

EN BANC

A.C. No. 11149 – LAURENCE D. PUNLA and MARILYN SANTOS,
complainants, v. ATTY. ELEONOR MARAVILLA-ONA, *respondent*.

Promulgated:

August 15, 2017

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[Signature]-----x

SEPARATE OPINION

LEONEN, J.:

I concur with the ponencia's findings but vote to still impose the penalty of disbarment on respondent. I am aware that she has already been disbarred.

The majority found that respondent's acts merited the penalty of disbarment but that this Court cannot disbar her again as she was already disbarred by virtue of *Suarez v. Maravilla-Ona*.¹

In the past, this Court has imposed the penalty of suspension on lawyers who have already been disbarred. In *Sanchez v. Torres*,² for the purpose of recording the case in the respondent's personal file in the Office of the Bar Confidant, this Court suspended him for two (2) years even though he had been disbarred in an earlier case.³ Likewise, in *Paras v. Paras*,⁴ the respondent was penalized with suspension for six (6) months, although the Court acknowledged that the suspension could no longer be effectuated due to his previous disbarment.⁵

Paras adopted the reasoning in *Sanchez* that the penalty should still be meted out for recording with the Office of the Bar Confidant. If a disbarred lawyer may later be penalized with suspension for another complaint, then it stands to reason that disbarment may also still be imposed.

The imposition of a penalty is distinct from its service, although these concepts are related.⁶

¹ A.C. No. 11064, September 27, 2016,
<<http://sc.judiciary.gov.ph/pdf/web/viewer.html?file=/jurisprudence/2016/september2016/11064.pdf>>
[Per Curiam, En Banc].

² 748 Phil. 18 (2014) [Per Curiam, En Banc].

³ Id. at 24.

⁴ A.C. No. 5333, March 13, 2017,
<<http://sc.judiciary.gov.ph/pdf/web/viewer.html?file=/jurisprudence/2017/march2017/5333.pdf>> [Per J.
Perlas-Bernabe, First Division].

⁵ Id. at 7.

⁶ *People v. Peralta*, 134 Phil. 703, 731 (1968) [Per Curiam, En Banc].

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In criminal law, this Court has adopted the legal fiction that courts may sentence a person convicted of multiple offenses with the penalties corresponding to each offense, even if the law enforces a maximum duration on the convict's service of the sentences imposed.⁷ Thus, in *People v. Peralta*,⁸ it was emphasized that courts shall impose as many penalties as there are separate and distinct offenses committed, charged, and proved. Each offense carries its own individual penalty. That the service of penalties may be impossible or impractical should not deter courts from imposing those prescribed by law or jurisprudence.⁹ Far from being a useless formality, the imposition of multiple penalties emphasizes the reprehensible character of the convict's acts. It serves as a warning against an improvident grant of clemency to the offender in the future.¹⁰

In the same way, the imposition of the penalty of disbarment on a previously disbarred lawyer has meaningful consequences. While disbarred lawyers cannot be disbarred again, they may simultaneously serve multiple penalties of disbarment already imposed, akin to the service of multiple penalties of disqualification from public office, profession, calling, or exercise of the right to suffrage.¹¹ As stated in *Sanchez and Paras*, the penalty imposed shall be recorded in the respondent's file in the Office of the Bar Confidant. It is a warning to the bench and bar that the acts committed by the lawyer are anathema to the legal profession, meriting the most severe sanctions.

The imposition of the proper penalty also does justice to those the lawyer has wronged. It communicates to them that her transgressions of her oath as a lawyer and against the canons of the legal profession are not tolerated by this Court. Past serious offenses by the same lawyer should not amount to a mitigation of the penalty to be imposed. If they amount to anything, past transgressions should be aggravating.

Furthermore, multiple penalties will signal to this Court and to the

⁷ See REV. PEN. CODE, art. 70, which states:

Art. 70. *Successive service of sentences.* – When the culprit has to serve two or more penalties, he shall serve them simultaneously if the nature of the penalties will so permit; otherwise, the following rules shall be observed:

In the imposition of the penalties, the order of their respective severity shall be followed so that they may be executed successively or as nearly as may be possible, should a pardon have been granted as to the penalty or penalties first imposed, or should they have been served out.

.....
Notwithstanding the provisions of the rule next preceding, the maximum duration of the convict's sentence shall not be more than three-fold the length of time corresponding to the most severe of the penalties imposed upon him. No other penalty to which he may be liable shall be inflicted after the sum total of those imposed equals the said maximum period.

Such maximum period shall in no case exceed forty years.

⁸ 134 Phil. 703, 731 (1968) [Per Curiam, En Banc].

⁹ Id. at 731.

¹⁰ Id.

¹¹ *In The Matter of the Petition for Habeas Corpus of Pete C. Lagran*, 415 Phil. 506, 510 (2001) [Per J. Puno, First Division].

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public that clemency may not be granted should the respondent request for it in the future.

Respondent's blatant disregard of her oath as a lawyer and the Code of Professional Responsibility in this case demands her disbarment. The penalty for her acts should not be mitigated in any form whatsoever.

ACCORDINGLY, I vote to hold Atty. Eleonor Maravilla-Ona **GUILTY** of gross and continuing violation of the Code of Professional Responsibility. I vote that she be **DISBARRED** from the practice of law and that she be **ORDERED TO PAY** complainants the amount of ₱350,000.00 with twelve percent (12%) interest from the date of demand until June 30, 2013 and six percent (6%) *per annum* from July 1, 2013 until full payment.



MARVIC M.V. F. LEONEN
Associate Justice