



Republic of the Philippines  
**Supreme Court**  
Manila

EN BANC

**GENE M. DOMINGO,**  
Complainant,

**A.C. No. 5473**

Present:

SERENO, C.J.,  
CARPIO,  
VELASCO, JR.,  
LEONARDO-DE CASTRO,  
PERALTA,  
BERSAMIN,  
DEL CASTILLO,  
PERLAS-BERNABE,  
LEONEN,  
JARDELEZA,  
\*CAGUIOA,  
\*\*MARTIRES,  
TIJAM,  
REYES, JR., and  
GISMUNDO, JJ.

-versus-

**ATTY. ANASTACIO E.  
REVILLA, JR.,**  
Respondent.

Promulgated:

January 23, 2018

x-----*[Signature]*-----x

**DECISION**

***PER CURIAM:***

A disbarred lawyer who is found to have committed an offense that constitutes another ground prior to his eventual disbarment may be heavily fined therefor. The Court does not lose its exclusive jurisdiction over his other disbarable act or actuation committed while he was still a member of the Law Profession.

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\* On leave.  
\*\* On leave.

### The Case

Before this Court is the complaint for disbarment instituted by Gene Domingo (complainant) against Atty. Anastacio E. Revilla, Jr. (respondent),<sup>1</sup> alleging that the latter deliberately and feloniously induced and persuaded the former into releasing almost half a million pesos on the false pretense of having performed and accomplished legal services for him.

### Antecedents

The complainant is an American citizen of Filipino descent. During a visit to the Philippines in 2000, he sought the services of a lawyer to handle the cases to be filed against his cousin Melchor Arruiza and to work on the settlement of the estate of his late mother Judith Arruiza.<sup>2</sup> In April 2000, petitioner met respondent, a lawyer recommended by a friend. Petitioner informed respondent about his need for the services of a lawyer for the rescission of Melchor Arruiza's adoption and for the settlement of his mother's estate.<sup>3</sup>

The complainant alleged that the respondent represented to him that he would take on the cases in behalf of the law firm of Agabin Verzola Hermoso Layaoen & De Castro, where he worked as an associate. He assured petitioner that the law firm was able and willing to act as his legal counsel in the cases he intended to institute against his adopted brother, and to undertake the transfer of his mother's properties to his and his children's names.<sup>4</sup> Trusting the representations of respondent, the complainant agreed to engage respondent and his law firm, and paid the initial amount of ₱80,000.00.

Being based in the United States of America, the complainant maintained constant communication with respondent often through electronic mail (e-mail) and sometimes by telephone to get updates on the cases. The complainant alleged that based on his correspondences with respondent, the latter made several misrepresentations, as follows:

- [a)] He [had] filed the annulment of adoption of Melchor Arruiza in Abra, stating that the hearing would commence by the end of May 2000; and that the trial had been brought to completion;
- [b)] He was processing the transfer of the titles of the properties [in the names of petitioner and his children;]
- [c)] He processed the cancellation of the adverse claim of Melchor Arruiza annotated on the two titles of the properties, claiming that he

<sup>1</sup> *Rollo*, Vol. 1, pp. 1-6.

<sup>2</sup> *Id.* at 1.

<sup>3</sup> *Id.* at 2.

<sup>4</sup> *Id.*

*Agabin Verzola Hermoso Layaoen*

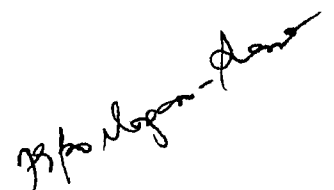
was there at the Land Registration Authority in Quezon City for the final approval of the cancellation;

- [d)] He was processing the payment of taxes and other fees on the properties to be transferred, including capital gains tax, transfer tax, registration fees and documentary stamp tax;
- [e)] That he was negotiating with the Bureau of Internal Revenue to reduce the tax from ₱80,000.00 to ₱10,000.00;
- [f)] That the new titles in the names of petitioner's children would be ready by July 20, 2000;
- [g)] That the new titles in the children's names were issued;
- [h)] That Melchor Arruiza opposed the cancellation of the adoption, and boasted that he knew many big time politicians in Abra who would help him;
- [i)] That the Judge x x x handling the case for the cancellation of the adoption [would] rule in petitioner's favor only if he would give to the Judge 10% of the value of the property in Better Living Subdivision, Parañaque City;
- [j)] That the Judge agreed on x x x ₱200,000.00 but he (respondent) needed an additional ₱50,000.00 "for the boys" in the Court of Appeals and the Supreme Court;
- [k)] That the Judge [already wrote] a decision in petitioner's favor, but [for his protection insisted upon a *kaliwaan* of the copy of the decision and the payment;]
- [l)] That the Judge received the money and [already promulgated the] decision in petitioner's favor;
- [m)] That said decision was appealed to the Court of Appeals and eventually to the Supreme Court where respondent was working doubly hard to influence [a favourable] outcome;
- [n)] That the Supreme Court had to meet *en banc* on the decision of the Abra Regional Trial Court (RTC) Judge in petitioner's favor; and
- [o)] That in consideration of all the above transactions, he (respondent) needed money [totalling] ₱433,002.61 [as payment to the Judge, BIR and related agencies, actual expenses and legal fees], [but requested] the payment in staggered amounts and on different dates.<sup>5</sup>

Based on the respondent's representation as to how justice was achieved in the Philippines, the complainant was constrained to give to the respondent the requested amounts in the belief that he had no choice.<sup>6</sup> The complainant would repeatedly request the original or at the very least copies of the decisions and the titles by e-mail, facsimile (fax) or courier service,

<sup>5</sup> Id. at 3-4.

<sup>6</sup> Id. at 4.



but respondent repeatedly failed to comply with the requests, giving various reasons or excuses. The respondent even volunteered to meet with the complainant in the United States of America to personally deliver the promised documents. The respondent never went to the United States of America to meet with the complainant. He also did not turn over the requested documents to the latter. Even worse, the respondent ultimately tried to avoid the complainant by cutting off communications between them.

Given the respondent's evasion, the complainant decided to write the law firm of Agabin Verzola Hermoso Layaoen & De Castro to inform them of the fraudulent actions of the respondent.<sup>7</sup> The complainant was surprised to be informed by the law firm that he had never been its client.<sup>8</sup> The law firm also told him that the respondent had been forced to resign from the law office because of numerous complaints about his performance as a lawyer.<sup>9</sup>

Hence, the complainant terminated the services of the respondent for refusal to respond and to surrender the alleged documents in his possession. He engaged the services of another law firm to verify the status of the cases allegedly brought by respondent in petitioner's behalf. The new law firm secured a certification from the RTC of Abra to the effect that no case against Melchor Arruiza had been filed. The complainant also discovered that none of the representations of the respondent, as enumerated above, had come to pass because all of such representations were sham and intended to induce him to remit almost half a million pesos to the respondent.<sup>10</sup>

On July 24, 2001, the complainant filed his complaint for disbarment in this the Court accusing the respondent of committing acts in violation of Canons 1, 2, 13, 15 & 16 of the Code of Professional Responsibility.<sup>11</sup>

On August 22, 2001, the Court required the respondent to comment.<sup>12</sup>

In his comment dated October 21, 2001,<sup>13</sup> the respondent denied the accusations, and countered as follows:

a) Petitioner wanted to have the adoption of Melchor D. Arruiza by his late mother Judith D. Arruiza granted by the Municipal Circuit Trial Court (MCTC) of Dolores-San Juan in the Province of Abra annulled because he had not been informed about the adoption which affected his inheritance, particularly with respect to the two parcels of land located in Parañaque City. Petitioner related to respondent why he (petitioner) filed the action for annulment of adoption in the RTC in

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<sup>7</sup> Id.

<sup>8</sup> Id. at 67.

<sup>9</sup> Id. at 4-5.

<sup>10</sup> Id.

<sup>11</sup> Supra note 1.

<sup>12</sup> *Rollo*, p. 70.

<sup>13</sup> Id. at 74-79.

*Agabin Verzola Hermoso Layaoen & De Castro*

Parañaque City, but Branch 258 of the RTC dismissed the petition on January 19, 2000 for lack of jurisdiction over the case;

b) Following the dismissal of the case, petitioner desperately wanted to revive it in the RTC in Abra. Petitioner also wanted the annotation of rights, title and interest of Melchor Arruiza as a legally adopted son of his late mother on the two titles cancelled, and to have the properties transferred in the names of petitioner's children;

c) Respondent explained to petitioner that it would be very hard to revive the case because the order of adoption issued on May 25, 1979 had long become final and executory;

d) It would also be inconvenient for petitioner to pursue the cancellation case considering that he was a permanent resident of the United States of America and the need for his personal presence at the RTC in Abra to testify against his adopted brother;

e) Respondent further told petitioner that his law firm at the time did not allow its members to handle personal cases, especially if the cases were filed in far flung provinces; and that the particular case of annulment of the judgment of adoption, being a special proceeding, would take years to finish inasmuch as the losing party would likely elevate the matter up to the Supreme Court and would be very costly in terms of expenses and attorney's fees;

f) Respondent claimed that petitioner still profusely pleaded with him to pursue the case no matter how much it would cost him, as long as his adopted brother was prevented from inheriting from the estate of his mother;

g) Respondent tried to talk some sense into petitioner, particularly that it was only just and fair that his adopted brother would inherit from their mother, but petitioner could not be swayed;

h) Even though respondent sensed the greediness, wickedness and scheming design of petitioner, he still accepted the engagement to handle the case of annulment of the judgment of adoption, as well as to have the annotations at the back of the titles cancelled and eventually have the properties transferred in the names of petitioner's children;

i) Respondent proposed that petitioner pay ₱500,000.00, more or less, as the total package of expenses and attorney's fees; petitioner agreed to the proposal and promised to remit the amount by installment upon his return to the United States of America, and to send the special power of attorney authorizing respondent to bring the case against Melchor Arruiza;

j) As a means of protecting the interest of petitioner, respondent offered to issue a check for ₱500,000.00 as a security for the amount to be remitted by petitioner from his United States of America account; his offer of the check was to give a sign of his good faith, because his primary aim was to provide the best and effective legal services petitioner needed under the circumstances;

k) Respondent then prepared an affidavit of self-adjudication for petitioner respecting the two properties registered in the name of

*Jeffrey D. Dama*

petitioner's late mother; he caused the publication of the affidavit in a tabloid;

l) Respondent informed petitioner that there was no way for him to win the annulment case unless he personally appeared and testified against his adopted brother, but petitioner said that he could not personally testify because he feared for his life due to Abra being an NPA- infested area;

m) On August 27, 2001, respondent went on and filed the complaint for annulment of the adoption in the RTC in Abra, docketed as Civil Case No. 1989, even without any firm assurance from petitioner that he would personally appear in court;

n) After the filing of the case, petitioner started making unreasonable demands, like having an immediate decision from the RTC in Abra in his favor, the cancellation of the adverse claim of his adopted brother on the titles of the properties, and transferring the titles in the names of petitioner's three children;

o) Respondent tried to explain to petitioner that his demands were impossible to meet because civil and special proceedings cases take years to finish inasmuch as the aggrieved parties would elevate the cases up to the Supreme Court; and that the cancellation of the adverse claim would depend on the outcome of the case they filed, but his refusal to appear and testify was still a problem;

p) Petitioner still adamantly insisted that respondent comply with his demands, or else he would sue him if he did not.<sup>14</sup>

On November 26, 2001, the Court referred the complaint for disbarment and the comment to the Integrated Bar of the Philippines (IBP) for investigation, report and recommendation or decision.<sup>15</sup>

The Commission on Bar Discipline (CBD) of the IBP conducted hearings. The case was then submitted for resolution after the complainant and the respondent submitted their manifestation and reply/counter manifestation, respectively.

### **The IBP's Report and Recommendation**

In a Report and Recommendation dated September 6, 2002,<sup>16</sup> the IBP-CBD found the respondent guilty of violating the Code of Professional Responsibility with respect to negligence in the performance of his duties towards his client, and recommended the penalty of reprimand with a stern warning that a repetition of the offense would warrant a more severe penalty. It ruled that the proceeding before it was basically a disciplinary proceeding;

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<sup>14</sup> Id. at 74-78.

<sup>15</sup> Id. at 114.

<sup>16</sup> *Rollo*, Vol. II, pp. 165-171.

*79/10/2002 - 10/2002*

that it could only decide on the fitness of respondent to continue in the practice of law;<sup>17</sup> that it could not go beyond the sanctions that could be imposed under the *Rules of Court*; that it had the power to require the restitution of the client's money as part of the penalty; that it could only order the restitution of whatever amount that was given by petitioner to respondent but not other monetary claims of petitioner like travel and plane fare and litigation expenses, which were properly within the jurisdiction of other authorities;<sup>18</sup> and that, accordingly, it ordered respondent to immediately deliver to petitioner the amount of ₱513,000.00, plus interest computed at the legal rate.

In Resolution No. XV-2002-597 passed on October 19, 2002,<sup>19</sup> the IBP Board of Governors adopted and approved the Report and Recommendation dated September 6, 2002 of the Investigating Commissioner.

On January 14, 2003, the complainant filed a Motion for Reconsideration,<sup>20</sup> praying that Resolution No. XV-2002-597 be reconsidered and set aside, and that the appropriate penalty of disbarment, or, at the very least, suspension be imposed on the respondent.

On January 25, 2003, the IBP Board of Governors passed and adopted Resolution No. XV-2003-49<sup>21</sup> denying the complainant's Motion for Reconsideration on the ground that the Board had no jurisdiction to consider and resolve the matter by virtue of its having already been endorsed to the Court.

Meanwhile, on January 29, 2003, the Court issued a resolution: (1) noting the resolution of the IBP-CBD reprimanding the respondent; and (2) directing him to inform the IBP of his compliance with the resolution.<sup>22</sup>

After the IBP denied petitioner's Motion for Reconsideration, the complainant filed his petition dated March 6, 2003.<sup>23</sup>

On April 3, 2003, the respondent filed his Manifestation and Motion praying that the resolution of the IBP Board of Governors be reconsidered and set aside.<sup>24</sup>

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<sup>17</sup> Id. at 169.

<sup>18</sup> Id. at 170.

<sup>19</sup> Id. at 164.

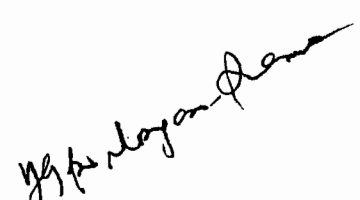
<sup>20</sup> Id. at 177-186.

<sup>21</sup> Id. at 206.

<sup>22</sup> Id. at 219.

<sup>23</sup> Id. at 231-247.

<sup>24</sup> Id. at 281-284.



On April 30, 2003, the Court noted the IBP's denial of the complainant's Motion for Reconsideration for lack of jurisdiction, and the respondent's Manifestation and Motion; and took cognizance of the March 6, 2003 petition of the complainant, and required the respondent to file his Comment.<sup>25</sup>

On October 20, 2003, the Court took note of the respondent's Comment with Motion for Reconsideration, and required the complainant to file his Reply.<sup>26</sup> After requesting an extension of time to file his Reply, the complainant filed his Reply on December 8, 2003.<sup>27</sup>

### **Ruling of the Court**

In its findings, the IBP concluded that the respondent was guilty of negligence in the performance of his duties to his client, and recommended that: (a) he be reprimanded with a stern warning that any repetition of his conduct would be dealt with more severely; and (b) he be ordered to return the sums of money totalling ₱513,000.00 he had received from the complainant.

After reviewing the established circumstances of the case, the Court accepts the findings against the respondent but modifies the recommended penalty considering that his violation of the *Code of Professional Responsibility* constituted deliberate defraudation of the client instead of mere negligence.

Firstly, the respondent misled the complainant into thinking that it would be his law firm that was to take on the case. Secondly, despite the fact that he had intimated to the complainant that it would be highly unlikely to still have the adoption decree nullified due to the decree having long become final and executory, he nonetheless accepted the case. Thirdly, he told the complainant that he had already instituted the action for the annulment of the adoption despite not having yet done so. Fourthly, he kept on demanding more money from the complainant although the case was not actually even moving forward. Fifthly, he continued to make up excuses in order to avoid having to furnish to the complainant the requested copies of court documents that, in the first place, he could not produce. And, lastly, he claimed that he intended to return the money to the complainant but instead sent the latter a stale check.

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<sup>25</sup> Id. at 298.

<sup>26</sup> Id. at 325.

<sup>27</sup> Id. at 341-345.

*J. H. Morgan - Per*



All these acts, whether taken singly or together, manifested the respondent's dishonesty and deceit towards the complainant, his client, in patent violation of Rule 1.01<sup>28</sup> of the *Code of Professional Responsibility*.

We note that the respondent filed the case for the annulment of the adoption decree only on August 27, 2001<sup>29</sup> after the complainant had sent him the demand letter dated April 10, 2001.<sup>30</sup> Such filing was already during the pendency of the administrative investigation of the complaint against him in the IBP. Had the complainant not threatened to charge him administratively, he would not have filed the petition for annulment of the adoption at all.

Rule 18.03, Canon 18 of the *Code of Professional Responsibility* states:

Rule 18.03 - A lawyer shall not neglect a legal matter entrusted to him and his negligence in connection therewith shall render him liable.

The Court has consistently held, in respect of this Rule, that the mere failure of the lawyer to perform the obligations due to the client is considered *per se* a violation.<sup>31</sup>

Despite the fact that the complainant engaged his services and advanced sums of money to cover the court fees and related expenses to be incurred along the way, the respondent did not file the petition for annulment. His conduct was reprehensible because it amounted to dishonesty and plain deceit. His filing of the petition for annulment later on did not mitigate his sin because he did so only because he had meanwhile received the complainant's demand letter that contained the threat of filing administrative charges against him. Moreover, he repeatedly did not inform the complainant on the actual status of the petition although the latter regularly sought to be updated. Instead, the respondent kept on making up excuses and conjured up pretenses to make it appear that the case was moving along. His conduct of accepting money for his legal services in handling the annulment of the adoption decree, and of failing to render the contracted legal services violated Canon 18 of the *Code of Professional Responsibility*.<sup>32</sup> Also, the highly fiduciary and confidential relation of attorney and client required that he as the lawyer should promptly account for all the funds received from, or held by him for, the complainant as the client.<sup>33</sup>

<sup>28</sup> Rule 1.01 - A lawyer shall not engage in unlawful, dishonest, immoral or deceitful conduct.

<sup>29</sup> *Rollo*, Vol. I, p. 109.

<sup>30</sup> *Rollo*, Vol. II, p. 130.

<sup>31</sup> *Solidon v. Macalalad*, A.C. No. 8158, February 24, 2010, 613 SCRA 472, 476.

<sup>32</sup> *Reyes v. Vitan*, A.C. No. 5835, April 15, 2005, 456 SCRA 87, 90.

<sup>33</sup> *In re Bamberger*, 49 Phil. 962, 964 [1924].

*M. Angeles-Ara*

Furthermore, the respondent did not abide by the mandate of Canon 15 that required members of the Legal Profession to observe candor, fairness and loyalty in all their dealings and transactions with their clients.

In their conversations, the respondent told the complainant that the judge handling the case would rule in their favor only if he would be given 10% of the value of the property at Better Living Subdivision, Parañaque, and that the handling judge consequently agreed on the fee of ₱200,000.00 but needed an additional ₱50,000.00 “for the boys” in the Court of Appeals and the Supreme Court. In doing so, the respondent committed calumny, and thereby violated Rules 15.06 and 15.07 of Canon 15 of the *Code of Professional Responsibility*, to wit:

Rule 15.06 - A lawyer shall not state or imply that he is able to influence any public official, tribunal or legislative body.

Rule 15.07 - A lawyer shall impress upon his client compliance with the laws and principles of fairness.

Members of the Bench are tasked with ensuring that the ends of justice are served. Such negative imputations against them and the collegial bodies of the Judiciary on the part of the respondent tended to erode the trust and confidence of the people in our judicial system. The Court should not take such conduct of the respondent lightly considering that the image of the Judiciary was thereby diminished in the eyes of the public; hence, the Court must severely reprove the respondent.

The respondent’s commission of various offenses constituting professional misconduct only demonstrated his unworthiness to remain as a member of the Legal Profession. He ought to be disbarred for such offenses upon this complaint alone. A review of his record as an admitted member of the Bar shows, however, that in *Que v. Revilla, Jr.*,<sup>34</sup> the Court had disbarred him from the Legal Profession upon finding him guilty of violations of the Lawyers Oath; Canon 8; Rules 10.01 and 10.03, Canon 10; Rules 12.02 and 12.04, Canon 12; Rule 19.01, Canon 19 of the *Code of Professional Responsibility*; and Sections 20(d), 21 and 27 of Rule 138 of the *Rules of Court*. In view of his prior disbarment, we can no longer impose the appropriate penalty of disbarment as deserved because we do not have double or multiple disbarments in this jurisdiction.<sup>35</sup>

<sup>34</sup> A.C. No. 7054, December 4, 2009, 607 SCRA 1.

<sup>35</sup> *Sanchez v. Torres*, A.C. No. 10240, November 25, 2014, 741 SCRA 620, 627; *Yuhico v. Gutierrez*, A.C. No. 8391, November 23, 2010, 635 SCRA 684, 689.

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In the meanwhile, on February 15, 2016, the respondent filed a so-called *Most Respectful Motion to Dismiss*<sup>36</sup> in which he adverted to the earlier submission through his *Manifestation* filed on April 24, 2015<sup>37</sup> of the copy of the amicable settlement he had concluded with the complainant to the effect that, among others, he had already paid back to the latter, through his lawyer (Atty. Hope Ruiz Valenzuela), the amount of ₱650,000.00 “as full and complete settlement of the Complainant’s claims against the Respondent.” He thereby sought the dismissal of the complaint out of “justice and fairness.”

In the resolution promulgated on September 22, 2015, the Court merely noted without action the *Manifestation* dated April 21, 2015.<sup>38</sup>

The *Most Respectful Motion to Dismiss* on the ground of the amicable settlement between the parties cannot be granted. Although the amicable settlement obliterated the legal obligation to return to the complainant the amounts obtained by deceit, the respondent was not entitled to demand the dismissal of the charges against him for that reason. He ought to have known that his professional responsibilities as an attorney were distinct from his other responsibilities. To be clear, the primary objective of administrative cases against lawyers is not only to punish and discipline the erring individual lawyers but also to safeguard the administration of justice by protecting the courts and the public from the misconduct of lawyers, and to remove from the legal profession persons whose utter disregard of their Lawyer’s Oath has proven them unfit to continue discharging the trust reposed in them as members of the Bar.<sup>39</sup>

Moreover, the practice of law is a privilege heavily burdened with conditions.<sup>40</sup> Every attorney is a vanguard of our legal system, and, as such, is expected to maintain not only legal proficiency but also a very high standard of morality, honesty, integrity, and fair dealing in order that the people’s faith and confidence in the legal system are ensured.<sup>41</sup> He must then conduct himself, whether in dealing with his clients or with the public at large, as to be beyond reproach at all times.<sup>42</sup> Any violation of the high moral standards of the Legal Profession justifies the imposition on the attorney of the appropriate penalty, including suspension and disbarment.<sup>43</sup> Verily, the respondent’s deceitful conduct as an attorney rendered him directly answerable to the Court on ethical, professional and legal grounds

<sup>36</sup> *Rollo*, pp. 399-403.

<sup>37</sup> *Id.* at 382-396.

<sup>38</sup> *Id.* at 397.

<sup>39</sup> *Rivera v. Corral*, A.C. No. 3548, July 4, 2002, 384 SCRA 1, 9.

<sup>40</sup> *Rafols, Jr. v. Barrios, Jr.*, A.C. 4973, March 15, 2010, 615 SCRA 206, 220.

<sup>41</sup> *Cham v. Paita-Moya*, A.C. No. 7494, June 27, 2008, 556 SCRA 1, 9.

<sup>42</sup> Rule 7.03, *Code of Professional Responsibility*, to wit:

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.

<sup>43</sup> *Cham v. Paita-Moya*, supra note 41.

*Handwritten signature: H. B. Lopez-Arce*

despite the fact that he and the complainant had amicably settled any differences they had that might have compelled the complainant to bring the complaint against him.

In fine, the gravity of the respondent's professional misconduct and deceit should fully warrant his being permanently barred from reinstatement to the ranks of the Philippine Bar and from having his name restored in the Roll of Attorneys.

However, circumstances attendant in his case should be considered and appreciated in mitigating the penalty to be imposed.<sup>44</sup>

The first of such circumstances related to the context of the engagement between the parties. Upon reflecting on the adverse effects on his inheritance from his late mother of his cousin's adoption by her, the complainant had engaged the respondent's legal services and representation for the purpose of nullifying or undoing the adoption. At the outset, the respondent was candid in explaining to the complainant that the prosecution of the case would be complicated mainly because the adoption had been decreed in 1979 yet, and also because the complainant, as a permanent resident of the United States of America, would be thereby encountering difficulties and high costs, aside from untold inconvenience due to his physical presence in the country being needed every now and then.<sup>45</sup> The respondent's candid explanations notwithstanding, the complainant persisted in pursuing the case, impelling the respondent to take on the engagement.

Another circumstance is that the respondent had already returned to the complainant the amount of ₱650,000.00 the former had received from the latter on account of the professional engagement. The returned amount was in full and complete settlement of the latter's claims.<sup>46</sup> Judicial precedents exist in which the Court treated the return in full of the money the respondent attorneys had received from their complaining clients as mitigating circumstances that lowered the penalties imposed.<sup>47</sup> For sure, the voluntary restitution by the respondent herein of the amount received in the course of the professional engagement, even if it would not lift the sanction meted on him, manifested remorse of a degree on his part for his wrongdoing, and was mitigating in his favor.

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<sup>44</sup> *Foronda v. Atty. Jose L. Alvarez*, A.C. 9976, June 25, 2014, 727 SCRA 155; *Ong v. Atty. William F. Delos Santos*, A.C. 10179, March 4, 2014, 717 SCRA 663; *Somosot v. Lara*, A.C. No. 7024, January 30, 2009, 577 SCRA 158, 174; *In Re: Edillion, AC-1928*, December 19, 1980, 101 SCRA 612.

<sup>45</sup> *Supra* note 14, at 75.

<sup>46</sup> *Rollo*, pp. 383-384, 387-389.

<sup>47</sup> See *Foronda v. Atty. Jose L. Alvarez*, *supra* note 44 at 170-171; *Ong v. Atty. Delos Santos*, *supra* note 44, at 672.

*Jose L. Alvarez*

And, thirdly, the Court cannot but note the respondent's several pleas for judicial clemency to seek his reinstatement in the ranks of the Philippine Bar.<sup>48</sup> He has backed up his pleas by adverting to his personal travails since his disbarment. He claims, too, that his health has been failing of late considering that he had been diagnosed to be suffering from chronic kidney disease, stage five, and has been undergoing dialysis three times a week.<sup>49</sup> His advancing age and the fragile state of his health may also be considered as a mitigating factor.<sup>50</sup> In addition, it is noteworthy that he has been devoting some time to Christian and charity pursuits, like serving with humility as a Lay Minister at St. Peter Church in Quezon City and as a regular lecturer on the Legal Aspects of Marriage.<sup>51</sup>

Pleas for judicial clemency reflected further remorse and repentance on the part of the respondent.<sup>52</sup> His pleas appear to be sincere and heartfelt. In human experience, remorse and repentance, if coupled with sincerity, have always been regarded as the auspicious start of forgiving on the part of the offended, and may eventually win even an absolution for the remorseful. The Court will not be the last to forgive though it may not forget.

In view of the foregoing circumstances, perpetual disqualification from being reinstated will be too grave a penalty in light of the objective of imposing heavy penalties like disbarment to correct the offenders.<sup>53</sup> The penalty ought to be tempered to enable his eventual reinstatement at some point in the future. Verily, permanently barring the respondent from reinstatement in the Roll of Attorneys by virtue of this disbarable offense will deprive him the chance to return to his former life as an attorney.

To start the respondent on the long road to reinstatement, we fine him in the amount of ₱100,000.00, a figure believed to be a fair index of the gravity of his misdeeds. Less than such amount might undeservedly diminish the gravity of his misdeeds. At this juncture, it is relevant to note that he committed the offense complained of herein before the Court disbarred him in A.C. 7054. Meting the stiff fine despite his disbarment is a way for the Court to assert its authority and competence to discipline all acts and actuations committed by the members of the Legal Profession. The Court will not waver in doing so.

But the fine comes with the stern warning to the respondent that he must hereafter genuinely affirm his remorse and start to demonstrate his readiness and capacity to live up once again to the exacting standards of

<sup>48</sup> *Que v. Revilla, Jr.*, A.C. No. 7054, November 11, 2014, 739 SCRA 459, 464.

<sup>49</sup> *Id.*

<sup>50</sup> See *In Re: Edillion*, A.C. No. 1928, December 19, 1980, 101 SCRA 612, 617.

<sup>51</sup> *Supra* note 48, at 464-465.

<sup>52</sup> *Que v. Revilla, Jr.*, *supra* note 48.

<sup>53</sup> *Bernardo v. Mejia*, A.C. No. 2984, August 31, 2007, 531 SCRA 639, 643.

*799 for lawyer done*

conduct demanded of every member of the Bar in good standing and of every officer of the Court;<sup>55</sup> otherwise, he would be be sanctioned with greater severity.

**WHEREFORE**, the Court **FINDS AND DECLARES ATTY. ANASTACIO REVILLA, JR. GUILTY** of violating Rule 1.01 of Canon 1, Rules 15.06 and 15.07 of Canon 15, and Rule 18.03 of Canon 18 of the *Code of Professional Responsibility*, but, in view of his continuing disbarment, hereby **METES** the penalty of FINE of ₱100,000.00.

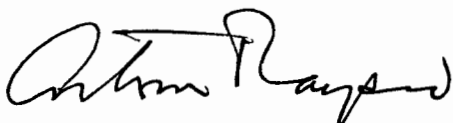
This decision is **IMMEDIATELY EXECUTORY**.

Let copies of this decision be furnished to: (a) the Office of the Court Administrator for dissemination to all courts throughout the country for their information and guidance; (b) the Integrated Bar of the Philippines; and (c) the Office of the Bar Confidant to be appended to the respondent’s personal record as a member of the Bar.

**SO ORDERED.**



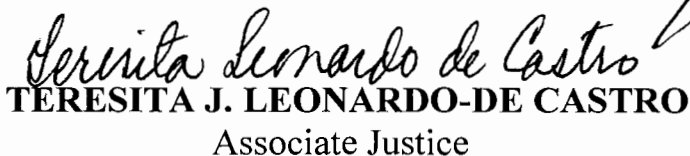
**MARIA LOURDES P.A. SERENO**  
Chief Justice



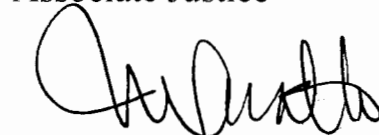
**ANTONIO T. CARPIO**  
Associate Justice



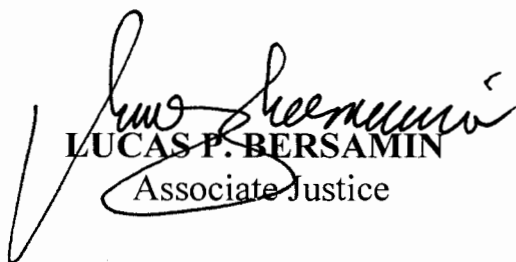
**PRESBITERO J. VELASCO, JR.**  
Associate Justice



**TERESITA J. LEONARDO-DE CASTRO**  
Associate Justice



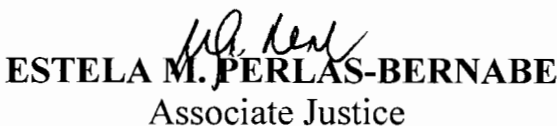
**DIOSDADO M. PERALTA**  
Associate Justice



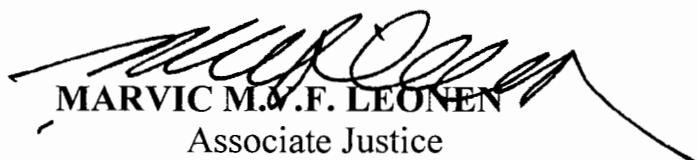
**LUCAS P. BERSAMIN**  
Associate Justice



**MARIANO C. DEL CASTILLO**  
Associate Justice



**ESTELA M. PERLAS-BERNABE**  
Associate Justice



**MARVIC M. F. LEONEN**  
Associate Justice

<sup>55</sup> *Valencia v. Antiniv*, A.C. Nos. 1302, 1391 & 1543, June 30, 2008, 556 SCRA 503, 515.



**FRANCIS H. JARDELEZA**  
Associate Justice

(On Leave)

**ALFREDO BENJAMIN S. CAGUIOA**  
Associate Justice

(On Leave)

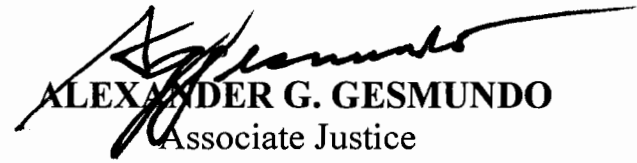
**SAMUEL R. MARTIRES**  
Associate Justice



**NOEL GIMENEZ TIJAM**  
Associate Justice

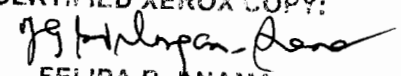


**ANDRES B. REYES, JR.**  
Associate Justice



**ALEXANDER G. GESMUNDO**  
Associate Justice

CERTIFIED XEROX COPY:



**FELIPA B. ANAMA**  
CLERK OF COURT, EN BANC  
SUPREME COURT