

## **SECOND DIVISION**

**[ A.C. No.11156 [Formerly CBD Case No. 12-3680], March 19, 2018 ]**

**MICHELLE YAP, COMPLAINANT, VS. ATTY. GRACE C. BURI,  
RESPONDENT.**

### **D E C I S I O N**

**PERALTA, J.:**

The instant case stemmed from the complaint of Michelle Yap against respondent Atty. Grace C. Buri for refusing to pay her monetary obligation and for filing a criminal case of Estafa against her based on false accusations.

The factual backdrop of the case is as follows:

Complainant Michelle Yap was the vendor in a contract of sale of a condominium unit, while Atty. Grace C. Buri, Yap's close friend and her daughter's godmother, was the vendee. Buri made an offer to purchase the property but asked for the reduction of the price from P1,500,000.00 to P1,200,000.00. After consulting with her husband, Yap agreed. Of the total amount of purchase price of P1,200,000.00, P200,000.00 remains unpaid. Buri insisted that she would just pay the balance on installment starting in January 2011, but without specifying the amount to be paid on each installment. Because she trusted the respondent, Yap gave Buri the full and immediate possession of the condominium unit upon completion of the P1,000,000.00 despite the outstanding balance and even without the necessary Deed of Absolute Sale. However, when Yap finally asked for the balance in January 2011, Buri said she would pay it on a monthly installment of P5,000.00 until fully paid. When Yap disagreed, Buri said she would just cancel the sale. Thereafter, Buri also started threatening her through text messages, and then later on filed a case for estafa against her.

Buri alleged in the criminal case that when she found out that the sale of the condominium unit was made without the consent of Yap's husband, Yap cancelled the sale and promised to return the amount of P1,000,000.00 initially paid. Despite several demands, however, she failed and refused to return the money. Thus, Buri was constrained to file a case for estafa against Yap. Said case was later dismissed.

Yap then filed an administrative complaint against Buri for the alleged false accusations against her.

When ordered to submit her answer, Buri failed to comply. She did not even appear during the mandatory conference. Thus, the mandatory conference was terminated and the parties were simply required to submit their respective position papers. However, only Yap complied with said order.

On July 2, 2014, the Commission on Bar Discipline of the Integrated Bar of the Philippines (IBP) recommended Buri's suspension to wit:[1]

WHEREFORE, in view of all the foregoing, undersigned Commissioner recommends to impose the penalty of suspension from the practice of law for a period of three (3) months upon the respondent, Atty. Grace C. Buri, and for her to pay the complainant the amount of PhP200,000.00 upon execution by complainant and spouse of the Deed of Absolute Sale of the condominium unit subject of the sale between the parties.

On January 31, 2015, the IBP Board of Governors issued Resolution No. XXI-2015-062,[2] which adopted the foregoing recommendation but with modification, thus:

*RESOLVED to ADOPT and APPROVE, as it is hereby ADOPTED and APPROVED, **with modification**, the Report and Recommendation of the Investigating Commissioner in the above-entitled case, herein made part of this Resolution as Annex "A," finding Respondent's violation of Canon 1 of the Code of Professional Responsibility. Hence, Atty. Grace C. Buri is hereby **SUSPENDED from the practice of law for one (1) year**. The order to pay P200,000.00 is deleted without prejudice to the filing of proper action by Complainant in Court.*

### ***The Court's Ruling***

The Court finds no sufficient reason to overturn the findings and recommendation of the IBP that Buri must be disciplined accordingly.

Here, instead of paying Yap the remaining balance of the purchase price of the condominium unit, Buri opted to simply threaten her and file a criminal case against her. Obviously, this strategy was to intimidate Yap and prevent her from collecting the remaining P200,000.00. When given a chance to defend herself, Buri chose to stay silent and even refused to file an answer, attend the hearing, or to submit her position paper, despite due notice. Hence, Yap's version of the facts stands and remains uncontroverted.

Buri's unwarranted tenacity simply shows, not only her lack of responsibility, but also her lack of interest in clearing her name, which, as pronounced in case law, is indicative of an implied admission of the charges levelled against her.[3]

Buri's persistent refusal to pay her obligation despite frequent demands clearly reflects her lack of integrity and moral soundness; she took advantage of her knowledge of the law and clearly resorted to threats and intimidation in order to get away with what she wanted, constituting a gross violation of professional ethics and a betrayal of public confidence in the legal profession.[4]

Buri indubitably swept aside the Lawyer's Oath that enjoins her to support the Constitution and obey the laws. She forgot that she must not wittingly or willingly promote or sue any groundless, false or unlawful suit nor give aid nor consent to the same. She also took for granted the express commands of the Code of Professional Responsibility (CPR), specifically Rule 1.01 of Canon 1 and Rule 7.03 of Canon 7 of the CPR.