

Republic of the Philippines
Supreme Court
Cagayan de Oro

EN BANC

RE: DECISION DATED APRIL 23, A.C. No. 8616
2010 IN CONSOLIDATED
ADMINISTRATIVE CASES OCA
IPI NO. 07-2630-RTJ, A.M. NO. RTJ-
07-2049; A.M. NO. RTJ-08-2141;
AND A.M. NO. RTJ-07-2093, against
FORMER JUDGE EVELYN S.
ARCAYA-CHUA,

Present:

GESMUNDO, C.J.,
LEONEN,
CAGUIOA,
HERNANDO,
LAZARO-JAVIER,
INTING,
ZALAMEDA,
LOPEZ, M.,
GERLAN,
ROSARIO,
LOPEZ, J.,
DIMAAMPAO,*
MARQUEZ,**
KHO, JR., and
SINGH, JJ.

Promulgated:

March 8, 2023

X-----X

DECISION

PER CURIAM:

For this Court's Resolution is a disbarment case against Atty. Evelyn S. Arcaya-Chua (*Atty. Arcaya-Chua*) which stemmed from this Court's Decision in *Ocampo v. Judge Evelyn S. Arcaya-Chua (Ocampo case)*¹ dismissing Atty. Arcaya-Chua as a judge in the Regional Trial Court (RTC) of Makati City and directing the Office of the Bar Confidant (OBC) to

* On Leave

** No Part

¹ 633 Phil. 79 (2010).

investigate and issue a report and recommendation regarding the possible disbarment of Atty. Arcaya-Chua.²

The Antecedents

The *Ocampo* case was composed of the following complaints filed against then Judge Arcaya-Chua which was thereafter consolidated by this Court, to wit:

1. *Francisco P. Ocampo v. Judge Evelyn S. Arcaya-Chua, Regional Trial Court, Branch 144, Makati City* docketed as A.M. OCA IPI No. 07-2630-RTJ – Francisco P. Ocampo (*Ocampo*) charged then Judge Arcaya-Chua with harassment, grave abuse of authority, gross ignorance of the law, gross misconduct, manifest partiality and/or conduct prejudicial to the best interest of the service with respect to how she resolved certain motions in Special Proceedings (*SP*) No. M-6375 wherein Ocampo was a party.³ The Investigating Justice in this case, Justice Remedios Salazar-Fernando (*Justice Salazar-Fernando*), found that then Judge Arcaya-Chua had legal bases when she resolved the pending incidences in SP No. M-6375 and that Ocampo failed to substantiate his accusations against then Judge Arcaya-Chua.⁴
2. *Office of the Court Administrator v. Judge Evelyn S. Arcaya-Chua, Regional Trial Court, Branch 144, Makati City* docketed as A.M. No. RTJ-07-2049 – was a complaint for gross ignorance and gross misconduct which stemmed from Judge Arcaya-Chua's handling of SP Case No. M-6373.⁵ Justice [Remedios] Salazar-Fernando [of the Court of Appeals] was of the opinion that then Judge Arcaya-Chua committed an error so egregious that the same can be equated as having been attended by bad faith when she issued a Temporary Protection Order (*TPO*) under Republic Act (*R.A.*) No. 9262 or the Anti-Violence against Women and their Children Act of 2004, for the benefit of a man against his wife. Thus, Justice Salazar-Fernando recommended that then Judge Arcaya-Chua should be held liable for gross ignorance of the law.⁶
3. *Office of the Court Administrator v. Judge Evelyn S. Arcaya-Chua, Regional Trial Court, Branch 144, Makati City, and Court Stenographer Victoria C. Jamora, Regional Trial Court, Branch 144, Makati City* docketed as A.M. No. RTJ-08-2141 – was filed

² Id. at 146.

³ *Rollo*, pp. 6–13.

⁴ Id. at 13.

⁵ Id. at 14–20.

⁶ Id. at 39–40.

as a result of a judicial audit conducted in Branch 144, RTC of Makati by the Office of the Court Administrator (OCA) which discovered that Judge Arcaya-Chua failed to declare a total of 1,809 marriages which she solemnized in her Monthly Report of Cases and to collect marriage solemnization fees amounting to a total of PHP 542,700.00 for said undeclared marriages.⁷ During the conduct of the audit, a court personnel, who was caught trying to dispose of the marriage certificates, admitted that he attempted the same under instructions from then Judge Arcaya-Chua.⁸ Justice Salazar-Fernando found then Judge Arcaya-Chua liable for her failure to accurately report the correct number of marriages that she solemnized in her Monthly Report of Cases and to collect and remit the solemnizing fees due from the same.⁹

4. *Sylvia Santos v. Judge Evelyn S. Arcaya-Chua, Regional Trial Court, Branch 144, Makati City* docketed as A.M. No. RTJ-07-2093 – is a motion for reconsideration filed by then Judge Arcaya-Chua in connection with a complaint for serious misconduct and dishonesty filed against Judge Arcaya-Chua by Sylvia Santos (*Santos*), the aunt of Judge Arcaya-Chua's husband. Santos accused Judge Arcaya-Chua who was then Presiding Judge of Branch 63, Metropolitan Trial Court (*MeTC*) of Makati City of failing to return PHP 100,000.00 which she supposedly gave to Judge Arcaya-Chua to facilitate the speedy resolution of certain cases pending in this Court.¹⁰ In resolving the case, We affirmed the factual findings and recommendation of the Investigating Justice, Justice Rebecca D. Salvador, that Santos' accusations are credible and thus held then Judge Arcaya-Chua liable for gross misconduct.¹¹

In resolving the foregoing, We affirmed the findings and the recommended penalties of the Investigating Justices. The dispositive portion of this Court's Decision in the *Ocampo* case dated April 23, 2010 reads as follows:

WHEREFORE, in view of the foregoing, the Court holds that:

1. in A.M. OCA IPI No. 07-2630-RTJ, the charges against Judge Evelyn S. Arcaya-Chua of the Regional Trial Court of Makati City, Branch 144 is *DISMISSED*.
2. in A.M. No. RTJ-07-2049, Judge Arcaya-Chua is found *GUILTY* of gross ignorance of the law and punished with *SUSPENSION* from office for six (6) months without salary and other benefits.

⁷ Id. at 20–28.

⁸ Id. at 43.

⁹ Id. at 60–61.

¹⁰ Id. at 62–67.

¹¹ Id. at 69.

3. in A.M. No. RTJ-07-2093, the motion for reconsideration of Judge Arcaya-Chua is *DENIED* for lack of merit. The penalty of *SUSPENSION* from office for a period of six (6) months without salary and other benefits imposed upon her is *RETAINED*.
4. in A.M. No. RTJ-08-2141, Judge Arcaya-Chua is found *GUILTY* of gross misconduct and punished with *DISMISSAL* from the service, with forfeiture of all benefits, excluding accrued leave credits, with prejudice to re-employment in any government agency or instrumentality.
5. in A.M. No. RTJ-08-2141, Victoria C. Jamora, Court Stenographer of the Regional Trial Court of Makati City, Branch 144 is found *GUILTY* of grave misconduct and punished with *DISMISSAL* from the service, with forfeiture of retirement benefits, excluding accrued leave credits, with prejudice to re-employment in any government agency or instrumentality.

Immediately upon service on Judge Evelyn S. Arcaya-Chua and Victoria C. Jamora of this decision, they are deemed to have vacated their respective office, and their authority to act as Judge and Court Stenographer, respectively, are considered automatically terminated.

These consolidated administrative cases are referred to the Office of the Bar Confidant for investigation, report and recommendation regarding the possible disbarment of Judge Evelyn S. Arcaya-Chua from the practice of the legal profession.

SO ORDERED.¹²

Acting on this Court's directive, the OBC issued an Order¹³ on June 25, 2010 directing Atty. Arcaya-Chua to file her Comment as to why she should not be disbarred in view of the foregoing administrative cases.

On July 12, 2010, the OBC issued an Order¹⁴ which docketed the foregoing complaints against Atty. Arcaya-Chua as a regular administrative complaint and set a hearing on July 15, 2010. On said date, Atty. Arcaya-Chua filed a Manifestation with Motion¹⁵ which prayed that the proceedings in the pending administrative case against her be held in abeyance until after her Motion for Reconsideration in the consolidated cases was resolved.

On June 22, 2010, this Court issued a Resolution¹⁶ which denied with finality Atty. Arcaya-Chua's Motion for Reconsideration in the consolidated cases.

¹² *Supra* note 1, at 145–147.

¹³ *Rollo*, p. 77.

¹⁴ *Id.* at 80.

¹⁵ *Id.* at 166–171.

¹⁶ *Id.* at 175.

On February 9, 2017, the OBC issued a Report and Recommendation¹⁷ which recommended that the pending administrative case against Atty. Arcaya-Chua should continue in view of this Court's denial of Atty. Arcaya-Chua's Motion for Reconsideration in the consolidated cases.

On February 21, 2017, this Court issued a Resolution¹⁸ which required Atty. Arcaya-Chua to file her Comment on why she should not be disbarred from the practice of law.

On March 31, 2017, Atty. Arcaya-Chua filed her Comment with Motion¹⁹ which prayed for the dismissal of the disbarment case against her. In her Comment with Motion, Atty. Arcaya-Chua reiterated her previous arguments and defenses she already raised in the consolidated cases as well as in her Motion for Reconsideration.

On March 13, 2018, this Court issued a Resolution²⁰ which referred the present case to the Integrated Bar of the Philippines (*IBP*) for investigation, report and recommendation.

Thereafter, the IBP-Committee on Bar Discipline (*Committee on Bar Discipline*) issued a Notice of Mandatory Conference²¹ which directed Santos and Atty. Arcaya-Chua to appear before the Committee on Bar Discipline on July 16, 2018 for mandatory conference and submit their respective mandatory conference briefs prior to said date.²²

On July 12, 2018, Atty. Arcaya-Chua filed her Mandatory Conference Brief.²³ Santos failed to file her mandatory conference brief.²⁴

On July 16, 2018 or during the scheduled mandatory conference, only Atty. Arcaya-Chua appeared before the Committee on Bar Discipline.²⁵ Subsequent rescheduling of the mandatory conference yielded the same result.²⁶ The Committee on Bar Discipline terminated the mandatory conference and required the parties to file their respective verified position papers.²⁷

¹⁷ Id. at 184.

¹⁸ Id. at 185.

¹⁹ Id. at 192–228.

²⁰ Id. at 234.

²¹ Id. at 236.

²² Id.

²³ Id. at 237–239.

²⁴ Id. at 314.

²⁵ Id.

²⁶ Id. at 315.

²⁷ Id.

On September 14, 2018, Atty. Arcaya-Chua filed her Verified Position Paper.²⁸ Santos failed to file any position paper.²⁹

On June 28, 2019, Investigating Commissioner Plaridel J. Bohol II (*Investigating Commissioner*) issued a Report and Recommendation³⁰ of even date. In his Report and Recommendation, the Investigating Commissioner found Atty. Arcaya-Chua liable for violation of Rules 1.01 and 1.02, Canon 1, Rule 6.02, Canon 6 and Rule 13.01, Canon 13 of the Code of Professional Responsibility (*CPR*) and recommended that she be suspended from the practice of law for two years.³¹

On December 2, 2021, the IBP-Board of Governors (*Board of Governors*) resolved to modify the Report and Recommendation of the Investigating Commissioner,³² to wit:

RESOLVED, to MODIFY, as it is hereby MODIFIED, the Report and Recommendation of the Investigating Commissioner in the instant case, to recommend instead the imposition upon Respondent of the penalty of **DISBARMENT**, after taking a second look at the facts of the case.

RESOLVED, FURTHER, that the Commission prepare an EXTENDED RESOLUTION explaining the recommendation of the Board of Governors in this case, which shall be appended to this resolution.

In its Extended Resolution,³³ the Board of Governors explained its decision to recommend the disbarment of Atty. Arcaya-Chua in this wise:

The Board of Governors agree with the finding of guilt by the Investigating Commissioner. However, the collegial body removes the reliance on Rule 6.02 and Rule 13.01, as grounds for disciplinary action against the respondents because they are not applicable.

Instead, the Board of Governors relies on Rule 1.01 and Rule 1.02, Canon 11 and Rule 11.04 of the *CPR* pursuant to the ruling in *Mariano vs. Atty. Laki*, thus:

In the instant case, first, Atty. Laki received money from his client for the purpose of filing a petition but he failed to do so; second, after his failure to render legal service despite the receipt of acceptance fee, he also unjustifiably refused to return the money he received; third, he grossly disrespected the IBP by ignoring its directives to file his answer to the complaint and appear at the mandatory hearings; and lastly, Atty. Laki maligned the Judiciary by giving the impression

²⁸ Id. at 247–267.

²⁹ Id. at 315.

³⁰ Id. at 312–319.

³¹ Id. at 318–319.

³² Id. at 310–311.

³³ Id. at 320–323.

that court cases are won, not on the merits, but through close ties with the judges.

From these actuations, it is undisputed that Atty. Laki wronged his client and the Judiciary as an institution, and the IBP of which he is a member. He disregarded his duties as a lawyer and betrayed the trust of his client, the IBP, and the courts. The Court, thus, rules that Atty. Laki deserves the ultimate administrative penalty of disbarment.

Foregoing considered, it is respectfully recommended to MODIFY THE PENALTY FROM SUSPENSION OF 2 YEARS TO DISBARMENT pursuant to the Atty. Laki ruling.³⁴ (Emphasis and italics in the original)

Issue

Whether or not the Board of Governors correctly found Atty. Evelyn S. Arcaya-Chua liable for violation of Rule 1.01, Rule 1.02, Canon 11 and Rule 11.04 of the Code of Professional Responsibility.

This Court's Ruling

It must be emphasized that the object of a disbarment proceeding is not so much to punish the individual attorney himself, as to safeguard the administration of justice by protecting the court and the public from the misconduct of officers of the court, and to remove from the profession of law persons whose disregard for their oath of office have proved them unfit to continue discharging the trust reposed in them as members of the bar.³⁵

Jurisprudence provides that the proper evidentiary threshold in disbarment cases is substantive evidence, *i.e.*, that amount of relevant evidence that a reasonable mind might accept as adequate to support a conclusion.³⁶ As explained in *Reyes v. Atty. Nieva*:³⁷

Besides, the evidentiary threshold of substantial evidence - as opposed to preponderance of evidence - is more in keeping with the primordial purpose of and essential considerations attending this type of cases. As case law elucidates, “[d]isciplinary proceedings against lawyers are *sui generis*. Neither purely civil nor purely criminal, they do not involve a trial of an action or a suit, but is rather an investigation by the Court into the conduct of one of its officers. Not being intended to inflict punishment, it is in no sense a criminal prosecution. Accordingly, there is neither a plaintiff nor a prosecutor therein. It may be initiated by the Court *motu proprio*. Public interest is its primary objective, and the real question for determination is

³⁴ Id. at 322–323.

³⁵ *Bihag v. Atty. Era*, A.C. No. 12880, November 23, 2021.

³⁶ *Torres v. Atty. Dalangin*, 822 Phil. 80, 100 (2017).

³⁷ 794 Phil. 360 (2016).

whether or not the attorney is still a fit person to be allowed the privileges as such. Hence, in the exercise of its disciplinary powers, the Court merely calls upon a member of the Bar to account for his actuations as an officer of the Court with the end in view of preserving the purity of the legal profession and the proper and honest administration of justice by purging the profession of members who by their misconduct have proved themselves no longer worthy to be entrusted with the duties and responsibilities pertaining to the office of an attorney. In such posture, there can thus be no occasion to speak of a complainant or a prosecutor.”³⁸

Thus, the complainant in a disbarment case has the burden of proving by substantial evidence the allegations in his complaint.³⁹ Settled is the rule that mere allegation is not evidence and is not equivalent to proof. Charges based on mere suspicion and speculation likewise cannot be given credence.⁴⁰

Here, We note that the above Report and Recommendation of the Board of Governors resolved to disbar Atty. Arcaya-Chua based solely on the administrative complaint filed by Santos. While it is the said complaint that involved allegations that may be attributed to then Judge Arcaya-Chua in her capacity as a lawyer, and not just in her capacity as a judge, We must also add that the unreported marriage solemnizations and the subsequent attempt to dispose of the marriage certificates, constitute acts that go into the issue of integrity, not just in the capacity of then Judge Arcaya-Chua as a judge, but moreso, as a lawyer.

In the complaint filed by Santos, docketed as A.M. No. RTJ-07-2093, Atty. Arcaya-Chua was found liable for gross misconduct when she solicited PHP 100,000.00 from Santos to expedite the resolution of cases pending before this Court in favor of Santos’ friend. In her defense, Atty. Arcaya-Chua denied all of the allegations of Santos against her.⁴¹ She suggested that Santos’ administrative complaint was done as a retaliation for her refusal to assist Santos with recovering money that Santos supposedly paid to a Supreme Court employee who will supposedly help Santos secure the favorable resolution of a certain case.⁴² Atty. Arcaya-Chua likewise posited that if Santos’ accusations were in fact true, she would have immediately returned the PHP 100,000.00 that Santos supposedly gave to her, plus interest, just to ensure that her reputation will remain unsullied.⁴³ Atty. Arcaya-Chua also claimed that Emerita Munoz’ recantation of her statement that she was the one who gave the PHP 100,000.00 to Santos, who in turn supposedly handed the same to her, should have been given evidentiary weight.⁴⁴

³⁸ Id. at 379–380.

³⁹ *Rico v. Salutan*, 827 Phil. 1, 6 (2018).

⁴⁰ Id.

⁴¹ *Rollo*, pp. 255–258.

⁴² Id. at 258–259.

⁴³ Id. at 259–260.

⁴⁴ Id. at 261.

Moreover, Atty. Arcaya-Chua claimed that Santos in fact withdrew her statement that she only desisted from the administrative complaint against her was because “*ibinalik naman ho nila ang pera*” and that the same was unjustly used as basis to hold her liable in the administrative complaint against her and should not be used as basis in the present case.⁴⁵ Likewise, Atty. Arcaya-Chua argued that Santos’ statement that she desisted from her complaint because of family relations and that Atty. Arcaya-Chua and her family begged her to withdraw the case against her, is untrue.⁴⁶

Finally, Atty. Arcaya-Chua averred that Santos is not a reliable witness due to her failure to accurately recall the details pertaining to her accusations against her as well as her penchant for flip-flopping and even outright lying.⁴⁷

Relevantly, the foregoing claims of Atty. Arcaya-Chua have been previously raised and passed upon by this Court in *Ocampo*. We see no reason to again thresh out the same matters as Atty. Arcaya-Chua failed to present any new or compelling argument for us to hold her free from any disciplinary liability in view of her actions.

As held in *Mariano v. Atty. Laki*,⁴⁸ it is a lawyer’s duty to help build, and not destroy unnecessarily that high esteem and regard towards the courts so essential to the proper administration of justice, thus:

But what we find more deplorable was Atty. Laki’s act of giving assurance to Mariano that he can secure a favorable decision without the latter’s personal appearance because the petition will be filed in the RTC of Tarlac, which is allegedly presided by a “friendly” judge who is receptive to annulment cases. Atty. Laki’s deceitful assurances give the implication that a favorable decision can be obtained by being in cahoots with a “friendly” judge. It gives a negative impression that decisions of the courts can be decided merely on the basis of close ties with the judge and not necessarily on the merits. Without doubt, Atty. Laki’s statements cast doubts on the integrity of the courts in the eyes of the public. By making false representation to his client, Atty. Laki not only betrayed his client’s trust but he also undermined the trust and faith of the public in the legal profession.

Canon 11 and Rule 11.04 of the CPR state that:

Canon 11 - A lawyer shall observe and maintain the respect due to the Courts and to judicial officers and should insist on similar conduct by others.

xxx

Rule 11.04 A lawyer shall not attribute to a Judge motives not supported by the record or have no materiality to the case.

⁴⁵ Id. at 261–263.

⁴⁶ Id. at 264.

⁴⁷ Id. at 264–265.

⁴⁸ 840 Phil. 438 (2018).

From the foregoing rules, a lawyer, as an officer of the court; he is, “like the court itself, an instrument or agency to advance the ends of justice.” His duty is to uphold the dignity and authority of the courts to which he owes fidelity, “not to promote distrust in the administration of justice.” Faith in the courts, a lawyer should seek to preserve. For, to undermine the judicial edifice “is disastrous to the continuity of government and to the attainment of the liberties of the people.” Thus, it has been said of a lawyer that “[a]s an officer of the court, it is his sworn and moral duty to help build and not destroy unnecessarily that high esteem and regard towards the courts so essential to the proper administration of justice.[”] It is with this exacting standard that we measure Atty. Laki, and find him wanting.⁴⁹

Any act that creates an impression by which the judges or justices of any court may be influenced by another person is a deplorable act that tarnishes the reputation of the courts. Such an act results in the diminution of the trust reposed by the people in the administration of justice, which this Court cannot simply countenance.

In addition to the aforementioned act, in A.M. No. RTJ-08-2141, then Judge Arcaya-Chua was found liable for anomalies in the marriages she solemnized during her time as an MeTC and RTC judge in Makati City. Specifically, she failed to report a total of 1,809 marriages which she solemnized in her Monthly Report of Cases and to collect marriage solemnization fees amounting to a total of PHP 542,700.00.⁵⁰ Moreover, prior to the discovery of the anomalies, a utility worker, under instructions from Atty. Arcaya-Chua, was caught trying to surreptitiously dispose of the marriage certificates.⁵¹ In her defense, Atty. Arcaya-Chua reiterated her claims that: (1) the utility worker mistook the marriage certificates for trash as the same were placed in similar plastic bags and she instructed him to dispose of trash already accumulating in her courtroom even prior to the audit; (2) the fees for all of the marriages that she solemnized were duly collected and issued an official receipt; (3) the Monthly Reports reviewed by the Office of the Court Administrator (*OCA*) were all tampered; and (4) Justice Salazar-Fernando who recommended that she be held liable for gross misconduct, acted under pressure from former Chief Justice Puno.⁵²

The foregoing arguments raised by Atty. Arcaya-Chua are likewise unsupported by any evidence and have already been rebutted by the thorough audit conducted by the *OCA*, which found that the records of the marriage certificates found in Branch 144, RTC of Makati did not match the reports filed by Atty. Arcaya-Chua as well as the official receipts on file.⁵³ Likewise, no evidence of tampering was discovered as Justice Salazar-Fernando painstakingly compared Atty. Arcaya-Chua’s signatures in the audited

⁴⁹ Id. at 447–448.

⁵⁰ *Rollo*, pp. 59–60.

⁵¹ Id. at 43–46.

⁵² Id. at 249–250.

⁵³ Id. at 49–52.

monthly reports to her decisions contained in the records and found no substantial discrepancies therein.⁵⁴ Verily, Atty. Arcaya-Chua failed to provide any reason for this Court to deviate from its ruling in her earlier administrative case.

We have previously held that Atty. Arcaya-Chua's acts in A.M. No. RTJ-08-2141 amount to gross misconduct and was violative of the following provisions of the New Code of Judicial Conduct, to wit:

Canon 1
Independence

Section 4

Judges shall not allow family, social, or other relationships to influence judicial conduct or judgment. The prestige of judicial office shall not be used or lent to advance the private interests of others, nor convey or permit others to convey the impression that they are in a special position to influence the judge.

x x x x

Canon 2
Integrity

Section 1

Judges shall ensure that not only is their conduct above reproach, but that it is perceived to be so in the view of a reasonable observer.

Section 2

The behavior and conduct of judges must reaffirm the people's faith in the integrity of the judiciary. Justice must not merely be done but must also be seen to be done.

x x x x

Canon 4
Propriety

Section 1

Judges shall avoid impropriety and the appearance of impropriety in all of their activities.

In failing to render an accurate account of the marriages she solemnized during her tenure as a judge and attempting to dispose evidence of such failure, Atty. Arcaya-Chua clearly violated Rule 1.01⁵⁵ and Canon 10 of the CPR⁵⁶ as she displayed a clear lack of candor and good faith. Likewise, she

⁵⁴ Id. at 52–53.

⁵⁵ Rule 1.01 - A lawyer shall not engage in unlawful, dishonest, immoral, or deceitful conduct.

⁵⁶ CANON 10 – A LAWYER OWES CANDOR, FAIRNESS AND GOOD FAITH TO THE COURT.

violated the Lawyer's Oath⁵⁷ considering that in *Samson v. Judge Caballero*,⁵⁸ We held that "a judge who disobeys the basic rules of judicial conduct also violates his oath as a lawyer."⁵⁹

Relevantly, Section 27, Rule 138 of the Rules of Court provides gross misconduct as a ground for disbarment from the practice of law, *viz*:

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 wilfull 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. (Emphasis supplied)*

Here, Atty. Arcaya-Chua's acts clearly transgresses Canon 1,⁶⁰ Rule 1.01, Rule 1.02,⁶¹ Canon 7,⁶² Rule 7.03,⁶³ Canon 11⁶⁴ and Rule 11.04⁶⁵ of the CPR as the same maligned the judiciary and the legal profession by giving the impression that cases are won other than based on their merits. Such act also violated Section 4, Canon 1; Sections 1 and 2, Canon 2; and Section 1, Canon 4 of the New Code of Judicial Conduct,⁶⁶ and thus likewise violated the Lawyer's Oath. Finally, We have previously held that Atty. Arcaya-Chua's act amounts to gross misconduct⁶⁷ and is thus a ground for disbarment.⁶⁸

⁵⁷ I, do solemnly swear that I will maintain allegiance to the Republic of the Philippines, I will support the Constitution and obey the laws as well as the legal orders of the duly constituted authorities therein; I will do no falsehood, nor consent to the doing of any in court; I will not wittingly or willingly promote or sue any groundless, false or unlawful suit, or give aid nor consent to the same; I will delay no man for money or malice, and will conduct myself as a lawyer according to the best of my knowledge and discretion, with all good fidelity as well to the courts as to my clients; And I impose upon myself these voluntary obligations without any mental reservation or purpose of evasion. So help me God.

⁵⁸ 612 Phil. 737 (2009).

⁵⁹ *Id.* at 748.

⁶⁰ CANON 1 – A LAWYER SHALL UPHOLD THE CONSTITUTION, OBEY THE LAWS OF THE LAND AND PROMOTE RESPECT FOR LAW OF AND LEGAL PROCESSES.

⁶¹ Rule 1.03 – A lawyer shall not, for any corrupt motive of interest, encourage any suit or proceeding or delay any man's cause.

⁶² CANON 7 - A LAWYER SHALL AT ALL TIMES UPHOLD THE INTEGRITY AND DIGNITY OF THE LEGAL PROFESSION AND SUPPORT THE ACTIVITIES OF THE INTEGRATED BAR.

⁶³ Rule 7.03 - A lawyer shall not engage in conduct that adversely reflects on his fitness to practice law, nor shall he whether in public or private life, behave in a scandalous manner to the discredit of the legal profession.

⁶⁴ CANON 11 - A LAWYER SHALL OBSERVE AND MAINTAIN THE RESPECT DUE TO THE COURTS AND TO JUDICIAL OFFICERS AND SHOULD INSIST ON SIMILAR CONDUCT BY OTHERS.

⁶⁵ Rule 11.04 - A lawyer shall not attribute to a Judge motives not supported by the record or have no materiality to the case.

⁶⁶ *Rollo*, pp. 71–72.

⁶⁷ *Id.* at 73.

⁶⁸ RULES OF COURT, Rule 138, Sec. 27.

Notably, We have previously resolved that the same act which led to the imposition of disciplinary action against members of the judiciary can likewise be the basis of imposing disciplinary action against them both as officials and as members of the Philippine Bar.⁶⁹

In *Atty. Nava v. Atty. Artuz*,⁷⁰ We disbarred Atty. Artuz for deliberately lying in her personal data sheets which she submitted when she applied to become a member of the bench. It must be noted that the same act led to her dismissal as a judge in a previous case.⁷¹

In *Samson v. Judge Caballero*,⁷² We likewise removed from the bench and disbarred former Judge Caballero when it was proven that he also deliberately lied in the personal data sheet he submitted when he applied to become a judge.

Likewise in *Office of the Court Administrator v. Judge Alinea, Jr.*,⁷³ We forfeited all benefits due to former Judge Alinea, Jr. as a member of the bench and likewise removed his name from the Roll of Attorneys after it was proven that he solicited money from a litigant in his court in exchange for the favorable resolution of a case pending before him. Relevantly, We would have removed Judge Alinea, Jr. as a member of the bench in view of his grave offense if not for his supervening compulsory retirement from service.

To reiterate, Atty. Arcaya-Chua, as a lawyer, violated (1) Rule 1.01 and Canon 10 of the CPR, as well as the Lawyer's Oath, when she failed to render an accurate account and remit funds due to the judiciary and even attempted to destroy evidence of the same; and (2) Canons 1, 7 and 11, as well as Rules 1.01, 1.02, 7.03 and 11.04 of the CPR as well as the Lawyer's Oath when she solicited money and represented to the public that she can influence this Court's resolution of cases pending before it.

It cannot be denied that former Judge Arcaya-Chua's acts did not only affect the image of the judiciary but also put her moral character in serious doubt and rendered her unfit to continue in the practice of law. Possession of good moral character is not only a prerequisite to admission to the bar but also a continuing requirement to the practice of law. If the practice of law is to remain an honorable profession and attain its basic ideals, those counted within its ranks should not only master its tenets and principles but should also accord continuing fidelity to them. The requirement of good moral

⁶⁹ A.M. No. 02-9-02-SC, September 17, 2002.

⁷⁰ A.C. No. 7253/A.M. No. MTJ-08-1717, February 28, 2020.

⁷¹ 817 Phil. 242 (2017).

⁷² 612 Phil. 737 (2009).

⁷³ 820 Phil. 417 (2017).

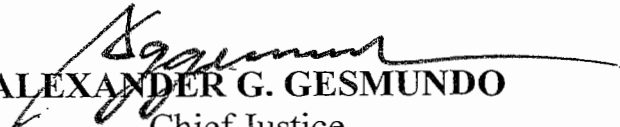
character is of much greater import, as far as the general public is concerned, than the possession of legal learning.⁷⁴

Thus, in view of her numerous transgressions of the CPR and the Lawyer's Oath and further aggravated by her lack of any remorse⁷⁵ as evinced by her insistence that all administrative cases against her were all trumped up by members of the judiciary, who for some reason or another, have proverbial axes to grind against her, We deem it proper to impose the penalty of disbarment against Atty. Arcaya-Chua.

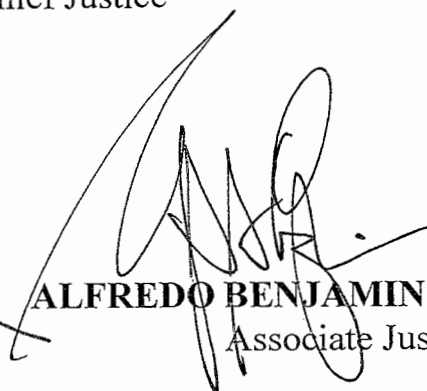
ACCORDINGLY, ATTY. EVELYN S. ARCAYA-CHUA, having clearly violated the Lawyer's Oath and the Canons of the Code of Professional Responsibility, is **DISBARRED** from the practice of law. Her name is **ORDERED STRICKEN** from the Roll of Attorneys, effective immediately.

Let copies of this Decision be furnished to: (1) the Office of the Bar Confidant to be appended to the records of Atty. Evelyn S. Arcaya-Chua; (2) the Integrated Bar of the Philippines for its information and guidance; and (3) the Office of the Court Administrator for circulation and dissemination to all courts throughout the country for their information and guidance.

SO ORDERED.



ALEXANDER G. GESMUNDO
Chief Justice


MARVIC M.V.F. LEONEN
Senior Associate Justice


ALFREDO BENJAMIN S. CAGUIOA
Associate Justice

⁷⁴ *Samson v. Judge Caballero, supra* at 751-752.

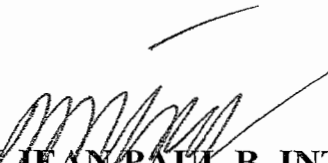
⁷⁵ 865 Phil. 247, 261-262 (2019).



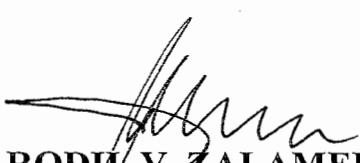
RAMON PAUL L. HERNANDO
Associate Justice



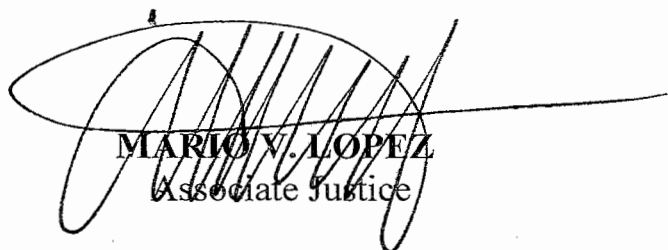
AMY C. LAZARO-JAVIER
Associate Justice



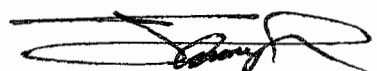
HENRI JEAN PAUL B. INTING
Associate Justice



RODIL V. ZALAMEDA
Associate Justice




MARIO V. LOPEZ
Associate Justice



SAMUEL H. GAERLAN
Associate Justice



RICARDO R. ROSARIO
Associate Justice



JHOSEP Y. LOPEZ
Associate Justice

On leave
JAPAR B. DIMAAMPAO
Associate Justice

No part
JOSE MIDAS P. MARQUEZ
Associate Justice



ANTONIO T. KHO, JR.
Associate Justice



MARIA FILOMENA D. SINGH
Associate Justice