

FIRST DIVISION

[A.C. No. 12202 (formerly CBD Case No. 15-4535), December 05, 2019]

JERRY F. VILLA, COMPLAINANT, VS ATTY. PAULA DIMPA^[]
BEATRIZ DEFENSOR -VELEZ, RESPONDENT.**

D E C I S I O N

LAZARO-JAVIER, J.:

The Case and the Proceedings Below

By letter-complaint^[1] dated March 4, 2015, Jerry F. Villa alleged that he and respondent Atty. Paula D.B. Defensor-Velez were both engaged in the business of providing security services. Through her "sweet talk" and persistent prodding, respondent was able to convince him to lend her the amount of Two Hundred Thousand Pesos (Php200,000.00) which she claimed she desperately needed for payroll of her security guards. Relying on respondent's representations that she would not risk destroying her integrity as a lawyer by engaging in foolishness or reneging on her commitment, he tried hard to raise the money, even going to the extent of borrowing from a financier who usually helped him whenever he encountered the same problem.

They executed a Memorandum of Agreement^[2] dated September 23, 2014 with him, detailing the loan amount and interest. Respondent also undertook to issue a postdated check to cover the loan. But after getting what she wanted, she cut all contact with him and "vanished in [to] thin air."^[3] When he deposited the PNB check on its due date, it was dishonored for being drawn against insufficient funds.^[4] He sent demand letters^[5] to respondent but she ignored them. Because of respondent's "scandalous and anomalous" conduct, he got constrained to initiate the present complaint.

Proceedings before the Integrated Bar of the Philippines- Commission on Bar Discipline (IBP-CBD)

Despite receipt of the Orders dated March 4, 2015 and November 23, 2015 from the IBP-CBD, directing her to respond to the letter-complaint, respondent failed to do so. She also failed to attend the mandatory conference/hearing called by the IBP-CBD and to file the required conference brief. Thus, she was deemed to have waived her right to participate in the proceedings.

The Findings and Recommendation of the IBP-CBD

The Investigating Commissioner noted respondent's continuing disregard of the IBP CBD's processes showing her contumacious predilection to ignore letters and notices

sen her. This, together with respondent's act of evading lawful demands to pay her debt cannot shield her from liability arising from this complaint.^[6]

On the merits, the Investigating Commissioner found respondent guilty of violating Rule 1.01, Canon 1 of the Code of Professional Responsibility (CPR), viz.: "[a] lawyer shall not engage in unlawful, dishonest, immoral or deceitful conduct." Based on the evidence on record, respondent engaged in improper and wrongful conduct when she failed to pay her just loan willfully, albeit she knew it was already due and demandable. Worse, she even issued a worthless check notwithstanding that as a lawyer she knew its legal consequences. Although as a rule a lawyer may not be disciplined for failure to pay a debt or for actions or conduct in his or her non-professional or private life, the Supreme Court has held that the issuance of a worthless check to cover a financial obligation is gross misconduct.^[7]

Further, respondent transgressed Rule 1.02 of the CPR, i.e. "[a] lawyer shall not counsel or abet activities aimed at defiance of the law or at lessening confidence in the legal system." Quite apart from her ignoble behavior towards complainant, respondent's blatant disrespect and contempt against the proceedings of the IBP-CBD cannot be taken lightly. It, too, warranted disciplinary action.

Verily, the Investigating Commissioner recommended that respondent be **suspended from the practice of law for one (1) year**, without prejudice to complainant's judicial recourse to collect respondent's indebtedness.

Findings and Recommendation of the IBP Board of Governors

By Board Resolution No. XXII-2017-1165^[8] dated June 17, 2017, the IBP Board of Governors resolved to adopt in full the findings and recommendation of the Investigating Commissioner.

Ruling

We adopt the factual findings and approve with modification the recommendation of the IBP Board of Governors.

In ***Dayan Sta. Ana Christian neighborhood Association, Inc. v. Espiritu***,^[9] we expounded on the nature of the legal profession as a noble calling intrinsically linked to public trust, viz.:

The fiduciary duty of a lawyer and advocate is what places the law profession in a unique position of trust and confidence, and distinguishes it from any other calling. Once this trust and confidence is betrayed, the faith of the people not only in the individual lawyer but also in the legal profession as a whole is eroded. To this end, all members of the bar are strictly required to at all times maintain the highest degree of public confidence in the fidelity, honesty and integrity of their profession. The nature of the office of a lawyer requires that he shall be of good moral character. This qualification is not only a condition precedent to admission to the legal profession, but its continued possession is essential to maintain one's good standing in the profession. Law is a noble

profession, and the privilege to practice it is bestowed only upon individuals who are competent intellectually, academically, and, equally important, morally. Because they are vanguards of the law and the legal system, lawyers must at all times conduct themselves, especially in their dealings with their clients and the public at large, with honesty and integrity in a manner beyond reproach.^[10]

Here, the following facts are undisputed: respondent incurred a Php200,000.00 loan from complainant; the loan was covered by the parties' Memorandum of Agreement dated September 23, 2014; respondent issued a PNB check as payment for the loan, albeit when presented on its due date, it was dishonored due to insufficiency of funds; and respondent invariably ignored the various demands for payment served on her by complainant and his counsel.

The record speaks for itself. Respondent evaded payment of a just debt, for which she even issued a worthless check. In so doing, she violated Rule 1.01, Canon 1 of the CPR, viz.: "[a] lawyer shall not engage in unlawful, dishonest, immoral or deceitful conduct."

We have emphasized time and again that "[a]ny wrongdoing which indicates moral unfitness for the profession, whether it be professional or non-professional, justifies disciplinary action. Thus, [respondent] may be disciplined for evading payment of a debt validly incurred. Such conduct is unbecoming and does not speak well of a member of the bar, for a lawyer's professional and personal conduct must at all times be kept beyond reproach and above suspicion."^[11]

Respondent's failure to pay her just loan was willful in character and implied a wrongful intent and not a mere error in judgment. She undeniably engaged in improper or wrongful conduct and violated the mandate that "[a] lawyer shall not engage in unlawful, dishonest, immoral or deceitful conduct."^[12]

She also committed misconduct when she issued a worthless check, an offense punishable under Batas Pambansa Blg. 22.^[13] On this score, ***Ong v. Delos Santos***^[14] is apropos:

Being a lawyer, Atty. Delos Santos was well aware of the objectives and coverage of Batas Pambansa Blg. 22. If he did not, he was nonetheless presumed to know them, for the law was penal in character and application. His issuance of the unfunded check involved herein knowingly violated Batas Pambansa Blg. 22, and exhibited his indifference towards the pernicious effect of his illegal act to public interest and public order. He thereby swept aside his Lawyer's Oath that enjoined him to support the Constitution and obey the laws. x x x

As a member of the Bar, respondent's act equates to such willful dishonesty and immoral conduct as to undermine the public confidence in the legal profession which cannot be justified by her so-called dire financial condition.^[15]

In another vein, respondent's flagrant disregard of the legal processes and directives of the IBP-CBD to respond to the complaint and personally appear before it during the mandatory conference cannot be countenanced. We held in ***Lim v. Rivera***:^[16]