

## EN BANC

[ A.C. No. 9114, October 06, 2020 ]

**JOSE R. REYES, JR., COMPLAINANT, VS. ATTY. SOCRATES R. RIVERA, RESPONDENT.**

### DECISION

#### PER CURIAM:

This administrative case arose from a verified Complaint<sup>[1]</sup> filed by Jose R. Reyes, Jr. (complainant) against the respondent, Atty. Socrates R. Rivera (Atty. Rivera), before the Commission on Bar Discipline of the Integrated Bar of the Philippines (IBP), for allegedly falsely representing that a Petition for Declaration of Nullity of Marriage was filed before the Regional Trial Court (RTC) of Muntinlupa City when in reality none was filed, and for drafting a fake court decision.

#### *The Facts*

Sometime in 2003, complainant sought the assistance of Atty. Rivera in filing a case for dissolution of marriage. Atty. Rivera agreed to handle the case for a fee of P150,000.00 to be paid on installment basis.<sup>[2]</sup> Atty. Rivera demanded P20,000.00 as acceptance fee and thereafter, P10,000.00 to cover the filing fees and other related expenses.

After receipt of P30,000.00, Atty. Rivera prepared the Petition for Declaration of Nullity of Marriage<sup>[3]</sup> and asked complainant to sign the verification portion. Thereafter, complainant was furnished a copy of the said Petition, which appeared to have been filed before Branch 215 of the RTC of Muntinlupa City.<sup>[4]</sup>

On various occasions thereafter, Atty. Rivera demanded for additional money. At one point, complainant gave Atty. Rivera the additional amount of P70,000.00.<sup>[5]</sup>

Sometime in 2004, Atty. Rivera instructed the complainant to prepare the remaining balance of P50,000.00 to be paid upon complainant's receipt of the Decision of the case.

During the last quarter of 2004, Atty. Rivera furnished complainant with an August 9, 2004 Decision purportedly rendered by the Presiding Judge of Branch 206 of the RTC of Muntinlupa City, Hon. Patria A. Manalastas-De Leon, which purportedly granted complainant's Petition for Declaration of Nullity of Marriage.

However, complainant had doubts regarding the authenticity of the said Decision since he never attended a single hearing of the case. Moreover, complainant was suspicious since the petition was supposedly filed before Branch 215 of the RTC of Muntinlupa City, while the Decision furnished by Atty. Rivera was rendered by Branch 206 of the said RTC. This prompted complainant to withhold payment of the

remaining balance and decided to verify the genuineness of the August 9, 2004 Decision.

Much to his surprise, complainant later learned that no Civil Case No. 04-SPL-05677 was filed before Branch 215 of the RTC of Muntinlupa City. Worse, complainant was shocked when he discovered that Branch 215 does not in fact exist. Further, no such case was filed with Branch 206 as certified by the Office of the Clerk of Court of Muntinlupa City.<sup>[6]</sup>

In his Answer,<sup>[7]</sup> Atty. Rivera argued that it was his former driver who assured him that the Petition had already been filed before the RTC of Muntinlupa.<sup>[8]</sup> Atty. Rivera further stated that he had no intention of deceiving the complainant since he had already instructed Jesma Uesa (Jesma), a common friend of both parties, to inform the complainant that the decision he received was spurious.<sup>[9]</sup> He claimed that he lost complainant's contact number and that his only means of communicating with him was through Jesma.

Atty. Rivera denied having accepted the case for a fee of P150,000.00. He, however, admitted that he received P30,000.00 from complainant and that he is willing to return the said amount.<sup>[10]</sup> Atty. Rivera proposed to re-file the complainant's case at his own expense. He asked for understanding for his infractions but insisted that he was also a victim in this case.

### ***Report and Recommendation of the Integrated Bar of the Philippines***

The administrative case was scheduled for Mandatory Conference and Hearing before Commissioner Dennis A. B. Funa (Commissioner Funa) on May 23, 2005 and June 15, 2005. On both instances, Atty. Rivera failed to appear despite due notice.

In his Report and Recommendation<sup>[11]</sup> dated January 26, 2006, Commissioner Funa found Atty. Rivera guilty of Gross Misconduct and breach of lawyer-client relations. Commissioner Funa recommended that Atty. Rivera be suspended indefinitely from the practice of law due to the gravity of his offense.

In Resolution No. XVII-2006-453<sup>[12]</sup> dated September 8, 2006, the IBP Board of Governors (BOG) found Atty. Rivera guilty of Gross Misconduct and approved the recommendation of Commissioner Funa that Atty. Rivera be indefinitely suspended from the practice of law. He was also ordered to immediately return the amount of P30,000.00 to the complainant.

Thereafter, Atty. Rivera filed a Motion for Reconsideration.<sup>[13]</sup>

In Resolution No. XIX-2011-163<sup>[14]</sup> dated May 13, 2011, the BOG of the IBP denied Atty. Rivera's Motion for Reconsideration and affirmed with modification its previous resolution. The BOG resolved that the appropriate penalty to be imposed was disbarment. Atty. Rivera was also ordered to immediately return the amount of P30,000.00 to the complainant.

In a Resolution<sup>[15]</sup> dated August 23, 2011, the Court resolved to refer this case to the Office of the Bar Confidant (OBC) for evaluation, report, and recommendation.