

MARY JANE D. VELASCO, COMPLAINANT, VS. ATTY. CHARLIE DOROIN AND ATTY. HECTOR CENTENO, RESPONDENTS.

A.C. No. 5033. July 28, 2008

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PER CURIAM:

This case refers to a disbarment complaint filed by Mary Jane D. Velasco on March 31, 1999, against respondent lawyers for forgery and falsification constitutive of malpractice.[1]

On June 21, 1999, the Court's Second Division required the respondent lawyers to comment on the complaint within (10) days from notice.[2]

On August 24, 1999, Atty. Quintin P. Alcid, counsel for respondents, filed a Motion for Extension to File Comment praying that an extension of sixty (60) days from August 16, 1999 be given to them to file their comment.[3]

On October 4, 1999, the Court granted the Motion for Extension with a warning that the same shall be the last and no further extension will be given.[4]

The respondent lawyers failed to file their comment.

On June 20, 2001, the Court ordered respondent lawyers and their counsel to show cause why they should not be disciplinarily dealt with or held in contempt for such failure and to comply with the resolution requiring the comment. Copies of the resolution dated June 20, 2001 were returned unserved from Atty. Alcid and Atty. Centeno with notations "party out/unknown at/party moved out" and "moved out." Atty. Doroin received the said resolution on July 27, 2001.[5]

On April 17, 2002, complainant was required to submit the correct addresses of Atty. Alcid and Atty. Centeno, while Atty. Charlie Doroin was fined Php 500.00 for failure to comply with the show cause resolution dated June 20, 2001 and was ordered to submit his comment.[6]

Complainant failed to comply with the directive of the Court.

On July 23, 2003, the Court required the complainant to show cause why she should not be disciplinarily dealt with for her non-compliance with the said directive and to submit her compliance within ten (10) days from notice. In the same resolution, the fine imposed on Atty. Charlie Doroin was increased from Php 500.00 to Php 1,000.00 for his failure to file his comment on the complaint as required by the Court, or to suffer imprisonment of five (5) days in case he fails to pay and to submit his comment on the complaint within ten (10) days from notice.[7]

In a report dated August 2, 2004, the Clerk of Court informed the Court that respondent Atty. Doroin paid the fine of Php 1,000.00. However, Atty. Doroin still failed to submit the comment on the administrative complaint required of him and has not complied with the show cause resolution dated April 17, 2002 by submitting the correct addresses of Atty. Quintin P. Alcid and respondent Atty. Hector Centeno.[8]

In a Manifestation submitted June 23, 2005, the complainant submitted the addresses of Atty. Charlie Doroin and Atty. Hector Centeno as well as a copy of a Special Power of Attorney authorizing Mr. Juanito C. Perez to prosecute the instant case.[9]

On July 27, 2005, the Court issued a resolution noting the compliance of the complainant as well as the latter's manifestation and referred the case to the Integrated Bar of the Philippines for investigation, report and recommendation within ninety (90) days from receipt of the record.[10]

On October 3, 2005, the Integrated Bar of the Philippines through Commissioner Rebecca Villanueva Maala issued a Notice of Mandatory Conference/Hearing to the parties to the case scheduled on October 26, 2005 with a strict note that "[n]on-appearance by any of the parties shall be deemed a waiver of their right to participate in further proceedings." [11]

On October 26, 2005, only Mr. Juanito Perez, attorney-in-fact of the complainant, together with his counsel Atty. Andres Villaruel, Jr. appeared. As respondents Atty. Charlie Doroin and Atty. Hector Centeno had not filed their comment, they were directed to submit it within (10) days from receipt of notice. The hearing of the case was reset on November 30, 2005.[12]

On November 30, 2005, again, only Mr. Juanito Perez, attorney-in-fact of the complaint, together with his counsel, Atty. Villaruel, appeared. The notices sent to respondents were returned to the Commission on Bar Discipline with a notation "RTS-Moved." As respondents had not filed their comment on the complaint, they were declared in default. In an Order dated November 30, 2005, Commissioner Rebecca Villanueva Maala submitted her report and recommendation, viz.[13]

The Commission on Bar Discipline reported that:

x x x x x x x x

In her Affidavit-Complaint, complaint alleged that she was appointed as Administratrix in Special Proceedings Case No. Q-96-27628 pending consideration before the Regional Trial Court, Quezon City, Branch 87, entitled "In the matter of the Settlement of the Estate of the Late Eduardo Doroin, Monina E. Doroin, petitioner." The deceased, Eduardo Doroin, died on 21 January 1996, in Papua New Guinea. In this Special Proceedings case, respondents were collaborating counsels for Oppositor, Josephine Abarquez.

On 21 March 1996, Atty. Doroin fooled complainant by deceitful means into making her sign an Extra-Judicial Settlement and Deed of Partition, allotting complainant the sum of P1,216,078.00 giving the paramour of complainant's father, Josephine Abarquez, the share of P7,296,468.00 and also allotting complainant's two (2) alleged illegitimate brothers and an alleged illegitimate sister, a similar sum of P1,216,075.00 each alleging that such sharing is in accordance with law. But no share was assigned to complainant's mother, who was the legal wife of Dr. Eduardo Doroin.

To partially satisfy complainant's share of Php 1,216,078.00, Atty. Doroin required complainant to sign a paper which was an alleged Confirmation of Authority to Sell the property of complainant's father located at Kingspoint subdivision, Bagbag, Novaliches, Quezon City, covered by TCT No. 34885, Complainant told Atty. Doroin that she will first consult a lawyer regarding the legality of the said Confirmation of Authority to Sell before she signs the same. Eventually, she was not able to sign the said Confirmation because complainant's lawyer, Atty. Marapao, failed to confer and negotiate with Atty. Doroin regarding the same.

When the complainant visited the lot situated at Kingspoint Subdivision sometime in June 1996, there was no house constructed thereon, but when she visited it again on January 1999, there was already a four-door townhouse constructed. Complainant was informed by the caretaker at the site that the owner is one Evangeline Reyes-Tonemura. Complainant also learned later on that the property, which was one of the

properties submitted to the Court handling the Special Proceedings case in the Inventory of Property dated 3 April 1996, was sold by Atty. Doroin to Evangeline Reyes-Yonemura [sic], by forging the signature of complainant's late father. Atty. Hector B. Centeno, a Notary Public of Quezon City, knowing that complainant's father was already dead as of 21 January 1996, made it appear in the said Deed of Absolute Sale, that complainant's father appeared before him in Quezon City on 17 January 1997.

Records show that a case for Falsification of Public Document was filed against respondent Atty. Hector Centeno before the Metropolitan Trial Court, Quezon City, Branch 39, docketed as Criminal Case No. 104869. Atty. Centeno was arraigned on 12 September 2001 and pleaded "not guilty." After the arraignment, Atty. Centeno did not anymore appeared [sic] in court and jumped bail.[14]

The Commission found that respondents violated Rule 1.01, Canon 1 of the Code of Professional Responsibility when they caused "extreme and great damage to the complainant." [15] The Commissioner also noted that the failure of the respondents to answer the complaint for disbarment despite due notice on several occasions and to appear on the scheduled hearing set showed "flouting resistance to lawful orders of the court and illustrates despicency for his oath of office as a lawyer, which deserves disciplinary sanction." [16] The Commissioner recommended that the respondent lawyers be disbarred.

On November 18, 2006, the Board of Governors of the Integrated Bar of the Philippines adopted and approved the Report and Recommendation of the Commission on Bar Discipline with the modification that respondent lawyers be suspended indefinitely instead of being disbarred.

The Notice of Resolution and the Report and Recommendation by the Integrated Bar of the Philippines, were submitted to the Court, through the Director for Bar Discipline, in a transmittal letter dated January 22, 2007.

The issue before us is whether Atty. Charlie Doroin and Atty. Hector Centeno are guilty of violating their lawyer's oath and Rule 1.01, Canon 1 of the Code of Professional Responsibility which would merit their disbarment.

We agree with the findings of the Board of Governors of the IBP, but modify the penalty to be imposed on respondent Atty. Hector Centeno.

Rule 1.01 of the Code of Professional Responsibility states that:

"A lawyer shall not engage in unlawful, dishonest, immoral or deceitful conduct." [17]

Lawyers must conduct themselves beyond reproach at all times, whether they are dealing with their clients or the public at large, [18] and a violation of the high moral standards of the legal profession justifies the imposition of the appropriate penalty, including suspension and disbarment. [19] In *Marcelo v. Javier*, [20] we reminded the members of the legal profession that:

A lawyer shall at all times uphold the integrity and dignity of the legal profession. The trust and confidence necessarily reposed by clients require in the attorney a high standard and appreciation of his duty to his clients, his profession, the courts and the public. The bar should maintain a high standard of legal proficiency as well as of honesty and fair dealing. Generally speaking, a lawyer can do honor to the legal profession by faithfully performing his duties to society, to the bar, to the courts and to his clients. To this end, nothing should be done by any member of the legal fraternity which might tend to lessen in any degree the confidence of the public in the fidelity, honesty and integrity of the profession.

It bears stressing that membership in the bar is a privilege burdened with conditions. A lawyer has the privilege and right to practice law during good behaviour and can only be deprived of it for misconduct ascertained and declared by judgment of the court after opportunity to be heard has afforded him. Without invading any constitutional privilege or right, and attorney's right to practice law may be resolved by a proceeding to suspend or disbar him, based on conduct rendering him unfit to hold a license or to exercise the duties and

responsibilities of an attorney. [21]

In disbarment proceedings, the burden of proof generally rests upon the complainant, and for the court to exercise its disciplinary powers, the case against the respondent must be established by clear, convincing and satisfactory proof.[22]

In the case at bar, complainant claims that respondent lawyers forged the deed of sale and forced her to sign the deed of extrajudicial settlement by explaining to her that it was "in accordance with law."

The complained actuations of the respondent lawyers constitute a blatant violation of the lawyer's oath to uphold the law and the basic tenets of the Code of Professional Responsibility that no lawyer shall engage in dishonest conduct. Elementary it is in succession law that compulsory heirs like the widowed spouse shall have a share in the estate by way of legitimes[23] and no extrajudicial settlement can deprive the spouse of said right except if she gives it up for lawful consideration, but never when the spouse is not a party to the said settlement.[24] And the Civil Code reminds us, that we must "give every man his due." [25]

The guilt of the respondent lawyers is beyond dispute. They failed to answer the complaint filed against them. Despite due notice, they failed to attend the disciplinary hearings set by the IBP. Hence, the claims and allegations of the complainant remain uncontroverted. In *Ngayan v. Tugade*, [26] we ruled that "[a lawyer's] failure to answer the complaint against him and his failure to appear at the investigation are evidence of his flouting resistance to lawful orders of the court and illustrate his despicency for his oath of office in violation of Section 3, Rule 138, Rules of Court." [27]

The Court is mindful that disbarment is a grave penalty. Considering that the license to practice law, though it is not a property right, sustains a lawyer's primary means of livelihood and to strip someone of such license amounts to stripping one of a career and a means to keep himself alive, we agree with the modification submitted by the Integrated Bar of the Philippines that an indefinite suspension would be the more appropriate penalty on Atty. Charlie Doroin. However, we cannot be as lenient with Atty. Hector Centeno who, aside from committing a dishonest act by depriving a person of her rightful inheritance, also committed a criminal offense when he falsificated a public document and thereafter absconded from the criminal proceeding against him after having posted bail.

We also take this opportunity to remind the Integrated Bar of the Philippines and their regional and city chapters to maintain an updated record of the office and residence addresses of their members to help facilitate looking for lawyers. As officers of the court, lawyers should be readily available upon the Court's beckoning.

IN VIEW WHEREOF, Atty. Charlie Doroin is suspended indefinitely, and Atty. Hector Centeno is hereby DISBARRED.

Let a copy of this resolution be furnished to the Bar Confidant and the Integrated Bar of the Philippines and also be placed on the personal records of the respondents.

SO ORDERED.

REYNATO S. PUNO
Chief Justice

LEONARDO A. QUISUMBING
Associate Justice

CONSUELO YNARES-SANTIAGO

Associate Justice

ANTONIO T. CARPIO

Associate Justice

MA. ALICIA AUSTRIA-MARTINEZ

Associate Justice

RENATO C. CORONA

Associate Justice

CONCHITA CARPIO MORALES

Associate Justice

(on official leave)

ADOLFO S. AZCUNA

Associate Justice

(on official leave)

DANTE O. TINGA

Associate Justice

MINITA V. CHICO-NAZARIO

Associate Justice

PRESBITERO J. VELASCO, JR.

Associate Justice

ANTONIO EDUARDO B. NACHURA

Associate Justice

RUBEN T. REYES

Associate Justice

TERESITA J. LEONARDO-DE CASTRO

ARTURO D. BRION

Associate Justice

[1] Rollo, p.2; see Affidavit-Complaint, p.1-3.

[2] Rollo, p.19.

[3] Rollo, p. 20.

[4] Rollo, p. 24.

[5] Rollo, pp. 29-31.

[6] Rollo, p. 32.

[7] Rollo, p. 36.

[8] Rollo, p. 41.

[9] Rollo, p. 43.

[10] Rollo, p. 76.

[11] Notice of Mandatory Conference/Hearing, dated October 3, 2005.

[12] IBP Commission on Bar Discipline, Order dated October 26, 2005.

[13] IBP Commission on Bar Discipline, Order dated November 30, 2005.

[14] Rollo, pp. 91-92; IBP Commission on Bar Discipline's Report and Recommendation at 2-4, dated February 10, 2006.

[15] Id. at 4.

[16] Id. citing *Ngayan v. Tugade*, A.C. No. 2490, February 7, 1991, 193 SCRA 779, 784 (the Court in this case ratiocinated that such despicency was a violation of §3, Rule 138 of the Rules of Court or the Lawyer's Oath of Office, that he shall, among others uphold the Constitution, obey the laws and the lawful orders of authorities.).

[17] Rule 1.01, Canon 1, Code of Professional Responsibility.

[18] *Gatchalian Promotions Talents Pool, Inc. v. Naldoza*, A.C. No. 4017, September 29, 1999, 315 SCRA 406.

[19] *Ere v. Rubi*, A.C. No. 5176, December 14, 1999, 320 SCRA 617.

[20] A.C. No. 3248, September 18, 1992, 214 SCRA 1.

[21] Id. at 13 (emphasis supplied).

[22] *Santos v. Dichoso*, A.C. No. 1825, August 22, 1978, 84 SCRA 622.

[23] Civil Code, Art. 887 which provides that:

Art. 887. The following are compulsory heirs:

- (1) Legitimate children and descendants, with respect to their legitimate parents and ascendants;
- (2) In default of the foregoing, legitimate parents and ascendants, with respect to their legitimate children and descendants;
- (3) The widow or widower;
- (4) Acknowledged natural children, and natural children by legal fiction;
- (5) Other illegitimate children referred to in Article 287.

Compulsory heirs mentioned in Nos. 3, 4, and 5 are not excluded by those in Nos. 1 and 2; neither do they exclude one another.

In all cases of illegitimate children, their filiation must be duly proved.

The father or mother of illegitimate children of the three classes mentioned, shall inherit from them in the manner and to the extent established by this Code. (Emphasis supplied).

[24] See RULES OF COURT, Rule 74, §1 (on the proper procedure for extrajudicial settlement by agreement between heirs).

[25] CIVIL CODE, Art. 19.

[26] Ngayan, supra note 16.

[27] Id.at 784.

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