

Republic of the Philippines
Supreme Court
Manila

EN BANC

JOSE R. REYES, JR.,
Complainant,

A.C. No. 9114

Present:

PERALTA, C.J.,
PERLAS-BERNABE,
LEONEN,
CAGUIOA,
GISMUNDO,
HERNANDO,
CARANDANG,
LAZARO-JAVIER,
INTING,
ZALAMEDA,
LOPEZ,
DELOS SANTOS,
GAERLAN, and
BALTAZAR-PADILLA, * JJ.

- versus -

ATTY. SOCRATES R. RIVERA,
Respondent.

Promulgated:

October 6, 2020

X-----X

DECISION

PER CURIAM:

This administrative case arose from a verified Complaint¹ filed by Jose R. Reyes, Jr. (complainant) against the respondent, Atty. Socrates R.

* On leave.

¹ Rollo, pp. 2-9.

Rivera (Atty. Rivera), before the Commission on Bar Discipline of the Integrated Bar of the Philippines (IBP), for allegedly falsely representing that a Petition for Declaration of Nullity of Marriage was filed before the Regional Trial Court (RTC) of Muntinlupa City when in reality none was filed, and for drafting a fake court decision.

The Facts

Sometime in 2003, complainant sought the assistance of Atty. Rivera in filing a case for dissolution of marriage. Atty. Rivera agreed to handle the case for a fee of ₱150,000.00 to be paid on installment basis.² Atty. Rivera demanded ₱20,000.00 as acceptance fee and thereafter, ₱10,000.00 to cover the filing fees and other related expenses.

After receipt of ₱30,000.00, Atty. Rivera prepared the Petition for Declaration of Nullity of Marriage³ and asked complainant to sign the verification portion. Thereafter, complainant was furnished a copy of the said Petition, which appeared to have been filed before Branch 215 of the RTC of Muntinlupa City.⁴

On various occasions thereafter, Atty. Rivera demanded for additional money. At one point, complainant gave Atty. Rivera the additional amount of ₱70,000.00.⁵

Sometime in 2004, Atty. Rivera instructed the complainant to prepare the remaining balance of ₱50,000.00 to be paid upon complainant's receipt of the Decision of the case.

During the last quarter of 2004, Atty. Rivera furnished complainant with an August 9, 2004 Decision purportedly rendered by the Presiding Judge of Branch 206 of the RTC of Muntinlupa City, Hon. Patria A. Manalastas-De Leon, which purportedly granted complainant's Petition for Declaration of Nullity of Marriage.

However, complainant had doubts regarding the authenticity of the said Decision since he never attended a single hearing of the case. Moreover, complainant was suspicious since the petition was supposedly filed before Branch 215 of the RTC of Muntinlupa City, while the Decision

² Id. at 2.

³ Id. at 10-14.

⁴ Id. at 4.

⁵ Id.

furnished by Atty. Rivera was rendered by Branch 206 of the said RTC. This prompted complainant to withhold payment of the remaining balance and decided to verify the genuineness of the August 9, 2004 Decision.

Much to his surprise, complainant later learned that no Civil Case No. 04-SPL-05677 was filed before Branch 215 of the RTC of Muntinlupa City. Worse, complainant was shocked when he discovered that Branch 215 does not in fact exist. Further, no such case was filed with Branch 206 as certified by the Office of the Clerk of Court of Muntinlupa City.⁶

In his Answer,⁷ Atty. Rivera argued that it was his former driver who assured him that the Petition had already been filed before the RTC of Muntinlupa.⁸ Atty. Rivera further stated that he had no intention of deceiving the complainant since he had already instructed Jesma Uesa (Jesma), a common friend of both parties, to inform the complainant that the decision he received was spurious.⁹ He claimed that he lost complainant's contact number and that his only means of communicating with him was through Jesma.

Atty. Rivera denied having accepted the case for a fee of ₱150,000.00. He, however, admitted that he received ₱30,000.00 from complainant and that he is willing to return the said amount.¹⁰ Atty. Rivera proposed to re-file the complainant's case at his own expense. He asked for understanding for his infractions but insisted that he was also a victim in this case.

***Report and Recommendation of
the Integrated Bar of the
Philippines***

The administrative case was scheduled for Mandatory Conference and Hearing before Commissioner Dennis A. B. Funa (Commissioner Funa) on May 23, 2005 and June 15, 2005. On both instances, Atty. Rivera failed to appear despite due notice.

⁶ Id. at 18.

⁷ Id. at 23-27.

⁸ Id. at 24.

⁹ Id. at 25.

¹⁰ Id.

In his Report and Recommendation¹¹ dated January 26, 2006, Commissioner Funa found Atty. Rivera guilty of Gross Misconduct and breach of lawyer-client relations. Commissioner Funa recommended that Atty. Rivera be suspended indefinitely from the practice of law due to the gravity of his offense.

In Resolution No. XVII-2006-453¹² dated September 8, 2006, the IBP Board of Governors (BOG) found Atty. Rivera guilty of Gross Misconduct and approved the recommendation of Commissioner Funa that Atty. Rivera be indefinitely suspended from the practice of law. He was also ordered to immediately return the amount of ₱30,000.00 to the complainant.

Thereafter, Atty. Rivera filed a Motion for Reconsideration.¹³

In Resolution No. XIX-2011-163¹⁴ dated May 13, 2011, the BOG of the IBP denied Atty. Rivera's Motion for Reconsideration and affirmed with modification its previous resolution. The BOG resolved that the appropriate penalty to be imposed was disbarment. Atty. Rivera was also ordered to immediately return the amount of ₱30,000.00 to the complainant.

In a Resolution¹⁵ dated August 23, 2011, the Court resolved to refer this case to the Office of the Bar Confidant (OBC) for evaluation, report, and recommendation.

Report and Recommendation of the Office of the Bar Confidant

In its June 26, 2012 Report,¹⁶ the OBC recommended that Atty. Rivera be disbarred from the practice of law and that his name be ordered stricken off from the Roll of Attorneys. Further, the OBC recommended that Atty. Rivera be ordered to immediately deliver the amount of ₱100,000.00 instead ₱30,000.00.

Our Ruling

After a careful review of the records, the Court finds Atty. Rivera

¹¹ Id. at 68-75.

¹² Id. at 67.

¹³ Id. at 76.

¹⁴ Id. at 86.

¹⁵ Id. at 96.

¹⁶ Id. at 100-104.

guilty of violating Rule 1.01, Canon 1 of the Code of Professional Responsibility (CPR). The Court approves the recommendations of the IBP and the OBC to disbar Atty. Rivera.

The CPR pertinently provides:

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

RULE 1.01. – A lawyer shall not engage in unlawful, dishonest, immoral or deceitful conduct.

Rule 1.01 of the CPR commands that “as officers of the court, lawyers are bound to maintain not only a high standard of legal proficiency, but also of morality, honesty, integrity, and fair dealing.”¹⁷ In this case, Atty. Rivera undoubtedly fell short of such standard when he committed a series of fraudulent acts not only against the complainant, but against the courts as well.

Atty. Rivera misrepresented to the complainant that a Petition for Declaration of Nullity of Marriage was filed before Branch 215 of the RTC of Muntinlupa City when none was in fact filed. He even simulated the stamp of the Office of the Clerk of Court of the RTC to make it appear that it received the petition.¹⁸ In truth, Branch 215 of the RTC of Muntinlupa City does not exist. To make matters worse, Atty. Rivera blatantly furnished complainant with a fake court decision purportedly penned by the Presiding Judge of Branch 206 of the RTC of Muntinlupa City which granted complainant’s petition. These acts are disrespectful, disgraceful, and dishonorable to the legal profession and clearly displayed Atty. Rivera’s disgusting moral unfitness to practice law and his ineptitude to discharge the duties of a member of the bar. His disbarment is thus in order.

In *Taday v. Apoya, Jr.*,¹⁹ the Court similarly disbarred a lawyer for drafting a fake court decision in connection with his client’s annulment case. The Court found 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

¹⁷ *Spouses Lopez v. Limos*, 780 Phil. 113, 122 (2016).

¹⁸ Report and Recommendation of the Office of the Bar Confidant, *rollo*, p. 104.

¹⁹ A.C. No. 11981, July 3, 2018.

must be imposed upon him.”

Similarly, in *Billanes v. Latido*,²⁰ the Court found the lawyer guilty of violating Rule 1.01, Canon 1 of the CPR when he procured a spurious court decision granting the petition for annulment. The Court disbarred the lawyer and ordered his name stricken off from the Roll of Attorneys.

In view of the foregoing, the Court upholds the recommendation of the IBP and the OBC that Atty. Rivera be disbarred. The Court likewise agrees with the OBC that Atty. Rivera received ₱100,000.00 from the complainant, and not just the ₱30,000.00 that he acknowledged. In the face of the positive and categorical assertion by the complainant that he paid Atty. Rivera the total amount of ₱100,000.00, the bare denial and self-serving statements of the latter crumble. Thus, Atty. Rivera is further ordered to return to complainant, the legal fees he received in the total amount of ₱100,000.00. Finally, interest at the rate of six percent (6%) per *annum* is imposed on the said amount, which shall accrue from the time of Atty. Rivera's receipt of this Decision until full payment.²¹

WHEREFORE, Atty. Socrates R. Rivera is found **GUILTY** of violating Rule 1.01, Canon 1 of the Code of Professional Responsibility. Accordingly, he is hereby **DISBARRED** from the practice of law and his name is ordered stricken off from the Roll of Attorneys, effective immediately.

Further, Atty. Socrates R. Rivera is **ORDERED** to return to complainant Jose R. Reyes, Jr. within ten (10) days from receipt of this Decision the legal fees he received from the latter in the amount of ₱100,000.00, which shall earn legal interest at the rate of six percent (6%) *per annum* from his receipt of this Decision until full payment.

Let a copy of this Decision be furnished to the Office of the Bar Confidant to be entered into Atty. Socrates R. Rivera's records. Copies of this Decision shall likewise be furnished the Integrated Bar of the Philippines and the Office of the Court Administrator for circulation to all courts throughout the country for their information and guidance.

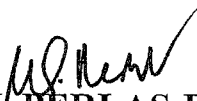
²⁰ A.C. No. 12066, August 28, 2018.

²¹ *San Gabriel v. Sempio*, A.C. No. 12423, March 26, 2019.

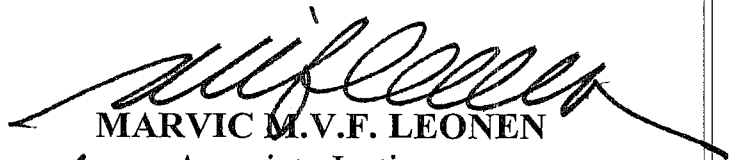
SO ORDERED.



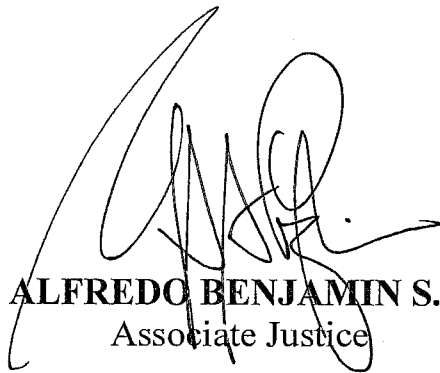
DIOSDADO M. PERALTA
Chief Justice



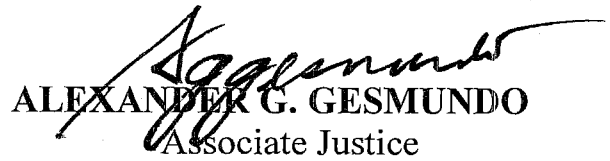
ESTELA M. PERLAS-BERNABE
Associate Justice



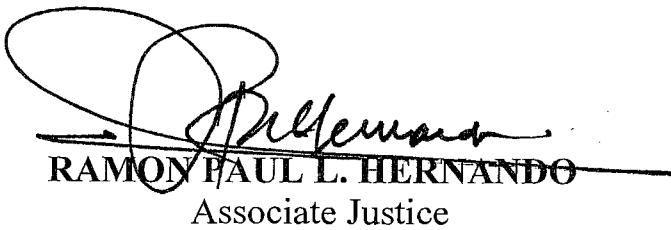
MARVIC M.V.F. LEONEN
Associate Justice



ALFREDO BENJAMIN S. CAGUIOA
Associate Justice




ALEXANDER G. GESMUNDO
Associate Justice




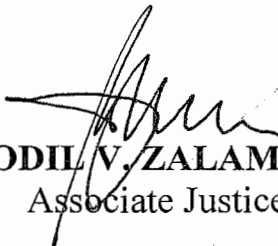
RAMON PAUL L. HERNANDO
Associate Justice

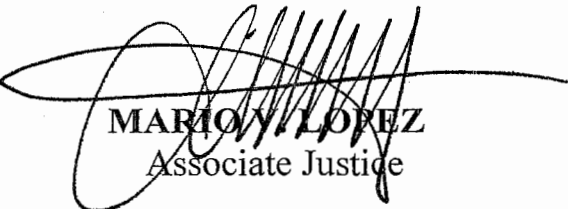


ROSMARI D. CARANDANG
Associate Justice



AMY C. LAZARO-JAVIER
Associate Justice


HENRI JEAN PAUL B. INTING
Associate Justice

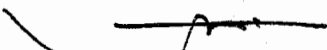

RODIL V. ZALAMEDA
Associate Justice


MARIO V. LOPEZ
Associate Justice


EDGARDO L. DELOS SANTOS
Associate Justice


SAMUEL H. GAERLAN
Associate Justice

On leave
PRISCILLA J. BALTAZAR-PADILLA
Associate Justice

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EDGAR O. ARICHETA
Clerk of Court En Banc
Supreme Court