



Republic of the Philippines
Supreme Court
Manila

EN BANC

JULIETA L. CO,
Complainant,

A.C. No. 13753

Present:

— versus —

ATTY. JORGE P. MONROY,
Respondent.

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

Promulgated:

February 6, 2024

x-----x


DECISION

PER CURIAM:

This resolves the Complaint-Affidavit¹ for disbarment filed by complainant Julieta L. Co (Julieta) before the Integrated Bar of the Philippines-Commission on Bar Discipline (IBP-CBD) against respondent

* No part.

** On official business.

¹ Rollo, pp. 2-12.

Atty. Jorge P. Monroy (Atty. Monroy) for violation of the Code of Professional Responsibility (CPR).

Antecedents

Sometime in July 2000, Atty. Monroy offered to sell a Toyota Land Cruiser for PHP 1.4 million to Julieta. The vehicle was among the vehicles confiscated by the Bureau of Customs (BOC) where Atty. Monroy worked as Director III of Financial Services. Atty. Monroy assured Julieta that the transaction is legal and that official receipts will be issued in their favor. On July 12, 2000, Julieta, her sister Maria Victoria L. Que and her husband Romeo Que (Spouses Que) went to the office of Atty. Monroy at the South Pier, Manila. Atty. Monroy introduced them to Remus Erlan S. Palmos (Palmos), who is his nephew and personal staff and a certain Ben Valic (Valic), a licensed broker, as the persons who will facilitate the release of the vehicle. Palmos and Valic brought them to the vehicle depot of the BOC to inspect the vehicle. Having known Atty. Monroy since her high school days as a trusted family friend, Julieta was convinced to proceed with the purchase of the Land Cruiser.²

Upon Atty. Monroy's instructions, Julieta and Spouses Que prepared a check for PHP 150,000.00 payable to cash. They gave the check personally to Atty. Monroy on July 18, 2000 and were told to return on July 21, 2000 to pay the balance. On July 21, 2000, Atty. Monroy called Julieta to inform her that the vehicle is ready for delivery. She prepared a manager's check for the balance of PHP 1,250,000.00 but Atty. Monroy insisted on cash payment, which he personally received in his office. They waited the whole day for the release of the vehicle and were later told that one signatory from the Department of Finance (DOF) had yet to sign the documents for the release of the vehicle.³

When they returned on July 24, 2000, Atty. Monroy again told them that one signature was lacking from an officer of the DOF. On the same day, Palmos accompanied them to the DOF. Palmos spoke to two unidentified persons at the lobby of the DOF. He then told Julieta that the documents are still in the office of Undersecretary Cornelio Giron. They went back to the office of Atty. Monroy wherein the latter admitted that the vehicle cannot be released because someone ran off with the money and can no longer be located. To appease their worries, Atty. Monroy and Palmos issued a receipt to guarantee the return of the money. Julieta made repeated demands for Atty. Monroy to return her money to no avail as he kept on avoiding her and her relatives.⁴

² *Id.* at 3.

³ *Id.* at 3-4.

⁴ *Id.* at 4-5.

Consequently, on January 24, 2003, Julieta caused the filing of two Informations docketed as Criminal Case Nos. 27767-27768 against Atty. Monroy: one for violation of Section 3(e) of Republic Act No. 3019, or the Anti-Graft and Corrupt Practices Act, and another one for estafa under the Revised Penal Code.⁵ After trial, the Sandiganbayan issued a Decision⁶ finding Atty. Monroy guilty of both charges.⁷ In view of the absence of Atty. Monroy and his counsel during the scheduled promulgation on September 30, 2010, the Decision of conviction was promulgated *in absentia*. Atty. Monroy remained at-large despite the warrant of arrest issued by the Sandiganbayan.⁸

Apart from his criminal liability, Julieta filed the present administrative complaint for disbarment on the ground that Atty. Monroy acted in utter bad faith by using his position in the government to defraud her to part with PHP 1.4 million. He abused Julieta's trust as a friend to get money for the supposed payment for the negotiated sale of a vehicle from the BOC. Atty. Monroy failed to maintain the highest degree of morality required of those admitted to the Bar. He committed a dishonest, immoral, and unlawful act in gross violation of the provisions of the CPR. Finally, Julieta maintains that Atty. Monroy's conviction for the crimes involving moral turpitude are valid grounds for his disbarment.⁹

⁵ *Id.* at 5–6.

⁶ *Id.* at 13–34. The September 30, 2010 Decision in Criminal Case Nos. 27767-27768 was penned by Sandiganbayan Associate Justice Roland B. Jurado and concurred in by Associate Justices Rodolfo A. Ponferrada and Alexander G. Gesmundo (now Chief Justice of the Court). The dispositive portion of the Decision reads:

WHEREFORE, premises considered, Judgment is hereby rendered in these cases as follows:

1. In Criminal Case No. 27767: Finding accused Jorge Paguntalan Monroy **GUILTY** beyond reasonable doubt of Violation of Sec. 3(e), [Republic Act] No. 3019, as amended, and sentencing him to suffer the indeterminate penalty of imprisonment from six (6) years and one (1) month as minimum, to twelve (12) years as maximum, with perpetual disqualification from holding public office;

2. In Criminal Case No. 27768: Finding accused Jorge Paguntalan Monroy **GUILTY** beyond reasonable doubt of the crime of Estafa as defined and penalized under Art. 315, par. 2(a) of the Revised Penal Code, and sentencing him to suffer the indeterminate penalty of imprisonment from four (4) years and two (2) months of *prision correccional* as minimum to fourteen (14) years, eight (8) months and one (1) day of *reclusion temporal* as maximum; and return to private offended party Julieta Lim-Co the amount of One Million Four Hundred Thousand Pesos ([PHP] 1,400,000.00).

SO ORDERED. (Emphasis in the original)

⁷ *Id.* at 32–33.

⁸ *Id.* at 5–8.

⁹ *Id.* at 8–10.

Report and Recommendation of the IBP-CBD

In an Order¹⁰ dated October 1, 2013, the IBP-CBD directed Atty. Monroy to submit a verified answer. There was no answer filed, nor was there proof that the Order was received by Atty. Monroy. Thereafter, the IBP-CBD issued a Notice of Mandatory Conference¹¹ directing the parties to submit their mandatory conference briefs at least three days before the date of the conference set on February 27, 2014. Only Julieta filed her Mandatory Conference Brief.¹² As for Atty. Monroy, there is no showing that he received the Notice of Mandatory Conference, or any of the subsequent orders/notices of hearing¹³ sent by the IBP-CBD to his last known addresses on record with the IBP. There being no appearance or pleading filed by Atty. Monroy, the IBP-CBD considered him to have waived his right to present evidence and proceeded to resolve the disbarment complaint.¹⁴

In its November 3, 2020 Report and Recommendation,¹⁵ the IBP-CBD ruled that Atty. Monroy's conviction for estafa, a crime involving moral turpitude, is a sufficient ground for disbarment under Rule 138, Section 27 of the Rules of Court. Atty. Monroy's deceitful act of failing to return Julieta's PHP 1.4 million also violates Canon 1, Rule 1.01 and Canon 6, Rule 6.02 of the CPR. The IBP-CBD recommended that Atty. Monroy be disbarred and that his name be stricken off the Roll of Attorneys.¹⁶

Resolution of the IBP Board of Governors

On October 1, 2022, the IBP Board of Governors issued Resolution No. CBD-XXV-2022-10-07¹⁷ approving and adopting the Report and Recommendation of the IBP-CBD for the disbarment of Atty. Monroy, plus the payment of fine, as follows:

RESOLVED, to APPROVE and ADOPT, as it is hereby APPROVED and ADOPTED, the Report and Recommendation of the Investigating Commissioner (IC) to impose upon Respondent Atty. Jorge P. Monroy the penalty of **DISBARMENT**; and

RESOLVED FURTHER, to recommend the imposition upon Respondent of a **FINE** in the amount of [PHP] 5,000.00 each for disobeying the directives of the IC, *i.e.* - i) failure to file an Answer, ii) failure to file Mandatory Conference Brief, iii) failure to appear during the Mandatory

¹⁰ *Id.* at 35.

¹¹ *Id.* at 36.

¹² *Id.* at 37-39.

¹³ *Id.* at 40-54.

¹⁴ *Id.* at 65-66.

¹⁵ *Id.* at 63-70.

¹⁶ *Id.* at 68-70.

¹⁷ *Id.* at 61-62.

Conference, and iv) failure to submit his Position Paper, or **a total of Twenty Thousand Pesos ([PHP] 20,000.00).**¹⁸ (Emphasis in the original)

Ruling

To begin, the Court observed that all the notices sent by the IBP to Atty. Monroy's last known addresses, *i.e.*, Order¹⁹ dated October 1, 2013, Notice of Mandatory Conference,²⁰ and the subsequent notices,²¹ were returned unserved. Thus, in a Resolution²² dated July 25, 2023, the Court ordered the IBP-CBD to: (1) verify and inform the Court whether Atty. Monroy was duly notified of the disbarment proceedings; and (2) to submit the last known addresses of Atty. Monroy.²³

In a letter²⁴ dated November 16, 2023, Atty. Avelino V. Sales (Atty. Sales) manifested that the IBP-CBD can no longer verify whether the previous notices were received by Atty. Monroy as the entire records of the case were forwarded to the Office of the Bar Confidant. In any case, Atty. Sales informed the Court that the last Notice of Resolution dated October 1, 2022 sent by the IBP-CBD to Atty. Monroy was similarly returned to the Commission.²⁵ Without doubt, the difficulty in serving notices to Atty. Monroy was due to his own failure to comply with his duty as a lawyer to report any change of his addresses with IBP.²⁶ Therefore, the Court considers Atty. Monroy to have waived his right to refute the allegations against him. We will proceed to resolve the present administrative charge based on the evidence at hand.

The Court **adopts** the findings of the IBP-CBD, as affirmed by the IBP Board of Governors, and **sustains** the IBP Board of Governor's Resolution No. CBD-XXV-2022-10-07 recommending the disbarment of Atty. Monroy.

Membership in the Bar is a privilege burdened with continuing requirements. To maintain one's standing in the legal profession, a lawyer is required to conduct dealings with honesty, fidelity, and integrity at all times. Being a mere privilege, the practice of law may be suspended, or even withdrawn by the Court once it is shown that a lawyer was not able to sustain the high degree of good moral character expected by the community from the members of the legal profession.²⁷ Thus, in disbarment proceedings, the only

¹⁸ *Id.* at 61.

¹⁹ *Id.* at 35.

²⁰ *Id.* at 36.

²¹ *Id.* at 40–54.

²² *Id.* at 73–74.

²³ *Id.* at 73.

²⁴ *Id.* at 80.

²⁵ *Id.*

²⁶ *Ollada v. Laysa*, 875 Phil. 609, 615 (2020) [*Per J. Inting, En Banc*], citing Article 19 of the IBP By-Laws.

²⁷ *Dayos v. Buri*, A.C. No. 13504, January 31, 2023 [*Per Curiam, En Banc*]; and *Soriano v. Dizon*, 515 Phil. 635, 647 (2006) [*Per Curiam, En Banc*].

issue to be resolved is whether a lawyer is worthy to continue his or her mandate as an officer of the court.²⁸

Here, it is undisputed that Atty. Monroy was adjudged guilty of estafa and violation of Section 3(e) of Republic Act No. 3019 in the Sandiganbayan's Decision²⁹ in Criminal Case Nos. 27767-27768. Indeed, a lawyer may be disbarred for his or her conviction of a crime involving moral turpitude as provided under Rule 138, Section 27³⁰ of the Rules of Court. However, in *Buenafe v. Commission on Elections*,³¹ the Court clarified that not every criminal act involves moral turpitude, as this does not include offenses that are not of themselves immoral, but only prohibited by law.³² In *Teves v. Commission on Elections*,³³ moral turpitude was defined as those acts done contrary to justice, modesty, or good morals, depicting vileness or depravity in the private and social duties of a person.³⁴

With regard to the charge of estafa, there is no question that this crime involves moral turpitude. The Court has invariably ruled that a lawyer who was convicted of estafa is totally unfit to be a member of the legal profession and aid in the administration of justice.³⁵ However, to serve as sufficient ground for disbarment, it must be shown that the conviction has already attained finality.³⁶

In this case, Julieta alleged that due to the non-appearance of Atty. Monroy during the scheduled promulgation on September 30, 2010, the Sandiganbayan promulgated the Decision *in absentia*. Atty. Monroy's motion for reconsideration was denied by the Sandiganbayan. There being no appeal filed by Atty. Monroy, the Decision became final and executory.³⁷ The Court notes that aside from the copy of the Decision, there was no other evidence presented to show that the Decision has become final. Julieta did not submit a copy of the Order given in open court during the promulgation of Decision wherein Atty. Monroy failed to appear, or the Resolution denying his motion for reconsideration, or certificate of finality or entry of Decision in Criminal

²⁸ *Guevarra-Castil v. Trinidad*, A.C. No. 10294, July 12, 2022 [*Per Curiam, En Banc*].

²⁹ *Rollo*, pp. 32-33.

³⁰ Section 27. *Disbarment or suspension of attorneys by Supreme Court, grounds therefor.* — A member of the bar may be disbarred or suspended from his[/her] 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[/her] conviction of a crime involving moral turpitude, or for any violation of the oath which he[/she] is required to take before admission to practice, or for a willful disobedience appearing as an attorney for a party to a case without authority so to do . . .

³¹ G.R. Nos. 260374 and 260426, June 28, 2022 [*Per J. Zalameda, En Banc*].

³² *Id.*

³³ 604 Phil. 717 (2009) [*Per J. Ynares-Santiago, En Banc*].

³⁴ *Id.* at 726.

³⁵ *Barrios v. Martinez*, 485 Phil. 1, 17 (2004) [*Per Curiam, En Banc*], citing *Villanueva v. Sta. Ana*, 315 Phil. 795, 798 (1995) [*Per Curiam, En Banc*]; and *In the Matter of Disbarment Proceedings v. Jaramillo*, 101 Phil. 323, 324 (1957) [*Per J. Paras, En Banc*].

³⁶ *Interdent Zahntechnik, Phil., Inc. v. Francisco-Simbillo*, 793 Phil. 685, 688-689 (2016) [*Per J. Bersamin, First Division*]; and *Re Angeles*, 567 Phil. 189, 206-207 (2008) [*Per J. Nachura, Third Division*].

³⁷ *Rollo*, pp. 6-8.

Case Nos. 27767-27768. Unfortunately, the Court cannot assume that the Decision of conviction against Atty. Monroy is already final.

Despite this, the Court still finds Atty. Monroy's disbarment justified for his violation of Canon 1, Rule 1.01 and Canon 6, Rule 6.02 of the CPR, which state:

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.

....

Canon 6 — These canons shall apply to lawyers in government service in the discharge of their official tasks.

....

Rule 6.02 A lawyer in the government service shall not use his public position to promote or advance his private interests nor allow the latter to interfere with his public duties.

Notably, the CPR has been expressly repealed³⁸ by the new CPRA or the Code of Professional Responsibility and Accountability³⁹ which was approved by the Court on April 11, 2023. Considering the express provision that it shall be retroactively applied to all pending cases,⁴⁰ the Court will now evaluate Atty. Monroy's actions using the parallel provisions of the new CPRA, thus:

CANON II PROPRIETY

A lawyer shall, at all times, act with propriety and maintain the appearance of propriety in personal and professional dealings, observe honesty, respect and courtesy, and uphold the dignity of the legal profession consistent with the highest standards of ethical behavior.

³⁸ See Section 2 of the General Provisions of the CPRA which provides:

Section 2. *Repealing clause.* — The Code of Professional Responsibility of 1988, Sections 20 to 37 of Rule 138, and Rule 139-B of the Rules of Court are repealed.

The Lawyer's Oath, as found in Rule 138 of the Rules of Court, is amended and superseded.

Any resolution, circular, bar matter, or administrative order issued by or principles established in the decisions of the Supreme Court inconsistent with the CPRA are deemed modified or repealed.

³⁹ A.M. No. 22-09-01-SC, April 11, 2023.

⁴⁰ See Section 1 of the General Provisions of the CPRA which provides:

Section 1. *Transitory provision.* — The CPRA shall be applied to all pending and future cases, except to the extent that in the opinion of the Supreme Court, its retroactive application would not be feasible or would work injustice, in which case the procedure under which the cases were filed shall govern.

Section 1. *Proper Conduct.* — **A lawyer shall not engage in unlawful, dishonest, immoral, or deceitful conduct.**

Section 2. *Dignified Conduct.* — A lawyer shall respect the law, the courts, tribunals, and other government agencies, their officials, employees, and processes, and act with courtesy, civility, fairness, and candor towards fellow members of the bar.

A lawyer shall not engage in conduct that adversely reflects on one's fitness to practice law, nor behave in a scandalous manner, whether in public or private life, to the discredit of the legal profession.

Section 28. *Dignified Government Service.* — **Lawyers in government service shall observe the standard of conduct under the CPRA, the Code of Conduct and Ethical Standards for Public Officials and Employees, and other related laws and issuances in the performance of their duties.**

Any violation of the CPRA by lawyers in government service shall be subject to disciplinary action, separate and distinct from liability under pertinent laws or rules. (Emphasis supplied)

As an officer of the Court, Atty. Monroy is tasked to uphold the Constitution, obey the laws of the land, and promote respect for law and legal processes.⁴¹ This duty is compounded by his obligation as a lawyer employed in the government service, to neither use his public position to promote or advance his private interests, nor to allow interference with his public duties.⁴²

In the present case, Atty. Monroy committed a flagrant violation of Sections 1, 2, and 28 of Canon II of the CRPA when he deceived Julieta in an elaborate scheme of pretending to sell a vehicle confiscated by the BOC. He used his position as a Director of the BOC to make it appear that the sale transaction was legitimate. In convicting Atty. Monroy of the crimes charged, the Sandiganbayan took note of the highly irregular procedure adopted by Atty. Monroy in the sale transaction. Atty. Monroy falsely represented to Julieta that his position as Director III of Financial Services at the BOC has the specific authority to sell vehicles seized by the agency. He carried out the transaction inside his office at the BOC and engaged the participation of his office staff to gain Julieta's trust more. Once in possession of the PHP 1.4 million given by Julieta as payment for the vehicle, Atty. Monroy conveniently claimed that the money was taken from his office and refused to return the amount.

⁴¹ *Lim v. Bautista*, A.C. No. 13468, February 21, 2023 [*Per Curiam, En Banc*].

⁴² *Fontanilla v. Quial*, A.C. No. 10019, December 2, 2019 [Notice, Third Division].

Clearly, the totality of the evidence presented proves that Atty. Monroy miserably failed to live up to the high moral standards required of him as a member of the legal profession.⁴³ His blatant violation of the law, as shown by his conviction by the Sandiganbayan, the lack of remorse when Julieta was repeatedly begging for the return of her money, and his futile attempt to use an unknown employee of the BOC as a scapegoat to cover his tracks — all demonstrate Atty. Monroy's unfitness to continue in the practice of law. The present case warrants the imposition of the extreme penalty of disbarment.⁴⁴

Lastly, with regard to Atty. Monroy's willful disregard and unjustified refusal to comply with of the lawful orders and notices of IBP-CBD for the filing of an answer and brief and requiring his attendance to the mandatory conferences, the Court affirms the fine of PHP 20,000.00 imposed by the IBP Board of Governors.⁴⁵

ACCORDINGLY, respondent Atty. Jorge P. Monroy (respondent) is found **GUILTY** of violating Canon II, Sections 1, 2, and 28 of the Code of Professional Responsibility and Accountability. He is **DISBARRED** from the practice of law and his name is ordered **STRICKEN OFF** the Roll of Attorneys, effective immediately. Further, he is meted a **FINE** in the amount of PHP 20,000.00 for his disobedience to the orders of the Integrated Bar of the Philippines.

Let copies of this Decision be attached to respondent's personal record in the Office of the Bar Confidant, the Integrated Bar of the Philippines, National Office, and the local chapter to which respondent belongs, for information and guidance, and to the Office of the Court Administrator for dissemination to all courts nationwide.


⁴³ *Lim v. Bautista*, A.C. No. 13468, February 21, 2023 [*Per Curiam, En Banc*].

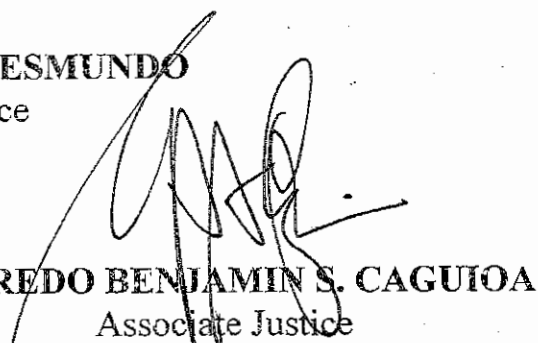
⁴⁴ *Guevarra-Castil v. Trinidad*, A.C. No. 16294, July 12, 2022 [*Per Curiam, En Banc*].

⁴⁵ *Dayos v. Buri*, A.C. No. 13504, January 31, 2023 [*Per Curiam, En Banc*].

SO ORDERED.

No part
ALEXANDER G. GESMUNDO
Chief Justice

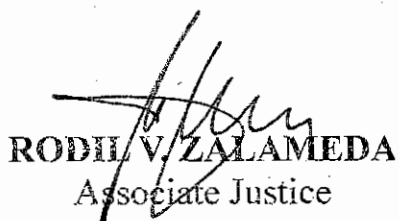

MARVIC M.V.F. LEONEN
Senior Associate Justice

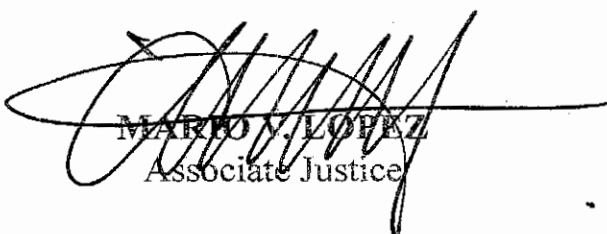

ALFREDO BENJAMIN S. CAGUIOA
Associate Justice

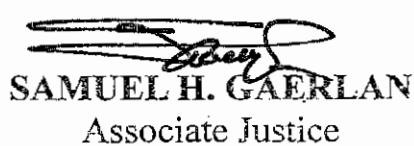

RAMON PAUL L. HERNANDO
Associate Justice


AMY C. LAZARO-JAVIER
Associate Justice


HENRI JEAN PAUL B. INTING
Associate Justice

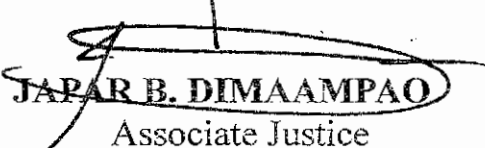

RODIL V. ZALAMEDA
Associate Justice



MARIO V. LOPEZ
Associate Justice


SAMUEL H. GAERLAN
Associate Justice


RICARDO R. ROSARIO
Associate Justice


JHOSEP Y. LOPEZ
Associate Justice


JAPAR B. DIMAAMPAO
Associate Justice


JOSE MIDAS P. MARQUEZ
Associate Justice


ANTONIO T. KHO, JR.
Associate Justice

On official business
MARIA FILOMENA D. SINGH
Associate Justice