

A-1 FINANCIAL SERVICES, INC., COMPLAINANT, VS. ATTY. LAARNI N. VALERIO, RESPONDENT.*A.C. No. 8390 [Formerly CBD 06-1641]. July 02, 2010*

Ponente: PERALTA, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/a-c-no-8390/>**PERALTA, J.:**

Before us is a Complaint^[1] dated January 18, 2006 for disciplinary action against respondent Atty. Laarni N. Valerio filed by A-1 Financial Services, Inc., represented by Diego S. Reunilla, its account officer, with the Integrated Bar of the Philippines-Commission on Bar Discipline (IBP-CBD), docketed as CBD Case No. 06-1642, now A.C. No. 8390, for violation of Batas Pambansa Blg. 22 (B.P. 22) and non-payment of debt.

On November 13, 2001, A-1 Financial Services, Inc., a financing corporation, granted the loan application of Atty. Valerio amounting to P50,000.00. To secure the payment of the loan obligation, Atty. Valerio issued a postdated check, to wit: Check No. 0000012725; dated April 1, 2002, in the amount: P50,000.00.^[2] However, upon presentation at the bank for payment on its maturity date, the check was dishonored due to insufficient funds. As of the filing of the instant case, despite repeated demands to pay her obligation, Atty. Valerio failed to pay the whole amount of her obligation.

Thus, on November 10, 2003, complainant filed a B.P. 22 case against Atty. Valerio, docketed as Criminal Case No. 124779. Atty. Valerio's arraignment was scheduled for August 31, 2004; however, she failed to appear despite due notice.^[3] Subsequently, a Warrant of Arrest^[4] was issued but Atty. Valerio posted no bail. On November 22, 2004, complainant sent a letter^[5] to Atty. Valerio calling her attention to the issuance of the Warrant of Arrest against her and requested her to submit to the jurisdiction of the court by posting bail. The said letter was received by Atty. Valerio, as evidenced by the postal registry return cards.^[6] Despite court orders and notices, Atty. Valerio refused to abide.

On January 18, 2006, complainant filed an administrative complaint against Atty. Valerio before the Integrated Bar of the Philippines (IBP). On January 26, 2006, the IBP Commission on Bar Discipline (IBP-CBD) required Atty. Valerio to file an answer, but she did not file any responsive pleading at all. However, in a letter^[7] dated March 16, 2006, respondent's mother, Gorgonia N. Valerio (Mrs. Valerio), explained that her daughter had been diagnosed with schizophrenia; thus, could not properly respond to the complaint against her. Furthermore, Mrs. Valerio undertook to personally settle her daughter's obligation.

On September 13, 2007, the IBP-CBD directed Atty. Valerio to appear before the mandatory conference. Atty. Valerio, again, failed to attend the conference. Subsequently, in an Order dated November 15, 2007, the IBP ordered the parties to submit their position papers. No position paper was submitted by Atty. Valerio.

Thus, in its Report and Recommendation dated September 16, 2008, the IBP-CBD recommended that Atty. Valerio be suspended from the practice of law for a period of two (2) years, having found her guilty of gross misconduct.

The IBP-CBD gave no credence to the medical certificate submitted by Atty. Valerio's mother, in view of the latter's failure to appear before the IBP-CBD hearings to affirm the truthfulness thereof or present the physician who issued the same. The IBP-CBD, further, pointed out that Atty. Valerio's failure to obey court processes, more particularly her failure to appear at her arraignment despite due notice and to surrender to the Court despite the issuance of a warrant of arrest, showed her lack of respect for authority and, thus, rendered her morally unfit to be a member of the bar.[8]

On December 11, 2008, the IBP Board of Governors adopted and approved with modification the report and recommendation of the IBP-CBD. Atty. Valerio was instead ordered suspended from the practice of law for a period of one (1) year.

Nevertheless, to provide Atty. Valerio further opportunity to explain her side, the Court, in a Resolution dated December 15, 2010, directed Atty. Valerio and/or her mother, to submit a duly notarized medical certificate issued by a duly licensed physician and/or certified copies of medical records to support the claim of schizophrenia on the part of Atty. Valerio within a non-extendible period of ten (10) days from receipt hereof.

However, despite the lapse of considerable time after the receipt of notice[9] to comply with the said Resolution, no medical certificate or medical records were submitted to this Court by either respondent and/or her mother. Thus, this resolution.

We sustain the findings and recommendations of the IBP-CBD.

In *Barrientos v. Libiran-Meteoro*,[10] we held that:

x x x [the] deliberate failure to pay just debts and the issuance of worthless checks constitute gross misconduct, for which a lawyer may be sanctioned with suspension from the practice of law. Lawyers are instruments for the administration of justice and vanguards of our legal system. They are expected to maintain not only legal proficiency but also a high standard of morality, honesty, integrity and fair dealing so that the people's faith and confidence in the judicial system is ensured. They must at all times faithfully perform their duties to society, to the bar, the courts and to their clients, which include prompt payment of financial obligations. They must conduct themselves in a manner that reflects the values and norms of the legal profession as embodied in the Code of Professional Responsibility. Canon 1 and Rule 1.01 explicitly states that:

Canon 1-- A lawyer shall uphold the constitution, obey the laws of the land and promote respect for law and for legal processes.

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

In the instant case, there is no denial of the existence of the loan obligation despite respondent's failure to cooperate before any proceedings in relation to the complaint. Prior to the filing of the complaint against her, Atty. Valerio's act of making partial payments of the loan and interest suffices as proof that indeed there is an obligation to pay on her part. Respondent's mother, Mrs. Valerio, likewise, acknowledged her daughter's obligation.

The Court, likewise, finds unmeritorious Mrs. Valerio's justification that her daughter, Atty. Valerio, is suffering from a health condition, i.e. schizophrenia, which has prevented her from properly answering the complaint against her. Indeed, we cannot take the "medical certificate" on its face, considering Mrs. Valerio's failure to prove the contents of the certificate or present the physician who issued it.

Atty. Valerio's conduct in the course of the IBP and court proceedings is also a matter of serious concern. She failed to answer the complaint against her. Despite due notice, she failed to attend the disciplinary hearings set by the IBP. She also ignored the proceedings before the court as she likewise failed to both answer the complaint

against her and appear during her arraignment, despite orders and notices from the court. Clearly, this conduct runs counter to the precepts of the Code of Professional Responsibility and violates the lawyer's oath which imposes upon every member of the Bar the duty to delay no man for money or malice. Atty. Valerio has failed to live up to the values and norms of the legal profession as embodied in the Code of Professional Responsibility.

In *Ngayan v. Tugade*,^[11] 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 of the Rules of Court.

We come to the penalty imposable in this case.

In *Lao v. Medel*,^[12] we held that the deliberate failure to pay just debts and the issuance of worthless checks constitute gross misconduct for which a lawyer may be sanctioned with one-year suspension from the practice of law. The same sanction was imposed on the respondent-lawyer in *Rangwani v. Dino*,^[13] having found guilty of gross misconduct for issuing bad checks in payment of a piece of property, the title to which was only entrusted to him by the complainant.

However, in this case, we deem it reasonable to affirm the sanction imposed by the IBP-CBD, i.e., Atty. Valerio was ordered suspended from the practice of law for two (2) years,^[14] because, aside from issuing worthless checks and failing to pay her debts, she has also shown wanton disregard of the IBP's and Court Orders in the course of the proceedings.

WHEREFORE, Resolution No. XVIII-2008-647 dated December 11, 2008 of the IBP, which found respondent Atty. Laarni N. Valerio guilty of gross misconduct and violation of the Code of Professional Responsibility, is **AFFIRMED with MODIFICATION**. She is hereby **SUSPENDED** for two (2) years from the practice of law, effective upon the receipt of this Decision. She is warned that a repetition of the same or a similar act will be dealt with more severely.

Let a copy of this Decision be furnished to the Office of the Bar Confidant, to be appended to the personal record of Atty. Valerio as a member of the Bar; the Integrated Bar of the Philippines; and the Office of the Court Administrator for circulation to all courts in the country for their information and guidance.

This Decision shall be immediately executory.

SO ORDERED.

Corona, C.J., Carpio, Carpio-Morales, Velasco, Jr., Nachura, Leonardo-De Castro, Bersamin, Del Castillo, Abad, Villarama, Jr., Perez, and Mendoza, JJ., concur.

Brion, J., on leave.

[1] Rollo, pp. 1-2.

[2] Id. at 5.

[3] Id. at 6.

[4] Id. at 7.

[5] Id. at 8.

[6] Id. at 9.

[7] Id. at 11-12.

[8] Id.

[9] The Resolution dated December 15, 2009 was received on January 6, 2010.

[10] 480 Phil. 661, 671 (2004).

[11] A.C. No. 2490, February 7, 1991, 193 SCRA 779, 784.

[12] 453 Phil. 115, 121, citing *Co v. Bernardino*, 285 SCRA 102 (1998).

[13] 486 Phil. 8 (2004).

[14] *Wong v. Atty. Moya*, A.C. No. 6972, October 17, 2008, 569 SCRA 256.

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