**LEGAL ETHICS**

**PRACTICE OF LAW**

It is clear that when Atty. Lozada appeared for and in behalf of her husband and actively participated in the proceedings therein within the two (2)-year suspension, she, therefore, engaged in the unauthorized practice of law. Atty. Lozada would have deserved a harsher penalty, but this Court recognizes the fact that it is part of the Filipino culture that amid an adversity, families will always look out and extend a helping hand to a family member, more so, in this case, to a spouse. Disbarment of lawyers is a proceeding that aims to purge the law profession of unworthy members of the bar. It is intended to preserve the nobility and honor of the legal profession. While the Supreme Court has the plenary power to discipline erring lawyers through this kind of proceedings, it does so in the most vigilant manner so as not to frustrate its preservative principle. **ALVIN S. FELICIANO vs.** **ATTY. CARMELITA BAUTISTA-LOZADA, A.C. No. 7593, March 11, 2015**

**DUTIES AND RESPONSIBILITIES OF A LAWYER**

Atty. Paguia filed a complaint for dishonesty with the IBP against Atty. Molina for giving erroneous legal advice. Atty. Molina alleged that the complaint does not specify the offense charged. The Court, siding with Atty. Molina stated that bare allegations in the complaint do not suffice the holding of administrative liability. The presumption of good faith still applies absent any evidentiary proof otherwise. **ATTY. ALAN F. PAGUIA vs. ATTY. MANUEL T. MOLINA, A.C. No. 9881, June 4, 2014, C.J. Sereno**

Atty. Alvarez’s unfulfilled promise to settle his obligation and the issuance of worthless checks have seriously breached the complainant’s trust. "The relationship of an attorney to his client is highly fiduciary. Canon 15 of the Code of Professional Responsibility provides that ‘a lawyer shall observe candor, fairness and loyalty in all his dealings and transactions with his client.’ Necessity and public interest enjoin lawyers to be honest and truthful when dealing with his client." **ALMIRA C. FORONDA vs. ATTY. JOSE L. ALVAREZ, JR., A.C. No. 9976, June 25, 2014, J. Reyes**

The relationship between a lawyer and his client is one imbued with utmost trust and confidence. Although a lawyer has complete discretion on what legal strategy to employ in a case entrusted to him, he must present every remedy or defense within the authority of law to support his client’s interest.

Securing a copy of such notices, orders and case records was within the respondent’s control and is a task that a lawyer undertakes. A lawyer’s duty of competence and diligence includes not merely reviewing the cases entrusted to his care or giving sound legal advice, but also consists of properly representing the client before any court or tribunal, attending scheduled hearings or conferences, preparing and filing the required pleadings, prosecuting the handled cases with reasonable dispatch, and urging their termination even without prodding from the client or the court.

It is beyond dispute that the Baens engaged the services of the respondent to handle his case. The records, however, definitively bear out that the respondent was completely remiss and negligent in handling the complainant’s case, notwithstanding his receipt of the sum of ~~P~~250,000.00 for the total expenses to be incurred in the said case. The excuse proffered by Atty. Sempio that he did not receive any orders or notices from the trial court are highly intolerable. Securing a copy of such notices, orders and case records was within the respondent’s control and is a task that a lawyer undertakes. - **JOSE FRANCISCO T. BAENS vs.** **ATTY. JONATHAN T. SEMPIO, A.C. No. 10378, June 9, 2014, J. Reyes**

Simple neglect of duty is the failure to give attention to a task, or the disregard of a duty due to carelessness or indifference. Under the Revised Uniform Rules on Administrative Cases in the Civil Service, simple neglect of duty is a less grave offense punishable with suspension of one month and one day to six months for the first offense and dismissal for the second offense. The Rules classify violation of existing Civil Service Law and rules a serious offense punishable with suspension of one month and one day to six months for the first offense and dismissal for the second offense. **ALBERTO VALDEZ vs.** **DESIDERIO W. MACUSI, JR., Sheriff IV, Regional Trial Court, Branch 25, Tabuk, Kalinga, A.M. No. P-13-3123, June 10, 2014, Per Curiam**

In his dealings with his client and with the courts, every lawyer is expected to be honest, imbued with integrity, and trustworthy. A lawyer ought to remember that honesty and integrity are of far greater value for him than any of the circumstances occurring in his transactions with his clients. **HENRY SAMONTE vs. ATTY. GINES ABELLANA, A.C. No. 3454, June 23, 2014, J. Bersamin**

The petitioner filed an administrative complaint against the respondent. The respondent denied the allegations. The Supreme Court ruled that deception and other fraudulent acts by a lawyer are disgraceful and dishonorable. They reveal moral flaws in a lawyer. They are unacceptable practices. A lawyer’s relationship with others should be characterized by the highest degree of good faith, fairness and candor. This is the essence of the lawyer’s oath. The lawyer’s oath is not mere facile words, drift and hollow, but a sacred trust that must be upheld and keep inviolable. The nature of the office of an attorney requires that he should be a person of good moral character. This requisite is not only a condition precedent to the admission to the practice of law, its continued possession is also essential for remaining in the practice of law. We have sternly warned that any gross misconduct of a lawyer, whether in his professional or private capacity, puts his moral character in serious doubt as a member of the Bar, and renders him unfit to continue in the practice of law. **JOSE ALLAN TAN vs. PEDRO S. DIAMANTE, A.C. No. 7766, August 5, 2014, Per Curiam**

The petitioner filed an administrative complaint against the respondent for failing to deliver the money entrusted by the petitioner to the respondent upon demand. The Supreme Court ruled that verily, the relationship between a lawyer and his client is highly fiduciary and prescribes on a lawyer a great fidelity and good faith. The highly fiduciary nature of this relationship imposes upon the lawyer the duty to account for the money or property collected or received for or from his client. Thus, a lawyer’s failure to return upon demand the funds held by him on behalf of his client, as in this case, gives rise to the presumption that he has appropriated the same for his own use in violation of the trust reposed in him by his client. Such act is a gross violation of general morality as well as of professional ethics. **CHAMELYN A. AGOT vs. ATTY. LUIS P. RIVERA, A.C. No. 8000, August 5, 2014, J. Perlas-Bernabe**

Acceptance of money from a client establishes an attorney-client relationship and gives rise to the duty of fidelity to the client’s cause. Every case accepted by a lawyer deserves full attention, diligence, skill and competence, regardless of importance. A lawyer also owes it to the court, their clients, and other lawyers to be candid and fair.

In the present case, Sampana admitted that he received "one package fee" for both cases of annulment and adoption. Despite receiving this fee, he unjustifiably failed to file the petition for adoption and fell short of his duty of due diligence and candor to his client. Sampana’s proffered excuse of waiting for the certification before filing the petition for adoption is disingenuous and flimsy. **MELODY R. NERY vs. ATTY. GLICERIO A. SAMPANA, A.C. No. 10196, September 9, 2014, Acting C.J. Carpio**

A lawyer must be aware of his duty under his Lawyer’s Oath not to initiate groundless, false or unlawful suits. The duty has also been expressly embodied in Rule 1.03, Canon 1 of the Code of Professional Responsibility thus wise: “Rule 1.03 – A lawyer shall not, for any corrupt motive or interest, encourage any suit or proceeding or delay any man’s cause.”

In the present case, Atty. Dealca exhibited his proclivity for vindictiveness and penchant for harassment, considering that, as IBP Commissioner Hababag pointed out, his bringing of charges against judges, court personnel and even his colleagues in the Law Profession had all stemmed from decisions or rulings being adverse to his clients or his side. He well knew, therefore, that he was thereby crossing the line of propriety, because neither vindictiveness nor harassment could be a substitute for resorting tothe appropriate legal remedies. He should now be reminded that the aim of every lawsuit should be to render justice to the parties according to law, not to harass them. **PRESIDING JUDGE JOSE L. MADRID, REGIONAL TRIAL COURT, BRANCH 51, SORSOGON CITY vs. ATTY. JUAN S. DEALCA, A.C. No. 7474, September 9, 2014, J. Bersamin**

A lawyer who mortgages a property which he holds in trust without the consent of the beneficial owner shall be liable for misconduct. Members of the Bar are expected at all times to uphold the integrity and dignity of the legal profession and refrain from any act or omission which might lessen the trust and confidence reposed by the public. **REBECCA MARIE UY YUPANGCO-NAKPIL vs. ATTY. ROBERTO L. UY, A.C. No. 9115, September 17, 2014, J. Perlas-Bernabe**

A lawyer’s act of representing and defending the other party of the case who was impleaded as one of the defendants in a case filed by his client during the subsistence of the Retainer Agreement is a clear violation of Rule 15.03 of Canon 15 of the Code of Professional Responsibility which mandates that a lawyer shall not represent conflicting interests except by written consent of all concerned given after a full disclosure of the facts. **DARIA O. DAGING vs. ATTY. RIZ TINGALON L. DAVIS, A.C. No. 9395, November 12, 2014, J. Del Castillo**

A valid retaining lien has the following elements: An attorney’s retaining lien is fully recognized if the presence of the following elements concur: (1) lawyer-client relationship; (2) lawful possession of the client’s funds, documents and papers; and (3) unsatisfied claim for attorney’s fees. In the case at bar, Atty. Mendoza did not present evidence as to an unsatisfied claim for attorney’s fees.  The enumeration of cases he worked on for spouses San Pedro remains unsubstantiated.  When there is no unsatisfied claim for attorney’s fees, lawyers cannot validly retain their client’s funds or properties. Furthermore, assuming that Atty. Mendoza had proven all the requisites for a valid retaining lien, he cannot appropriate for himself his client’s funds without the proper accounting and notice to the client. **SPOUSES NICASIO AND DONELITA SAN PEDRO vs. ATTY. ISAGANI A. MENDOZA, A.C. No. 5440, November 26, 2014, J. Leonen**

As an officer of the court, it is the duty of an attorney to inform his client of whatever important information he may have acquired affecting his client’s case. He should notify his client of any adverse decision to enable his client to decide whether to seek an appellate review thereof. In the case at bar, records reveal that since missing the April 4, 2002 hearing due to car trouble, respondent no longer kept track of complainant’s criminal case and merely assumed that the same was already amicably settled and terminated. Clearly, respondent failed to exercise such skill, care, and diligence as men of the legal profession commonly possess and exercise in such matters of professional employment. **FELIPE LAYOS vs.** **ATTY. MARLITO I. VILLANUEVA**, **A.C. No. 8085, December 01, 2014**, **J. Perlas-Bernabe**

The rule on conflict of interests presupposes a lawyer-client relationship. Absent proof of such relationship, a lawyer could not be held liable for violation of the CPR. **CAROLINE CASTANEDA JIMENEZ vs. ATTY. EDGAR B. FRANCISCO, A.C. No. 10548, December 10, 2014, J. Mendoza**

Furthermore, assuming that respondent had proven all the requisites for a valid retaining lien, he cannot appropriate for himself his client's funds without the proper accounting and notice to the client. The rule is that when there is "a disagreement, or when the client disputes the amount claimed by the lawyer . . . the lawyer should not arbitrarily apply the funds in his possession to the payment of his fees .... " **SPOUSES NICASIO AND DONELITA SAN PEDRO vs. ATTY. ISAGANI A. MENDOZA, A.C. No. 5440, December 10, 2014, J. Leonen**

A lawyer collecting expensive amounts from his client without intent to return them shall be held liable for unethical conduct. - **ERLINDA FOSTER vs. ATTY. JAIME V. AGTANG, A.C. No. 10579, December 10, 2014, Per Curiam**

Atty. Amboy violated Canon 16 of the Code of Professional Responsibility, particularly Rule 16.03 thereof, which requires that a lawyer shall deliver the funds and property of his client upon demand. It is settled that the unjustified withholding of money belonging to a client warrants the imposition of disciplinary action.

Atty. Guico willingly and wittingly violated the law in appearing to counsel Chu to raise the large sums of money in order to obtain a favorable decision in the labor case. He thus violated the law against bribery and corruption. He compounded his violation by actually using said illegality as his means of obtaining a huge sum from the client that he soon appropriated for his own personal interest. His acts constituted gross dishonesty and deceit, and were a flagrant breach of his ethical commitments under the Lawyer’s Oath not to delay any man for money or malice; and under Rule 1.01 of the Code of Professional Responsibility that forbade him from engaging in unlawful, dishonest, immoral or deceitful conduct. His deviant conduct eroded the faith of the people in him as an individual lawyer as well as in the Legal Profession as a whole. In doing so, he ceased to be a servant of the law. Atty. Guico committed grave misconduct and disgraced the Legal Profession. **FERNANDO W. CHU vs. ATTY. JOSE C. GUICO, JR., A.C. No. 10573, January 13, 2015, Per Curiam**

“A lawyer's failure to return upon demand the funds held by him on behalf of his client gives rise to the presumption that he has appropriated the same for his own use in violation of the trust reposed in him by his client. Such act is a gross violation of general morality as well as of professional ethics. It impairs public confidence in the legal profession and deserves punishment.” **MARILEN G. SOLIMAN vs. ATTY. DITAS LERIOS-AMBOY, A.C. No. 10568, January 13, 2015, J. Reyes**

Atty. Caracol knew that Efren, his client, had already passed away at the time he filed the Motion for Issuance of Second Alias Writ of Execution and Demolition.  As an honest, prudent and conscientious lawyer, he should have informed the Court of his client’s passing and presented authority that he was retained by the client’s successors-in-interest and thus the parties may have been substituted.

The Court would like to highlight the important role of an attorney in our judicial system.  Because of the particular nature of an attorney’s function it is essential that they should act with fairness, honesty and candor towards the courts and his clients. Under Rule 10.01 of the Code of Professional Responsibility: “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.”

Here, Atty. Caracol, as observed by the IBP CBD, has been less than candid about his representation. The Court also observes that he has used underhanded means to attain his purpose.  Atty. Caracol’s blatant disregard of his duties as a lawyer cannot be countenanced.  In view of his actions of contravening his lawyer’s oath and in violation of Canons 8 and 10 and Rule 10.01 of the Code of Professional Responsibility the Court deems it proper to suspend him from the practice of law for a period of one year. - **DR. DOMICIANO F. VILLAHERMOSA, SR. vs. ATTY. ISIDRO L. CARACOL, A.C. No. 7325, January 21, 2015, J. Villarama, Jr.**

Aquino claims that he and Atty. Domingo agreed to a contract for contingent fees equivalent to thirty percent (30%) of the increase of the just compensation awarded, albeit verbally. However, a contract for contingent fees is an agreement in writing by which the fees, usually a fixed percentage of what may be recovered in the action, are made to depend upon the success in the effort to enforce or defend a supposed right. Contingent fees depend upon an express contract, without which the attorney can only recover on the basis of quantum meruit. Here, considering that the contract was made verbally and that there was no evidence presented to justify the 30% contingent fees being claimed by Aquino, the only way to determine his right to appropriate attorney’s fees is to apply the principle of quantum meruit. **AUGUSTO M. AQUINO vs. HON. ISMAEL P. CASABAR, as Presiding Judge Regional Trial Court-Guimba, Nueva Ecija, Branch 33 and MA. ALA F. DOMINGO and MARGARITA IRENE F. DOMINGO, substituting Heirs of the deceased ANGEL T. DOMINGO, G.R. No. 191470, January 26, 2015, J. Peralta**

Hiring legal counsel does not relieve litigants of their duty to "monitor the status of their cases, especially if their cases are taking an "unreasonably long time" to be resolved. In the present case, petitioner took almost seven (7) years, or almost 84 months, from the Court of Appeals' issuance of the Resolution denying his Motion for Reconsideration to file a Petition before this court. - **HENRY ONG LAY HIN vs. COURT OF APPEALS (2nd Division), HON. GABRIEL T. INGLES, as Presiding Judge of RTC Branch 58, Cebu City, and the PEOPLE OF THE PHILIPPINES, G.R. No. 191972, January 26, 2015, J. Leonen**

When a lawyer agrees to take up a client’s cause, he makes a commitment to exercise due diligence in protecting the latter’s rights. Once a lawyer’s services are engaged, “he is duty bound to serve his client with competence, and to attend to his client’s cause with diligence, care and devotion regardless of whether he accepts it for a fee or for free. He owes fidelity to such cause and must always be mindful of the trust and confidence reposed on him.” A lawyer’s acceptance to take up a case “impliedly stipulates that he will carry it to its termination, that is, until the case becomes final and executory.” Atty. Baterina practically abandoned this duty when he allowed the proceedings to run its coursel without any effort to safeguard his clients’ welfare in the meantime. His failure to file the required pleadings on his clients’ behalf constitutes gross negligence in violation of the Code of Professional Responsibility and renders him subject to disciplinary action. **JOSELITO F. TEJANO vs. ATTY. BENJAMIN F. BATERINA, A.C. No. 8235, January 27, 2015, J. Carpio**

The Court has repeatedly emphasized that the relationship between a lawyer and his client is one imbued with trust and confidence. And as true as any natural tendency goes, this “trust and confidence” is prone to abuse. The rule against borrowing of money by a lawyer from his client is intended to prevent the lawyer from taking advantage of his influence over his client. The rule presumes that the client is disadvantaged by the lawyer’s ability to use all the legal maneuverings to renege on his obligation. In Frias v. Atty. Lozada (Frias) the Court categorically declared that a lawyer’s act of asking a client for a loan, as what herein respondent did, is unethical, to wit: Likewise, her act of borrowing money from a client was a violation of [Rule] 16.04 of the Code of Professional Responsibility. A lawyer shall not borrow money from his client unless the client’s interests are fully protected by the nature of the case and by independent advice. A lawyer’s act of asking a client for a loan, as what respondent did, is very unethical.  It comes within those acts considered as abuse of client’s confidence. The canon presumes that the client is disadvantaged by the lawyer’s ability to use all the legal maneuverings to renege on her obligation. **SPOUSES HENRY A. CONCEPCION AND BLESILDA CONCEPTION vs ATTY. ELMER DELA ROSA, A.C. No. 10681, February 3, 2015, J. Perlas-Bernabe**

This information assymetry is even more pronounced in an attorney-client relationship.  Lawyers are expected not only to be familiar with the minute facts of their cases but also to see their relevance in relation to their causes of action or their defenses.  The salience of these facts is not usually patent to the client.  It can only be seen through familiarity with the relevant legal provisions that are invoked with their jurisprudential interpretations.  More so with the intricacies of the legal procedure.  It is the lawyer that receives the notices and must decide the mode of appeal to protect the interest of his or her client. Thus, the relationship between a lawyer and her client is regarded as highly fiduciary.  Between the lawyer and the client, it is the lawyer that has the better knowledge of facts, events, and remedies.  While it is true that the client chooses which lawyer to engage, he or she usually does so on the basis of reputation.  It is only upon actual engagement that the client discovers the level of diligence, competence, and accountability of the counsel that he or she chooses.  In some cases, such as this one, the discovery comes too late.  Between the lawyer and the client, therefore, it is the lawyer that should bear the full costs of indifference or negligence. **REYNALDO G. RAMIREZ vs ATTY. MERCEDES BUHAYANG-MAGRAGLLO, A.C. No. 10537, February 3, 2015, J. Leonen**

Homicide may or may not involve moral turpitude depending on the degree of the crime. Moral turpitude is not involved in every criminal act and is not shown by every known and intentional violation of statute, but whether any particular conviction involves moral turpitude may be a question of fact and frequently depends on all the surrounding circumstances.

While x x x generally but not always, crimes mala in se involve moral turpitude, while crimes mala prohibita do not, it cannot always be ascertained whether moral turpitude does or does not exist by classifying a crime as malum in se or as malum prohibitum, since there are crimes which are mala in se and yet rarely involve moral turpitude and there are crimes which involve moral turpitude and are mala prohibita only. It follows therefore, that moral turpitude is somewhat a vague and indefinite term, the meaning of which must be left to the process of judicial inclusion or exclusion as the cases are reached.

The IBP-CBD correctly stated that Amparado and Yapchangco were just at the wrong place and time. They did not do anything that justified the indiscriminate firing done by Sesbreño that eventually led to the death of Amparado. Thus, circumstances show the presence of moral turpitude. **MELVYN G. GARCIA** **vs.** **ATTY. RAUL H. SESBRENO,** **A.C. No. 7973 and A.C. No. 10457, February 3, 2015**, **Per Curiam**

Verily, a notary public should not notarize a document unless the persons who signed the same are the very same persons who executed and personally appeared before him to attest to the contents and the truth of what are stated therein. To recount, records reveal that Rodriguez used, among others, the Deed of Absolute Sale notarized by Atty. Salve to file an ejectment complaint against Salita. However, it must be remembered that Salita was merely made to sign such document as collateral for his loan and that he had already fully paid the same, as evidenced by the notarized Release of Real Estate Mortgage executed by Rodriguez herself. Considering the circumstances, it is simply unfathomable for Salita to appear before Atty. Salve to have the said document notarized, as it will be detrimental to his own interests. Hence, the Court finds that Atty. Salve notarized the pre-formed Deed of Absolute Sale without Salita’s presence before him. - **MELANIO S. SALITA** **vs.** **ATTY. REYNALDO T. SALVE**, **A.C. No. 8101, February 04, 2015, J. Perlas- Bernabe**

The rule on conflict of interest is based on the fiduciary obligation in a lawyer-client relationship.  Lawyers must treat all information received from their clients with utmost confidentiality in order to encourage clients to fully inform their counsels of the facts of their case. Atty. Santos with full knowledge that Rufina Turla had another heir, he acceded to Mariano Turla’s request to prepare the Affidavit of Self-Adjudication. **ROBERTO BERNARDINO vs. ATTY. VICTOR REY SANTOS, A.C. No. 10583, February 18, 2015, J. Leonen**

Ruby engaged the services of Atty. Espejo regarding a donation case. Allegedly, Atty. Espejo failed to account the payment of the filing fees which Ruby extended. Atty. Espejo, then was assisted by Atty. Bayot who drafted several documents regarding the case. Ruby demanded the excess of the payment of the filing fees he extended but Atty. Espejo did not return the money. Moreover, Atty. Espejo allegedly failed to notify Ruby of the status of the case. Hence, Ruby filed a disciplinary action complaint against both Atty. Espejo and Atty. Bayot. Both the IBP-CDB and the IBP Board of Governors sanctioned both lawyers. However, Atty. Espejo died. Hence, the complaint proceeded only against Atty. Bayot. Atty. Bayot alleged that there was no attorney-client relationship between Ruby and him since he merely assisted Atty. Espejo. In resolving this issue, the Court ruled that “Documentary formalism is not an essential element in the employment of an attorney; the contract may be express or implied. To establish the relation, it is sufficient that the advice and assistance of an attorney is sought and received in any matter pertinent to his profession.” Further, acceptance of money from a client establishes an attorney-client relationship. Accordingly, as regards the case before the RTC, Ruby had two counsels – Atty. Espejo and Atty. Bayot. - **MICHAEL RUBY vs. ATTY. ERLINDA B. ESPEJO and ATTY. RUDOLPH DILLA BAYOT, A.C. No. 10558, February 23, 2015, J. Reyes**

There is conflict of interest when a lawyer represents inconsistent interests of two or more opposing parties. The test is "whether or not in behalf of one client, it is the lawyer's duty to fight for an issue or claim, but it is his duty to oppose it for the other client. In brief, if he argues for one client, this argument will be opposed by him when he argues for the other client." Another test of the inconsistency of interests is whether the acceptance of a new relation will prevent an attorney from the full discharge of his duty of undivided fidelity and loyalty to his client or invite suspicion of unfaithfulness or double dealing in the performance thereof.

In this case, the Court concurs with the IBP's conclusions that respondents represented conflicting interests and must therefore be held liable. As the records bear out, respondents' law firm was engaged and, thus, represented complainant in the labor cases instituted against him. However, after the termination thereof, the law firm agreed to represent a new client, FEVE Farms, in the filing of a criminal case for qualified theft against complainant, its former client, and his wife. As the Court observes, the law firm's unethical acceptance of the criminal case arose from its failure to organize and implement a system by which it would have been able to keep track of all cases assigned to its handling lawyers to the end of, among others, ensuring that every engagement it accepts stands clear of any potential conflict of interest. **WILFREDO ANGLO** **vs.** **ATTY. JOSE MA. V. VALENCIA, ATTY. JOSE MA. J. CIOCON, ATTY. PHILIP Z. DABAO, ATTY. LILY UY- VALENCIA, ATTY. JOEY P. DE LA PAZ, ATTY. CRIS G. DIONELA, ATTY. RAYMUNDO T. PANDAN, JR.,\* ATTY. RODNEY K. RUBICA," AND ATTY. WILFRED RAMON M. PENALOSA, A.C. No. 10567, February 25, 2015, J. Perlas-Bernabe**

**Rule 18.03 of Canon 18 provides that “**A lawyer shall not neglect a legal matter entrusted to him, and his negligence in connection therewith shall render him liable.” This rule was violated by Atty. Delfin when he failed to file an action in court despite receipt receipt of P48,000. Furthermore, respondent also violated Rules 16.01 and 16.03, Canon 16 of the CPR when he failed to refund said amount that complainant gave him despite repeated demands. Rule 16.01 provides that “A lawyer shall account for all money or property collected or received for or from the client.” Rule 16.03 states that “A lawyer shall deliver the funds and property of his client when due or upon demand.” **EDUARDO A. MAGLENTE *vs.* ATTY. DELFIN R. AGCAOILI, JR., A.C. No. 10672, March 18, 2015, J. Perlas-Bernabe**

The facts of the case show that Atty. Mendoza engaged in improper or wrong conduct, as found under Rule 1.01, as the failure to pay the loan was willful in character and implied a wrongful intent and not a mere error in judgment. The Court finds it undisputed that Atty. Mendoza obtained a loan in the amount of PhP 500,000.00. He signed the promissory note and acknowledgement receipt showing he received PhP 500,000.00. Although he initially denied getting this amount and claimed that he only received P100,000.00, he did not present any evidence to prove his claim. He later also admitted the validity of his loan without qualification as to the amount.

Also undisputed is the fact that Ms. Sosa tried to collect the amount due upon maturity but Atty. Mendoza failed to pay. In fact, Ms. Sosa deferred depositing the post-dated check upon Atty. Mendoza’s request, and based on his promises that he would pay. Despite all these, he still failed to comply with his obligation. Worse, the check – when finally deposited – was dishonored, a fact that Atty. Mendoza did not dispute. **ANTONINA S. SOSA vs. ATTY. MANUEL V. MENDOZA, A.C. No. 8776, March 23, 2015, J. Brion**

**SUSPENSION, DISBARMENT AND DISCIPLINE OF LAWYERS**

Atty. Ramos is the counsel of Quiachon in a labor case. Atty. Ramos failed to notify Quiachon of the status of the case as well as to appeal the adverse ruling of the RTC. Quiachon filed then a disbarment case but subsequently withdrew it. The complainant in a disbarment case is not a direct party to the case, but a witness who brought the matter to the attention of the Court. There is neither a plaintiff nor a prosecutor in disciplinary proceedings against lawyers. The real question for determination in these proceedings is whether or not the attorney is still a fit person to be allowed the privileges of a member of the bar. Public interest is the primary objective. **ADELIA V. QUIACHON vs. ATTY. JOSEPH ADOR A. RAMOS, A.C. No. 9317, June 4, 2014, C.J. Sereno**

Under Section 5, Rule 7 of the Rules of Court, the submission of false entries in a certification against forum shopping constitutes indirect or direct contempt of court, and subjects the erring counsel to the corresponding administrative and criminal actions.In the realm of legal ethics, said infraction may be considered as a violation of Rule 1.01, Canon 1 and Rule 10.01, Canon 10 of the Code of Professional Responsibility (Code). Owing to the evident similarity of the issues involved in each set of cases, Atty. Nazareno – as mandated by the Rules of Court and more pertinently, the canons of the Code – should have truthfully declared the existence of the pending related cases in the certifications against forum shopping attached to the pertinent pleadings. **EUPROCINA I. CRISOSTOMO, MARILYN L. SOLIS, EVELYN MARQUIZO, ROSEMARIE BALATUCAN, MILDRED BATANG, MARILEN MINERALES, and MELINDA D. SIOTING vs. ATTY. PHILIP Z. A. NAZARENO, A.C. No. 6677, June 10, 2014, J. Perlas-Bernabe**

When a lawyer receives money from the client for a particular purpose, the lawyer is bound to render an accounting to the client showing that the money was spent for that particular purpose. And if he does not use the money for the intended purpose, the lawyer must immediately return the money to his client. In this case, the purpose for which Atty. De Taza demanded money is baseless and non-existent. For a member of the legal profession to further stoke the embers of mistrust on the judicial system with such irresponsible representations is reprehensible and cannot be tolerated. **AMADO T. DIZON vs.** **ATTY. NORLITA DE TAZA**, **A.C. No. 7676, June 10, 2014, J. Reyes**

The court has the exclusive jurisdiction to regulate the practice of law. When this court orders a lawyer suspended from the practice of law, the lawyer must desist from performing all functions requiring the application of legal knowledge within the period of suspension. This includes desisting from holding a position in government requiring the authority to practice law. **VICTOR C. LINGAN vs. ATTYS. CALUBAQUIB BALIGA, ROMEO and JIMMY P. BALIGA, A.C. No. 5377, June 30, 2014, J. Leonen**

The affidavit of withdrawal of the disbarment case allegedly executed by complainant does not, in any way, exonerate the respondent. A case of suspension or disbarment may proceed regardless of interest or lack of interest of the complainant. What matters is whether, on the basis of the facts borne out by the record, the charge of deceit and grossly immoral conduct has been duly proven. 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 citizens may have in the proper administration of justice. Hence, if the evidence on record warrants, the respondent may be suspended or disbarred despite the desistance of complainant or his withdrawal of the charges. **DANTE LA JIMENEZ & LAURO G. VIZCONDE vs.  ATTY. FELISBERTO L. VERANO, JR., A.C. No. 8108, July 15, 2014**

Complainant Raul Francia filed a disbarment case against Labor Arbiter Abdon for allegedly asking for P100,000,000 in order for the latter to facilitate the release of a favorable decision of a case to which the Labor Union of Francia is a petitioner. In dismissing the case, the Supreme Court ruled that in disbarment proceedings, the burden of proof rests upon the complainant. For the Court to exercise its disciplinary powers, the case against the respondent must be established by convincing and satisfactory proof. The complainant miserably failed to substantiate his claims with preponderant evidence. In the absence of preponderant evidence, the presumption of innocence of the lawyer subsists and the complaint against him must be dismissed. - **RAUL M. FRANCIA vs. ATTY. REYNALDO V. ABDON, A.C. No. 10031, July 23, 2014, J. Reyes**

It is fundamental that the relationship between a lawyer and his client is highly fiduciary and ascribes to a lawyer a great degree of fidelity and good faith. The highly fiduciary nature of this relationship imposes upon the lawyer the duty to account for the money or property collected or received for or from his client. Hence, it has been held that a lawyer’s failure to return upon demand the funds held by him on behalf of his client gives rise to the presumption that he has appropriated the same for his own use in violation of the trust reposed in him by his client. **CF SHARP CREW MANAGEMENT INCORPORATED vs. NICOLAS TORRES, A.C. No. 10438, September 23, 2014**

[O]ther than his self-serving statements, there is nothing in the records which would support [Sanicas’] claim that he was authorized to receive the payments. Neither is there proof that Viray agreed to pay him additional 25% attorney's fees and reimburse him for all expenses he allegedly incurred in connection with the case. [Sanicas] did not present any document, retainer's agreement, or itemized breakdown of the amount to be reimbursed to support his claim. In any event, even assuming that [Sanicas] was authorized to receive payments, the same does not exempt him from his duty of promptly informing his client of the amounts he received in the course of his professional employment. “The fiduciary nature of the relationship between counsel and client imposes on a lawyer the duty to account for the money or property collected or received for or from the client. He is obliged to render a prompt accounting of all the property and money he has collected for his client.” “The fact that a lawyer has a lien for his attorney's fees on the money in his hands collected for his client does not relieve him from the obligation to make a prompt accounting.” Moreover, a lawyer has no right “to unilaterally appropriate his client's money for himself by the mere fact alone that the client owes him attorney's fees.” **ROLANDO VIRAY vs. ATTY. EUGENIO T. SANICAS, A.C. No. 7337, September 29, 2014, J. Del Castillo**

Sanchez extended a loan to Atty. Torres in the amount of 2,200,000.00. Atty. Torres failed to pay said obligation. This prompted Sanchez to file a complaint for disciplinary action against Atty. Torres. The IBP-CBD and the IBP Board of Governors recommended that Atty. Torres be suspended for 2 years and be ordered to pay the loaned amount. In this regard, the Court ruled that in a previous case, Atty. Torres was already disbarred, therefore he cannot be meted the penalty of suspension. Moreover, the Court cannot sustain, however, the IBP’s recommendation ordering respondent to return the amount of P2,200,000.00 to complainant. In disciplinary proceedings against lawyers, the only issue is whether the officer of the court is still fit to be allowed to continue as a member of the Bar. Our only concern is the determination of respondent’s administrative liability. Our findings have no material bearing on other judicial actions which the parties may choose to file against each other. **ESTRELLA R. SANCHEZ vs. ATTY. NICOLAS C. TORRES, M.D., A.C. No. 10240, November 25, 2014, Per Curiam**

The case is about whether the respondent should be held administratively liable due to the fact that there is a variance between the QCCPO Certifications and the Registry Return Receipts as to the dates of the CA receipt of the notices, decision and resolution by the respondents. The court ruled that there is no clear and convincing evidence to prove that the respondents intentionally and maliciously made it appear that they received the CA notices, decision and resolution later than the dates stated in the QCCPO Certifications. The complainants would like to impress upon the Court that the only logical explanation as to the discrepancy on the dates between the QCCPO Certifications and the Registry Return Receipts was that the respondents must have induced Calucag to alter the true date of receipt by the CA for the purpose of extending the period to file, the otherwise time-barred, motion for reconsideration. Verily, this leap of inference proffered by the complainants is merely anchored on speculation and conjecture and not in any way supported by clear substantial evidence required to justify the imposition of an administrative penalty on a member of the Bar. **RAUL C. LANUZA AND REYNALDO C. RASING** **vs .** **ATTYS. FRANKIE O. MAGSALIN III AND PABLO R. CRUZ, A.C. No. 7687, December 03, 2014, J. Mendoza**

A complaint for disbarment was filed by Arcatomy S. Guari against Atty. Christine Antenor-Cruz Limpin for allegedly filing a false General Information Sheet (GIS) with the Securities and Exchange Commission (SEC). Members of the bar are reminded that their first duty is to comply with the rules of procedure, rather than seek exceptions as loopholes. A lawyer who assists a client in a dishonest scheme or who connives in violating the law commits an act which justifies disciplinary action against the lawyer. **ARCATOMY S. GUARIN vs. ATTY. CHRISTINE A.C. LIMPIN, A.C. No. 10576, January 1, 2015, J. Villarama, Jr**

The petitioners filed an administrative complaint against the respondent. It is the contention of the respondent that the Waiver and Quitclaim signed by the petitioners would bar his administrative prosecution. The Supreme Court ruled that a case of suspension or disbarment may proceed regardless of interest or lack of interest of the complainant. What matters is whether, on the basis of the facts borne out by the record, the charge of deceit and grossly immoral conduct has been proven. This rule is premised on the nature of disciplinary proceedings. A proceeding for suspension or disbarment is not a civil action where the complainant is a plaintiff and the respondent lawyer is a defendant. **SPOUSES WILLIE AND AMELIA UMAGUING** **vs**. **ATTY. WALLEN R. DE VERA**, **A.C. No. 10451, February 04, 2015, J. Perlas-Bernabe**

The moral delinquency that affects the fitness of a member of the bar to continue as such includes conduct that outrages the generally accepted moral standards of the community, conduct for instance, which makes a mockery of the inviolable social institution of marriage. Atty. Catindig’s subsequent marriage during the subsistence of his previous one definitely manifests a deliberate disregard of the sanctity of marriage and the marital vows protected by the Constitution and affirmed by our laws. He exhibited a deplorable lack of that degree of morality required of him as a member of the bar, which thus warrant the penalty of disbarment. **DR. ELMAR O. PEREZ vs.** **ATTY. TRISTAN A. CATINDIG AND ATTY. KAREN E. BAYDO, A.C. No. 5816, March 10, 2015**

A lawyer may be disciplined or suspended for any misconduct, whether in his professional or private capacity, which shows him to be wanting in good moral character, honesty, probity, and good demeanor as to render him unworthy to continue as an officer of the Court. In disciplinary proceedings against members of the bar, only clear preponderance of evidence is required to establish liability.  As long as the evidence presented by complainant or that taken judicial notice of by the Court is more convincing and worthy of belief than that which is offered in opposition thereto, the imposition of disciplinary sanction is justified. The Court has required that a complainant has the onus of proving the charges against respondent by clear, convincing and satisfactory evidence. In the case at bar, there could be no other reason for Atty. Mejica to file the cases against PO1 Caspe other than to get back at him. Thus, we agree that the confluence of circumstances points to Atty. Mejica’s corrupt motive in helping Gaduena in filing cases against Caspe, in violation of Rules 1.03, 1.04 and 10.01 of the CPR. **PO1 JOSE B. CASPE vs.** **ATTY. AQUILINO A. MEJICA, A.C. No. 10679, March 10, 2015**, **J. Villarama, Jr.**

Atty. Gonzales was charged with grave misconduct for forcefully kissing Serrano. The court ruled that Misconduct is a transgression of some established and definite rule of action, more particularly, unlawful behavior or gross negligence by a public officer. The misconduct is considered as grave if it involves additional elements such as corruption or willful intent to violate the law or to disregard established rules, which must be proven by substantial evidence; otherwise, the misconduct is only simple. Corruption, as an element of grave misconduct, consists in the act of an official or fiduciary person who unlawfully and wrongfully uses his station or character to procure some benefit for himself or for another person, contrary to duty and the rights of others. In other words, in grave misconduct, the elements of corruption, clear intent to violate the law, or flagrant disregard of an established rule must be evident. **ATTY. JACINTO C. GONZALESvs. MAILA CLEMEN F. SERRANO, G.R. No. 175433, March 11, 2015, J. Peralta**

When a lawyer knowingly issues a check against insufficient balance, he shall be liable for serious misconduct. **TERESITA B. ENRIQUEZ vs. ATTY. TRINA DE VERA, A.C. No. 8330, March 16, 2015, J. Leonen**

**READMISSION TO THE BAR**

In a petition for reinstatement to the practice of law, the Court will take into consideration his or her character and standing prior to the disbarment, the nature and character of the charge/s for which he or she was disbarred, his or her conduct subsequent to the disbarment, and the time that has elapsed in between the disbarment and the application for reinstatement.

Although the Court believes that the respondent is not inherently lacking in moral fiber as shown by his conduct prior to his disbarment, the passage of more than four (4) years is insufficient to enable the respondent to reflect and to realize his professional transgressions especially when it is the second time that the respondent was accused and was found guilty of gross misconduct. It is the duty of the Court to determine whether he has established moral reformation and rehabilitation, disregarding its feeling of sympathy or pity. **CONRADO N. QUE vs. ATTY. ANASTACIO E. REVILLA, JR., A.C. No. 7054, November 11, 2014**

**NOTARIAL PRACTICE**

Atty. Sanchez-Malit had drafted and notarized a Real Estate Mortgage of a public market stall that falsely named the Jesus as its absolute and registered owner. Atty. Sanchez-Malit conduct amounted to a breach of Canon 1 and Rules 1.01 and 1.02 of the Code of Professional Responsibility which provides "CANON 1 — A lawyer shall uphold the constitution, obey the laws of the land and promote respect for law and for legal processes. Rule 1.01 – A lawyer shall not engage in unlawful, dishonest, immoral or deceitful conduct. Rule 1.02 — A lawyer shall not counsel or abet activities aimed at defiance of the law or at lessening confidence in the legal system." **MERCEDITA DE JESUS vs. ATTY. JUVY MELL SANCHEZ-MALIT, A.C. No. 6470, July 08, 2014, CJ. Sereno**

Notarizing a Deed of Donation in the absence of one of the affiants is an act which contravenes Rule 1.01, Canon 1 of the Code of Professional Responsibility and Section 1 of Public Act No. 2103, or the Notarial Law which mandates that affiants must personally appear to the notary public and corollary, under Section 2(b) of Rule IV of the Rules on Notarial Practice of 2004 stating that a commissioned notary public is enjoined from performing a notarial act unless the affiant is: (1) in his presence at the time of the notarization; and(2) personally known to him or otherwise identified by him through competent evidence of identity as defined by these Rules. **EMERITA B. MAHILUM vs. ATTY. SAMUEL SM. LEZAMA, A.C. No. 10450, July 30, 2014, J. Reyes**

Gaddi alleged that Velasco violated 2004 Rules on Notarial Practice since the latter notarized the document without the consent of Gaddi. The court ruled that a notary public who failed to discharge his duties was meted out the penalty of revocation of his notarial commission, disqualification from being commissioned as a notary public for a period of two years, and suspension from the practice of law for one year. For notarizing a document without ascertaining the identity and voluntariness of the signatory to the document, for affixing his signature in an incomplete notarial certificate, and for dishonesty in his pleadings, Velasco failed to discharge his duties as notary public and breached Canon 1 and Rule 1.01 of the Code of Professional Responsibility. **IMELDA CATO GADDIvs.** **ATTY. LOPE M. VELASCO, A.C. No. 8637, September 15, 2014, C.J. Carpio**

Atty. Felipe was administratively charged for violation of notarial Law. The court ruled that while seemingly appearing to be a harmless incident, Atty Felipe’s act of notarizing documents in a place outside of or beyond the authority granted by his notarial commission, partakes of malpractice of law and falsification. **FELIPE B. ALMAZAN, SR.** **vs.** **ATTY. MARCELO B. SUERTE-FELIPE, A.C. No. 7184, September 17, 2014, J. Perlas-Bernabe**

Atty. Renato Bagay was found guilty of negligence due to the fact that it was he secretary who notarize documents and not him. The court ruled that Atty. Renato C. Bagay must fully bear the consequence of his negligence. A person who is commissioned as a notary public takes full responsibility for all the entries in his notarial register. He cannot relieve himself of this responsibility by passing the buck to his secretary. Because of the negligence of Atty. Renato C. Bagay, the Court also holds him liable for violation of the Code of Professional Responsibility (CPR). His failure to solemnly perform his duty as a notary public not only damaged those directly affected by the notarized documents but also undermined the integrity of a notary public and degraded the function of notarization. He should, thus, be held liable for such negligence not only as a notary public but also as a lawyer. **ATTY. AURELIO C. ANGELES, JR., PROVINCIAL LEGAL OFFICER, BATAAN CAPITOL, BALANGA CITY, BATAAN vs.** **ATTY. RENATO C. BAGAY, A.C. No. 8103, December 03, 2014, J. Mendoza**

Under the rule, only persons who are commissioned as notary public may perform notarial acts within the territorial jurisdiction of the court which granted the commission. Clearly, a notary could not perform notarial functions in the place where he was not commissioned to perform such act. Furthermore, by performing notarial acts without the necessary commission from the court, is a violation, not only his oath to obey the laws particularly the Rules on Notarial Practice, but also Canons 1 and 7 of the Code of Professional Responsibility which proscribes all lawyers from engaging in unlawful, dishonest, immoral or deceitful conduct and directs them to uphold the integrity and dignity of the legal profession, at all times. **RE: VIOLATION OF RULES ON NOTARIAL PRACTICE, A.M. No. 09-6-1-SC, January 21, 2015, J. Mendoza**

The petitioners accused the respondent of notarizing a document that is forged. The Supreme Court ruled that whoever acts as Notary Public must ensure that the parties executing the document be present. Otherwise, their participation with respect to the document cannot be acknowledged. Notarization of a document in the absence of the parties is a breach of duty. **JIMMY ANUDON AND JUANITA ANUDON** **vs**. **ATTY. ARTURO B. CEFRA**, **A.C. No. 5482, February 10, 2015, J. Leonen**

Notarial acts give private documents a badge of authenticity that the public relies on when they encounter written documents and engage in written transactions.  Hence, all notaries public are duty-bound to protect the integrity of notarial acts by ensuring that they perform their duties with utmost care. A notarial register is prima facie evidence of the facts there stated.  It has the presumption of regularity and to contradict the veracity of the entry, evidence must be clear, convincing, and more than merely preponderant. **CRESCENCIANO M. PITOGO** **vs.** **ATTY. JOSELITO TROY SUELLO, A.C. No. 10695, March 18, 2015, J. Leonen**

A notary public must discharge his powers and duties, which are impressed with public interest, with accuracy and fidelity. Good faith cannot be a mitigating circumstance in situations since the duty to function as a notary public is personal. [The Court notes] that the error could have been prevented had Atty. Examen diligently performed his functions: personally checked the correctness of the documents. To say that it was his secretary’s fault reflects disregard and unfitness to discharge the functions of a notary public for it is he who personally acknowledges the document. He was behooved under Sec. 251, Chapter 11 of the Revised Administrative Code to check if the proper cedulas were presented and inspect if the documents to be acknowledged by him reflected the correct details. This Court cannot stress enough that notarization is not a routinary act. It is imbued with substantive public interest owing to the public character of his duties.

In violating the provisions of the Notarial Law, Atty. Examen also transgressed the his oath as a lawyer, provisions of the CPR and Sec. 27, Rule 138 of the Rules of Court. **HEIRS OF PEDRO ALILANO REPRESENTED BY DAVID ALILANO vs. ATTY. ROBERTO E. EXAMEN, A.C. No. 10132, March 24, 2015, J. Villarama, Jr.**

**CANONS OF PROFESSIONAL ETHICS**

Cristobal engaged in the services of Atty. Renta. However, the latter has failed to file petition to the court because such was misplaced. The court ruled that once a lawyer agrees to handle a case, it is that lawyer’s duty to serve the client with competence and diligence. Here, it is beyond doubt that Atty. Renta breached his duty to serve complainant with diligence and neglected a legal matter entrusted to him.  He himself admits that the petition for recognition was not filed, seeks forgiveness from the Court and promises not to repeat his mistake. **MARIANO R. CRISTOBAL vs.** **ATTY. RONALDO E. RENTA**, **A.C. No. 9925, September 17, 2014, J. Villarama Jr.**

Though the agreement entered into by respondent and complainant was denominated as a Deed of Sale with Right to Repurchase, respondent alleges that it is one of equitable mortgage and not one of pacto de retro sale, thus, giving him the legal right to mortgage the subject property to other persons, such being the case, respondent contends that he should not be held administratively liable. The SC however ruled that regardless of whether the written contract between respondent and complainant is actually one of sale with pacto de retro or of equitable mortgage, respondent’s actuations in his transaction with complainant, as well as in the present administrative cases, clearly show a disregard for the highest standards of legal proficiency, morality, honesty, integrity, and fair dealing required from lawyers, for which respondent should be held administratively liable. **FLORENCIO A. SALADAGA vs. ATTY. ARTURO B. ASTROGA, A.C. No. 4697, November 25, 2014, J. Leonardo-De Castro**

Chapter 1, Canon 1, Rule 1.01 of the Code of Professional Responsibility states that: "A lawyer should not engage in an unlawful, dishonest, immoral or deceitful conduct."

Everyone should keep in mind that the practice of law is only a privilege. It is definitely not a right. In order to enjoy this privilege, one must show that he possesses, and continues to possess, the qualifications required by law for the conferment of such privilege. Respondent in the case at bar is a servant of the law and belongs to that profession which society entrusts with the administration of law and the dispensation of justice. For this, he or she is an exemplar for others to emulate and should not engage in unlawful, dishonest, immoral or deceitful conduct. Her delay in the liquidation of the finances of PACE; her running for re-election, including her non-admission that she ran for said election; and her involvement in the approval or passage of the questioned term-end bonus of PACE officers, though she was no longer working in the Judiciary constitutes a violation of Chapter 1, Canon 1, Rule 1.01 of the Code of Professional Responsibility. **PHILIPPINE ASSOCIATION OF COURT EMPLOYEES (PACE), represented by its President, ATTY. VIRGINIA C. RAFAEL** **vs. ATTY. EDNA M. ALIBUTDAN-DIAZ**, **A.C. No. 10134, November 26, 2014, J. Mendoza**

Respondents were charge of malpractice but thereafter the complainants condoned them. The court ruled that the Court cannot just set aside the finding of culpability against the respondents merely because the complainants have decided to forgive them or settle matters amicably after the case was completely evaluated and reviewed by the IBP. The complainants’ forgiveness or even withdrawal from the case does not ipso facto obliterate the misconduct committed by Francisco. To begin with, it is already too late in the day for the complainants to withdraw the disbarment case considering that they had already presented and supported their claims with convincing and credible evidence, and the IBP has promulgated a resolution on the basis thereof. It bears stressing that membership in the bar is a privilege burdened with conditions. It is bestowed upon individuals who are not only learned in law, but also known to possess good moral character. Lawyers should act and comport themselves with honesty and integrity in a manner beyond reproach, in order to promote the public’s faith in the legal profession. **SPOUSES ROGELIO AMATORIO AND AIDA AMATORIO vs. ATTY. FRANCISCO DY YAP AND ATTY. WHELMA F. SITON-YAP, A.C. No. 5914, March 11, 2015, J. Reyes**

When a lawyer receives money from the client for a particular purpose, the lawyer is bound to render an accounting to the client showing that the money was spent for the intended purpose. Consequently, if not used accordingly, the money must be returned immediately to the client.16 As such, a lawyer’s failure to return the money to his client despite numerous demands is a violation of the trust reposed on him and is indicative of his lack of integrity, as in this case. Clearly, respondent failed to exercise such skill, care, and diligence as men of the legal profession commonly possess and exercise in such matters of professional employment and, hence, must be disciplined accordingly. **SHIRLEY OLAYTA-CAMBA vs. ATTY. OTILIO SY BONGON, A.C. No. 8826, March 25, 2015, J. Perlas- Bernabe**

**IBP ELECTIONS**

The "rotation rule" should be applied in harmony with, and not in derogation of, the sovereign will of the electorate as expressed through the ballot. The order of rotation is not a rigid and inflexible rule as to bar its relaxation in exceptional and compelling circumstances. **ATTY. AILEEN R. MAGLANA vs. ATTY. JOSE VICENTE R. OPINION, B.M. No. 2713, June 10, 2014, J. Brion**

**JUDICIAL ETHICS**

**QUALITIES**

**QUALITIES**

**INTEGRITY**

Administrative complaints against members of the judiciary are viewed by the Court with utmost care, for proceedings of this nature affect not only the reputation of the respondents concerned, but the integrity of the entire judiciary as well. Thus, when two court employees accused a Judge of sexual harassment, yet they failed to properly report the incident-with one waiting for 2 years before filing a complaint-and their complaint was unsubstantiated while the Judge presented documentary and testimonial evidence leading to a reasonable conclusion that he could not have committed the sexual advances, then the complaint must be dismissed. **SAMAHAN NG MGA BABAE SA HUDIKATURA (SAMABAHU) vs. JUDGE CESAR O. UNTALAN, Regional Trial Court, Branch 149, Makati City, A.M. No. RTJ-13-2363, February 25, 2015, J. Villarama, Jr.**

**IMPARTIALITY**

In this case, Judge Jacinto, Jr. was directly confronted with an allegation that he arraigned De Jesus, Jr. inside his chambers. He was given the opportunity to answer, but he chose not to delve into it. Ultimately, Judge Jacinto, Jr. did not squarely face the issues being imputed against him, which was quite irregular since it was his name and his capacity as a member of the bench that was being challenged. His silence introduces doubt in the minds of the public, which is not acceptable. Given the exacting standards required of magistrates in the application of the law and procedure, the Court finds Judge Jacinto, Jr. administratively guilty of gross ignorance. Here, the Court cannot fathom why the arraignment of De Jesus, Jr. was postponed from 2007 to 2011 without appropriate action coming from the court. The Code of Judicial Conduct emphasize that judges, as officers of the court, have the duty to see to it that justice is dispensed with evenly and fairly, and they but they must also appear to be honest and impartial in the dispensation of justice. **GASPAR BANDOY vs. JUDGE JOSE S. JACINTO, JR., PRESIDING JUDGE, BRANCH 45, and ACTING PRESIDING JUDGE, A.M. No. RTJ-14-2399, November 19, 2014, J. Mendoza**

**PROPRIETY**

An administrative case was filed against Judge Austria for allegedly committing acts of impropriety by disclosing in her Friendster account her status as an RTC Judge and by posting pictures of her wearing an off-shoulder attire which can be viewed by the public. The Supreme Court, in ruling that Judge Austria is guilty of Impropriety, held that as the visible personification of law and justice, judges are held to higher standards of conduct and thus must accordingly comport themselves. This exacting standard applies both to acts involving the judicial office and personal matters. The very nature of their functions requires behavior under exacting standards of morality, decency and propriety; both in the performance of their duties and their daily personal lives, they should be beyond reproach. **ANTONIO M. LORENZANA vs. JUDGE MA. CECILIA I. AUSTRIA, Regional Trial Court, Branch 2, Batangas City, A.M. No. RTJ-09-2200, April 2, 2014,  J. Brion**

In the absence of showing direct and convincing evidence to prove the alleged bribery, Judge Usman cannot be held guilty of said charge. In the instant case, no evidence was presented showing that Judge Usman in fact accepted or received money or anything from Cui in relation to the subject cases. It is settled that in administrative proceedings, the burden of proof that respondent committed the acts complained of rests on the complainant. . Bare allegation would not suffice to hold respondent liable. **JOSEPHINE JAZMINES TAN vs. JUDGE SIBANAH E. USMAN, A.M. No. RTJ-14-2390, August 13, 2014, J. Peralta**

As a general rule, a judge is prohibited from serving as executor, administrator, trustee, guardian or other fiduciary. The intent of the rule is to limit a judge's involvement in the affairs and interests of private individuals to minimize the risk of conflict with his judicial duties and to allow him to devote his undivided attention to the performance of his official functions. When a member of the bench serves as administrator of the properties of private individuals, he runs the risk of losing his neutrality and impartiality, especially when the interests of his principal conflicts with those of the litigant who comes before his court.

The only exception to this rule as set forth in Rule 5.06 is when the estate or trust belongs to, or the ward is a member of his immediate family, and only if his service as executor, administrator, trustee, guardian or fiduciary will not interfere with the proper performance of his judicial duties. The Code defines "immediate family" as being limited to the spouse and relatives within the second degree of consanguinity. **CONRADO ABE LOPEZ, represented by ATTY. ROMUALDO JUBAY vs. JUDGE ROGELIO S. LUCMAYON, A.M. No. MTJ-13-1837, September 24, 2014, J. Brion**

SC Administrative Circular No. 3-92 states that the Halls of Justice may only be used for functions related to the administration of justice and for no other purpose. It prohibits the use of halls of justice for residential and commercial purposes. Since such use of the court’s premises degrades the honor and dignity of the court in addition to exposing judicial records to danger of loss or damage. Complainant’s evidence had sufficiently established that Mantua used his chambers in the Hall of Justice as his residential and dwelling place.

Immorality has been defined "to include not only sexual matters but also ‘conduct inconsistent with rectitude, or indicative of corruption, indecency, or is willful, or shameless conduct showing moral indifference to opinions of respectable members of the community, and an inconsiderate attitude toward good order and public welfare.’" It was proven that Mantua engaged in an extramarital affair with his mistress. There is no doubt that engaging in an extra marital affair is not only a violation of the moral standards expected of the members and employees of the judiciary but is also a desecration of the sanctity of the institution of marriage which the Court abhors and is, thus, punishable. **DOROTHY FE MAH-AREVALO vs. JUDGE CELSO L. MANTUA, REGIONAL TRIAL COURT OF PALOMPON, LEYTE, BRANCH 17, A.M. No. RTJ-13-2360, November 19, 2014, J. Perlas-Bernabe**

The New Code of Judicial Conduct for the Philippine Judiciary mandates that judges must not only maintain their independence, integrity and impartiality; they must also avoid any appearance of impropriety or partiality, which may erode the people's faith in the Judiciary. Members of the Judiciary should be beyond reproach and suspicion in their conduct, and should be free from any appearance of impropriety in the discharge of their official duties, as well as in their personal behavior and everyday life. **ANTONIO S. ASCAÑO, JR., CONSOLACION D. DANTES, BASILISA A. OBALO, JULIETA D. TOLEDO, JOSEPH Z. MAAC, EMILIANO E. LUMBOY, TITA F. BERNARDO, IGMEDIO L. NOGUERA, FIDEL S. SARMIENTO, SR., DAN T. TAUNAN, AMALIA G. SANTOS, AVELINA M. COLONIA, ERIC S. PASTRANA, AND MARIVEL B. ISON** **vs.** **PRESIDING JUDGE JOSE S. JACINTO, JR., A.M. No. RTJ-15-2405, January 12, 2015, CJ Sereno**

**COMPETENCE AND DILIGENCE**

The Supreme Court has always emphasized the need for judges to decide cases within the constitutionally prescribed 90-day period. Any delay in the administration of justice, no matter how brief, deprives the litigant of his right to a speedy disposition of his case. Not only does it magnify the cost of seeking justice, it undermines the people’s faith and confidence in the judiciary, lowers its standards, and brings it to disrepute. A member of the bench cannot pay mere lip service to the 90-day requirement; he/she should instead persevere in its implementation. Heavy caseload and demanding workload are not valid reasons to fall behind the mandatory period for disposition of cases. The Court usually allows reasonable extensions of time to decide cases in view of the heavy caseload of the trial courts. If a judge is unable to comply with the 90day reglementary period for deciding cases or matters, he/she can, for good reasons, ask for an extension and such request is generally granted. But Judge Bustamante did not ask for an extension in any of these cases. Having failed to decide a case within the required period, without any order of extension granted by the Court, Judge Bustamante is liable for undue delay that merits administrative sanction. In Office of the Court Administrator v. Garcia-Blanco, the Court held that the 90-day reglementary period is mandatory. Failure to decide cases within the reglementary period constitutes a ground for administrative liability except when there are valid reasons for the delay. **OFFICE OF THE COURT ADMINISTRATOR vs. JUDGE BORROMEO BUSTAMANTE, A.M. NO. MTJ-12-1806, April 7, 2014, J. Leonardo-De Castro**

Prompt disposition of cases is attained basically through the efficiency and dedication to duty of judges. If judges do not possess those traits, delay in the disposition of cases is inevitable to the prejudice of the litigants. Accordingly, judges should be imbued with a high sense of duty and responsibility in the discharge of their obligation to administer justice promptly. This is embodied in Rule 3.05, Canon 3 of the Code of Judicial Conduct. Here, it is undisputed that Civil Case No. 212-B was already submitted for resolution on October 17, 2008. Being an ejectment case, it is governed by the Rules of Summary Procedure which clearly sets a period of thirty (30) days from the submission of the last affidavit or position paper within which a decision thereon must be issued. Despite this, Judge Regencia rendered judgment only about two (2) years and four (4) months later, or on February 18, 2011. **GERSHON N. DULANG vs. JUDGE MARY JOCYLEN G. REGENCIA, A.M. No. MTJ-14-1841,** **June 02, 2014, J. Perlas-Bernabe**

Being designated as acting Clerk of Court or OIC, Ms. Miranda had the duties and responsibilities of a Branch Clerk of Court. As such, it was her duty to collect and receive, by herself or through a duly appointed cashier, all monies in payment of all legal fees; as well as to receive deposits, fines, and dues. A Clerk of Court, or an acting Clerk of Court, has the duty to ensure full compliance with the circulars of this Court and the Court Administrator on deposits or collections of court funds. Clerks of Court perform a delicate function as designated custodians of the court’s funds, revenues, records, properties, and premises. As such, they are generally regarded as treasurer, accountant, guard, and physical plant manager thereof.It is the duty of the Clerks of Court to faithfully perform their duties and responsibilities. They are the chief administrative officers of their respective courts. It is also their duty to ensure that the proper procedures are followed in the collection of cash bonds. Clerks of Court are officers of the law who perform vital functions in the prompt and sound administration of justice. Thus, an unwarranted failure to fulfil these responsibilities deserves administrative sanctions and not even the full payment of the collection shortages will exempt the accountable officer from liability. **RE: REPORT ON THE FINANCIAL AUDIT CONDUCTED AT THE MUNICIPAL TRIAL COURT, BALIUAG, BULACAN, A.M. No. P-15-3298, February 04, 2015, CJ. Sereno**

**DISCIPLINE OF MEMBERS OF JUDICIARY**

**LOWER COURT JUDGES AND JUSTICES**

Dishonesty is “the concealment of truth in a matter of fact relevant to one's office or connected with the performance of his duties.  It is an absence of integrity, a disposition to betray, cheat, deceive or defraud, bad faith.”   Dishonesty is also the “disposition to lie, cheat, deceive, or defraud; untrustworthiness; lack of integrity; lack of honesty, probity or integrity in principle; lack of fairness and straightforwardness; disposition to defraud, deceive or betray.”Dishonesty need not be an outright lie.  It can consist of the concealment of the truth. Justice Ong’s representations constitute dishonesty that renders him administratively liable. **RE: ALLEGATIONS MADE UNDER OATH AT THE SENATE BLUE RIBBON COMMITTEE HEARING HELD ON SEPTEMBER 26, 2013 AGAINST ASSOCIATE JUSTICE GREGORY S. ONG, SANDIGANBAYAN, A.M No. SB-14-21-J, September 23, 2014**

Judge Amor failed to comment on the administrative complaint despite being given an opportunity to do so. As aptly pointed out, Judge Amor's failure to file a comment despite all the opportunities afforded him constituted a waiver of his right to defend himself. **OFFICE OF THE ADMINISTRATOR vs. EXECUTIVE JUDGE OWEN B. AMOR, REGIONAL TRIAL COURT, DAET, CAMARINES NORTE, A.M. No. RTJ-08-2140, October 07, 2014, J. Perlas-Bernabe**

Grave misconduct is committed when there has been '"a transgression of some established and definite rule of action, more particularly, unlawful behavior or gross negligence by a public officer.' The misconduct is grave if it involves any of the additional elements of corruption, willful intent to violate the law, or to disregard established rules, all of which must be established by substantial evidence, and must necessarily be manifest in a charge of grave misconduct." In this case, Alcantara and Jacinto admitted to taking and encashing checks of their co-workers without permission. There is no doubt that their acts of repeatedly stealing the checks and forging the signatures of their co-workers constitute grave misconduct and dishonesty. **ANONYMOUS LETTER-COMPLAINT AGAINST REYNALDO C. ALCANTARA, UTILITY WORKER I, BR. 70, AND JOSEPH C. JACINTO, ELECTRICIAN, HALL OF JUSTICE, BOTH OF THE REGIONAL TRIAL COURT, BURGOS, PANGASINAN, A.M. No. P-15-3296,** **February 17, 2015, Per Curiam**

Spouses Sombilon failed to comply with the three-day notice rule and the required proof of service embodied in Sections 4, 5, and 6 of Rule 15 of the Rules of Court, thereby rendering the motion fatally defective. Despite this, Judge Venadas, Sr. still took cognizance of the motion, depriving the other parties of their right to due process. A judge owes the public and the court the duty to know the law by heart and to have the basic rules of procedure at the palm of his hands. **SPOUSES REYNALDO AND HILLY G. SOMBILON vs. ATTY. REY FERDINAND GARAY AND PHILIPPINE NATIONAL BANK, G.R. No. 179914, June 16, 2014, J. Del Castillo**

Judge Flores assumed jurisdiction over the Rule 65 petition assailing Hefti’s order when he should have dismissed the petition for Gandarosa’s failure to exhaust administrative remedies. An employee who questions the validity of his transfer should appeal to the Civil Service Commission per Section 26(3), Chapter 5, Subtitle A, Book V of the Administrative Code of 1987. And even if we assume that the trial court has jurisdiction over Gandarosa’s petition, Section 4, Rule 65 of the Rules of Court requires that the petition must be filed in the Regional Trial Court exercising jurisdiction over the territorial area. But the trial court presided by Judge Flores is within the 12th Judicial Region while the Head Office and Regional Office, Revenue Region No. 16, of the Bureau of Internal Revenue are respectively located in Metro Manila, National Capital Judicial Region, and Cagayan de Oro City. **EFREN T. UY, NELIA B. LEE, RODOLFO L. MENES and QUINCIANO H. LUI vs. JUDGE ALAN L. FLORES, A.M. No. RTJ-12-2332, June 25, 2014, J. Villarama**

Petitioner filed the present complaint against respondent charging him with manifest partiality, gross misconduct, and gross ignorance of the law for declaring him in default despite the pendency of his motion for reconsideration. In dismissing petitioner’s complaint the SC reasoned out that not every error or mistake by a judge in the performance of his official duties as a judge renders him administratively liable. Indeed, no judge can be held administratively liable for gross misconduct, ignorance of the law, or incompetence in the adjudication of cases unless his acts constituted fraud, dishonesty or corruption; or were imbued with malice or ill-will, bad faith, or deliberate intent to do an injustice. **GEORGE T. CHUA** **vs.** **JUDGE FORTUNITO L. MADRONA, A.M. No. RTJ-14-2394, September 1, 2014, J. Bersamin**

Dishonesty has been defined as “the disposition to lie, cheat, deceive, or defraud; untrustworthiness; lack of integrity; lack of honesty, probity or integrity in principle; lack of fairness and straightforwardness; disposition to defraud, deceive or betray. As such, falsification of time records constitutes dishonesty. **OFFICE OF THE COURT ADMINISTRATOR vs. MAY F. HERNANDEZ, Clerk III, RTC, Branch 199, Las Pinas City, A.M. No. P-13-3130, September 22, 2014, J. Peralta**

A judge’s unexplained refusal which clearly called for by the urgency of the matter before him, the plea for provisional liberty who enjoy the right to bail despite the serious offenses they were charged with, can only support that his inaction was a clear sign of his personal bias and prejudice.

For maintaining a relationship with a person not his wife, a Judge crossed the line of a proper and acceptable conduct as a magistrate and a private person. **MARILOU T. RIVERA *vs.* JUDGE JAIME C. BLANCAFLOR, REGIONAL TRIAL COURT, BRANCH 26, STA. CRUZ, LAGUNA, A.M. No. RTJ-11-2290, November 18, 2014**

Misconduct is defined as a transgression of some established and definite rule of action, more particularly, unlawful behavior or gross negligence by a public officer.  The misconduct is grave if it involves any of the additional elements of corruption, willful intent to violate the law, or to disregard established rules, which must be established by substantial evidence. As distinguished from simple misconduct, the elements of corruption, clear intent to violate the law, or flagrant disregard of established rule, must be manifest in a charge of grave misconduct. Corruption, as an element of grave misconduct, consists in the act of an official or fiduciary person who unlawfully and wrongfully uses his station or character to procure some benefit for himself or for another person, contrary to duty and the rights of others. To constitute misconduct, the act or acts must have a direct relation to and be connected with the performance of his official duties.  Considering that the acts complained of, the remarks against Judge Tormis and Francis, were made by Judge Paredes in his class discussions, they cannot be considered as “misconduct.”  They are simply not related to the discharge of his official functions as a judge.  Thus, Judge Paredes cannot be held liable for misconduct, much less for grave misconduct. **JILL M. TORMIS vs. JUDGE MEINRADO PAREDES, A.M. No. RTJ-13-2366, February 04, 2015, J. Mendoza**

The fact that the judge explained his inadvertence was mainly because of the bulk of wok that he had to attend to attend to as the case was brought to him barely a year since he was appointed as judge is of no moment. Judges took an oath to dispense their duties with competence and integrity; to fall short would be a disservice not only to the entire judicial system, but more importantly, to the public. **CHUA KENG SIN *vs.* JUDGE JOB M. MANGENTE, METROPOLITAN TRIAL COURT, BRANCH 54, NAVOTAS CITY, M. No. MTJ-15-1851, February 11, 2015, J. Leonen**

Well-settled is the rule that unless the acts were committed with fraud, dishonesty, corruption, malice or ill-will, bad faith, or deliberate intent to do an injustice, respondent judge may not be held administratively liable for gross misconduct, ignorance of the law or incompetence of official acts in the exercise of judicial functions and duties, particularly in the adjudication of cases. Further, to hold a judge administratively accountable for every erroneous rule or decision he renders would be nothing short of harassment and would make his position doubly unbearable. Thus, Atty. Nambi should not be held accountable for committing an honest mistake or an error in the appreciation of the facts of the case before him. Otherwise every labor arbiter or any judicial or quasi-judicial officer for that matter, would be continually plagued with the possibility of being administratively sanctioned for every honest mistake or error he commits. **YOLANDA A. ANDRES, MINETTE A. MERCADO, AND ELITO P. ANDRES vs.** **ATTY. SALIMATHAR V. NAMBI, A.C. No. 7158, March 09, 2015**, **J. Del Castillo**

**MISCONDUCT OF OTHER COURT PERSONNELS**

In administrative proceedings, substantial evidence is the quantum of proof required for a finding of guilt, and this requirement is satisfied if the employer has reasonable ground to believe that the employee is responsible for the misconduct. In this case, upon being called by the Office of the Bar Confidant (OBC), Tiongson admitted that he indeed brought a digital camera inside the bar examination room. Thus, the Surpreme Court finds that Tiongson’s transgression of the rules issued by the OBC amounts to misconduct. **RE: MELCHOR TIONGSON, HEAD WATCHER, DURING THE 2011 BAR EXAMINATIONS, B.M. No. 2482, April 1, 2014, J. Carpio**

Every employee of the Judiciary should be an example of integrity, uprightness, and honesty. Like any public servant, she must exhibit the highest sense of honesty and integrity not only in the performance of her official duties but also in her personal and private dealings with other people, to preserve the court’s good name and standing. The image of a court of justice is mirrored in the conduct, official and otherwise, of the personnel who work thereat, from the judge to the lowest of its personnel. Court personnel have been enjoined to adhere to the exacting standards of morality and decency in their professional and private conduct in order to preserve the good name and integrity of the courts of justice. Here, Ampong failed to meet these stringent standards set for a judicial employee and does not, therefore, deserve to remain with the Judiciary. **OFFICE OF THE COURT ADMINISTRATOR vs. SARAH P. AMPONG, COURT INTERPRETER III, REGIONAL TRIAL COURT OF ALABEL, SARAN GANI PROVINCE, BRANCH, A.M. No. P-13-3132, June 4, 2014, J. Perlas-Bernabe**

The filing of administrative complaints or just the threats of the filing of such complaints do subvert and undermine the independence of the Judiciary and its Judges. Thus, the Court does not tolerate unwarranted administrative charges brought against sitting magistrates in respect of their judicial actions.

An administrative complaint against a judge is not a substitute for a proper remedy taken in due course to review and undo his acts or omissions done in the performance of his judicial duties and functions. For any litigant to insist otherwise is censurable because the, complaint adversely affects the administration of justice and harms the reputation of a judicial officer.

In this case, the complaint against Judge Gella, being rooted in the denial of Hernandez’s motion for reconsideration (vis-à-vis the denial of Hernandez’s motion to quash the writ of execution), unquestionably related to Judge Gella’s performance of his judicial office, and is for that reason outrightly dismissible. On the other hand, there is no question that Legal Researcher Jintalan’s participation in the implementation of the writ of execution was upon the prior authorization of Judge Gella in order to assist Sheriff Jintalan in her proceedings to implement the writ of execution. Lastly, Sheriff Jintalan is administratively liable for simple neglect of duty. With the implementation of the writ of execution being her purely ministerial duty, Sheriff Jintalan must perform her duty strictly to the letter. She thus knew that the levied personal properties of Hernandez must be kept safely in and under her direct custody, not in and under the custody of any of the parties. **ARGEL D. HERNANDEZ vs.** **JUDGE VICTOR C. GELLA, PRESIDING JUDGE, CLARINCE B. JINTALAN, LEGAL RESEARCHER, and ROWENA B. JINTALAN, SHERIFF IV, ALL FROM THE REGIONAL TRIAL COURT, BRANCH 52, SORSOGON CITY, A.M. No. RTJ-13-2356, June 9, 2014, J. Bersamin**

While it is true that respondent Sahi is merely human and may commit mistakes, there is simply no excuse for making the same mistakes repeatedly despite her superior constantly calling her attention to correct them. Granting that respondent Sahi was not good at using computers in the beginning, she should have taken steps to learn and hone her computer skills which were essential to her work. The conduct and behavior of everyone connected with an office charged with the dispensation of justice, from the presiding judge to the lowliest clerk, must always be beyond reproach and must be circumscribed with the heavy burden of responsibility. **PRESIDING JUDGE JUAN GABRIEL HIZON ALANO, MARY ANNABELLE A. KATIPUNAN, SUZEE WONG JAMOTILLO, ANALIE DEL RIO BALITUNG, EDWINO JAYSON OLIVEROS AND ROBERTO BABAODONO vs. PADMA LATIP SAHI, A.M. No. P-11-302,  June 25, 2014, J. De Castro**

In this case, Capistrano readily admitted to the fact that she indeed falsified the entries in her April and May 2009 bundy cards, and concomitantly, has expressed her remorse and promised not to commit the same. Thus, considering too that said infraction would be Capistrano’s first administrative offense, the Court finds it proper to adopt the OCA’s recommendation to impose against her the penalty of suspension for a period of six (6) months, without pay, and not the supreme penalty of dismissal in view of the mitigating factors attending herein. **OFFICE OF THE COURT ADMINISTRATOR vs. PAZ P. CAPISTRANO, COURT STENOGRAPHER III, REGIONAL TRIAL COURT, QUEZON CITY, BRANCH 224, A.M. No. P-13-3147, July 2, 2014, J. Perlas-Bernabe**

Personal data sheets should be accomplished with candor and truthfulness as the information these sheets contain will be the basis of any appointment to government service. Any false entry in these documents will be considered dishonesty and shall be punishable by dismissal from service. **SELECTION AND PROMOTION BOARD, OFFICE OF THE COURT ADMINISTRATOR vs.**  
**RONALDO D. TACA, CASHIER I, METROPOLITAN TRIAL COURT, OFFICE OF THE CLERK OF COURT, MANILA, A.M. No. P-14-3218, July 8, 2014, Per Curiam**

It is evident from the records that respondent Velez is guilty of habitual absenteeism for incurring unauthorized absences for the period covering 1 January up to 1 December 2011. We also note that Velez was earlier charged for his unauthorized absences and tardiness in 2009. This instant administrative case is therefore the second incursion of respondent Velez. . Under the Revised Rules on Administrative Cases in the Civil Service, frequent unauthorized absences in reporting for duty is classified as a grave offense punishable by suspension of six (6) months and one (1) day to one (1) year for the first offense and dismissal from the service for the second offense. **Re: Report of Judge Rodolfo D. Vapor, Municipal Trial Court in Cities, Tangub City, Misamis Occidental, on the Habitual Absenteeism of Filigrin E. Velez, Jr., Process Server, A.M. No. P-14-3232, August 12, 2014, Per Curiam**

Dishonesty is the disposition to lie, cheat, deceive, defraud, or betray; unworthiness; lack of integrity; lack of honesty, probity, or integrity in principle; and lack of fairness and straightforwardness. It is a malevolent act that makes people unfit to serve the judiciary. Misconduct, on the other hand, is a transgression of some established and definite rule of action, more particularly, unlawful behavior or gross negligence by the public officer. In this case, the OCA correctly found Leonido guilty of Dishonesty and Gross Misconduct for fraudulently intercepting the subject checks through the use of a falsified authorization letter purportedly signed by Empuesto and keeping such checks in his possession without the complainants’ knowledge and authority. The subsequent return of the subject checks to their lawful owners is of no moment as it did not change the unlawful nature of Leonido’s acts which is tantamount to stealing. Thievery, no matter how petty, has no place in the judiciary. **PRESIDING JUDGE JOSE B. LAGADO et al vs. CLERK II BRYAN ANTONIO C. LEONIDO, A.M. No. P-14-3222, August 12, 2014, J. Perlas-Bernabe**

Court personnel tasked with collections of court funds, such as clerk of court, should deposit immediately with the authorized government depositories the funds they have collected. Being the custodian of court funds, it was Melchor's primary responsibility to immediately deposit the funds received by his office with the Land Bank and not to keep the same in his custody. By failing to properly remit the cash collections constituting public funds, Melchor violated the trust reposed in him as the disbursement officer of the Judiciary. Delayed remittance of cash collections constitutes gross neglect of duty because this omission deprives the court of interest that could have been earned if the amounts were deposited in the authorized depository bank. **OFFICE OF THE COURT ADMINISTRATOR vs. ATTY. MARIO N. MELCHOR, JR., FORMER CLERK OF COURT VI, REGIONAL TRIAL COURT, BRANCH 16, NAVAL, BILIRAN (now PRESIDING JUDGE, MUNICIPAL CIRCUIT TRIAL COURT, CALUBIAN-SAN ISIDRO, LEYTE), A.M. No. P-06-2227, August 19, 2014, Per Curiam**

Code of Conduct and Ethical Standards for Public Officers and Employees (Republic Act No. 6713) sets out a policy towards promoting a high standard of ethical responsibility in the public service. It enjoins those in the government service to extend prompt, courteous and adequate service to the public, and, at all times, to respect the rights of others and refrain from doing acts contrary to law, good morals and good customs, among other ideals.

In this case, regrettably, although Atty. Saguyod’s reaction was understandable given the circumstances, he should have still conducted himself in a manner befitting an officer of the court. Atty. Saguyod became rude when Atty. Saguyod turned down his request to get a photocopy of the petition and other court documents. For this, Atty. Saguyod is admonished and warned to be more courteous in his dealings with the public. **JOSE S. VILLANUEVA vs.** **ATTY. PAULINO I. SAGUYOD, CLERK OF COURT VI, REGIONAL TRIAL COURT, BRANCH 67, PANIQUI, TARLAC, A.M. No. P-13-3102, September 8, 2014, J. Peralta**

When a legal researcher who has no authority to accept various amounts of settlement money from party-litigants and kept them in his custody and without issuing any official receipts therefor, he clearly went beyond his duties as a Legal Researcher of the RTC. Having kept the money in his possession and exercised control over it, the legal researcher evidently overstepped his authority and, thus, committed a form of misconduct. However, absent any proof that said actions were tainted with corruption, or with a clear intent to violate the law, or would constitute a flagrant disregard of an established rule – say for instance, by the actual misappropriation of any amount which came to his possession – the legal researcher cannot be held liable for Grave Misconduct but only for Simple Misconduct which is punishable by suspension for a period of one (1) month and one (1) day to six (6) months at the most without pay. **RE: ANONYMOUS LETTER vs.** **JUDGE CORAZON D. SOLUREN, PRESIDING JUDGE, and RABINDRANATH A. TUZON, LEGAL RESEARCHER II, both of BRANCH 91, REGIONAL TRIAL COURT, BALER, AURORA**, **A.M. No. P-14-3217, October 8, 2014, J. Perlas-Bernabe**

Public service requires integrity and discipline. For this reason, public servants must exhibit at all times the highest sense of honesty and dedication to duty. By the very nature of their duties and responsibilities, government employees must faithfully adhere to, hold sacred and render inviolate the constitutional principle that a public office is a public trust; that all public officers and employees must at all times be accountable to the people, serve them with utmost responsibility, integrity, loyalty and efficiency. Improper behavior, especially during office hours, exhibits not only a paucity of professionalism at the workplace, but also great disrespect for the court itself. **IRENEO GARCIA, Record Officer I, MeTC, OCC, Caloocan City vs. Clerk of Court IV ATTY. MONALISA A. BUENCAMINO, et al./EXECUTIVE JUDGE MARIAM G. BIEN, MeTC, Br. 53, Caloocan City vs. IRENEO GARCIA, Record Officer I, et al./Clerk of Court IV ATTY. MONALISA A. BUENCAMINO, et al. vs. IRENEO GARCIA and Utility Woker I HONEYLEE VARGAS GATBUNTON-GUEVARRA, A.M. No. P-09-2691/A.M. No. P-09-2687/A.M. No. P-14-3247. October 13, 2014, J. Mendoza**

The behavior of all employees and officials involved in the administration of justice, from judges to the most junior clerks, is circumscribed with a heavy responsibility. That is why, the Court provides the rule against any form of solicitations of gift or other pecuniary or material benefits or receipts of contributions for himself/herself from any person, whether or not a litigant or lawyer, to avoid any suspicion that the major purpose of the donor is to influence the court personnel in performing official duties.

In the present case, the corrupt practice of respondent in soliciting and receiving bribe money from party litigants on the pretext that they will obtain a favorable judgment undoubtedly degraded the Judiciary and diminished the respect and regard of the people for the court and its personnel. **JUDGE JUAN GABRIEL H. ALANO vs. PADMA L. SAHI, COURT INTERPRETER, MUNICIPAL CIRCUIT TRIAL COURT, MALUSO, BASILAN, A.M. No. P-14-3252, October 14, 2014, En Banc**

An administrative complaint was filed against Fajardo, sheriff of RTC Laguna for dishonesty. In upholding the dismissal of the Fajardo from service, the Court held that dishonesty involves “a disposition to lie, cheat, deceive or defraud; untrustworthiness; lack of integrity, lack of honesty, probity or integrity in principle; lack of fairness and straightforwardness; disposition to defraud, deceive or betray.” The rules consider dishonesty as a grave offense such that the first offense merits dismissal from the service. **JEAN PAUL V. GILLERA, SUZETTE P. GILLERA, ATTY. JILLINA M. GERODIAS, AND IBARRA BARCEBAL vs. MARIA CONSUELO JOIE A. FAJARDO, SHERIFF REGIONAL TRIAL IV, COURT, BRANCH 93, SAN PEDRO, LAGUNA, A.M. No. P-14-3237, October 21, 2014, Per Curiam**

The falsification of an official document like the personal data sheet required for employment in the Judiciary is gross dishonesty, and constitutes a serious administrative offense that warrants the dismissal of the employee. **CONCERNED CITIZENS OF NAVAL, BILIRAN vs. FLORANTE F. RALAR, Court Stenographer III, Regional Trial Court, Branch 37, Caibiran, Biliran, A.M. No. P-14-3278, October 21, 2014, Per Curiam**

An administrative case was filed against Paul Resurreccion, Court Interpreter of RTC Muntinlupa City for usurpation of an official function and illegal exaction. In ruling for the dismissal of the respondent from service, the court ruled that the respondent’s acts of dishonesty, usurpation of official functions and illegal exaction demanded the Court to classify his acts as grave misconduct. In grave misconduct, as distinguished from simple misconduct, the elements of corruption, clear intent to violate the law, or flagrant disregard of established rule must be manifest. Corruption as an element of grave misconduct consisted in his acts of unlawfully or wrongfully using his position or character of his office to procure some benefit for himself or for another, contrary to the rights of others. The collection of the fees had no legal basis whatsoever; hence, his illegal exactions were outrightly and plainly corrupt. Dismissal from the service was called for because of the grave nature of Resurreccion’s offense. **FRUMENCIO E. PULGAR vs. PAUL M. RESURRECCION and MARICAR M. EUGENIO, A.M. No. P-09-2673, October 21, 2014, Per Curiam**

Atty. Tan filed an administrative case against Azcueta. During the investigation of the case, the former failed to appear before the Investigating Judge despite notice. In ruling such failure of Atty. Tan to attend does not warrant the dismissal of the complaint, the court held that the issue in an administrative case is not whether the complainant has a cause of action against the erring court employee, but whether the latter has breached the court's ethical and procedural norms and standards. **ATTY. ALAN A. TAN vs. ELMER S. AZCUETA, Process Server, Regional Trial Court, Branch 22, Imus, Cavite, A.M. No. P-14-3271, October 22, 2014, J. Brion**

To temper the harshness of the rules, however, the Court has refrained from imposing the extreme penalty of dismissal in a number of cases in the presence of mitigating factors. The Court also ruled that where a penalty less punitive would suffice, whatever missteps may be committed by the employee ought not to be visited with a consequence so severe. It is not only for the law’s concern for the workingman; there is, in addition, his family to consider. Unemployment brings untold hardships and sorrows on those dependent on wage earners. Applying the rationale in the aforesaid judicial precedents and rules, the Court considers as mitigating circumstances the fact that this is the first infraction of Obispo and more importantly, the lack of bad faith on his part in committing the act complained of. **LOLITA RAYALA VELASCO vs. GERALDO C OBISPO, A.M. No. P-13-3160, November 10, 2014, J. Reyes**

The Court has ruled, in a number of cases, that the failure to submit the TSNs within the period prescribed under Administrative Circular No. 24-90 constitutes gross neglect of duty. Gross neglect of duty is classified as a grave offense and punishable by dismissal even if for the first offense pursuant to Section 52(A)(2) of Rule IV of the Uniform Rules on Administrative Cases in the Civil Service. Here, it had been sufficiently established that despite the clear provision of Administrative Circular No. 24-90, respondent failed to submit and account for the TSNs assigned to her which makes her liable for gross neglect of duty. **OFFICE OF THE COURT ADMINISTRATOR vs. ISABEL A. SIWA, Stenographer, Metropolitan Trial Court, Branch 16, Manila, A.M. No. P-13-3156, November 11, 2014, J. Velasco Jr.**

A sheriff may be held liable for gross neglect of duty in implementing the Writ of Execution after acknowledging a receipt of a certain amount from a party to the case even if it was allegedly for legal expenses, and there was neither an accounting of the said amount he admittedly received nor a showing that a liquidation was prepared and submitted to the court as required under the rules. Even if the money was given voluntarily**,** such would not absolve respondent sheriff from liability because of his failure to secure the court’s prior approval.

The rules on sheriff’s expenses are clear-cut and do not provide procedural shortcuts. A sheriff cannot just unilaterally demand sums of money from a party-litigant without observing the proper procedural steps otherwise, it would amount to dishonesty and extortion. **FELICIANO O. FRANCIA vs. ROBERTO C. ESGUERRA, Sheriff IV, Regional Trial Court, Branch 14, Davao City, A.M. No. P-14-3272, November 11, 2014, Per Curiam**

According to Judge Quinagoran, the June 9, 2011 order of arrest failed to state a bail bond because Magleo jumped bail by failing to appear in court for hearing on June 8, 2011. The Court finds this acceptable because when an accused fails to appear in person as required, the bond shall be declared forfeited. Also, it is not required by the Rules of Court that the amount of new bail bond be stated in the bench warrant. The Court cannot chastise Judge Quinagoran for an act not required by the Rules. Absent any abuse of discretion, it is sufficient that the bail bond was fixed after Magleo was arrested. Such would be the proper time for the judge to consider whether to increase, decrease or retain the amount of bail based on the guidelines. Magleo also claims that Clerk of Court Atty. Laura and some court personnel were disrespectful in conversing with her bondsman, her son, and her lawyer. While the allegations of Magleo were not fully substantiated, the Court disagrees with the respondents that disrespectful remarks made by court personnel should be tolerated and even considered "justified remarks." The respondents, and all court personnel for that matter, should be reminded that the image of the Judiciary is mirrored in the kind of conduct, official or otherwise, which the personnel within its employ display, from the judge to the lowliest clerk. **ESTHER P. MAGLEO vs. PRESIDING JUDGE ROWENA DE JUAN-QUINAGORAN and BRANCH CLERK OF COURT ATTY. ADONIS LAURE, BOTH OF BRANCH 166, REGIONAL TRIAL COURT, PASIG CITY, A.M. No. RTJ-12-2336, November 12, 2014, J. Mendoza**

The failure of the sheriff to carry out what was a purely ministerial duty, to follow well-established rules in the implementation of court orders and writs, to promptly undertake the execution of judgments, and to accomplish the required periodic reports constituted gross neglect and gross inefficiency in the performance of official duties. **NOVO A. LUCAS vs. ROLANDO A. DIZON, Sheriff IV, Office of the Clerk of Court, Regional Trial Court, Sto. Domingo, Nueva Ecija, A.M. No. P-12-3076 (Formerly OCA l.P.l. No. 11-3612-P), November 18, 2014**

The blocking of the ATM card she surrendered to her creditors and her act of securing a new ATM card from the LBP to avoid payment of her indebtedness constitute dishonesty and conduct unbecoming of a court employee. As an employee of the judiciary, Fernandez is held to the highest ethical standards to preserve the integrity of the courts. These standards include the moral and legal duty to settle contractual obligations when they become due. She has demonstrated her unfitness to be in the judiciary service, thus warranting her dismissal from the service. **ANGELITO P. MIRANDA vs. MA. THERESA M. FERNANDEZ, CLERK III, METROPOLITAN TRIAL COURT, QUEZON CITY, A.M. No. P-14-3270, November 18, 2014, Per Curiam**

Delayed remittance of cash collections constitutes gross neglect of duty because this omission deprives the court of interest that may be earned if the amounts were to be deposited in the authorized depository bank. SC Circular No. 13-92 requires clerks of court to withdraw interest earned on deposits and to remit the same to the account of the JDF within two weeks after the end of each quarter. Delay in the remittance of court’s funds casts a serious doubt on the concerned court employee’s trustworthiness and integrity. **OFFICE OF THE COURT ADMINISTRATOR vs. MRS. AURORA T. ZUNIGA, CLERK OF COURT II, MRS. MINDA H. CERVANTES, STENOGRAPHER 1, both of MUNICIPAL TRIAL COURT (MTC) VIRAC, CATANDUANES, and MR. PEPITO F. LUCERO, INTERPRETER III, REGIONAL TRIAL COURT, Br. 43, VIRAC, CATANDUANES, A.M. No. P-10-2800, November 18, 2014**

The blocking of the ATM card she surrendered to her creditors and her act of securing a new ATM card from the LBP to avoid payment of her indebtedness constitute dishonesty and conduct unbecoming of a court employee. As an employee of the judiciary, Fernandez is held to the highest ethical standards to preserve the integrity of the courts. These standards include the moral and legal duty to settle contractual obligations when they become due. She has demonstrated her unfitness to be in the judiciary service, thus warranting her dismissal from the service*.* **ANGELITO P. MIRANDA *vs.* MA. THERESA M. FERNANDEZ, CLERK III, METROPOLITAN TRIAL COURT, QUEZON CITY, A.M. No. P-14-3270, November 18, 2014, Per curiam**

As a public servant, nothing less than the highest sense of honesty and integrity is expected of the respondent at all time, one should be the personification of the principle that public office is a public trust. By soliciting money from the complainant, she committed a crime and an act of serious impropriety that tarnished the honor and dignity of the judiciary and deeply affected the people’s confidence in it. She committed an ultimate betrayal of the duty to uphold the dignity and authority of the judiciary by peddling influence to litigants, thereby creating the impression that decision can be bought and sold. **ELLA M. BARTOLOME vs. ROSALIE B. MARANAN, COURT STENOGRAPHER III, REGIONAL TRIAL COURT, BRANCH 20, IMUS, CAVITE, A.M. No. P-11-2979, November 18, 2014, Per Curiam**

Sheriffs ought to know that they have a sworn responsibility to serve writs of execution with utmost dispatch. When writs are placed in their hands, it is their ministerial duty to proceed with reasonable celerity and promptness to execute them in accordance with their mandate. Unless restrained by a court order, they should see to it that the execution of judgments is not unduly delayed. Accordingly, they must comply with their mandated ministerial duty as speedily as possible. As agents of the law, high standards are expected of sheriffs. For failing to satisfactorily implement the writ, Raymundo displayed conduct short of the stringent standards required of court employees. He is guilty of simple neglect of duty which is defined as the failure of an employee to give attention to a task expected of him and signifies a disregard of a duty resulting from carelessness or indifference. **MARCIDITO A. MIRANDA vs.** **ERNESTO G. RAYMUNDO, JR., Sheriff III, Metropolitan Trial Court, Branch 74, Taguig City**, **A.M. No. P-13-3163, December 1, 2014, J. Peralta**

 Under the Uniform Rules, willful failure to pay just debts is classified as a light offense with the corresponding penalty of reprimand for the first offense, suspension for one to 30 days for the second offense, and dismissal for the third offense. With respondent Zafra’s indebtedness having been adjudicated with finality by a court of law, her liability under the law is undisputed. Since she committed the offense for the first time, the appropriate penalty is reprimand. However, the conviction of Zafra of criminal offenses requires the imposition of higher penalties. It is clear, therefore, that Zafra should be dismissed from the service for having been convicted by final judgment of Batas Pambansa Blg. 22 violations. Verily, her criminal convictions evinced her absolute unfitness and unworthiness to remain in the service of the Judiciary, a department of the Government that demands from its officers and employees the highest degree of integrity and reputation. **MARIVIC C. VITOR** **vs**. **CAROLINE GRACE ZAFRA, COURT STENOGRAPHER II, METROPOLITAN TRIAL COURT, BRANCH 71, PASIG CITY, A.M. No. P-11-2917, December 2, 2014**

Sheriffs are expected to know the rules of procedure pertaining to their functions as officers of the court, relative to the implementation of writs of execution, and should at all times show a high degree of professionalism in the performance of their duties. Any act deviating from the procedure laid down by the Rules of Court is misconduct that warrants disciplinary action, which may be deemed as Simple Neglect of Duty or even Grave Abuse of Authority. In this case, respondent, as a Sheriff, failed to follow the Rules in executing the judgment in Civil Case No. 345 and in the disposition of the subject truck therefore warranting disciplinary measures. **FELISICIMO\* R. SABIJON and ZENAIDA A. SABIJON vs. BENEDICT\*\* M. DE JUAN, SHERIFF IV, REGIONAL TRIAL COURT OF KABACAN, NORTH COT ABATO, BRANCH 22, A.M. No. P-14-3281, January 8, 2015, J. Perlas-Bernabe**

Section 14, Rule 39 of the Rules of Court requires a sheriff implementing a writ of execution (1) to make and submit a return to the court immediately upon satisfaction in part or in full of the judgment; and (2) if the judgment cannot be satisfied in full, to make a report to the court within 30 days after his receipt of the writ and state why full satisfaction could not be made. In the case at bar, without filing his return on the writ, Sheriff Duca served a notice of auction sale, stating an amount as the rentals-in-arrears due and demandable. The amount was allegedly his erroneous computation of the rentals-in-arrears due because it was not based on the decision of the RTC. Sheriff Duca is guilty of simple misconduct. **CONCHITA S. BAHALA vs. CIRILO DUCA, SHERIFF III, MUNICIPAL CIRCUIT TRIAL COURT IN CITIES, BRANCH 1, CAGAYAN DE ORO CITY, A.M. No. P-08-2465, January 12, 2015, J. Bersamin**

The Court stresses once again that sheriffs play an important role in the administration of justice. As agents of the law, they are called upon to discharge their duties with due care and utmost diligence.In serving the court’s writs and processes and implementing its orders, they cannot afford to err without affecting the integrity of their office and the efficient administration of justice. **JUDGE GODOFREDO B. ABUL, JR.** **vs.** **GEORGE E. VIAJAR, SHERIFF IV, REGIONAL TRIAL COURT, BRANCH 4, BUTUAN CITY, A.M. No. P-11-2940, January 21, 2015, J. Carpio**

Time and time again, the Supreme Court has stressed that those charged with the dispensation of justice - from the presiding judge to the lowliest clerk - are circumscribed with a heavy burden of responsibility. Their conduct at all times must not only be characterized by propriety and decorum but, above all else, must be beyond suspicion. Every employee should be an example of integrity, uprightness and honesty. The inculpatory acts committed by Redoña are so grave as to call for the most severe administrative penalty. Dishonesty and grave misconduct, both being in the nature of a grave offense, carry the extreme penalty of dismissal from service with forfeiture of retirement benefits. **OFFICE OF THE COURT ADMINISTRATOR vs. CONSTANTINO P. REDOÑA, former Clerk of Court II, Municipal Trial Court, Tanauan, Leyte, A.M. No. P-14-3194, January 27, 2015, Per Curiam**

While indeed the failure to pay just debts can, broadly speaking, be considered as a form of misconduct since the legal attribution of that term (misconduct) would cover almost every possible “intentional wrongdoing or deliberate violation of a rule of law or standard of behavior,” the correct classification of respondent’s dereliction should be willful refusal to pay just debts, as it is the latter which specifically constitutes the offense she had committed. When the gravamen of the offense is the unwillingness to pay a just obligation, the more accurate finding would be to hold the errant employee liable for willful failure to pay just debts. **MARY-ANN\* S. TORDILLA, COURT STENOGRAPHER III, REGIONAL TRIAL COURT OF NAGA CITY, CAMARINES SUR, BRANCH 27 vs. LORNA H. AMILANO, COURT STENOGRAPHER III, REGIONAL TRIAL COURT OF NAGA CITY, CAMARINES SUR, BRANCH 61, A.M. No. P-14-3241, February 04, 2015, J. Perlas-Bernabe**

Conduct is prejudicial to the public service if it violates the norm of public accountability and diminishes – or tends to diminish – the people’s faith in the Judiciary. By the habituality and frequency of his unauthorized absences, Sarceno did not live up to the degree of accountability, efficiency, and integrity that the Judiciary has required of its officials and employees. His position as Clerk III was essential and indispensable to the Judiciary’s primary mandate of the proper administration of justice. This mandate dictated that he as a court employee should devote his office hours strictly to the public service, if only to repay and serve the people whose taxes were used to maintain the Judiciary. His habitual absenteeism severely compromised the integrity and image that the Judiciary sought to preserve, and thus violated this mandate. **LEAVE DIVISION – O.A.S., OFFICE OF THE COURT ADMINISTRATOR vs. TYKE J. SARCENO, A.M. No. P-11-2930, February 17, 2015, Per Curiam**

Dishonesty is the "disposition to lie, cheat, deceive, or defraud; untrustworthiness; lack of integrity; lack of honesty, probity or integrity in principle; lack of fairness and straightforwardness; disposition to defraud, deceive or betray." Upon examination of Dawang's photograph on the picture-seat plan of the August 18, 1996 Career Service Professional Examination and her photographs on her Personal Data Sheets, the individual whose picture appears on the picture-seat plan is not Dawang. Allowing another person to take the examination on one's behalf is an act of dishonesty. **CIVIL SERVICE COMMISSION, AS REPRESENTED BY DIRECTOR IV MARIA LETICIA G. REYNA vs. JOVILYN B. DAWANG, A.M. No. P-15-3289,** **February 17, 2015, Per Curiam**

Court agree with the OCA findings that Contreras’s act of affixing her signature to the jurat portion of the administrative complaint prepared by her father had no direct relation to her work as the then clerk of court of RTC–Iriga City. The power of ex officio notaries public has been limited to notarial acts connected to the exercise of their official functions and duties. This means that they have no longer had the authority to notarize documents that do not bear any relation to the performance of their official functions. Any one of them who does so would be committing an unauthorized notarial act, which amounts to engaging in the unauthorized practice of law and abuse of authority. While we agree with her that ex officio notaries public are not authorized to perform a notarial act in relation to private documents, the applicable test is not based merely on the nature of the transaction as private, but also on the relationship between the document and the official functions and duties of the ex officio notary public. **BENITO B. NATE vs. JUDGE LELU P. CONTRERAS, BRANCH 43, REGIONAL TRIAL COURT, VIRAC, CATANDUANES, A.M. No. RTJ-15-2406, February 18, 2015, CJ. Sereno**

The Court cannot tolerate non-submission of financial reports, non-reporting and non-deposit of collections, undue delay in the deposit of collections, unauthorized withdrawal, and non-explanation of incurred shortages and undeposited collections.  Said infractions certainly constitute gross negligence, dishonesty, and grave misconduct which are serious offenses that deserve the penalty of dismissal under Section 52, Rule IV of the Civil Service Uniform Rules on Administrative Cases. Consequently, respondent, for violating the trust reposed upon her as a collecting officer of the judiciary, the SC affirmed the recommendation of the OCA to dismiss respondent from service. **OFFICE OF THE COURT ADMINISTRATOR** **vs. CLERK OF COURT EMMANUELA A. REYES, MUNICIPAL TRIAL COURT, BANI, PANGASINAN, A.M. No. P-10-2872, February 24, 2015, Per Curiam**

The role that Sheriffs play in the dispensation of justice is pivotal. They serve as the agents to ensure that arduous and painstaking court proceedings will result in a final execution. It is incumbent upon them to act in a manner fitting of the dignity of their office as employees of the judiciary.

Respondent in the case at bar demanded that complainant give him money before he would implement the Writ of Execution which under the law is his duty to perform. For doing so, the SC found him guilty of guilty of gross misconduct. Consequently, respondent was dismissed from service. [**ASTORGA AND REPOL LAW OFFICES, REPRESENTED BY ATTY. ARNOLD B. LUGARES vs. ALEXANDER D. VILLANUEVA, SHERIFF IV, REGIONAL TRIAL COURT, BRANCH 60, MAKATI CITY**](http://sc.judiciary.gov.ph/pdf/web/viewer.html?file=/jurisprudence/2015/february2015/P-09-2668.pdf), **A.M. No. P-09-2668, February 24, 2015, Per Curiam**