



Republic of the Philippines
Supreme Court
Manila

SUPREME COURT OF THE PHILIPPINES
PUBLIC INFORMATION OFFICE

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MARIA FELICISIMA GONZAGA,
Complainant,

A.C. No. 13163

Present:

— *versus* —

ATTY. EDGARDO H. ABAD,
Respondent.

GESMUNDO, CJ.,
PERLAS-BERNABE,
LEONEN,
CAGUIOA,
HERNANDO,
LAZARO-JAVIER,
INTING,
ZALAMEDA,
M. LOPEZ,
GAERLAN,
ROSARIO,
J. LOPEZ,
DIMAAMPAO,
MARQUEZ, and
KHO, JR. JJ.

Promulgated:

March 15, 2022

X-----X

DECISION

PER CURIAM:

A lawyer who orchestrated the fraudulent scheme of acquiring a fake decision and passing it off as authentic to the concerned parties for his

personal interest must not go unpunished. This act makes a mockery of the administration of justice and diminishes the faith of the people in the judiciary and its processes.¹

ANTECEDENTS

Maria Felisicima Gonzaga (Gonzaga) and Atty. Edgardo Abad (Atty. Abad) were colleagues in the Armed Forces of the Philippines (AFP). In 2008, Gonzaga mentioned to Atty. Abad her marital problems with her husband Francisco Rivera. Atty. Abad advised Gonzaga to file a petition for declaration of nullity of marriage on the ground of psychological incapacity. Thus, Gonzaga engaged Atty. Abad as counsel and the services of his wife clinical psychologist Ma. Teresita Yumul-Abad. The parties agreed to a total amount of ₱80,000.00 inclusive of professional and filing fees, psychological tests, and other expenses. Thereafter, Gonzaga paid Atty. Abad ₱12,000.00 for the psychological tests and ₱10,000.00 filing fees. Atty. Abad assured Gonzaga that there will be no hearings because he knew the judge who will handle the case.²

On February 5, 2010, Atty. Abad informed Gonzaga through text messages that the judge granted her petition for declaration of nullity of marriage, to wit: *“May decision na. Kailangan iregster yun. Bka pwde mo sbhan ang mother mo. Need na kc byaran yun.”* Atty. Abad likewise asked Gonzaga for ₱50,000.00 to register the decision with the local civil registrar, thus: *“Gud mrng. Nakausap ko yung tao. Ok na yung decision. Kayalang[sic] humihingi ng downpaymt para umandar ang registratn. 50k daw. Pero kahit 25k muna sa Monday para di tyo mapending.”* Gonzaga replied that she will pay upon receipt of a copy of the decision.³ In June 2010, Atty. Abad handed to Gonzaga a photocopy of the decision of the Regional Trial Court (RTC), Branch 261, Pasig City dated April 12, 2010 in JDRC Case No. 6952 signed by Judge Agnes Reyes-Carpio. Likewise, Atty. Abad gave Gonzaga a copy of the entry of judgment certified by Atty. Reynaldo Bautista as clerk of court. Gonzaga paid Atty. Abad ₱15,000.00 as partial professional fees.⁴

In October 2010, Atty. Abad explained to Gonzaga that the decision could not be recorded unless she paid the balance of the agreed ₱80,000.00. Yet, Gonzaga insisted that she will give the complete payment after the decision is registered. Atty. Abad then recommended to file a similar case in another province where it is easier to record a decree of nullity of marriage. However, Gonzaga got suspicious and turned down the suggestion. Afterwards, Gonzaga consulted a different lawyer who verified with the clerk of court of RTC Branch 261 that *“there is NO Petition for Declaration of Nullity of Marriage between Maria Felicisima Gonzaga-Rivera and Francisco P. Rivera with JDRC Case No. 6952 in*

¹ Re: Investigation Relative to the Fake Decision in G.R. No. 211483, A.M. No. 19-03-16-SC, August 14, 2019.

² *Rollo*, pp. 2-3.

³ *Id.* at 3-4, *id.* at 19-23.

⁴ *Id.* at 4.

the dockets of this court.” Gonzaga also discovered that Judge Reyes-Carpio was already promoted to the Court of Appeals in November 2009 or before the purported decision was rendered, and that Atty. Bautista who certified the supposed entry of judgment is a clerk of court of the Metropolitan Trial Court (MeTC) of Pasig City, and not of the RTC Branch 261.⁵

Aggrieved, Gonzaga confronted Atty. Abad and demanded the recovery of her total payments amounting to ₱37,000.00. Initially, Atty. Abad refused but he returned all the money after Gonzaga filed a criminal case for *estafa* through falsification and an administrative complaint before the AFP.⁶ Similarly, Gonzaga instituted a disbarment complaint against Atty. Abad before the Integrated Bar of the Philippines (IBP) for gross misconduct, malpractice, and deceit when he obtained a forged court decision and used it to the prejudice of his client. Meantime, the public prosecutor dismissed the criminal complaint for lack of probable cause, while the AFP dismissed the administrative case for insufficiency of evidence.⁷

On the other hand, Atty. Abad denied the charges and claimed that he is not the author of the fake decision. Atty. Abad admitted that Gonzaga engaged him as counsel as well as the professional services of his wife. Nonetheless, Gonzaga did not like the result of the psychological tests which diagnosed her with downright incapacity to comply with essential marital obligations. Gonzaga decided not to pursue the case because it might affect her employment. As such, Atty. Abad no longer filed a petition for declaration of nullity of marriage.

The IBP Commission on Bar Discipline reported that Atty. Abad authored the fake court decision which warrants the penalty of disbarment. The Commission noted that the spurious judgment granting the nullity of Gonzaga’s marriage quoted in verbatim the psychological report prepared by Atty. Abad’s wife. Lastly, the Commission ratiocinated that the general denial of Atty. Abad cannot prevail over Gonzaga’s documentary evidence, *viz.*:

xxx it is the considered view of this Commission that as between the blanket denial made by Respondent completely denying his participation on [*sic*] the existence and production of the falsified court judgment and the positive declaration made by the Complainant that the falsified documents were handed and provide by herein Respondent, Complainant’s positive declaration prevails over the respondent’s bare denial.

x x x x

⁵ Id. at 5-6.

⁶ Id. at 6-7.

⁷ Id. at 8-10.

First, we find no motive on the part of the complainant to charge herein Respondent of this very serious offense against her fellow officers with the rank of Captain in the Armed Forces in the Philippines;

Second, the blanket denial by Respondent of the authorship of the falsified decision is belied by the contents of the falsified decision wherein the Clinical Psychological Report of his own wife, Ma. Teresita C. Yumul-Abad was substantially, if not verbatimly [*sic*] quoted and contained in the falsified decision itself.

Third, by Respondent's admission, while Complainant was on deployment at the Golan Heights, he tried his very best to explain to Complainant that the Psychological Assessment Report pertains only to her incapacity as a wife in complying with the essential marital obligations x x x

Fourth, the spurious court judgment x x x contains the substantial portion of Psychological Report xxx prepared by the Respondent's wife x x x.

x x x x

Seventh, the pendency of the criminal case against the Respondent x x x and the Respondent's observation on [*sic*] the alleged weakness of the prosecution x x x will not entirely affect the outcome of the investigation before this Commission. Similarly, the dismissal by the AFP of the charges against the Respondent based on lack of jurisdiction will neither strengthen Respondent's evidence.

Eight, the return of the amount of [P]37,000 by the Respondent to the Complainant did not absolve the Respondent of his administrative liability. Neither will it erase the fact of his authorship of the spurious court judgment.

x x x x

Having breached the foundation of his moral character, Respondent has forfeited the privilege of his continued membership in the Integrated Bar of the Philippines and has lost his status as an officer of the Court.

RECOMMENDATION

WHEREFORE, premises considered, it is respectfully recommended that Respondent **ATTY. EDGARDO H. ABAD** be **DISBARRED** and his name stricken off from the Roll of Attorneys.

RESPECTFULLY SUBMITTED.⁸

⁸ Id. at 18-26.

On February 2, 2018, the IBP Board of Governors adopted the Commission's findings, thus:

RESOLVED to ADOPT the findings of fact and recommendation of the Investigating Commissioner imposing the penalty of DISBARMENT upon the Respondent Atty. Edgardo H. Abad, and that his name be stricken off from the Roll of Attorneys.⁹

Atty. Abad sought reconsideration but was denied. Hence, the records of the case were transmitted to the Court.

RULING

At the outset, we clarify that a disbarment case does not involve a trial but only an investigation into the conduct of lawyers. The only issue is their fitness to continue in the practice of law. Hence, the findings have no material bearing on other judicial, quasi-judicial, or administrative actions that the parties may choose to file against each other.¹⁰ Specifically, a disbarment proceeding is separate and distinct from a criminal action and other administrative cases filed against a lawyer. These cases may proceed independently of each other.¹¹ A conviction in the criminal case, or existence of probable cause, or guilt in quasi-judicial bodies does not necessarily mean a finding of liability in the disbarment case.¹² In the same way, the dismissal of a criminal case, lack of probable cause, or innocence in other quasi-judicial actions does not automatically exculpate the lawyer from administrative liability. The quantum of evidence is different. Proof beyond reasonable doubt is necessary in criminal cases.¹³ Only *prima facie* evidence of guilt and substantial evidence is required in preliminary investigation and other quasi-judicial proceedings, respectively. In an administrative case against a lawyer, substantial evidence is necessary or the amount of relevant evidence that a reasonable mind might accept as adequate to justify a conclusion.¹⁴ More importantly, the burden of proof rests upon the complainant.¹⁵ The lawyer's presumption of innocence subsists absent contrary evidence.¹⁶

⁹ Id. at 178.

¹⁰ *Alpha Insurance and Surety Co., Inc. v. Castañeda*, A.C. No. 12428 (Notice), March 18, 2019; citing *Heenan v. Atty. Espejo*, 722 Phil. 528, 537 (2013). See also *Zarcilla v. Quesada, Jr.*, A.C. No. 7186, March 13, 2018, 858 SCRA 293,305.

¹¹ *Yu v. Atty. Palaña*, 580 Phil. 19, 26 (2008).

¹² *Bengco v. Atty. Bernardo*, 687 Phil. 7, 17 (2012).

¹³ *Jimenez v. Atty. Jimenez*, 517 Phil. 68, 73 (2006).

¹⁴ *Reyes v. Atty. Nieva*, 794 Phil. 360, 379 (2015).

¹⁵ *Cruz v. Atty. Centron*, 484 Phil. 671, 675 (2004).

¹⁶ *Francia v. Atty. Abdon*, 739 Phil. 299, 309 (2014).

Notably, Canon 1,¹⁷ Rule 1.01¹⁸ and Canon 7,¹⁹ Rule 7.03²⁰ of the Code of Professional Responsibility mandate all lawyers to possess good moral character at the time of their application for admission to the Bar, and require them to maintain such character until their retirement from the practice of law.²¹ Also, 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. These mandates apply especially to dealings of lawyers with their clients considering the highly fiduciary nature of their relationship.²² Indeed, the possession of good moral character is both a condition precedent and a continuing requirement for membership in the legal profession.²³ These proceeds from the bounden duty of lawyers to safeguard the Bar's integrity, free from misdeeds and acts constitutive of malpractice. Their exalted positions as officers of the court demand no less than the highest degree of morality.²⁴ Corollarily, any errant behavior of a lawyer, be it in his public or private activities, which tends to show a deficiency in moral character, honesty, probity, or good demeanor, is sufficient to warrant suspension or disbarment.

Here, Atty. Abad fell below the standards of morality, integrity, and honesty required of a lawyer. It is undisputed that Atty. Abad misrepresented to Gonzaga that he filed a petition for nullity of marriage on the ground of psychological incapacity before the RTC. Atty. Abad even received money from Gonzaga representing the professional and filing fees as well as the expenses for psychological evaluation. Also, Atty. Abad assured that there will be no hearings and maliciously suggested that he can influence the RTC judge who will handle the case. Thereafter, Atty. Abad informed Gonzaga through text messages that the RTC judge declared void her marriage and that the decree of nullity must be recorded. The text messages were sent on February 5, 2010 or months before the purported RTC decision was rendered on April 12, 2010. This fact strongly reveals that Atty. Abad had firsthand information regarding the source of the decision. Also, it was Atty. Abad who furnished Gonzaga with a copy of the decision that starkly adopted the psychological report prepared by his wife clinical psychologist Ma. Teresita Yumul-Abad. Glaringly, Atty. Abad did not give any credible explanation regarding the similarity of the decision and the psychological report. Later, Atty. Abad recommended to file a similar case in another province where it is easier to record a decree of nullity of marriage which alerted Gonzaga to investigate the regularity of the proceedings. Upon inquiry, Gonzaga discovered that the RTC decision and its entry of judgment were spurious. The petition for nullity of marriage docketed as JDRC Case No. 6952 was non-existent. The

¹⁷ CANON 1 — A lawyer shall uphold the Constitution, obey the laws of the land and promote respect for law and legal processes.

¹⁸ Rule 1.01. — A lawyer shall not engage in unlawful, dishonest, immoral or deceitful conduct.

¹⁹ 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.

²⁰ 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.

²¹ *Panagsagan v. Panagsagan*, 921 Phil. 180, 188 (2019); citing *Advincula v. Atty. Advincula*, 787 Phil. 101, 111-112 (2016).

²² *Luna v. Atty. Galarrita*, 763 Phil. 175, 184 (2015).

²³ *AAA v. Atty. De Los Reyes*, A.C. Nos. 10021 & 10022, September 18, 2018, 880 SCRA 281-282.

²⁴ *Valdez v. Atty. Dabon*, 773 Phil. 109, 121 (2015).

signature of the judge was forged because she was already promoted to the Court of Appeals in November 2009 or before the supposed decision was rendered. The clerk of court who certified the purported entry of judgment was not assigned to the RTC but to the MeTC. Worse, Atty. Abad defrauded Gonzaga into believing that he won the legal battle in her favor, and disrespected the concerned members of the judiciary by wrongfully involving their names in the fraudulent scheme, both in exchange for monetary consideration. In contrast, Atty. Abad simply offered a blanket denial that he did not fabricate any decision or its entry of judgment. Atty. Abad failed to substantiate how the spurious documents came into his possession. Absent satisfactory explanation, a person in possession or control of a falsified document and who makes use of it is presumed to be the author of the forgery.²⁵ Verily, the presumption of authorship against Atty. Abad is warranted because he benefited from the use of simulated court issuances. In these circumstances, the Court concludes that Atty. Abad authored the fake decision and placed his personal interest above the integrity of the judiciary and its processes. Atty. Abad's infractions not only tarnished the noble image of the legal profession but also tainted the faith of the people in the courts, casting serious doubt as to their ability to effectively administer justice. Doubtless, Atty. Abad had a clear intent to violate the law and a patent propensity to trample upon the canons of legal ethics.

In determining the imposable penalty against an erring lawyer, the purpose of disciplinary proceedings must be considered which is to protect the administration of justice by requiring that those who exercise this important function shall be competent, honorable, and reliable men in whom courts and clients may repose confidence. While the assessment of disciplinary sanction is primarily addressed to the Court's sound discretion, the penalty should neither be arbitrary or despotic nor motivated by personal animosity or prejudice. Rather, it should ever be controlled by the imperative need to scrupulously guard the purity and independence of the bar. Thus, the supreme penalty of disbarment is meted out only in clear cases of misconduct that seriously affect the standing and character of the lawyer as an officer of the court and member of the bar.²⁶ The Court will not hesitate to remove an erring attorney from the esteemed brotherhood of lawyers where the evidence calls for it.²⁷ Notably, we disbarred lawyers who simulated court documents and found guilty of misrepresentation and deception of their clients and the courts in *Manalang v. Atty. Buendia*,²⁸ *Reyes, Jr. v. Rivera*,²⁹ *Gatchalian Promotions Talents Pool, Inc. v. Atty. Naldoza*,³⁰ *Peralta v. Ramon*,³¹ *Billanes v. Atty. Latido*,³² *Taday v. Atty. Apoya*,³³ *Madria v. Atty. Rivera*,³⁴

²⁵ *Pacasum v. People*, 603 Phil. 612, 636 (2009).

²⁶ *Ting-Dumali v. Atty. Torres*, 471 Phil. 1, 14 (2004).

²⁷ *Garcia v. Atty. Manuel*, 443 Phil. 479, 489 (2003).

²⁸ A.C. No. 12079 (Resolución), November 10, 2020.

²⁹ A.C. No. 9114, October 06, 2020.

³⁰ 374 Phil. 1, 6 (1999).

³¹ A.C. No. 12415, March 5, 2019, 894 SCRA 578, 585.

³² A.C. No. 12066, August 28, 2018, 878 SCRA 343, 354-355.

³³ 835 Phil. 13, 23 (2018).

³⁴ 806 Phil. 774, 784 (2017).

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Krursel v. Atty. Abion,³⁵ *Tan v. Diamante*,³⁶ and *Sitaca v. Palomares, Jr.*³⁷

In *Manalang*, the Court disbarred the respondent for fabricating a decision for her client in a petition for nullity of marriage case in violation of the sworn duties under the Lawyer's Oath and the Code of Professional Responsibility. In *Reyes, Jr.*, the Court ordered the respondent's name stricken off the Roll of Attorneys for his reprehensible acts of misrepresenting to have filed a petition for declaration of nullity of marriage and furnishing his client with a fake decision despite due receipt of professional fees. In *Gatchalian Promotions*, the respondent obtained from the complainant money allegedly for a "cash bond" in connection with an appealed case and falsified an official receipt from the Court to conceal the misappropriation of the amount entrusted to him. In *Lampas-Peralta*, the respondent falsified a decision of the Court of Appeals and demanded exorbitant professional fees from her clients. The respondent was even caught in an entrapment operation by the National Bureau of Investigation. In *Billanes*, the Court also disbarred the respondent for manufacturing a fake decision in an annulment case which caused great prejudice to his client. In *Taday*, we disbarred the respondent who notarized a petition for annulment of marriage without the appearance of the complainant. Thereafter, the respondent authored a fake decision to deceive the complainant that her petition was granted. The Court observed that the falsified decision is strikingly similar to the petition that the respondent drafted. The respondent then retaliated against the complainant for confronting him with the fake decision by withdrawing the petition in the court resulting in the dropping of the case from the civil docket. The Court held that the respondent "*committed unlawful, dishonest, immoral[,] and deceitful conduct, and lessened the confidence of the public in the legal system.*"

In *Madria*, the Court held that falsifying or simulating the court papers amounted to deceit, malpractice or misconduct in office, any of which was already a ground sufficient for disbarment. In that case, the respondent acknowledged authorship of the simulated court decision and certificate of finality in a case for annulment of marriage. The Court rejected the explanation of the respondent that he forged the documents only upon the persistent prodding of the complainant. In *Krursel*, the complainant paid substantial amounts of money to the respondent in relation to the filing of the complaint for injunction. The respondent did not issue any receipt or accounting despite demands. Instead, the respondent drafted a fake order from the Court to deceive the complainant. The Court held that the respondent made a mockery of the judicial system and that her conduct degraded the administration of justice and weakened the people's faith in the judicial system. In *Tan*, the respondent falsified a court order purportedly directing the submission of DNA results in order to misrepresent to his client that he still had an available remedy, when in reality, his case had long been dismissed for failure to timely file an appeal. The Court considered the acts of the respondent so reprehensible and flagrant exhibiting moral unfitness and inability to discharge his duties as a

³⁵ 789 Phil. 584, 596 (2016).

³⁶ 740 Phil. 382, 387 (2014).

³⁷ A.C. No. 5285, August 14, 2019, 912 SCRA 530-553.

member of the bar. In *Sitaca*, the combination of all the circumstances produced the indubitable conclusion that it was respondent who conceptualized, planned, and implemented the falsified bail bond and release order for his son's temporary liberty. As the counsel of record for his son, the respondent knew that there was no petition or an order granting and fixing the amount of bail. Corollarily, the respondent cannot feign ignorance of the spurious documents which he presented to the clerk of court with the goal of securing his son's liberty.

In the above-cited cases, the respondents committed falsification or forgery and that they benefitted from the use of fake documents. The present case is no exception. As intimated earlier, Atty. Abad possessed a forged decision and entry of judgment. Atty. Abad made use and benefitted from these simulated court documents. Circumstantial evidence exists that Atty. Abad was involved in the falsification. Lastly, Atty. Abad failed to explain his possession of the bogus court decision. In sum, Atty. Abad is guilty of gross misconduct and is unfit to continue his membership in the bar when he deceived his client and the court. The acts of Atty. Abad reveal his moral flaws that bring intolerable dishonor to the legal profession. On this point, we reiterate that lawyers are duty-bound to observe the highest degree of morality and integrity not only upon admission to the Bar but also throughout their career in order to safeguard the reputation of the legal profession.³⁸ Time and again, the Court reminds the members of the bar that the practice of law is not a right but a mere privilege subject to the inherent regulatory power of the Court,³⁹ thus:

The practice of law is a privilege burdened with conditions. Adherence to the rigid standards of mental fitness, maintenance of the highest degree of morality and faithful compliance with the rules of the legal profession are the conditions required for remaining a member of good standing of the bar and for enjoying the privilege to practice law.⁴⁰

FOR THESE REASONS, Atty. Edgardo H. Abad is **DISBARRED** from the practice of law and his name is **ORDERED STRICKEN** from the Roll of Attorneys.

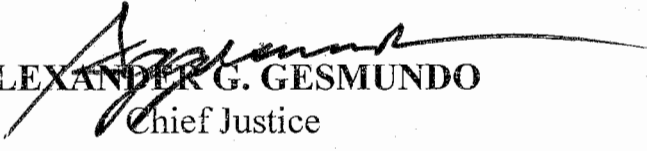
Let a copy of this Decision be furnished to the Office of the Bar Confidant to be entered into Atty. Edgardo H. Abad's records. Copies shall likewise be furnished to the Integrated Bar of the Philippines and the Office of the Court Administrator for circulation to all courts concerned.

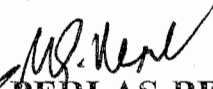
SO ORDERED.


³⁸ *AAA v. De Los Reyes*, supra note 23.

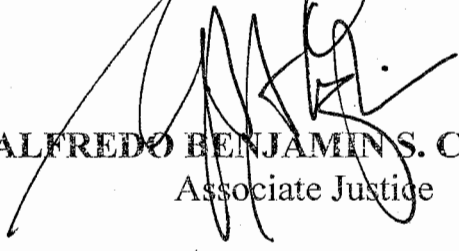
³⁹ *Maniago v. Atty. De Dios*, 631 Phil. 139, 144-145 (2010).

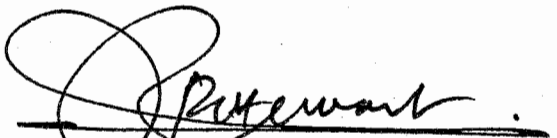
⁴⁰ *Dumadag v. Atty. Lumaya*, 390 Phil. 1, 10 (2000); *Atty. Alcazar Realty, Inc. v. C.A.*, 321 Phil. 556, 561 (1995) and *Zaldivar v. Sandiganbayan*, 293 Phil. 144, 147 (1993).

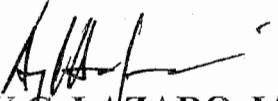

ALEXANDER G. GESMUNDO
Chief Justice



ESTELA M. PERLAS-BERNABE
Senior Associate Justice

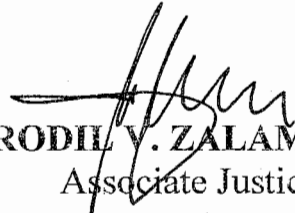

MARVIC M.V.F. LEONEN
Associate Justice

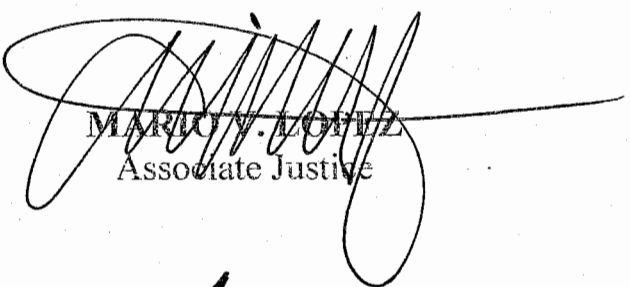

ALFREDO BENJAMIN S. CAGUIOA
Associate Justice

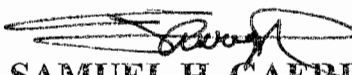

RAMON PAUL L. HERNANDO
Associate Justice


AMY C. LAZARO-JAVIER
Associate Justice



HENRI JEAN PAUL B. INTING
Associate Justice

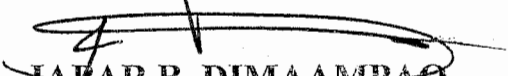

RODIL V. ZALAMEDA
Associate Justice

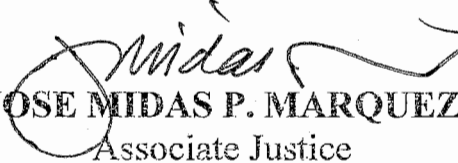

MARIO V. LOPEZ
Associate Justice

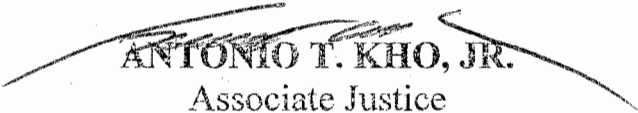

SAMUEL H. GAERLAN
Associate Justice


RICARDO R. ROSARIO
Associate Justice


JHOSEP V. LOPEZ
Associate Justice


JAFAR B. DIMAAMPAO
Associate Justice


JOSE MIDAS P. MARQUEZ
Associate Justice


ANTONIO T. KHO, JR.
Associate Justice