

## EN BANC

[ A.C. No. 10564, November 07, 2017 ]

**MANUEL L. VALIN AND HONORIO L. VALIN, COMPLAINANTS, VS.  
ATTY. ROLANDO T. RUIZ, RESPONDENT.**

### DECISION

**GESMUNDO, J.:**

Before the Court is an Administrative Complaint<sup>[1]</sup> filed by complainants Manuel L. Valin (*Manuel*) and Honorio L. Valin (*Honorio*) with the Integrated Bar of the Philippines-Commission on Bar Discipline (*IBP-CBD*) his lawyer's oath and in violation of the laws.

The complainants averred that they are two of the surviving children of their deceased parents, spouses Pedro F. Valin (*Pedro*) and Cecilia Lagadon (*Cecilia*). Pedro was the original registered owner of a parcel of land (*subject land*) located in San Andres, Sanchez Mira, Cagayan, with an area of 833 square meters and covered by Original Certificate of Title (OCT) No. P-3275(S).<sup>[2]</sup>

Pedro died on **December 7, 1992** while he was in Oahu, Honolulu, Hawaii.<sup>[3]</sup>

Several years later, Honorio discovered that the subject land has been transferred to respondent, the godson of Pedro, resulting in the cancellation of OCT No. P-3275(S), and the issuance of Transfer Certificate of Title (*TCT*) No. T-11655(s)<sup>[4]</sup> in the name of respondent. He learned from the Register of Deeds of Sanchez Mira, Cagayan (*RD*) that the subject land was conveyed to respondent in consideration of P10,000.00 by virtue of a Deed of Absolute Sale (*subject deed*),<sup>[5]</sup> dated **July 15, 1996**, and executed in Tuguegarao City, Cagayan purportedly by Pedro with the alleged consent of his spouse, Cecilia.

The complainants alleged that the subject deed was obviously falsified and the signatures therein of Pedro and Cecilia were forgeries because Pedro was already dead and Cecilia was in Hawaii at that time. They also asserted that Pedro's Community Tax Certificate (*CTC*) No. 2259388, which was used to identify Pedro in the deed, was also falsified as it was issued only on January 2, 1996 long after Pedro's death. The complainants pointed to respondent as the author of the falsifications and forgeries because the latter caused the registration of the subject land unto his name and because he was the one who benefited from the same.

In his Answer,<sup>[6]</sup> respondent claimed that Rogelio L. Valin (*Rogelio*), one of the children of Pedro and Cecilia, sold the subject land to him sometime in 1989 allegedly in representation of Pedro. He recalled that Rogelio approached him for financial assistance to defray the expenses of the surgical operation of his son. Rogelio offered to sell the subject land and claimed that it was his share in their

family's properties. Respondent agreed to buy the subject land out of compassion. He asked Rogelio for his authority to sell the subject land but the latter claimed that he could not locate his authority from his parents in their house.<sup>[7]</sup> Respondent claimed that he knew that it was hard to transfer the title because the title owner, Pedro, was out of the country at the time of the sale and without a Special Power of Attorney (SPA) for the purpose; thus, Rogelio undertook to transfer the title.<sup>[8]</sup>

Respondent also denied having knowledge regarding the execution of the subject deed in 1996. He insisted that he neither falsified the said deed and Pedro's CTC No. 2259388 nor forged the signatures of Pedro and Cecilia as it was Rogelio who processed the transfer of the title of the subject land in his name. He explained that when the subject land was sold in 1989, Rogelio, as the vendor, undertook to process the transfer of the title of the subject land. Respondent further clarified that in 1996, he instructed his house helper, Judelyn Baligad (*Baligad*), to sign the release of the title in his name because at that time he was busy to go to the RD to sign the release for himself as per instruction of Rogelio's messenger.<sup>[9]</sup>

In their Reply,<sup>[10]</sup> the complainants stressed that the document, which was a falsified deed, was executed in 1996. They also pointed out that records from the RD revealed that on August 19, 1996, the owner's duplicate copy of TCT No. T-11655(s) was released to Baligad, the housemaid of respondent. In fact, respondent admitted in his answer that he instructed Baligad to pick up the said copy from the RD as he was busy at that time. Thus, respondent's sweeping denial of any knowledge with respect to the subject deed is unmeritorious and his claim of good faith must be denied.

In his Rejoinder,<sup>[11]</sup> respondent imputed the falsification of the deed to Rogelio arguing that he must have forged the signatures of his parents in his attempt to have the title of the subject land transferred to respondent.

After the parties submitted their respective position papers, the case was submitted for the IBP-CBD's resolution.

#### *Report and Recommendation*

In its Report and Recommendation,<sup>[12]</sup> dated April 26, 2011, the IBP CBD found respondent to be unfit to be entrusted with the powers of an attorney. It reasoned that as the beneficiary of the falsified deed, respondent was presumed to be the author thereof. The IBP-CBD opined that he failed to overcome this presumption despite his attempt to deflect the blame to Rogelio for his failure to adduce evidence in support of his claim.

The IBP-CBD also dismissed respondent's claim that the transaction was a private one and not in connection with his profession. It emphasized that good moral character and moral fitness transcends the professional personality of a lawyer. Thus, the IBP-CBD recommended the suspension of respondent from the practice of law for a period of two (2) years.

In its Resolution No. XX-2013-207,<sup>[13]</sup> dated March 20, 2013, the IBP Board of Governors (*IBP Board*) resolved to adopt and approve the report and

recommendation of the IBP-CBD for the suspension of respondent from the practice of law for a period of two (2) years.

Respondent filed a motion for reconsideration but the IBP Board denied it in the assailed Resolution No. XXI-2014-98,<sup>[14]</sup> dated March 21, 2014.

Dissatisfied, respondent filed a petition before the Court arguing that:

**I.**

**THE INTEGRATED BAR OF THE PHILIPPINES - BOARD OF GOVERNORS COMMITTED REVERSIBLE ERROR TANTAMOUNT TO GRAVE ABUSE OF DISCRETION ON A QUESTION OF LAW IN ISSUING THE RESOLUTIONS DATED MARCH 20, 2013 AND MARCH 21, 2014 BY CONCLUDING [RESPONDENT] HAS COMMITTED A MISCONDUCT IN HIS PRACTICE OF LAW AND AS A CONSEQUENCE RECOMMENDED HIS SUSPENSION FROM THE PRACTICE OF LAW;**

**II.**

**THE PUBLIC RESPONDENT INTEGRATED BAR OF THE PHILIPPINES - BOARD OF GOVERNORS HAS COMMITTED REVERSIBLE ERROR TANTAMOUNT TO GRAVE ABUSE OF DISCRETION BECAUSE THERE WAS NO FACTUAL AND LEGAL BASIS IN THE CHARGES AGAINST THE [RESPONDENT] FOR SERIOUS MISCONDUCT, MUCH MORE AS A BASIS FOR HIS SUSPENSION FROM THE PRACTICE OF LAW AS THE EXTANT OF THE RECORDS IS DEVOID OF ANY SUPPORT AND FOR BEING GLARINGLY ERRONEOUS.<sup>[15]</sup>**

Respondent avers that in 1989, he initially declined to buy the subject property from Rogelio because he could not produce his authority to sell the land; that he sympathized with Rogelio, thus, he was convinced to buy the subject property with the understanding that the latter would take the necessary steps to transfer the title in respondent's name; that he acted in good faith in dealing with Rogelio in his private capacity and he paid P26,000.00 for the consideration of the sale; that the subject deed executed in 1996 does not show any participation on the part of respondent; and that the written authority to sell of Rogelio actually existed and is attached in his petition, but it was not presented before the IBP.

In a Resolution,<sup>[16]</sup> dated October 14, 2014, the Court required the complainants to file their comment within ten (10) days from notice thereof. The complainants, however, failed to file the required comment within the stated period.<sup>[17]</sup> On March 1, 2016, the case was submitted for resolution.<sup>[18]</sup>

**The Court's Ruling**

The Court accepts and adopts the findings of fact of the IBP-CBD and the recommendation of the IBP Board.

Rule 1.01 of the Code of Professional Responsibility (*CPR*) states that "[a] lawyer

shall not engage in unlawful, dishonest, immoral or deceitful conduct." Lawyers must conduct themselves beyond reproach at all times, whether they are dealing with their clients or the public at large, and a violation of the high moral standards of the legal profession justifies the imposition of the appropriate penalty, including suspension and disbarment.<sup>[19]</sup>

Further, the lawyer's oath enjoins every lawyer not only to obey the laws of the land but also to refrain from doing any falsehood in or out of court or from consenting to the doing of any in court, and to conduct himself according to the best of his knowledge and discretion with all good fidelity to the courts as well as to his clients. Every lawyer is a servant of the law, and has to observe and maintain the rule of law as well as be an exemplar worthy of emulation by others. It is by no means a coincidence, therefore, that the core values of honesty, integrity, and trustworthiness are emphatically reiterated by the CPR. In this light, Rule 1.01, Canon 10 of the CPR provides that "[a] lawyer shall not do any falsehood, nor consent to the doing of any in Court; nor shall he mislead, or allow the Court to be misled by any artifice."<sup>[20]</sup>

It bears stressing that membership in the bar is a privilege burdened with conditions. A lawyer has the privilege and right to practice law during good behavior and can only be deprived of it for misconduct ascertained and declared by judgment of the court after opportunity to be heard has afforded him. Without invading any constitutional privilege or right, and attorney's right to practice law may be resolved by a proceeding to suspend or disbar him, based on conduct rendering him unfit to hold a license or to exercise the duties and responsibilities of an attorney.<sup>[21]</sup> In disbarment proceedings, the burden of proof rests upon the complainant, and for the court to exercise its disciplinary powers, the case against the respondent must be established by clear, convincing and satisfactory proof.<sup>[22]</sup>

In this case, the complainants allege that respondent breached his lawyer's oath and violated the law because he falsified the subject deed of sale in 1996 to acquire the land of Pedro even though the latter died in 1992. On the other hand, respondent claims that he had nothing to do with the sale in 1996; rather, he imputes the execution of the subject deed and its registration to Rogelio, brother of the complainants.

The Court finds that respondent violated the lawyer's oath, Rule 1.01 and 10.01 of the CPR.

*Respondent's disclaimer as to his participation in the forged deed of absolute sale is incredible as he benefited from it*

As pointed out in the IBP-CBD Report and Recommendation:

The respondent would like the Commission to believe that Rogelio Valin authored the falsification of the Deed of Absolute Sale dated July 15, 1996, present the same to the Register of Deeds so that a new title can be issued in his name. Such allegations are specious at best. No evidence had been adduced by the respondent to substantiate such allegation. "Bare allegations, unsubstantiated by evidence are not equivalent to proof" (Real vs. Belo, 513 [SCRA] 111). Moreover the Commission finds it

unbelievable that after seven (7) years, Rogelio Valin will be bothered by his conscience for not fulfilling his commitment to transfer OCT No. P-3275(s) in the name of his father, Pedro Valin, to the name of the respondent by falsifying a Deed of Absolute Sale dated July 15, 1996 and making it appear that his deceased father, Pedro Valin, sold OCT No. P-3275 to herein respondent and in the process risk being sued for falsification of public documents. Moreover, records will show that Rogelio Valin was one of the complainants who filed cases against the respondent in connection with the subject property. Such posturing runs counter to respondent's insinuation that Rogelio Valin was the culprit in the falsification of the Deed of Absolute Sale dated July 15, 1996.<sup>[23]</sup>

From the time that the sale of the subject land was negotiated in 1989 until it was executed and registered through the subject deed in 1996, there were patent irregularities, which respondent cannot ignore.

*First*, in 1989, respondent admitted that he entered into with Rogelio a contract of deed of sale over the subject property owned and registered to Pedro without any SPA. As a lawyer, he knows that "[w]hen a sale of a piece of land or any interest therein is through an agent, the authority of the latter shall be in writing; otherwise, the sale shall be void."<sup>[24]</sup> Respondent even admitted that it would be difficult to transfer the title of the subject land because the title owner Pedro is out of the country at the time of the sale and without a SPA for that purpose.<sup>[25]</sup> As early as 1989, respondent was aware that the sale of the subject land without proper authorization was null and void.

*Second*, in spite of the deficient SPA from Rogelio's father, respondent allowed many years to pass without probing him regarding the sale of the land. He did not exert any effort to communicate with Rogelio. In all those times, respondent did not demand from Rogelio his written authority to sell the subject land to ensure that the sale would have a mark of regularity considering that he had paid the purchase price. He continued to ignore the reality that Rogelio was precluded to sell the subject land without the SPA of his parents. This is obviously contrary to human experience.

*Third*, it is a difficult pill to swallow that respondent was oblivious of Pedro's death in 1992. He admitted in his petition that **he is a close family friend and godson of Pedro**.<sup>[26]</sup> Certainly, he could not claim such strong ties to the family of Pedro if he never heard about the latter's demise. Even after the lapse of four (4) years or in 1996, it would be arduous to believe that respondent was still ignorant of the demise of his close family friend and godfather.

*Fourth*, in 1996, respondent directed his house helper Baligad to sign the release of the title in his name. He admitted in his answer that he instructed Baligad to go to the RD and sign for him the release of the title because he was busy at that time.<sup>[27]</sup> Conchita P. Baustita, a former employee of the RD, also attested that Baligad indeed came to the RD to sign the release of the title in behalf of respondent on August 19, 1996.<sup>[28]</sup> Evidently, respondent was knowledgeable that the title was issued in his name because he instructed his house helper to finalize the release of the title.