 33 of the Code of Professional Responsibility and Accountability (CPRA) classifies Atty. Tabaldo's acts of misappropriating his client's funds, as well as facilitating an illegal transaction through bribery, as three separate serious offenses:

SECTION 33. Serious offenses. - Serious offenses include:

(a)

Gross misconduct, or any inexcusable, shameful or flagrant unlawful conduct;

....

(c)

Bribery or corruption;

....

(g)

Misappropriating a client's funds or properties[.]

Meanwhile, Canon VI, Section 37(a) of the CPRA prescribes the penalty if found guilty of any serious offense:

(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 exceeding P100,000.00.

Disbarment may be imposed if an erring lawyer is found guilty of even one of the serious offenses. Consequently, if a lawyer is found guilty of multiple serious offenses, this should be treated as an analogous aggravating circumstance, which would warrant the maximum penalty of disbarment.[4]

In *Sison v. Atty. Camacho*,^[5] this Court disbarred a lawyer who misappropriated PHP 1,288,260.00 of his client's funds and lied about using them to bribe a clerk of court for a favorable judgment. In *Sison*, this Court held that the erring lawyer's actions showed his lack of honesty and good moral character, which rendered him unworthy of being a member of the bar.^[6]

Similarly, in *Atty. Navarro v. Atty. Meneses*,^[7] an erring lawyer was disbarred for misappropriating PHP 50,000.00 meant to be given to his client and for failing to update the client on the status of the case. In *Navarro*, this Court reiterated that once a lawyer takes up the cause of a client, the fidelity they owe to such cause requires them to protect their client's interest and the trust reposed in them by virtue of their profession.^[8]

In this case, Atty. Tabaldo not only betrayed the fidelity he owed to client's cause, he also transgressed the laws he has sworn to uphold.

Membership in the Bar is not a right to be exploited, but a privilege burdened with the duties. Lawyers are called not only to serve their clients, but to safeguard the dignity of the courts and the integrity of the justice system itself. They are meant to enhance, not erode, the public's faith in our institutions. When a lawyer instead chooses to betray these duties, they forfeit the trust that justifies their place in the profession.

This Court should not countenance those who, by their own acts, diminish the very system they have sworn to protect. Thus, I maintain my position that Atty. Tabaldo should be disbarred.

ACCORDINGLY, I vote that Atty. Guillermo M. Tabaldo be DISBARRED.

[1] Ponencia, p. 3.

[2] *Id.* at 13.

[3] *Id.* at 5.

[4] Code of Professional Responsibility and Accountability, Canon VI, Section 38(b)(8).

[5] 777 Phil. 1 (2016) [Per Curiam, En Banc].

[6] *Id.* at 12.

[7] 349 Phil. 520 (1998) [Per Curiam, En Banc].

[8] *Id.* at 525.

SEPARATE OPINION

CAGUIOA, J.:

The ponencia adopts with modification the findings of fact and recommendation of the Integrated Bar of the Philippines (IBP) to hold Atty. Guillermo M. Tabaldo (Atty. Tabaldo) administratively liable for failing to return the money he received from the Heirs of Spouses Jose Ramon Garcia and Lydia Parabot Garcia (Heirs), as represented by herein complainant Mila Garcia Torres (Torres), and for resorting to the use of "facilitation fees" in dealing with the Bureau of Internal Revenue (BIR). In particular, the ponencia finds Atty. Tabaldo guilty of (1) Failure or Refusal to Render an Accounting; (2) Misappropriation; (3) Gross Misconduct; (4) Bribery; and (5) Disobedience to the orders of the IBP, as follows:

ACCORDINGLY, the Court finds respondent Atty. Guillermo M. Tabaldo GUILTY of:

- Misappropriation of client's funds, gross misconduct, and Bribery. He is **SUSPENDED** from the practice of law for four years with **STERN WARNING** that a repetition of the same or similar act shall be dealt with more severely.
- Unjustifiable failure or refusal to render an accounting of the funds of a client, and disobedience of the orders of the [IBP]. For unjustifiable failure or refusal to render an accounting of the funds of a client, he is **SUSPENDED** from the practice of law for six months with **STERN WARNING** that a repetition of the same or similar act shall be dealt with more severely. Meanwhile, for disobedience of the orders of the [IBP], he is **METED** a **FINE** in the amount of PHP 35,000.00[.]
- Finally, Atty. Guillermo M. Tabaldo is **ORDERED** to **IMMEDIATELY RETURN** to the complainants, the Heirs of the Late Spouses Lydia [Parabot] Garcia and Jose [Ramon] Garcia, the amount of PHP 710,963.95, with interest rate of 6% per annum, from the [date of] finality of this Resolution until full payment.[1]

In this Separate Opinion, I dissent only insofar as to his having been found as separately guilty for the offense of misappropriation.

The ponencia cites Section 49, Canon III of the Code of Professional Responsibility and Accountability (CPRA) in finding Atty. Tabaldo guilty of the offense of unjustifiable failure to render an accounting of the funds or properties of a client. To be sure, Section 49, Canon III provides the duty of the lawyer to render an accounting of any fund or property belonging to the client during engagement, to wit:

SECTION 49. Accounting during Engagement. – A lawyer, during the existence of the lawyer-client relationship, shall account for and prepare an inventory of any fund or property belonging to the client, whether received from the latter or from a third person, immediately upon such receipt.

When funds are entrusted to a lawyer by a client for a specific purpose, the lawyer shall use such funds only for the client's declared purpose. Any unused amount of the entrusted funds shall be promptly returned to the client upon accomplishment of the stated purpose or the client's demand. (Emphasis in the original)

The duties under the foregoing provision are two-fold: there is the duty to do an accounting of the funds and properties received from and/or on behalf of the client, and there is also the duty to return what is due the client. In this case, there is no allegation that Atty. Tabaldo failed to render an accounting of the total amount of PHP 710,963.95 that he received from the Heirs. What is clear, on the contrary, is that the Heirs were well aware where the money went. The Verified Answer of Atty. Tabaldo, as cited in the ponencia, thus bears out:

In his Verified Answer, dated March 17, 2023, Atty. Tabaldo admitted that he received the aforementioned amounts from the [Heirs] to cover for the estimated expenses for estate taxes, facilitation fees with the BIR, and for other expenses necessary for the issuance of the [Certificate Authorizing Registration]. He denied, however, that he refused to account for the same. He countered that he had explained to the [Heirs] that the transaction with the BIR is still pending and that he be allowed to complete the transaction and account for the

funds thereafter.

With regard to the said facilitation fees with the BIR, Atty. Tabaldo explained that arrangements were necessary because only three out of the five heirs signed the Deed of Extrajudicial Settlement, but [Torres] wanted to process it already. It was only in November 2021 that all of the heirs signed the said Deed.[2] (Citations omitted)

Notably, the above explanation of Atty. Tabaldo dovetails with the allegations of Torres, in behalf of the Heirs, in her complaint:

Feeling defrauded, the [Heirs], through counsel, sent Atty. Tabaldo a letter, dated July 28, 2022, demanding that he return the amount of PHP 710,963.95, representing the total sum of money he received from them, less the amount of estate tax actually paid.

In response, on August 8, 2022, Atty. Tabaldo sent an email, addressing the demand letter. He explained that the PHP 555,000.00 was intended to settle and enter into a compromise with the BIR regarding the estate tax, allegedly negotiated through his contacts in the agency. He further explained that the additional PHP 179,000.00 was requested in June 2021 when the assessment was submitted for final approval by the Revenue District Office (RDO).

He also attributed delays in the processing of the transaction to the imposition of COVID-19 Alert Level 4 over the National Capital Region from December 2021 to January 2022. Moreover, he requested that he and his consultant, Mrs. Frieda Flores (Mrs. Flores), be permitted to finalize the settlement of the estate of Emiliano Parabot Garcia, the deceased son of the late Spouses Garcia, and to submit the required documents to the BIR Cavite for issuance of the CAR within 10 to 15 days. During that period, he will undertake to follow up with his BIR contact regarding the refund of unused funds and committed to personally account for the disbursed amounts to the counsel of the [Heirs] and return the excess funds, with or without said refund from his BIR contact.

Failing to thereafter hear from Atty. Tabaldo, the [Heirs] sent another demand letter to him on September 2, 2022, reiterating their call to return the amount of PHP 710,963.59.[3] (Citations omitted)

It is clear, therefore, that the money given by the Heirs was accounted for. While the accounting was not rendered in the form of an official, formal, or physical list of the amounts in Atty. Tabaldo's possession, the identification of their purpose, and the confirmation on how they were spent,[4] Atty. Tabaldo was nonetheless able to sufficiently explain how the funds were utilized, and the Heirs did not disapprove his explanation.

To be able to explain or account for the funds is the essence of one of the duties under Section 49, Canon III of the CPRA. With the proffered and accepted explanation of Atty. Tabaldo, I submit that there can be no violation of the specific duty to render an accounting of the funds or properties of a client under the relevant provision, more so when the client does not dispute said explanation.

However, Atty. Tabaldo's failure to return the sum of PHP 710,963.95, despite repeated demands from the Heirs, is also violative of the duty to return what is due the client under Section 49, Canon III of the CPRA. To reiterate, Section 49, Canon III of the CPRA specifically provides that the lawyer is obliged to promptly return any unused amount of the entrusted funds to the client upon accomplishment of the stated purpose or the client's demand. As aptly found by the ponencia, "more than two years have passed since the filing of [Atty. Tabaldo's] Verified Answer, and the records show that he has yet to fulfill his commitments and obligations to the [Heirs]."[5] The ponencia, thus, correctly concludes that it has become "undisputed that [Atty. Tabaldo] received the total amount of PHP 734,000.00 intended for the payment of the estate taxes of the late Spouses Garcia, among other related expenses. However, the [Certificate Authorizing Registration] obtained by [Torres] reveals that the actual estate tax paid amounted to only PHP 23,038.41. This leaves a remaining balance of PHP 710,963.59 in the possession

of [Atty. Tabaldo], which he has failed to return despite repeated demands."[6]

The foregoing discussion, notwithstanding, I maintain that Atty. Tabaldo should not be held separately liable for misappropriation.

Indeed, case law provides that the failure to return a client's money gives rise to the presumption that the lawyer has misappropriated the funds. In this case, however, I submit that this presumption had not arisen in view of Atty. Tabaldo's own explanation in his Verified Answer earlier quoted. Again, I re-emphasize that this explanation was neither categorically denied nor controverted by the Heirs and does, in fact, jibe with their own narrative.

As observed by the ponencia, Atty. Tabaldo acceded to the Heirs' plan to proceed with the settlement of the estate despite the incomplete signatures of all the heirs in the Deed of Extrajudicial Settlement. Pursuant to such agreement, Atty. Tabaldo resorted to paying "facilitation fees" with the BIR directly and through, his tax consultant.[7]

In *Lizada v. Atty. Tecson*,[8] the Court held a lawyer separately liable for Failure to Render and Accounting, and Misappropriation relative to funds received by the lawyer intended to be given as a bribe to a "PR man." However, it bears emphasis that the finding of misappropriation therein was premised on the lawyer's failure to prove his allegation that his clients willingly agreed to paying a bribe. Thus, the presumption of misappropriation remained un rebutted. The Court observed:

To reiterate, the aforequoted assertions by Atty. Tecson have no accompanying proof. He merely alleged that *Lizada et al.* "willingly agreed" to his proposal to engage the services of a PR man, and "unanimously accepted" his proposal to use 50% of their just compensation to pay said PR man. Likewise, there is nothing in the records which supports Atty. Tecson's claim that *Lizada et al.* admitted during the conference at the Cebu City IBP Office that the PHP 67,170,982.57 was given to the PR man. Since Atty. Tecson failed to establish his allegations, the presumption that he misappropriated said amount remains un rebutted. Consequently, the Court finds that Atty. Tecson violated his duty to account and is thus liable to return to the *Lizada et al.* the full amount of PHP 67,170,982.57, with legal interest.

Lest our discussions above be misinterpreted, the Court clarifies that even if Atty. Tecson was able to establish his allegations that the PHP 67,170,982.57 was indeed given to the PR man with the conformity of *Lizada et al.*, he will still be found guilty of violating his duty to account and, consequently, he will still be directed to return said amount to *Lizada et al.*[9]

This is in stark contrast to the circumstances here, where the ponencia acknowledges that Atty. Tabaldo and the Heirs agreed to resort to paying "facilitation fees" to proceed with the settlement of the estate despite the incomplete signatures of the Heirs.[10] While the Court certainly does not condone Atty. Tabaldo's resort to illicit means, this clearly explains why he was not able to return the money given to him by the Heirs, and debunks any presumption or allegation that he misappropriated the same. Significantly, as well, it must be borne in mind that Atty. Tabaldo stands to be penalized for Gross Misconduct and Bribery for his resort to such illicit means. There is also no question that Atty. Tabaldo has not returned the amount demanded from him. However, there is no misappropriation to speak of because, to reiterate, he did not use the money he received from his clients for another purpose. In other words, his failure to render an accounting, particularly with respect to the duty under the provision to return what is due the Heirs, should not automatically render him liable for misappropriation as well.

In any event, if Atty. Tabaldo should be found guilty of misappropriation, I further maintain that the offenses of failure to render an accounting and misappropriation are not supposed to be treated separately because they arise from a single act or omission, which is the refusal of Atty. Tabaldo to return the amounts he received.

While the Court had occasion to penalize the failure to render an accounting and misappropriation separately in the cases of *JYQ Holdings & Mgt. Corp. v. Atty. Lauron*[11] and *Stewart v. Atty. Rioflorido*,^[12] the facts and circumstances in these cases are not on all fours with the present case.

In *JYQ Holdings*, the finding of misappropriation was premised on the discrepancy between how the lawyer actually spent the money (i.e., professional fees for conducting a survey; surveillance, field operations, and research costs; mobilization and representation expenses, miscellaneous expenses) vis-à-vis the purpose indicated on the check vouchers when the money was disbursed to him (i.e., mobilization fund and down payment for informal settlers and miscellaneous expense for Urban Poor Affairs Office). Such is not the case here. Atty. Tabaldo and the Heirs agreed to the payment of "facilitation fees." He explained that the money was paid to his BIR contacts, consistent with such agreement.^[13] Given the illicit nature of the transaction, the BIR documents obviously will not reflect the same.

Meanwhile in *Stewart*, the liability for failure to render an accounting and misappropriation was premised on two separate acts. The lawyer therein was found guilty of (i) Failure to Render an Accounting for his failure to return the records he received from his former client; and (ii) Misappropriation for failing to return the money he received upon demand. However, in the present case, there is only a single act upon which Atty. Tabaldo's liability for both offenses rests. The offense of misappropriation stems from a presumption that is entirely hinged on Atty. Tabaldo's omission to return the money he received. Simply put, the presumption would not have arisen and there would be no offense of misappropriation if Atty. Tabaldo did not commit such omission.

In this regard, the second paragraph of Section 40, Canon VI of the CPRA finds application here. It provides that if a single act or omission gives rise to more than one offense, respondent shall still be found liable for all such offenses, but shall, nonetheless, only be meted with the appropriate penalty for the most serious offense. Thus, if Atty. Tabaldo is found liable for unjustifiable failure or refusal to render an accounting of the funds and misappropriation, he must only be meted out with the penalty for the more serious offense of misappropriation.

[1] Ponencia, p. 16.

[2] *Id.* at 3-4.

[3] *Id.* at 2-3.

[4] See *JYQ Holdings & Mgt. Corp. v. Atty. Lauron*, 956 Phil. 26 (2024) [Per J. Singh, Third Division].

[5] Ponencia, p. 9.

[6] *Id.*

[7] *Id.* at 12.

[8] A.C. No. 14203, February 18, 2025 [Per Curiam, En Banc].

[9] *Id.* at 9. This pinpoint citation refers to the Copy of the Decision uploaded to the Supreme Court website.

[10] Ponencia, pp. 11-12.

[11] *Supra* note 4.

[12] 956 Phil. 90 (2024) [Per J. Gaerlan, Third Division].

[13] Ponencia, pp. 11-12.

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