



## Republic of the Philippines Supreme Court Manila

## **EN BANC**

EDUARDO B. MANALANG,

A.C. No. 12079

Complainant,

-versus-

Present:

PERALTA, Chief Justice,

PERLAS-BERNABE,

LEONEN,

CAGUIOA,

GESMUNDO,

HERNANDO,

CARANDANG,

LAZARO-JAVIER,\*

INTING,\*

ZALAMEDA,\*

LOPEZ,

DELOS SANTOS,

GAERLAN, and

ROSARIO. JJ.

ATTY. CRISTINA **BENOSA** 

**Promulgated:** 

November 10, 2020

BUENDIA,

Respondent.

RESOLUTION

## PER CURIAM:

Before us is a disbarment complaint against Atty. Cristina Benosa Buendia (Atty. Buendia) for allegedly deceiving complainant Eduardo B.

On official leave.

On official leave.

On official leave.

Manalang (Manalang) in connection with the latter's petition for nullity of his marriage.

Sometime in 2011, Manalang engaged the services of Atty. Buendia for the declaration of nullity of his marriage. Atty. Buendia told Manalang that the proceeding usually lasts from one (1) to two (2) years, but with her services, it can be hastened to six (6) months to one (1) year. Manalang hesitated at first, but Atty. Buendia assured him that everything was legal. Thus, an agreement was made where Manalang would pay legal fees amounting to \$\frac{1}{2}\$275,000.00 plus documentation and out of pocket expenses.\frac{1}{2}\$

On two (2) separate dates, Manalang paid ₱10,000.00 and ₱15,000.00, for the full payment of the acceptance fee. He also made a partial payment for the proceedings amounting to ₱120,000.00. On another date, Manalang met with Atty. Buendia in Chowking at San Juan to pay ₱30,000.00 representing legal fees.²

When Manalang followed up on the status of the case sometime in April 2012, Atty. Buendia assured him that everything was going smoothly. At that time, Manalang manifested that if there were problems in expediting the resolution of the case, he was willing to go through the usual process even if it takes longer. However, Atty. Buendia replied: "Ed, hindi na pwede kasi magbabayad na naman ikaw niyan. Di bale maiksing panahon na lang naman, matatapos na din." She then told him to put his trust and confidence in her.<sup>3</sup>

From June to September 2012 Manalang tried to contact Atty. Buendia to follow-up his case but she never answered his calls. Manalang also visited Atty. Buendia's office three times but she was always unavailable.<sup>4</sup>

On September 7, 2012, Atty. Buendia eventually agreed to meet Manalang in the office of one Atty. Neil Salazar (Atty. Salazar) located along Visayas Avenue. During the meeting, Manalang learned from Atty. Buendia that Atty. Salazar was actually the one handling his case. He also found out that his case was filed in Ballesteros, Cagayan. Atty. Buendia explained that she and Atty. Salazar knew someone in Cagayan who can help them, and that they will get results by November 6, 2012. She also promised that she will update Manalang within 15 days, but never did.<sup>5</sup>

Rollo, pp. 2–3.

<sup>&</sup>lt;sup>2</sup> Id. at 3.

<sup>&</sup>lt;sup>3</sup> Id. at 3–4.

<sup>&</sup>lt;sup>4</sup> Id. at 4.

<sup>&</sup>lt;sup>5</sup> Id.

Resolution 3 A.C. No. 12079

Manalang tried to contact Atty. Buendia from September 22, 2012 to April 2013, to no avail. It was only on April 15, 2013 that Atty. Buendia messaged Manalang to say the annulment case was finally resolved and the decision was already available. However, Manalang remained doubtful of his case being filed because he was never furnished a copy of the decision.<sup>6</sup>

On April 28, 2013, Manalang met Atty. Buendia in her office in Kamuning and asked for a copy of the decision. Atty. Buendia initially refused, but when Manalang insisted, she hesitatingly gave him a copy of a decision rendered by the 33<sup>rd</sup> Branch of the Regional Trial Court in Ballesteros, Cagayan dated December 28, 2011.<sup>7</sup>

The caption in the decision said that the case is for "Declaration of Nullity" entitled "Eduardo B. Manalang, Petitioner versus Rosa Brutas-Manalang" docketed as "Civil Case No. 33-268-2010." Atty. Buendia also gave Manalang a copy of a Certificate of Finality dated February 17, 2012, from the same court.<sup>8</sup>

Afterwards, Atty. Buendia demanded ₱50,000.00 for processing the registration of the nullity with the National Statistics Office, an amount which Manalang deposited to Atty. Buendia's BPI Account on May 10, 2013. By that time, Manalang already paid a total of ₱225,000.00.9

When Manalang inspected the decision, he observed that it contained fabricated details regarding his marriage, such as physical violence allegedly inflicted on him. He also noticed that the facts therein were different from what he had narrated to Atty. Buendia. These made him doubt the veracity of the documents.<sup>10</sup>

Manalang then contacted Atty. Buendia to clarify the discrepancies in the decision. He made at least 50 phone calls and 40 text messages to Atty. Buendia from May 2013 to January 2014, but she never responded. Manalang also visited Atty. Buendia's office in Kamuning four (4) times, but she never showed up.<sup>11</sup>

This made Manalang grow even more suspicious which is why he took it upon himself to go to Ballesteros, Cagayan to find out the status of his case. There, he learned that there was "absolutely no case filed for the

<sup>6</sup> Id. at 5.

<sup>&</sup>lt;sup>7</sup> Id.

<sup>8</sup> Id

Id. at 5–6.

<sup>&</sup>lt;sup>10</sup> Id. at 6.

<sup>&</sup>lt;sup>11</sup> Id.

Resolution 4 A.C. No. 12079

dissolution of [his] marriage."<sup>12</sup> As soon as he found out, he contacted Atty. Buendia but she never responded.<sup>13</sup>

On June 27, 2014, Manalang filed a Complaint<sup>14</sup> against Atty. Buendia before the Integrated Bar of the Philippines.

In her Answer,<sup>15</sup> Atty. Buendia said that she has never handled a nullity case before and for this reason, she referred Manalang to Atty. Neil Tabbu (Atty. Tabbu). She claimed that Manalang insisted on not appearing in the proceedings—something she did not take seriously as she advised Manalang to talk to Atty. Tabbu instead.<sup>16</sup>

Atty. Buendia also alleged that she only agreed to be an intermediary between Manalang and Atty. Tabbu who practices in Cagayan. She said they also agreed that Atty. Tabbu will handle the case for ₱275,000.00.<sup>17</sup>

Atty. Buendia admitted to receiving the following payments: (a) ₱10,000.00 and ₱15,000.00 acceptance fees; (b) ₱120,000.00 partial payment for nullity proceedings; and (c) ₱30,000.00 legal fees. However, she claimed she only received these as an intermediary and not as the lawyer of Manalang.<sup>18</sup>

Further, Atty. Buendia averred that she updated Manalang of the status of his case, but only as relayed to her by Atty. Tabbu. As to Manalang's allegation that no case was filed, Atty. Buendia stated that she has no knowledge as to the truthfulness of this claim. She further asserted that Manalang long knew that a different lawyer was handling the case.

She also disavowed giving a copy of the decision, and the Certificate of Finality to Manalang.<sup>22</sup> Further, she denied demanding an additional ₱50,000.00 for the registration of the nullity in the National Statistics Office.<sup>23</sup> She averred that no payments accrued to her as the amount formed part of the payment for Atty. Tabbu and it was deposited in her account only because she agreed to be an intermediary.<sup>24</sup>

<sup>&</sup>lt;sup>12</sup> Id.

<sup>&</sup>lt;sup>13</sup> Id.

<sup>&</sup>lt;sup>14</sup> Id. at 2–7.

<sup>15</sup> Id. at 25–28.

<sup>&</sup>lt;sup>16</sup> Id. at 25–26.

<sup>&</sup>lt;sup>17</sup> Id.

<sup>18</sup> Id. at 26 and 3.

<sup>&</sup>lt;sup>19</sup> Id.

<sup>&</sup>lt;sup>20</sup> Id. at 59.

<sup>&</sup>lt;sup>21</sup> Id. at 26.

<sup>&</sup>lt;sup>22</sup> Id. at 27.

<sup>&</sup>lt;sup>23</sup> Id.

<sup>&</sup>lt;sup>24</sup> Id.

The Integrated Bar of the Philippines Investigating Commissioner<sup>25</sup> found that Atty. Buendia violated Canon 1, Rule 1.01, and Canon 18, Rules 18.03 and 18.04, of the Code of Professional Responsibility and recommended the penalty of disbarment for gross misconduct.

This was adopted by the Integrated Bar of the Philippines Board of Governors<sup>26</sup> which recommended Atty. Buendia's disbarment for her "failure to file a case of annulment of marriage despite receipt of acceptance fee from her client in the amount of ₱270,000.00."<sup>27</sup> In addition, the Board of Governors reasoned that she should be disbarred "for her production of a spurious decision with certificate of finality from the court."<sup>28</sup>

Atty. Buendia moved for reconsideration, but it was denied.<sup>29</sup>

For resolution is the issue of whether or not respondent Atty. Buendia should be disbarred for her misrepresentations and for deceiving her client.

In Zaldivar v. Sandiganbayan,<sup>30</sup> this Court explained the burdens ascribed to the practice of law. At all times, members of the legal profession must remain highly ethical and should observe faithful compliance with the rules of the profession. Failure to dispense these duties results in this Court's exercise of its ultimate power of disciplining errant members:

[T]he practice of law is a privilege burdened with conditions. Adherence to the rigid standards of mental fitness, maintenance of the highest degree of morality and faithful compliance with the rules of the legal profession are the conditions required for remaining a member of good standing of the bar and for enjoying the privilege to practice law.

The Supreme Court, as guardian of the legal profession, has ultimate disciplinary power over attorneys. This authority to discipline its members is not only a right, but a bounden duty as well. The Court cannot, and will not, tolerate any outbursts from its members without running the risk of disorder, chaos and anarchy in the administration of justice. That is why respect and fidelity to the Court is demanded of its members "not for the sake of the temporary incumbent of the judicial office, but for the maintenance of its supreme importance." (Emphasis supplied)

This Court's authority to discipline the members of the legal profession arises from its constitutional prerogative to regulate the practice

Id. at 52–63. The September 4, 2015 Report and Recommendation was penned by Investigating Commissioner Oscar Leo S. Billena of the Integrated Bar of the Philippines.

Id. at 79–80. The May 28, 2016 Resolution No. XXII-2016-327 was adopted by the Board of Governors of the Integrated Bar of the Philippines.

<sup>&</sup>lt;sup>27</sup> Id.

<sup>&</sup>lt;sup>28</sup> Id

<sup>&</sup>lt;sup>29</sup> Id. at 77–78.

<sup>&</sup>lt;sup>30</sup> G.R. No. 79690–707, 80578 (1989) [Per J. Campos, Jr., En Banc].

<sup>&</sup>lt;sup>31</sup> Id

of law.<sup>32</sup> Moreover, the "power to discipline attorneys, who are officers of the court, is an inherent and incidental power in courts of record, and one which is essential to an orderly discharge of judicial functions."<sup>33</sup>

Rule 138, Section 27 of the Rules of Court enumerates the grounds for disbarment or suspension of lawyers:

SECTION 27. Attorneys removed or suspended by Supreme Court on what grounds. — A member of the bar may be removed or suspended from his office as attorney by the Supreme Court for any deceit, malpractice, or other gross misconduct in such office, grossly immoral conduct, or by reason of his conviction of a crime involving moral turpitude, or for any violation of the oath which he is required to take before the admission to practice, or for a willful disobedience of any lawful order of a superior court, or for corruptly or willful appearing as an attorney for a party to a case without authority so to do. The practice of soliciting cases at law for the purpose of gain, either personally or through paid agents or brokers, constitutes malpractice.<sup>34</sup>

In dealing with clients, Canon 1 of the Code of Professional Responsibility states that a lawyer shall uphold the law and promote respect for law and the legal processes. This Canon is comprised of four (4) rules:

CANON 1 - A LAWYER SHALL UPHOLD THE CONSTITUTION, OBEY THE LAWS OF THE LAND AND PROMOTE RESPECT FOR LAW OF AND 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.

Rule 1.03 - A lawyer shall not, for any corrupt motive or interest, encourage any suit or proceeding or delay any man's cause.

Rule 1.04 - A lawyer shall encourage his clients to avoid, end or settle a controversy if it will admit of a fair settlement.<sup>35</sup>

The duty of a lawyer to uphold the Constitution, obey the laws of the land, and promote respect for law and legal processes<sup>36</sup> demands that he or she shall "not engage in unlawful, dishonest, immoral or deceitful conduct." *Saladaga v. Astorga*<sup>38</sup> explains:

CONST., art. VIII, sec. 5(5).

In re: Almacen v. Yaptinchay, G.R. No. L-27654, February 18, 1970, 31 SCRA 562, 597 [Per J. Castro, First Division].

RULES OF COURT, Rule 138, sec. 27.

<sup>&</sup>lt;sup>35</sup> CODE OF PROFESSIONAL RESPONSIBILITY, Canon 1

<sup>&</sup>lt;sup>36</sup> CODE OF PROFESSIONAL RESPONSIBILITY, Canon 1.

<sup>&</sup>lt;sup>37</sup> CODE OF PROFESSIONAL RESPONSIBILITY, Rule 1.01.

<sup>&</sup>lt;sup>38</sup> 748 Phil. 1 (2014), [Per J. Leonardo-De Castro, En Banc].

Any act or omission that is contrary to, prohibited or unauthorized by, in defiance of, disobedient to, or disregards the law is "unlawful." "Unlawful" conduct does not necessarily imply the element of criminality although the concept is broad enough to include such element.

To be "dishonest" means the disposition to lie, cheat, deceive, defraud or betray; be untrustworthy; lacking in integrity, honesty, probity, integrity in principle, fairness and straightforwardness. On the other hand, conduct that is "deceitful" means as follows:

Having the proclivity for fraudulent and deceptive misrepresentation, artifice or device that is used upon another who is ignorant of the true facts, to the prejudice and damage of the party imposed upon. In order to be deceitful, the person must either have knowledge of the falsity or acted in reckless and conscious ignorance thereof, especially if the parties are not on equal terms, and was done with the intent that the aggrieved party act thereon, and the latter indeed acted in reliance of the false statement or deed in the manner contemplated to his injury.<sup>39</sup> (Citations omitted)

As members of the legal profession, lawyers are bound to respect and uphold the law at all times. They must be honest with their dealings, especially with respect to their clients. In *Caballero v. Sampana*:<sup>40</sup>

Rule 1.01 of the Code of Professional Responsibility states that "a lawyer shall not engage in unlawful, dishonest, immoral or deceitful conduct." As such, membership in the legal profession is a privilege that is bestowed upon individuals who are not only learned in law, but are also known to possess good moral character. Lawyers must conduct themselves beyond reproach at all times, whether they are dealing with their clients or the public at large, and a violation of the high moral standards of the legal profession justifies the imposition of the appropriate penalty, including suspension and disbarment. Thus, while the Court has emphasized that the power to disbar is always exercised with great caution and only for the most imperative reasons or cases of clear misconduct affecting the standing and moral character of the lawyer as an officer of the court and member of the Bar, it has, likewise, underscored the fact that any transgression, whether professional or non-professional, indicating unfitness for the profession justifies disciplinary action, as in the case of the respondent.

Section 27, Rule 138 of the Rules of Court provides that a member of the Bar may be disbarred or suspended from his office as attorney by the Supreme Court for any deceit, malpractice, or other gross misconduct in such office. Gross misconduct has been defined as any inexcusable, shameful or flagrantly unlawful conduct on the part of the person involved in the administration of justice, conduct that is prejudicial to the rights of the parties, or to the right determination of the cause.<sup>41</sup>

<sup>41</sup> Id

<sup>&</sup>lt;sup>39</sup> Id. at 13.

<sup>&</sup>lt;sup>40</sup> A.C. No. 10699, October 6, 2020 [Per Curiam, En Banc].

This Court will not hesitate to mete out the grave penalty of disbarment if a lawyer is found guilty of misrepresentation and deception of his or her client.

Madria v. Rivera<sup>42</sup> has analogous circumstances to this case. In Madria, petitioner obtained the legal services of respondent to help her with the annulment of her marriage. Respondent guaranteed he can obtain the decree of annulment without petitioner appearing in court. Months later, respondent informed petitioner that her petition had been granted and provided her a copy of the decision and a certificate of finality.

Petitioner's husband in that case, however, filed a complaint against her for allegedly fabricating the decision for the annulment of her marriage. It was then that petitioner learned that the decision and the certificate of finality were fabricated. Upon inquiring with the court, she found that her petition for annulment was actually dismissed and the signature in the alleged decision presented by respondent was forged.

In *Madria*, this Court disbarred respondent and explained that his act "not only violates the court and its processes, but also betrays the trust and confidence reposed in him by his client[.]"<sup>43</sup> Therefore, disbarment was meted out for his failure to maintain and uphold the integrity of the Law Profession.<sup>44</sup> In that case this Court held:

The respondent directly contravened the letter and spirit of Rules 1.01 and 1.02, Canon 1, and Rule 15.07, Canon 15 of the Code of Professional Responsibility[.]

The respondent would shift the blame to his client. That a lay person like the complainant could have swayed a lawyer like the respondent into committing the simulations was patently improbable. Yet, even if he had committed the simulations upon the client's prodding, he would be no less responsible. Being a lawyer, he was aware of and was bound by the ethical canons of the Code of Professional Responsibility, particularly those quoted earlier, which would have been enough to deter him from committing the falsification, as well as to make him unhesitatingly frustrate her prodding in deference to his sworn obligation as a lawyer to always act with honesty and to obey the laws of the land. Surely, too, he could not have soon forgotten his express undertaking under his Lawyer's Oath to "do no falsehood, nor consent to its commission." Indeed, the ethics of the Legal Profession rightly enjoined every lawyer like him to act with the highest standards of truthfulness, fair

<sup>42 806</sup> Phil. 774 (2017), [Per Curiam, En Banc].

<sup>&</sup>lt;sup>43</sup> Id. at 777.

<sup>44</sup> Id. at 785-786.

play and nobility in the course of his practice of law. As we have observed in one case:

Public confidence in law and lawyers may be eroded by the irresponsible and improper conduct of a member of the bar. Thus, a lawyer should determine his conduct by acting in a manner that would promote public confidence in the integrity of the legal profession. Members of the Bar are expected to always live up to the standards embodied in the Code of Professional Responsibility as the relationship between an attorney and his client is highly fiduciary in nature and demands utmost fidelity and good faith.

Falsifying or simulating the court papers amounted to deceit, malpractice or misconduct in office, any of which was already a ground sufficient for disbarment under Section 27, Rule 38 of the Rules of Court. The moral standards of the Legal Profession expected the respondent to act with the highest degree of professionalism, decency, and nobility in the course of their practice of law. That he turned his back on such standards exhibited his baseness, lack of moral character, dishonesty, lack of probity and general unworthiness to continue as an officer of the Court. (Citations omitted)

Similarly, in *Billanes v. Latido*,<sup>46</sup> this Court disbarred a lawyer for similar misrepresentation and deceitful acts.

In *Billanes*, petitioner engaged the services of respondent for the annulment of his marriage with his estranged Filipino wife. About a month later, respondent informed petitioner that the annulment case had been filed and that the judge had rendered a decision in his favor. Respondent even showed a copy of the decision to the petitioner.

Believing his marriage was annulled, petitioner married an Australian national and applied for an Australian visa, attaching the purported decision supporting the annulment of his first marriage. The Australian Embassy, however, informed petitioner that the decision was fraudulent and its submission will result in the denial of his visa application. Petitioner then inquired with the court which supposedly rendered the decision. However, that court issued a certification stating that his annulment case was never filed and the documents furnished to him were fake. With these circumstances, respondent was disbarred.<sup>47</sup> This Court explained:

Rule 1.01, Canon 1 of the CPR instructs that "as officers of the court, lawyers are bound to maintain not only a high standard of legal

<sup>&</sup>lt;sup>45</sup> Id

<sup>46</sup> A.C. No. 12066, August 28, 2018 <a href="https://elibrary.judiciary.gov.ph/thebookshelf/showdocs/1/64472">https://elibrary.judiciary.gov.ph/thebookshelf/showdocs/1/64472</a> [Per Curiam, En Banc].

proficiency, but also of morality, honesty, integrity, and fair dealing." Indubitably, respondent fell short of such standard when he committed the afore-described acts of misrepresentation and deception against complainant. Such acts are not only unacceptable, disgraceful, and dishonorable to the legal profession; they further reveal basic moral flaws that make respondent unfit to practice law.

In *Tan v. Diamante*, the Court found the lawyer therein administratively liable for violating Rule 1.01, Canon 1 of the CPR as it was established that he, among others, falsified a court order. In that case, the Court deemed the lawyer's acts to be "so reprehensible, and his violations of the CPR are so flagrant, exhibiting his moral unfitness and inability to discharge his duties as a member of the bar." Thus, the Court disbarred the lawyer.

Similarly, in *Taday v. Apoya*, *Jr.*, promulgated just last July 3, 2018, the Court disbarred the erring lawyer for authoring a fake court decision regarding his client's annulment case, which was considered as a violation also of Rule 1.01, Canon 1 of the CPR. In justifying the imposition of the penalty of disbarment, the Court held that the lawyer "committed unlawful, dishonest, immoral[,] and deceitful conduct, and lessened the confidence of the public in the legal system. Instead of being an advocate of justice, he became a perpetrator of injustice. His reprehensible acts do not merit him to remain in the rolls of the legal profession. Thus, the ultimate penalty of disbarment must be imposed upon him." (Citations omitted)

Here, it is clear that respondent violated her sworn duties under the Lawyer's Oath and the Code of Professional Responsibility when she deliberately misled and deceived her client by fabricating a court decision.

Respondent denies that she was engaged as counsel for complainant's nullity case and alleges she only acted as an intermediary. Yet, respondent failed to present any evidence to support her argument that it was indeed Atty. Tabbu whose services were engaged.

As to the payment for the services, respondent argues that she only received such payments, again, as an intermediary. However, the acknowledgement receipts did not show that she received them on behalf of Atty. Tabbu. Moreover, respondent never rebutted the assertion of complainant that no nullity case was filed yet she claims to have updated complainant on its status as relayed by Atty. Tabbu.

Verily, respondent handled the case of complainant. Her denials, assertions, and inconsistencies failed to support her case and overcome the substantial evidence presented against her which shows how she failed to uphold the duties required from a lawyer.

<sup>48</sup> Id.

Respondent was dishonest in the performance of her duties and in dealing with her client. She claims that she took care of the client's case when, in truth, she never acted on it. Worse, she deceived the client by saying that his nullity case was already resolved, handing him a fabricated decision and Certificate of Finality. Clearly, she was the lawyer of the complainant and her excuse of being an innocent intermediary appears to be a mere afterthought.

Furthermore, respondent was negligent in handling the client's case. In many instances, she deliberately failed to update complainant with the status of the case despite complainant's calls and text messages. She even asked that complainant put his trust and confidence in her despite knowing that the nullity case was never filed.

When a lawyer fails to provide legal services to his or her client, such as failure to file the case, the legal fees paid must be returned to the latter. As held in *Pariñas v. Paguinto*:<sup>49</sup>

Pariñas gave Paguinto [₱]10,000 cash as partial payment of the acceptance fee. Pariñas also gave Paguinto [₱]2,500 for the filing fee. Paguinto led Pariñas to believe that he had filed the annulment case. Paguinto informed Pariñas that the case was filed with the RTC-Manila, Branch 64, before Judge Ricaforte. However, Pariñas later found out that Paguinto never filed the annulment case in court.

Rule 16.01 of the Code of Professional Responsibility ("the Code") provides that a lawyer shall account for all money or property collected for or from the client. Acceptance of money from a client establishes an attorney-client relationship and gives rise to the duty of fidelity to the client's cause. Money entrusted to a lawyer for a specific purpose, such as for filing fee, but not used for failure to file the case must immediately be returned to the client on demand. Paguinto returned the money only after Pariñas filed this administrative case for disbarment.

Paguinto should know that as a lawyer, he owes fidelity to the cause of his client. When a lawyer accepts a case, his acceptance is an implied representation that he possesses the requisite academic learning, skill and ability to handle the case. The lawyer has the duty to exert his best judgment in the prosecution or defense of the case entrusted to him and to exercise reasonable and ordinary care and diligence in the pursuit or defense of the case. <sup>50</sup> (Citations omitted, emphasis supplied)

Thus, the respondent must return the total amount of ₱270,000.00 paid by the complainant.

For her failure to uphold the standards required in the legal profession, respondent no longer deserves to be a member of the bar. Not only did she

Id. at 244-245.

<sup>&</sup>lt;sup>49</sup> 478 Phil. 239 (2004) [Per J. Carpio, First Division]; See also *Lijauco v. Terrado*, 532 Phil. 1 (2006) [Per J. Ynares-Santiago, First Division].

fail to observe the duties of competence and diligence required from lawyers, she also continuously deceived her client in utter disregard of the duties and obligations required from a member of the legal profession.

WHEREFORE, this Court finds respondent Atty. Cristina Benosa Buendia GUILTY of violating Canon 1, Rules 1.01 and 1.02 of the Code of Professional Responsibility. She is hereby DISBARRED from the practice of law and her name stricken from the Roll of Attorneys. Respondent is ORDERED to return to complainant Eduardo B. Manalang, within 30 days from notice, the sum of ₱270,000.00 with an interest at the rate of six percent (6%) per annum from the date of the promulgation of this Resolution until fully paid.<sup>51</sup> Respondent is further DIRECTED to submit to this Court proof of her payment within 10 days therefrom.

Let a copy of this Resolution be furnished to the Office of the Bar Confidant to be attached to Atty. Buendia's personal record. Copies of this Resolution should also be served on the Integrated Bar of the Philippines for its proper disposition, and the Office of the Court Administrator for circulation to all courts in the country.

SO ORDERED.

DIOSDADO M. PERALTA

Chief Justice

ESTELA M. PERLAS-BERNABE

Associate Justice

MARVIC M.V.F. LEONEN

Associate Justice

ALFREDO BENJAMIN S. CAGUIOA A

Associate Justice

WERG. GESMUNDO

Associate Justice

RAMON PAUL L. HERNANDO

Associate Justice

Associate Justice

Nacar v. Gallery Frames, 716 Phil. 267 (2013) [Per J. Peralta, En Banc].

On official leave AMY C. LAZARO-JAVIER

Associate Justice

On official leave HENRI JEAN PAUL B. INTING

Associate Justice

On official leave RODIL V. ZALAMEDA

Associate Justice

EDGARDO L. DELOS SANTOS

Associate Justice

Associate Justice

Associate Justice