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Republic of the Philippines
Supreme Court
Manila

EN BANC

JUSTICE FERNANDA LAMPAS-PERALTA, JUSTICE STEPHEN C. CRUZ, and JUSTICE RAMON PAUL L. HERNANDO,

Complainants,

A.C. No. 12415

Present:

BERSAMIN, C.J.,
CARPIO,
PERALTA,*
DEL CASTILLO,
PERLAS-BERNABE,**
LEONEN,
JARDELEZA,
CAGUIOA,
REYES, JR., A.B.,
GISMUNDO,
REYES, JR., J.C.,
HERNANDO,* and
CARANDANG, JJ.

- versus -

ATTY. MARIE FRANCES E. RAMON,

Respondent.

Promulgated:

March 5, 2019

X ----- X

DECISION

PER CURIAM:

This is a Joint Complaint-Affidavit¹ for disbarment filed by Court of Appeals (CA) Associate Justices Fernanda Lampas-Peralta, Chairperson of the Sixth Division, Stephen C. Cruz, Senior Member of the Fifth Division, and Ramon Paul L. Hernando, then Junior Member of the Fifth Division, now a member of this Court (*complainants*), against Atty. Marie Frances E.

* No Part.

** On Official Leave.

¹ Rollo, pp. 2-9.

Ramon (*respondent*), a member of the bar, before the Integrated Bar of the Philippines (*IBP*) Commission on Bar Discipline (*Commission*).

The Antecedents

On March 4, 2016, it came to the knowledge of complainants that a certain Maria Rossan De Jesus (*De Jesus*) went to the Office of the Division Clerk of Court of the CA Fifth Division to ascertain the veracity and authenticity of a Decision² purportedly written by complainants in a criminal case entitled, "*People of the Philippines v. Tirso Fajardo y Delos Trino*," and docketed as CA-G.R. CR No. 08005.

In the said decision, complainants allegedly ordered the acquittal of Tirso Fajardo (*Fajardo*), cousin of De Jesus, for the crime of violation of Sections 5 and 7 of Republic Act (*R.A.*) No. 9165.³ The said decision was given to De Jesus by respondent, who was their counsel, to serve as proof that Fajardo had been acquitted. Respondent is a law practitioner, who was admitted to the bar on May 4, 2004 with Roll No. 49050. However, respondent informed De Jesus that the promulgation of the said decision would supposedly depend on the payment of a large sum of money to respondent.

Complainants checked the cases assigned to them and discovered that the said criminal case of Fajardo was still in the completion stage and was assigned to former CA Associate Justice Noel G. Tijam,⁴ who was then a member of the CA Fourth Division.⁵ This was affirmed by the CA Clerk of Court's Certification.⁶

On March 9, 2016, complainants learned through a newspaper item and television news program that on March 8, 2016, an entrapment operation was conducted by the members of the National Bureau of Investigation (*NBI*) against respondent, where she was caught red-handed receiving marked money from Carlos Aquino (*Aquino*), a friend of Fajardo, for the issuance of the aforementioned fake decision. Complainants also learned that the NBI filed a Criminal Complaint⁷ against respondent and a certain Alex Rowales before the Office of the City Prosecutor of Manila for the crimes of estafa under Article 315, paragraph 2, and falsification under Article 172 of the Revised Penal Code (*RPC*). The complaint stated that:

² Id. at 10-28.

³ Also known as the Comprehensive Dangerous Drugs Act of 2002.

⁴ He is also a retired Associate Justice of the Supreme Court.

⁵ *Rollo*, pp. 29-30.

⁶ Id. at 31.

⁷ Id. at 32-34.

Complainants alleged that on December 16, 2015[,] [respondent] was engaged by MS. RAYMUNDA FAJARDO to appeal the decision of the Makati RTC convicting her son TIRSO DELOS TRINO FAJARDO for violation of R.A. [No.] 9165. From said date until March 2, 2016[,] [respondent] allegedly repeatedly asked for money which eventually reached the total amount of about one million pesos purportedly for legal fees and representation expenses. On March 2, 2016[,] Complainants, who are the cousin and best friend, respectively, of TIRSO FAJARDO, met with [respondent] and one ALEX ROWALES whom [respondent] introduced as a Sheriff of the Court of Appeals and who showed to them a purported DECISION of the Court of Appeals dated February 19, 2016[,] acquitting TIRSO FAJARDO and they asked for [₱]150,000.00 to hasten the release of the purported decision and the eventual release of TIRSO FAJARDO. Complainants first paid half of the demanded amount and verified the purported decision[,] which they discovered to be fake. They then reported the matter to the NBI Anti-Fraud Division[,] which then planned an entrapment operation.

On March 8, 2016 at about 12:15 o'clock in the afternoon, the undersigned Agents, together with the Complainants, conducted an entrapment operation and proceeded to Jollibee Restaurant, Kalaw Ave., Ermita, Manila[,] where Complainants and Subjects agreed to meet[,] where Complainants are to deliver the balance of [₱]75,000.00

As instructed, complainant DE JESUS occupied a table nearest the corner of Kalaw and Orosa by the glass walls x x x. At about 12:30pm[,] [respondent] arrived at the table with some food and proceeded to eat while conversing with DE JESUS. After a few minutes, Complainant AQUINO arrived and after conversing with [respondent], he handed the marked money contained in a brown envelope to [respondent][,] who then received the envelope and placed it [in front of her]. After conversing some more, Complainants and [respondent] stood up holding the brown envelope with the marked money.

At this juncture, Subject was immediately arrested and the marked money was recovered. x x x⁸

Thus, complainants filed the present administrative complaint alleging that respondent should be disbarred due to the following reasons: for representing herself as a lawyer who can influence Justices of the Court of Appeals to secure the acquittal of an accused; for defrauding the relatives of accused Fajardo to amass a large amount of money in the total amount of ₱1,000,000.00; for utter show of disrespect to complainants, the Court, and the Judiciary as a whole; and for committing the crimes of estafa and falsification. 9

⁸ Id. at 33.

Respondent did not submit any answer in spite of receipt of the order from the IBP Commission. She also failed to appear at the mandatory conference despite due notice.⁹ Only complainants submitted their Joint Position Paper¹⁰ dated July 27, 2016, to the IBP Commission.

IBP Report and Recommendation

In its Report and Recommendation¹¹ dated September 26, 2016, the IBP Commission recommended that respondent be disbarred as a lawyer for committing acts that were in violation of her sworn duties as a lawyer and the Code of Professional Responsibility (*Code*), and for unreasonably involving the Justices in the incident to their damage and prejudice.

In its Resolution¹² dated November 28, 2017, the IBP Board of Governors (*IBP Board*) adopted the findings of fact and recommendation of the IBP Commission imposing a penalty of disbarment against respondent.

The Court's Ruling

The Court adopts the findings of the IBP Commission and the recommendation of the IBP Board.

Those in the legal profession must always conduct themselves with honesty and integrity in all their dealings. Members of the bar took their oath to conduct themselves according to the best of their knowledge and discretion with all good fidelity as well to the courts as to their clients and to delay no man for money or malice. These mandates apply especially to dealings of lawyers with their clients considering the highly fiduciary nature of their relationship.¹³

It bears stressing that membership in the bar is a privilege burdened with conditions. A lawyer has the privilege and right to practice law during good behavior and can only be deprived of it for misconduct ascertained and declared by judgment of the court after opportunity to be heard has afforded him. Without invading any constitutional privilege or right, and attorney's right to practice law may be resolved by a proceeding to suspend or disbar him, based on conduct rendering him unfit to hold a license or to exercise

⁹ Id. at 161.

¹⁰ Id. at 92-100.

¹¹ Id. at 161-163.

¹² Id. at 159-160.

¹³ *Luna v. Atty. Galarrita*, 763 Phil. 175, 184 (2015).

the duties and responsibilities of an attorney.¹⁴ However, in consideration of the gravity of the consequences of the disbarment or suspension of a member of the bar, the Court have consistently held that a lawyer enjoys the presumption of innocence, and the burden of proof rests upon the complainant to satisfactorily prove the allegations in his complaint through substantial evidence.¹⁵

The Lawyer's Oath requires every lawyer to "support the Constitution and obey the laws as well as the legal orders of the duly constituted authorities therein" and to "do no falsehood, nor consent to the doing of any in court."¹⁶ To the best of his ability, every lawyer is expected to respect and abide by the law, and to avoid any act or omission that is contrary thereto. A lawyer's personal deference to the law not only speaks of his character but it also inspires respect and obedience to the law on the part of the public.¹⁷ Canon 1, Rules 1.01 and 1.02 of the Code states:

CANON 1 — A lawyer shall uphold the constitution, obey the laws of the land and promote respect for law and for 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.

On the other hand, Canon 7 and Rule 7.03 obliges every lawyer to uphold the integrity and dignity of the legal profession, to wit:

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.

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.

¹⁴ *Velasco v. Atty. Doroin, et al.*, 582 Phil. 1, 9 (2008).

¹⁵ *Goopio v. Maglalang*, A.C. No. 10555, July 31, 2018.

¹⁶ See Lawyer's Oath.

¹⁷ *Jimenez v. Atty. Francisco*, 749 Phil. 551, 565 (2014).

Further, Canon 10, Rules 10.01, 10.02, and 10.03 mandates every lawyer to observe candor, fairness, and good faith, *viz.*:

CANON 10 — A lawyer owes candor, fairness and good faith to the court.

RULE 10.01 A lawyer shall not do any falsehood, nor consent to the doing of any in Court; nor shall he mislead or allow the Court to be misled by any artifice.

RULE 10.02 A lawyer shall not knowingly misquote or misrepresent the contents of a paper, the language or the argument of opposing counsel, or the text of a decision or authority, or knowingly cite as law a provision already rendered inoperative by repeal or amendment or assert as a fact that which has not been proved.

RULE 10.03 A lawyer shall observe the rules of procedure and shall not misuse them to defeat the ends of justice.

*Respondent violated the
Lawyer's Oath and the Code;
Grave misconduct*

The Court finds that respondent violated the Lawyer's Oath and several canons and rules of the Code. She represented to De Jesus and Aquino that she could secure the acquittal of Fajardo and even used the names of the Associate Justices to accomplish her ill motives.

Respondent also defrauded her clients by drafting a fake, spurious, and sham decision regarding the purported acquittal of Fajardo. She placed the names of complainants in the fake decision even though the criminal case of Fajardo was raffled in a different division and assigned to a different Associate Justice. Glaringly, she discredited and disrespected members of the judiciary by wrongfully involving complainants' names in her fraudulent scheme. She also maliciously represented to her clients that she can influence Associate Justices of the CA to ensure the acquittal of an accused.

Further, respondent exacted exorbitant fees from her clients, in the amount of ₱1,000,000.00 more or less, as evidenced by receipts she signed.¹⁸ In her ultimate desire to extort more money from Fajardo's

¹⁸ *Rollo*, pp. 135-140.

relatives, she presented the fake decision of acquittal and asserted that the promulgation of the said decision would allegedly depend on the payment of a large sum of money to respondent.

Through the operation of the NBI, respondent was arrested in an entrapment operation when she received the marked money from Aquino for the purported decision of acquittal. Respondent's arrest and *modus operandi* were even broadcasted in television and published in the newspaper, causing further shame, disrepute, and disgrace to the legal profession.

Respondent was given an opportunity to controvert the allegations against her, however, she neither filed her answer nor attended the mandatory conference in the IBP Commission.

Verily, the acts exhibited by respondent violated the Lawyer's Oath. Her acts are also contrary to Canons 1, 7, and 10, and Rules 1.01, 1.02, 7.03, 10.01, 10.02, and 10.03 because respondent violated the laws, particularly Articles 172 and 315, par. 2 of the RPC, tarnished the integrity and dignity of the legal profession, and committed falsehood and deceit against her clients and the courts.

Respondent's acts also constitute grave misconduct. The misconduct is grave if it involves any of the additional elements of corruption, willful intent to violate the law, or to disregard established rules, which must be established by substantial evidence. As distinguished from simple misconduct, the elements of corruption, clear intent to violate the law, or flagrant disregard of established rule, must be manifest in a charge of grave misconduct.¹⁹ Corruption, as an element of grave misconduct, consists in the act of an official or fiduciary person who unlawfully and wrongfully uses his station or character to procure some benefit for himself or for another person, contrary to duty and the rights of others.²⁰

Doubtless, respondent had a clear intent to violate the law when she fraudulently drafted a fake decision of the CA, falsely including therein the names of complainants, and presenting it to her clients for monetary consideration. These acts show respondent's wanton disregard of the law and a patent propensity to trample upon the canons of the Code. Hence, respondent should also be held administratively guilty for grave misconduct.

¹⁹ *Office of the Court Administrator v. Judge Indar*, 685 Phil. 272, 286-287 (2012).

²⁰ *Office of the Court Administrator v. Lopez*, 654 Phil. 602, 608 (2011).

Proper penalty

The Court finds that complainants have established by substantial evidence that respondent: (1) drafted a fake decision of the CA acquitting Fajardo; (2) falsely and shamelessly included the names of complainants in the fake decision even though the criminal case was raffled to another division and handled by a different Justice; (3) maliciously represented that she can influence Associate Justices of the CA to acquit an accused; (4) fraudulently presented this fake decision to her clients in exchange for a hefty monetary consideration; (5) exacted exorbitant fees from her clients in the amount of ₱1,000,000.00; and (6) was caught red-handed by the NBI operatives when she received the marked money from her client for the fake decision of the CA. As discussed above, these acts constitute violations of the Lawyer's Oath, and Canons 1, 7, and 10, and Rules 1.01, 1.02, 7.03, 10.01, 10.02, and 10.03 of the Code. Respondent is guilty of grave misconduct because her transgression showed her clear intent to violate the law and disregard the Code.

A member of the Bar may be penalized, even disbarred or suspended from his office as an attorney, for violation of the Lawyer's Oath and/or for breach of the ethics of the legal profession as embodied in the Code. For the practice of law is a profession, a form of public trust, the performance of which is entrusted to those who are qualified and who possess good moral character. The appropriate penalty for an errant lawyer depends on the exercise of sound judicial discretion based on the surrounding facts.²¹ Section 27, Rule 138 of the Rules of Court states:

Sec. 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 admission to practice, or for a wilfull disobedience of any lawful order of a superior court, or for corruptly or wilfully 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)

In *Taday v. Atty. Apoya, Jr.*,²² the Court disbarred a lawyer for authoring a fake court decision, which was considered a violation of Rule

²¹ *Sison, Jr. v. Atty. Camacho*, 777 Phil. 1, 14 (2016).

²² A.C. No. 11981, July 3, 2018.

1.01, Canon 1 of the Code. The lawyer therein even delivered and misrepresented the fake decision to his client. The Court held that the lawyer “committed unlawful, dishonest, immoral[,] and deceitful conduct, and lessened the confidence of the public in the legal system.”²³

In *Billanes v. Atty. Latido*,²⁴ the Court also disbarred a lawyer for manufacturing a fake decision in an annulment case. The lawyer therein violated Rule 1.01, Canon 1 of the Code because there existed substantial evidence that he procured the spurious decision, which caused great prejudice to his client.

In fine, respondent’s acts should not just be deemed as unacceptable practices that are both disgraceful and dishonorable; these reveal a moral flaw that makes her unfit to practice law. She has tarnished the image of the legal profession and has lessened the public faith in the Judiciary. Instead of being an advocate of justice, she became a perpetrator of injustice. The ultimate penalty of disbarment must be imposed upon respondent. Her name should be stricken off immediately and without reservation in the Roll of Attorneys.

WHEREFORE, Atty. Marie Frances E. Ramon is **GUILTY** of violating the Lawyer’s Oath, Canons 1, 7, and 10, and Rules 1.01, 1.02, 7.03, 10.01, 10.02, and 10.03 of the Code of Professional Responsibility, and Grave Misconduct. For reasons above stated, she is **DISBARRED** from the practice of law and her name stricken off the Roll of Attorneys, effective immediately, without prejudice to the civil or criminal cases pending and/or to be filed against her.

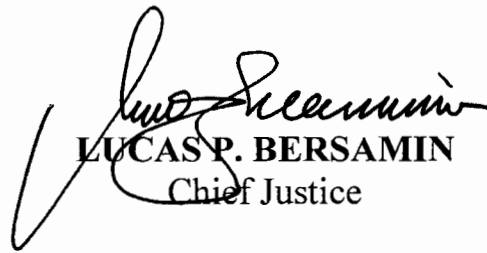
Let a copy of this Decision be furnished to the Office of the Bar Confidant to be entered into Atty. Marie Frances E. Ramon’s records. Copies shall likewise be furnished the Integrated Bar of the Philippines and the Office of the Court Administrator for circulation to all courts concerned.

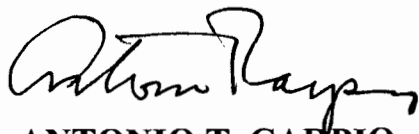
SO ORDERED.

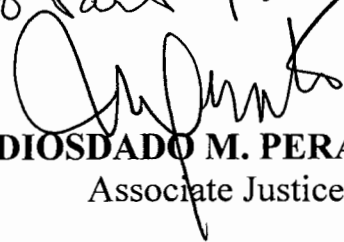



²³ *Id.*

²⁴ A.C. No. 12066, August 28, 2018.


LUCAS P. BERSAMIN
 Chief Justice

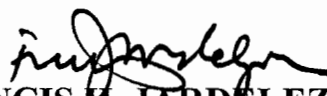

ANTONIO T. CARPIO
 Associate Justice

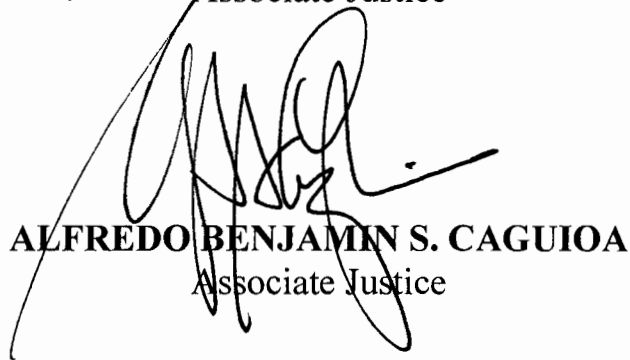
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DIOSDADO M. PERALTA
 Associate Justice

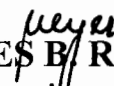

MARIANO C. DEL CASTILLO
 Associate Justice

(On Official Leave)
ESTELA M. PERLAS-BERNABE
 Associate Justice

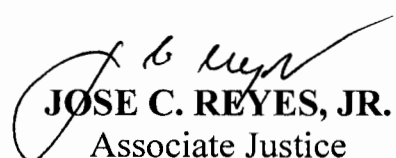

MARVIC M.V.F. LEONEN
 Associate Justice


FRANCIS H. JARDELEZA
 Associate Justice


ALFREDO BENJAMIN S. CAGUIOA
 Associate Justice

Reyes

ANDRES B. REYES, JR.
 Associate Justice


ALEXANDER G. GESMUNDO
 Associate Justice


JOSE C. REYES, JR.
 Associate Justice

(No Part)
RAMON PAUL L. HERNANDO
 Associate Justice


ROSMARI D. CARANDANG
 Associate Justice