

EN BANC

[A.C. No. 11149 (Formerly CBD Case No. 13-3709), August 15, 2017]

**LAURENCE D. PUNLA AND MARILYN SANTOS, COMPLAINANTS,
VS. ATTY. ELEONOR MARAVILLA-ONA, RESPONDENT.**

DECISION

PER CURIAM:

The present administrative case stemmed from a Complaint-Affidavit^[1] filed with the Integrated Bar of the Philippines Commission on Bar Discipline (IBP-CBD) by complainants Laurence D. Punla and Marilyn Santos against respondent Atty. Eleonor Maravilla-Ona, charging the latter with violation of the lawyer's oath, for neglecting her clients' interests.

Factual Background

The facts, as culled from the disbarment complaint, are summarized in the Report and Recommendation^[2] of Investigating Commissioner Ricardo M. Espina *viz.*:

In a complaint-affidavit filed on 15 January 2013, complainants alleged that they got to know respondent lawyer sometime in January 2012 when they requested her to notarize a Deed of Sale; that subsequently, they broached the idea to respondent that they intend (sic) to file two (2) annulment cases and they wanted respondent to represent them; that respondent committed to finish the two (2) annulment cases within six (6) months from full payment; that the agreed lawyer's fee for the two annulment cases is P350,000.00; that the P350,000.00 was paid in full by complainants, as follows: P100,000.00 on 27 January 2012 as evidenced by respondent's Official Receipt (O.R.) No. 55749 of even date (Annex "A"); P150,000.00 on 28 January 2012 as evidenced by respondent's Official Receipt (O.R.) No. 56509 of even date (Annex "B"); P50,000.00 on 14 March 2012 personally handed to respondent lawyer and evidenced by respondent's handwritten acknowledgement receipt of same date (Annex "C"); and, P50,000.00 on 15 March 2012 deposited to respondent's Metrobank account no. 495-3-49509141-5 (Annex "D").

On the commitment of respondent that she will (sic) finish the cases in six (6) months, complainants followed up their cases in September 2012 or about 6 months from their last payment in March 2012. They were ignored by respondent. On 25 September 2012, complainants sent a letter (Annex "E") to respondent demanding that the P350,000.00 they paid her be refunded in full within five (5) days from receipt of the letter. In a Certification dated 07 November 2012 (Annex "F"), the Philpost of

Dasmariñas, Cavite, attested that complainants' letter was received by respondent on 01 October 2012. No refund was made by respondent.^[3]

In an Order^[4] dated January 25, 2013, the IBP directed respondent to file her Answer within 15 days. **No answer was filed.** A Mandatory Conference/Hearing was set on December 4, 2013^[5] but respondent did not appear, so it was reset to January 22, 2014.^[6] However, **respondent again failed to attend the mandatory conference/hearing as scheduled.** Hence, in an Order^[7] dated January 22, 2014, the mandatory conference was terminated and both parties were directed to submit their verified position papers.

Report and Recommendation of the Investigating Commissioner

The Investigating Commissioner was of the opinion that respondent is guilty of violating Canons 17 and 18 of the Code of Professional Responsibility, to wit:^[8]

There is clear violation of Canons 17 and 18, Canons of Professional Responsibility. These canons, quoted hereunder, [state]:

CANON 17 - A lawyer owes fidelity to the cause of his client and he shall be mindful of the trust and confidence reposed in him.

CANON 18 - A lawyer shall serve his client with competence and diligence.

Of particular concern is Rule 18.04, Canon 18 of the Code of Professional Responsibility, which requires a lawyer to always keep the client informed of the developments in his case and to respond whenever the client requests for information. Respondent has miserably failed to comply with this Canon.^[9]

In addition, the IBP Investigating Commissioner found that respondent has been charged with several infractions. Thus:

Moreover, verification conducted by this Office shows that this is not the first time that respondent lawyer has been administratively charged before this Office. As shown in the table below, respondent is involved in the following active cases:

COMPLAINANTS	CASE NO.	STATUS	PENALTY	WHEN FILED
<i>Ten (10) consolidated cases:</i> 1. Felisa Amistoso, et al. 2. Anita Lagman 3. Isidro H. Montoya 4. Noel Angcao 5. Mercedes	A.C. No. 6369 A.C. No. 6371 A.C. No. 6458 A.C. No. 6459 A.C. No. 6460	Pending with Supreme Court	Suspension	

Bayan	A.C. No.			
6. Rustica	6462			
Canuel	A.C. No.			
7. Anita Canuel	6457			
8. Elmer Canuel	A.C. No.			
9. Evangeline	6463			
Sangalang	A.C. No.			
10. Felisa	6464			
Amistoso	A.C. No.			
	6469			
11. Beatrice Yatoo, <i>et al.</i>	CBD Case No. 10-2733	Pending with Supreme Court	Suspension	July 26, 2010
12. Norma Guterrez	CBD Case No. 12-3444	For report and recommendation		May 23, 2012
13. Bienvenida Flor Suarez	CBD Case No. 12-3534	For report and recommendation		August 01, 2012

Clearly, respondent lawyer has been a serial violator of the Canons of Professional Responsibility as shown in the thirteen (13) pending cases filed against her. Add to that the present case and that places the total pending administrative cases against respondent at fourteen (14). That these 14 cases were filed on different dates and by various individuals is substantial proof that respondent has the propensity to violate her lawyer's oath - and has not changed in her professional dealing with the public.^[10]

Consequently, the Investigating Commissioner recommended that respondent be disbarred and ordered to pay complainants the amount of P350,000.00 with legal interest until fully paid.^[11]

Recommendation of the IBP Board of Governors

The IBP Board of Governors, in Resolution No. XXI-2015-156^[12] dated February 20, 2015, resolved to adopt the findings of the Investigating Commissioner as well as the recommended penalty of disbarment.

The issue in this case is whether respondent should be disbarred.

Our Ruling

The Court resolves to adopt the findings of fact of the IBP but must, however, modify the penalty imposed in view of respondent's previous disbarment.

Rule 138, Sec. 27 of the Rules of Court provides the penalties of disbarment and suspension as follows:

Disbarment or suspension of attorneys by Supreme Court; grounds therefor. — A member of the bar may be disbarred or suspended from his office as attorney by the Supreme Court for any deceit, malpractice,

or other gross misconduct in such office, grossly immoral conduct, or by reason of his conviction of a crime involving moral turpitude, or for any violation of the oath which he is required to take before admission to practice, or for a wilful disobedience of any lawful order of a superior court, or for corruptly or wilfully appearing as an attorney for a party to a case without authority so to do x x x.

Here, there is no question as to respondent's guilt. It is clear from the records that respondent violated her lawyer's oath and code of conduct when she withheld from complainants the amount of P350,000.00 given to her, despite her failure to render the necessary legal services, and after complainants demanded its return.

It cannot be stressed enough that once a lawyer takes up the cause of a client, that lawyer is duty-bound to serve the latter with competence and zeal, especially when he/she accepts it for a fee. The lawyer owes fidelity to such cause and must always be mindful of the trust and confidence reposed upon him/her.^[13] Moreover, a lawyer's failure to return upon demand the monies he/she holds for his/her client gives rise to the presumption that he/she has appropriated the said monies for his/her own use, to the prejudice and in violation of the trust reposed in him/her by his/her client.^[14]

What is more, this Court cannot overlook the reality that several cases had been filed against respondent, as pointed out by the IBP. In fact, one such case eventually led to the disbarment of respondent. In *Suarez v. Maravilla-Ona*,^[15] the Court meted out the ultimate penalty of disbarment and held that the misconduct of respondent was aggravated by her unjustified refusal to obey the orders of the IBP directing her to file an answer and to appear at the scheduled mandatory conference. This constitutes blatant disrespect towards the IBP and amounts to conduct unbecoming a lawyer.

In the same case, the Court took note of the past disbarment complaints that had been filed against Atty. Maravilla-Ona viz.:

x x x In A.C. No. 10107 entitled *Beatrice C. Yatco, represented by her Attorney-In-Fact, Marivic Yatco v. Atty. Eleanor Maravilla-Ona*, the complainant filed a disbarment case against Atty. Maravilla-Ona for issuing several worthless checks as rental payments for the complainant's property and for refusing to vacate the said property, thus forcing the latter to file an ejectment case against Atty. Maravilla-Ona. The IBP required Atty. Maravilla-Ona to file her Answer, but she failed to do so. Neither did she make an appearance during the scheduled mandatory conference. In its Resolution dated February 13, 2013, the IBP found Atty. Maravilla-Ona guilty of serious misconduct[,] and for violating Canon 1, Rule 1.01 of the Code. The Court later adopted and approved the IBP's findings in its Resolution of September 15, 2014, and suspended Atty. Maravilla-Ona from the practice of law for a period of one year.

In yet another disbarment case against Atty. Maravilla-Ona, docketed as A.C. No. 10944[,] and entitled *Norma M. Gutierrez v. Atty. Eleonor Maravilla-Ona*, the complainant therein alleged that she engaged the services of Atty. Maravilla-Ona and gave her the amount of P80,000.00