

CLETO DOCENA, COMPLAINANT, VS. ATTY. DOMINADOR Q. LIMON, RESPONDENT.

A.C. No. 2387. September 10, 1998

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PER CURIAM

On April 15, 1982, a complaint for disbarment was filed by Cleto Docena against Atty. Dominador Q. Limon, Sr., on grounds of malpractice, gross misconduct, and violation of attorney's oath.

It appears that respondent Atty. Limon was complainant's lawyers on appeal in Civil Case No. 425 for Forcible Entry. While the appeal was pending before the then Court of First Instance of Eastern Samar, Branch I, respondent required therein defendants-appellants Docena spouses to post a supersedeas bond in the amount of P10,000.00 allegedly to stay the execution of the appealed decision.

To raise the required, complainant Cleto Docena obtained a loan of P3,000.00 from the Borongan, Eastern Samar Branch of the Development Bank of the Philippines; borrowed P2,140.00 from a private individual; and applied for an agricultural loan of P4,860.00 from the Borongan, Samar Branch of the Philippine National Bank, wherein respondent himself acted as guarantor (tsn, Session of July 8, 1983, pp. 33-34). The amount of P4,860.00 was produced by complainant in response to respondent's letter dated September 2, 1979 (Exh. "C", tsn, p. 26, *ibid.*) demanding delivery of the aforesaid amount, thus:

Dear Mr. and Mrs. Docena:

I wish to remind you that today is the last day for the deposit of the balance of P4,860.00.

Atty. Batica was in court yesterday verifying whether you have deposited the said balance and the Honorable Judge informed him that you have until today to deposit the said amount.

I wish to inform you that the Honorable Judge will be in Sta. Fe tomorrow for rural service.

We will be waiting for you tomorrow September 22, 1979, at Sta. Fe as you promised.

Very truly yours,

(Signed)

On November 14, 1980, the Court of First Instance of Eastern Samar rendered a decision on the appealed case in favor of the Docena spouses.

After receipt of said decision, complainant went to the CFI to withdraw the supersedeas bond of P10,000.00 but he thereupon discovered that no such bond was ever posted by respondent.

When confronted, respondent promised to restitute the amount, but he never complied with such undertaking despite repeated demands from the Docena spouses.

In his answer the herein complaint, respondent claimed that the P10,000.00 was his attorney's fees for

representing the Docena spouses in their appeal. But this self-serving allegation is belied by the letter (quoted above) of respondent himself demanding from the Docena spouses the balance of P4,860.00 supposedly to be deposited in court to stay the execution of the appealed decision of the MTC. Moreover, the fact that he had promised to return the P10,000.00 to the Docena spouses is also an admission that the money was never his, and that it was only entrusted to him for deposit.

After due investigation and hearing, the Integrated Bar of the Philippines recommended that respondent be suspended from the practice of law for one year and ordered to return the amount of P8,500.00 (he had earlier paid complainant P1,500.00, but nothing more) within 1 month from notice, and should he fail to do so, he shall be suspended indefinitely.

The Court finds the recommended penalty too light. Truly, the amount involved may be small, but the nature of the transgression calls for a heavier sanction. The Code of Professional Responsibility mandates that:

Canon 1. x x x

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

Canon 16. x x x

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

Respondent infringed and breached these rules. Verily, good moral character is not a condition precedent to admission to the legal profession, but it must also be possessed at all times in order to maintain one's good standing in the exclusive and honored fraternity (*Villanueva vs. Atty. Teresita Sta. Ana*, 245 SCRA 707 [1995]).

It has been said time and again, and this cannot overemphasize, that the law is not a trade nor a craft but a profession (Agpalo, *Legal Ethics*, 1983, p. 1). Its basic ideal is to render public service and to secure justice for those who seek its aid. [*Mayer vs. State Bar*, 2 Call2d 71, 39 P2d 206 (1934), cited in Agpalo, *id.*] If it has to remain an honorable profession and attain its basic ideal, those enrolled in its ranks should not only master its tenets and principles but should also, by their live, accord continuing fidelity to them. (Agpalo, *id.*) By extorting money from his client through deceit and misrepresentation, respondent Limon has reduced the law profession to a level so base, so low and dishonorable, and most contemptible. He has sullied the integrity of his brethren in the law and has, indirectly, eroded the peoples' confidence in the judicial system. By his reprehensible conduct, which is reflective of his depraved character, respondent has made himself unworthy to remain in the Roll of Attorneys. He should be disbarred.

WHEREFORE, respondent Atty. Dominador Q. Limon, Sr. is hereby DISBARRED. The Office of the Clerk of Court is directed to strike out his name from the Roll of Attorneys. Respondent is likewise ordered to return the amount of P8,500.00, the balance of the money entrusted to him by complainant Docena, within one (1) month from the finality of this Decision.

SO ORDERED.

Narvasa, C.J., Davide, Jr., Romero, Bellosillo, Melo, Puno, Vitug, Kapunan, Mendoza, Panganiban, Martinez, Quisumbing and Purisima, JJ., concur.
Regalado, J., on official leave.

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