



Republic of the Philippines
Supreme Court
Manila

SECOND DIVISION

ATTY. PEDRO L. LINSANGAN, A.C. No. 13664
Complainant,

- versus -

Present:

ATTY. F. GEORGE P.
LUCERO, Respondent.

LEONEN, S.A.J., Chairperson,
LAZARO-JAVIER,
LOPEZ, M.,
LOPEZ, J., and
KHO, JR., JJ.

Promulgated:

JAN 23 2023

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DECISION

KHO, JR., J.:

For the Court's resolution is the Complaint¹ for disbarment dated March 17, 2014 filed by complainant Atty. Pedro L. Linsangan (complainant) against respondent Atty. F. George P. Lucero (respondent) before the Integrated Bar of the Philippines (IBP).

The Facts

Complainant alleged that on April 2, 2007, respondent obtained a loan from him in the amount of ₱100,000.00, for which respondent issued a post-dated check dated April 30, 2007. After said loan became due, respondent

¹ Rollo, pp. 1-3.

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promised to pay complainant. However, respondent suddenly stopped communicating with complainant, prompting the latter to deposit the post-dated check. Consequently, such check was dishonored for being drawn against a closed account.²

Thus, on August 21, 2007, complainant wrote a letter notifying respondent about the dishonored check, and accordingly, demanded for the payment of the loan. Thereafter, or on February 23, 2014, complainant's son, Atty. Gerardo M. Linsangan, notified respondent's daughter, Adelaida Sophia Marie F. Lucero (Adelaida), about the dishonored check. The following day, Adelaida informed complainant that "[respondent had] been informed," and that in the future, he should be dealing with respondent directly.³

Despite the reasonable time given to respondent to pay his obligation, he still defaulted, which prompted the filing of the instant complaint. Mainly, complainant argued that respondent's act of issuing a bouncing check was tantamount to gross misconduct; and hence, the latter should be disbarred.⁴

In the course of the proceedings, respondent was served with several orders, but there was no proof that he was able to receive the same. Eventually, or on February 28, 2022, respondent was finally successfully furnished with said orders. Despite the foregoing, respondent failed to file his position paper; thus, the case was submitted for resolution on March 1, 2022.⁵

The IBP Report and Recommendation

In a Report and Recommendation⁶ dated March 7, 2022, the IBP-Commission on Bar Discipline (CBD) recommended that respondent be held liable for: (a) gross misconduct and violation of the lawyer's oath and Code of Professional Responsibility (CPR) for issuing a worthless check; and (b) violation of the CPR due to his failure to comply with the court orders. Accordingly, it recommended that respondent be suspended from the practice of law for a period of two (2) years.⁷

In so ruling, the IBP-CBD held that by issuing a worthless check, respondent violated Batas Pambansa Blg. (BP) 22,⁸ as well as his oath as a lawyer, thereby transgressing Rule 1.01, Canon 1 and Rule 7.03, Canon 7 of

² Id. at 1-2.

³ Id. at 2.

⁴ Id. at 2-3.

⁵ Id. at 85-86.

⁶ Id. at 85-89. Signed by Commissioner Atty. Stephanie M. Cas-Refina.

⁷ Id. at 87-89.

⁸ Entitled "AN ACT PENALIZING THE MAKING OR DRAWING AND ISSUANCE OF A CHECK WITHOUT SUFFICIENT FUNDS OR CREDIT AND FOR OTHER PURPOSES," approved on April 3, 1979.

the CPR. Moreover, it found that respondent's act of disregarding the IBP's order to file a position paper was violative of the CPR.⁹

In a Notice of Resolution¹⁰ dated May 21, 2022, the IBP Board of Governors adopted and approved the IBP-CBD's recommendation, with modification further imposing a fine of ₱5,000.00 due to respondent's disregard of the IBP's directive for him to file a responsive pleading to the complaint against him.¹¹

The Issue Before the Court

The core issue for the Court's resolution is whether or not respondent should be held administratively liable for the acts complained of.

The Court's Ruling

The Court affirms with modification the IBP's findings of fact and recommendations.

It is settled that a lawyer's deliberate failure to pay his obligations and the issuance of a dishonored check amount to gross misconduct,¹² which is punishable under Section 27, Rule 138 of the Rules of Court, thus:¹³

Sec. 27. Disbarment and suspension of attorneys by Supreme Court, grounds therefor. – A member of the bar may be disbarred 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 willful disobedience appearing as attorney for a party without authority so to do. x x x

In the Court's considered view, respondent's act of issuing a worthless check was an outright violation of the law. It clearly showed that he was unmindful of the deleterious effect of his act to the public interest and public order.¹⁴ This is violative of Canon 1, Rule 1.01 and Canon 7, Rule 7.03 of the CPR,¹⁵ viz.:

⁹ *Rollo*, pp. 87-88.

¹⁰ *Id.* at 83-84. Signed by National Secretary Doroteo Lorenzo B. Aguila.

¹¹ *Id.* at 83.

¹² *Santos-Tan v. Atty. Robiso*, 601 Phil. 547, 557 (2009) [Per J. Tinga, Second Division].

¹³ *Grande v. Atty. De Silva*, 455 Phil. 1, 8 (2003) [Per J. Ynares-Santiago, *En Banc*].

¹⁴ *Santos-Tan v. Atty. Robiso*, *supra*, at 556.

¹⁵ *Grande v. Atty. De Silva*, *supra*.

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

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

x x x x

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.

x x x x

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.

The duty of a lawyer is to uphold the integrity and dignity of the legal profession at all times. It can only be done by faithfully performing the lawyer's duties to society, to the bar, to the courts, and to his clients. Any misconduct that tends to besmirch the fair name of an honorable profession cannot be tolerated.¹⁶ Verily, respondent's conduct indicates his lack of personal honesty and good moral character as to render him unworthy of public confidence, and constitutes a ground for disciplinary action.¹⁷

To further aggravate respondent's administrative liability, the Court notes that he failed to file his position paper before the IBP, thereby defying the IBP's orders to do so. Resultantly, this caused undue delay in the resolution of the instant case, thereby constituting violations of Canon 11 and Canon 12, Rule 12.04 of the CPR, which respectively read:

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.

x x x x

CANON 12 – A LAWYER SHALL EXERT EVERY EFFORT AND CONSIDER IT HIS DUTY TO ASSIST IN THE SPEEDY AND EFFICIENT ADMINISTRATION OF JUSTICE.

x x x x

Rule 12.04 – A lawyer shall not unduly delay a case, impede the execution of a judgment or misuse Court processes.

¹⁶ *Id.*

¹⁷ *Arroyo-Posidio v. Atty. Vitan*, 548 Phil. 556, 565 (2007) [Per J. Ynares-Santiago, Third Division].

At the minimum, members of the legal fraternity are obligated to accord courts of justice respect, courtesy, and such other becoming conduct essential in the promotion of orderly, impartial, and speedy justice. Clearly, what respondent has done (*i.e.*, disregarding the IBP's directives) was the exact opposite of such obligation; hence, he should be disciplined accordingly.¹⁸

Respondent's administrative liability having been established, the Court now goes into the imposable penalties on him. In this regard, case law instructs that in determining the appropriate penalty on an errant lawyer, sound judicial discretion based on the surrounding facts is required.¹⁹

In *Grande v. Atty. Silva*,²⁰ the Court, through Justice Consuelo Ynares-Santiago, imposed the penalty of suspension from the practice of law for a period of two (2) years against the errant lawyer for issuing a worthless check.

In *Santos-Tan v. Atty. Robiso*,²¹ the Court, through Justice Dante O. Tinga, ruled that the issuance of a worthless check is a violation of the lawyer's oath and the CPR. Accordingly, it imposed upon the erring lawyer the suspension from the practice of law for a period of one (1) year.

In the similar cases of *Arroyo-Posidio v. Atty. Vitan*²² and *Castillo v. Atty. Taguines*,²³ the Court, through Justice Consuelo Ynares-Santiago and former Chief Justice Artemio Panganiban, respectively, imposed upon the erring lawyers the penalty of suspension from the practice of law for a period of one (1) year for issuing a bouncing check.

In *Bernasconi v. Atty. Demaisip*,²⁴ the Court, through Justice Samuel H. Gaerlan, found Atty. Demaisip guilty of gross misconduct in violation of the CPR in, among others, issuing a worthless check. Accordingly, it imposed the penalty of suspension from the practice of law for a period of one (1) year, with a stern warning that a repetition of the same or similar act in the future shall be dealt with more severely.

Moreover, in several cases,²⁵ the Court imposed a fine in the amount of ₱5,000.00 against respondent for failure to comply with the court directives.

In view of the foregoing, the Court deems it proper to modify the penalty imposed against respondent to suspension from the practice of law for

¹⁸ *Spouses Lopez v. Limos*, 780 Phil. 113, 123 (2016) [Per J. Perlas-Bernabe, *En Banc*].

¹⁹ *Alcantara v. Atty. Salas*, A.C. No. 3989, December 10, 2019 [Per J. J. Reyes, Jr., Third Division].

²⁰ *Supra* note 13.

²¹ *Supra* note 12.

²² *Arroyo-Posidio v. Atty. Vitan*, *supra*.

²³ 325 Phil. 1 (1996) [Per J. Panganiban, Third Division].

²⁴ A.C. No. 11477, January 19, 2021 [Per J. Gaerlan, *En Banc*].

²⁵ *Martinez v. Judge Zoleta*, 326 Phil. 841 (1996) [Per J. Regalado, Second Division] and *Zarate v. Judge Balderian*, 386 Phil. 1 (2000) [Per J. Panganiban, Third Division].

a period of one (1) year. He is likewise ordered to pay a fine of ₱5,000.00 due to his disregard of court directives. In addition, he is sternly warned that a repetition of the same offense or similar act shall be dealt with more severely.

On a final note, it is worthy to emphasize that the nature of the office of an attorney requires that a lawyer shall be a person of good moral character. Since this qualification is a condition precedent to a license to enter upon the practice of law, the maintenance thereof is equally essential during the continuance of the practice and the exercise of the privilege. Gross misconduct which puts the lawyer's moral character in serious doubt may render them unfit to continue in the practice of law,²⁶ as in this case.

ACCORDINGLY, respondent Atty. F. George P. Lucero (respondent) is found **GUILTY** of gross misconduct and violation of the lawyer's oath and Canon 1, Rule 1.01, Canon 7, Rule 7.03, Canon 11, and Canon 12, Rule 12.04 of the Code of Professional Responsibility. He is **SUSPENDED** from the practice of law for a period of one (1) year and **FINED** in the amount of ₱5,000.00, with a **STERN WARNING** that a repetition of the same offense or similar act shall be dealt with more severely.

The suspension from the practice of law shall take effect immediately upon receipt of this Decision by respondent. He is **DIRECTED** to immediately file a Manifestation to the Court that his suspension has started, copy furnished all courts and quasi-judicial bodies where he has entered his appearance as counsel.

Let copies of this Decision be furnished to the Office of the Bar Confidant to be appended to respondent's personal record as an attorney; the Integrated Bar of the Philippines for its information and guidance; and the Office of the Court Administrator for circulation to all courts in the country.

SO ORDERED.



ANTONIO T. KHO, JR.

Associate Justice

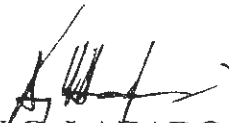
WE CONCUR:



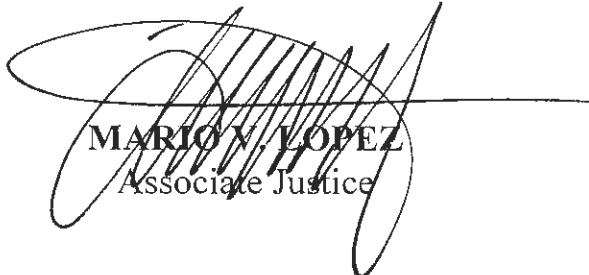
MARVIC M.V.F. LEONEN

Senior Associate Justice
Chairperson

²⁶ *Grande v. Atty. De Silva*, supra note 13.



AMY C. LAZARO-JAVIER
Associate Justice



MARIO V. LOPEZ
Associate Justice



JHOSEP V. LOPEZ
Associate Justice