

## EN BANC

[ A.M. No. 2001-9-SC, October 11, 2001 ]

**DOROTEO IGOY, COMPLAINANT, VS. ATTY. GILBERT SORIANO,  
COURT ATTORNEY VI, OFFICE OF THE CLERK OF COURT, FIRST  
DIVISION, RESPONDENT.**

### RESOLUTION

#### PER CURIAM:

As an officer of the court, it is the duty of a lawyer to uphold the dignity and authority of the court to which he owes fidelity according to the oath he has taken. It is his foremost responsibility "to observe and maintain the respect due to the courts of justice and judicial officers."<sup>[1]</sup> Arrogating unto oneself, as in this case, the mantle of a Justice of the Highest Court of the land for the purpose of extorting money from a party-litigant is an ultimate betrayal of this duty which can not and should never be countenanced, because "[i]t is this kind of gross and flaunting misconduct on the part of those who are charged with the responsibility of administering the law and rendering justice that so quickly and surely corrodes the respect for the law and the courts without which government cannot continue and that tears apart the very bonds of our polity."<sup>[2]</sup>

Complainant Doroteo A. Igoy is one of the petitioners in G.R. No. 141843, entitled "*Heirs of Gavino Igoy, et al, v. Mactan Shangrila Hotel*".<sup>[3]</sup> In a letter-complaint dated October 8, 2000,<sup>[4]</sup> written in the Cebuano dialect and addressed to the Chief Justice, complainant alleged that while the aforesaid case was still pending before the Court of Appeals, he tried to look for a person in the Supreme Court who may assist him in obtaining justice. Sometime in July 1999, a friend introduced complainant to a certain "Justice" of the Supreme Court. He narrated to the said Justice the history of their case. In turn, the said Justice asked for and received from him the sum of P20,000.00. However, the said Justice reminded complainant that he could offer no help while the case was pending before the Court of Appeals.

In February 2000, they received an unfavorable decision from the Court of Appeals. Thus, complainant immediately visited the said Justice at his office in the Supreme Court to inform him of the decision of the Court of Appeals. The Justice offered to prepare the petition for review to be filed with the Supreme Court. Complainant subsequently met the said Justice at the Max's Restaurant, where the latter turned over the prepared petition for review. In consideration therefor, the Justice asked for an additional P20,000.00. Since complainant did not have that amount of money with him at that time, he undertook to send the same by courier as soon as he arrives in Cebu. Complainant asked for the said Justice's complete name and address, which he readily gave as: Atty. Gilbert Soriano, 22 Melon Street, Gatchalian Subdivision, Phase 3-13, Las Piñas City.

As promised, complainant sent the amount of P20,000.00 through the Aboitiz

Express on May 2, 2000. The parcel was received by a certain Alvin Soriano, who turned out to be respondent's son, on May 5, 2000.

Complainant was surprised to learn that on May 31, 2000, this Court denied the Petition for Review. Accordingly, they filed a Motion for Reconsideration, which this Court denied with finality on July 31, 2000.

Together with his letter, complainant submitted the following documents:

1. Photocopy of the Petition for Review allegedly prepared by the "Justice;"<sup>[5]</sup>
2. Shipper's Copy of Prepaid Consignment Note No. E0993783C dated May 2, 2000, addressed to one Atty. Gilbert Soriano of 22 Melon St., Gatchalian Subdivision, Phase 3-13, Las Piñas City, with telephone numbers 826-1018, containing cash in the amount of P20,000.00,<sup>[6]</sup> and sent by one Doroteo Igoy of Mactan, Lapu-lapu City, with telephone numbers 495-8-49;<sup>[7]</sup>
3. Letter dated May 5, 2000 of one Atty. Gilbert F. Soriano, addressed to Aboitiz Express, authorizing his daughter, Christine Soriano, or his son, Alvin A. Soriano, to receive Parcel No. E0993783C on his behalf;<sup>[8]</sup>
4. Note dated May 5, 2000, evidencing receipt by one Alvin Soriano of the package on that date at 11:30 o'clock in the morning.<sup>[9]</sup>

In his comment dated November 6, 2000,<sup>[10]</sup> Atty. Gilbert Soriano denied that he was the "Justice" alluded to. He alleged that his friend, Nic Taneo, introduced complainant to him because the latter was seeking help regarding a pending case involving his poor relatives; that complainant requested him to go over their petition to be filed with the Supreme Court, to ensure that the same would not be denied on technical grounds; he acceded to the request, after which complainant told him that he will be sending him a token of gratitude, but he did not know that it was money.

Respondent further narrated that on May 4, 2000, he received a telephone call from Aboitiz Express, informing him that complainant had sent him a parcel but the messenger was unable to locate his given address, and asking him to execute a letter authorizing anyone in his house to receive the parcel. He recalled complainant's promise of a token of gratitude, so respondent authorized his children to accept the parcel. He was surprised to find inside the parcel cash in the amount of P20,000.00. After several days of mulling over what to do with the money, respondent asked his friend to contact Atty. Rodolfo Taneo, the counsel for petitioners in G.R. No. 141843. Atty. Taneo told him to hold the money and wait until he arrives in Manila.

Respondent denied giving complainant any assistance other than checking the formal requirements of the petition for review. He also denied that he entertained complainant in his office in the First Division of this Court which, according to him, barely accommodates the staff therein with very little elbow room. Assuming that

complainant was thus accommodated in respondent's office in the First Division, respondent could not have uttered the irresponsible and degrading statements imputed on him by complainant. Further, respondent denied having received the amount of P20,000.00 from complainant, arguing that, as a practicing catholic and active church leader, he can not in conscience deceive anyone and ask for money.

Respondent likewise denied having demanded for an additional P20,000.00, countering that complainant merely promised him a token gift for the little help that he extended, without mention of any amount. In fact, he almost forgot about that promise, and he remembered it only when he was notified by the courier service that he had a parcel from complainant. That was almost two (2) months after the case petition for review was filed with this Court.

In closing, respondent insinuated that if this Court should find that he committed a misconduct despite his explanation, he shall offer to retire from the service.

On November 16, 2000, complainant wrote another letter to the Chief Justice, again written in the Cebuano dialect.<sup>[11]</sup> Complainant averred that respondent was introduced to him by Engr. William Redoblado as one of the Justices of the Supreme Court. He only learned that respondent was not a Justice when they met at the Cebu Mactan International Airport on October 31, 2000. Respondent offered to return the P40,000.00, but he refused to receive the same. Instead, he told respondent to just wait for the outcome of the complaint he filed against him with the Office of the Chief Justice.

In the same letter, complainant provided the following questions and answers, to wit:

1. What is the name of the Justice of the Supreme Court whom you contacted?

Answer: Atty. Gilbert Soriano.

2. Where did you meet/see him?

Answer: Inside the premises of the Supreme Court.

3. Who was the person who introduced him as Justice?

Answer: Engr. William Redoblado was the one who introduced to me that Gilbert Soriano is a Justice. I never knew that Gilbert Soriano is not a Justice.

4. Where did you specifically give to the Justice the first P20,000.00?

Answer: At the ground floor of the Supreme Court beside the canteen where the parking area is located.

5. Who were with you at the Max's Restaurant when the petition was given to you?

Answer:                      Engr. William Redoblado, Leonardo Paquibot, Atty. Rodolfo Taneo, Atty. Gilbert Soriano and myself (complainant Igoy). Atty. Taneo returned the petition because it was lacking.

Respondent submitted his comment<sup>[12]</sup> to the second letter, wherein he contended that when complainant allegedly gave him the sum of P20,000.00 on July 16, 1999, his case was still pending before the Court of Appeals; hence, there was then no reason for complainant to approach respondent and give him money. Moreover, it is unnatural for a person to give money to someone whom he does not know well and whom he met only for the first time. Respondent brands as unbelievable the version that complainant handed the money to him at the parking area beside the Supreme Court canteen, where many of the Court's employees and visitors frequently pass. He claimed that it was not Engr. William Redoblado, but Mr. Taneo who introduced him to complainant.

Respondent alleged that on October 30, 2000, he informed Atty. Taneo that he was returning the money he received through Aboitiz Express. He was told by Atty. Taneo to meet him in Cebu. On October 31, 2000, respondent arrived in Cebu and met Atty. Taneo and complainant at an eatery near the airport. Respondent offered to return the P20,000.00 to complainant, but the latter refused to accept it. Complainant stated that he will withdraw his complaint only after the Supreme Court decides their case in their favor. Respondent, however, informed complainant that as a mere employee of the court, he could not dictate the outcome of the case.

On January 8, 2001, Atty. Soriano filed his letter of resignation/retirement under R.A. 1616, without specifying its effectivity date.<sup>[13]</sup>

The Office of Administrative Services, to which this case was referred for evaluation, issued a Memorandum on May 30, 2001, recommending respondent's dismissal from the service effective immediately, with forfeiture of all retirement benefits to which he may be entitled.

Respondent's offer to resign was obviously an attempt to evade whatever penalty may be imposed on him. However, the mere expedient of resigning from the service will not extricate him from the consequences of his acts. As this Court pointed out in *Rayos-Ombac v. Rayos*:<sup>[14]</sup>

. . . Disciplinary proceedings involve no private interest and afford no redress for private grievance. They are undertaken and prosecuted solely for the public welfare. They are undertaken for the purpose of preserving courts of justice from the official ministrations of persons unfit to practice in them. The attorney is called to answer to the court for his conduct as an officer of the court. The complainant or the person who called the attention of the court to the attorney's alleged misconduct is in no sense a party, and has generally no interest in the outcome except as all good citizen's may have in the proper administration of justice.

Settled is the rule that in administrative cases of this nature, the Court may proceed with its investigation and mete the appropriate penalty against erring officers of the

court.<sup>[15]</sup> Resignation should not be used either as an escape or as an easy way out to evade administrative liability by court personnel facing administrative sanction.

<sup>[16]</sup>

In recommending the dismissal of respondent from service, the Office of Administrative Services (OAS) reasoned that:

From the established facts, it is clear that complainant came to see respondent to plead for help in preparing a Petition for Review. The respondent, on the other hand, saw it as an opportunity to make the complainant believe that he has the "influence and connections" in the court and would be easy for him (respondent) to help the complainant.

True, as respondent claimed, he was not urged by ulterior motives in preparing the Petition for Review or at least reviewing the same, but not being his official duty to do so, his actuation led complainant to believe that it should be for a fee. It would have been very easy for him to decline the offer of P20,000.00 even if it was gratuitously given if his real intention was merely to help. He knew for a fact that the petitioners have a counsel who, presumably, knows the appropriate pleadings to be filed with this Court.

Sec. 7 (D) of R.A. 6713 (Code of Ethical Conduct and Standard for Public Officials and Employees) specifically provides:

*Sec. 7. Prohibited Acts and Transactions*

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*d. Solicitations or acceptance of gifts -- Public officials and employees shall not solicit or accept, directly or indirectly, any gift, gratuity, favor, entertainment, loan or anything of monetary value from any person in the course of their official duties or in connection with any operation being regulated by, or any transactions which may be affected by the functions of their office.*

Respondent, who is himself a lawyer, should have avoided all the circumstances in which he might be accused of using his office in the guise of "helping others", for this taints the integrity of the Court.

The denial of the respondent of the receipt of initial payment of P20,000.00 cannot simply overcome the positive assertions of the complainant. If no such initial payment took place, Atty. Soriano would not have claimed the subsequent payment through the Aboitiz Express.

The claim of Atty. Soriano that the amount was given gratuitously would not excuse him from any liability. To tolerate such acts would open the floodgates to fraud or graft and corruption to be committed by officials and employees of the Court.