



Republic of the Philippines
Supreme Court
 Manila

EN BANC

**VERLITA V. MERCULLO and
 RAYMOND VEDANO,**
 Complainants,

A.C. No. 11078

Present:

SERENO, C.J.,
 CARPIO,
 VELASCO, JR.,
 LEONARDO-DE CASTRO,
 *BRION,
 PERALTA,
 BERSAMIN,
 DEL CASTILLO,
 PEREZ,
 **MENDOZA,
 REYES,
 PERLAS-BERNABE,
 LEONEN,
 JARDELEZA, and
 CAGUIOA, JJ.:

- versus -

**ATTY. MARIE FRANCES E.
 RAMON,**
 Respondent.

Promulgated:

July 19, 2016

x-----*Marie Frances E. Ramon*-----x

DECISION

BERSAMIN, J.:

This case concerns the complaint for the disbarment of Atty. Marie Frances E. Ramon for violating Rule 1.01, Canon 1 of the *Code of Professional Responsibility* and the Lawyer's Oath for deceiving the complainants in order to obtain the substantial amount of ₱350,000.00 on the pretext of having the foreclosed asset of the latter's mother redeemed.

* On leave.
 ** On official leave.

Antecedents

In the period from 2002 to 2011, the National Home Mortgage Finance Corporation (NHMFC) sent several demand letters to Carmelita T. Vedaño¹ regarding her unpaid obligations secured by the mortgage covering her residential property in Novaliches, Caloocan City.² To avoid the foreclosure of the mortgage, Carmelita authorized her children, Verlita Mercullo and Raymond Vedaño (complainants herein), to inquire from the NHMFC about the status of the obligations. Verlita and Raymond learned that their mother's arrears had amounted to ₱350,000.00, and that the matter of the mortgage was under the charge of respondent Atty. Ramon, but who was not around at that time.

On June 20, 2012, Carmelita received a letter from the sheriff of the Regional Trial Court (RTC) in Caloocan City, stating that her property would be put up for auction in July 2013. Verlita and Raymond thus went to the NHMFC to see the respondent, who advised them about their right to redeem the property within one year from the foreclosure.³

In August 2013, Verlita and Raymond called up the respondent, and expressed their intention to redeem the property by paying the redemption price. The latter agreed and scheduled an appointment with them on August 30, 2013.

On August 30, 2013, the respondent arrived at the designated meeting place at around 1:30 p.m., carrying the folder that Verlita and Raymond had seen at the NHFMC when they inquired on the status of their mother's property. After the respondent had oriented them on the procedure for redemption, the complainants handed ₱350,000.00 to the respondent, who signed an acknowledgment receipt.⁴ The respondent issued two acknowledgment receipts for the redemption price and for litigation expenses,⁵ presenting to the complainants her NHMFC identification card. Before leaving them, she promised to inform them as soon as the documents for redemption were ready for their mother's signature.⁶

On September 4, 2013, the respondent met with Verlita and handed a letter⁷ that she had signed, along with the special power of attorney (SPA) for Carmelita's signature.⁸ The letter reads:

¹ *Rollo*, pp. 9-11.

² *Id.* at 12.

³ *Id.* at 3

⁴ *Id.* at 14.

⁵ *Id.* at 15-16.

⁶ *Id.* at 4.

⁷ *Id.* at 17.

⁸ *Id.* at 18.

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Office of the Clerk of Court and Ex Officio Sheriff
Regional Trial Court
Caloocan City

Re: Redemption of the property covered by EJP No. 7484-2013

Dear Atty. Dabalos,

Please assist Ms. Carmelita Vedano, through her Attorney-in-Fact in redeeming the property covered by EJP No. 7484-2013. Please provide the necessary computation as to the full redemption amount in order for Ms. Vedano to redeem the same.

Thank you.

Truly yours,

(Sgd.)

Atty. Marie Frances E. Ramon

Verlita and Raymond went to the NHMFC on September 9, 2013 to follow up on the redemption, but discovered that the respondent had already ceased to be connected with the NHMFC. On September 20, 2013, they met with her at Branch 145 of the Regional Trial Court in Makati City where she was attending a hearing. She informed them that the redemption was under process, and that the certificate of redemption would be issued in two to three weeks time.⁹

After communicating through text messages with the respondent, Verlita and Raymond finally went to see the Clerk of Court of the Regional Trial Court in Caloocan City On November 27, 2013 to inquire on the status of the redemption. There, they discovered that the respondent had not deposited the redemption price and had not filed the letter of intent for redeeming the property.¹⁰

On December 5, 2013, Verlita and Raymond again went to Branch 145 of the Regional Trial Court in Makati City where the respondent had a hearing, and handed to her their demand letter requiring her to return the amount she had received for the redemption.¹¹ She acknowledged the letter and promised to return the money on December 16, 2013 by depositing the amount in Verlita's bank account. However, she did not fulfill her promise and did not show up for her subsequent scheduled hearings in Branch 145.¹²

⁹ Id. at 5.

¹⁰ Id. .

¹¹ Id. at 19.

¹² Id. at 6.

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With their attempts to reach the respondent being in vain, Verlita and Raymond brought their disbarment complaint in the Integrated Bar of the Philippines (IBP).

Findings and Recommendation of the IBP

The respondent did not submit her answer when required to do so. She also did not attend the mandatory conference set by the IBP despite notice. Hence, the investigation proceeded *ex parte*.¹³

IBP Commissioner Arsenio P. Adriano submitted his Report and Recommendation,¹⁴ whereby he found the respondent to have violated Rule 1.01 of the *Code of Professional Responsibility* for engaging in deceitful conduct, and recommended her suspension from the practice of law for two years, and her return to the complainants of ₱350,000.00. with legal interest from December 2, 2013.

The IBP Board of Governors adopted Commissioner Adriano's recommendation as stated in its Resolution No. XXI-2014-929,¹⁵ viz.:

RESOLVED to ADOPT and APPROVE, as it is hereby ADOPTED AND APPROVED, the Report and Recommendation of the Investigating Commissioner in the above-entitled case, herein made part of this Resolution as Annex "A", and finding the recommendation to be fully supported by the evidence on record and applicable laws, and for violation of Rule 1.01 of the Code of Professional Responsibility, Atty. Marie Frances E. Ramon is hereby **SUSPENDED from the practice of law for two (2) years and Ordered to Return the amount of Three Hundred Fifty Thousand (₱350,000.00) Pesos to Complainant.**

Ruling of the Court

The Court declares the respondent guilty of dishonesty and deceit.

The Lawyer's Oath is a source of the obligations and duties of every lawyer. Any violation of the oath may be punished with either disbarment, or suspension from the practice of law, or other commensurate disciplinary action.¹⁶ Every lawyer must at no time be wanting in probity and moral fiber which are not only conditions precedent to his admission to the Bar, but are

¹³ Id. at 37.

¹⁴ Id. at 37-38.

¹⁵ Id. at 36.

¹⁶ *Vitriolo v. Dasig*, A.C. No. 4984, April 1, 2003, 400 SCRA 172, 179.

also essential for his continued membership in the Law Profession.¹⁷ Any conduct unbecoming of a lawyer constitutes a violation of his oath.

The respondent certainly transgressed the Lawyer's Oath by receiving money from the complainants after having made them believe that she could assist them in ensuring the redemption in their mother's behalf. She was convincing about her ability to work on the redemption because she had worked in the NHFMC. She did not inform them soon enough, however, that she had meanwhile ceased to be connected with the agency. It was her duty to have so informed them. She further misled them about her ability to realize the redemption by falsely informing them about having started the redemption process. She concealed from them the real story that she had not even initiated the redemption proceedings that she had assured them she would do. Everything she did was dishonest and deceitful in order to have them part with the substantial sum of ₱350,000.00. She took advantage of the complainants who had reposed their full trust and confidence in her ability to perform the task by virtue of her being a lawyer. Surely, the totality of her actuations inevitably eroded public trust in the Legal Profession.

As a lawyer, the respondent was proscribed from engaging in unlawful, dishonest, immoral or deceitful conduct in her dealings with others, especially clients whom she should serve with competence and diligence.¹⁸ Her duty required her to maintain fealty to them, binding her not to neglect the legal matter entrusted to her. Thus, her neglect in connection therewith rendered her liable.¹⁹ Moreover, the unfulfilled promise of returning the money and her refusal to communicate with the complainants on the matter of her engagement aggravated the neglect and dishonesty attending her dealings with the complainants.

The respondent's conduct patently breached Rule 1.01, Canon 1 of the *Code of Professional Responsibility*, which provides:

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.

Evil intent was not essential in order to bring the unlawful act or omission of the respondent within the coverage of Rule 1.01 of the *Code of*

¹⁷ *Penilla v. Alcid, Jr.*, A.C. No. 9149, September 4, 2013, 705 SCRA 1, 11.

¹⁸ *Arroyo-Posidio v. Vitan*, A.C. No. 6051, April 2, 2007, 520 SCRA 1, 8.

¹⁹ Rule 18.03, *Code of Professional Responsibility*.

Professional Responsibility.²⁰ The Code exacted from her not only a firm respect for the law and legal processes but also the utmost degree of fidelity and good faith in dealing with clients and the moneys entrusted by them pursuant to their fiduciary relationship.²¹

Yet another dereliction of the respondent was her wanton disregard of the several notices sent to her by the IBP in this case. Such disregard could only be wrong because it reflected her undisguised contempt of the proceedings of the IBP, a body that the Court has invested with the authority to investigate the disbarment complaint against her. She thus exhibited her irresponsibility as well as her utter disrespect for the Court and the rest of the Judiciary. It cannot be understated that a lawyer in her shoes should comply with the orders of the Court and of the Court's duly constituted authorities, like the IBP, the office that the Court has particularly tasked to carry out the specific function of investigating attorney misconduct.²²

The respondent deserves severe chastisement and appropriate sanctions. In this regard, the IBP Board of Governors recommended her suspension for two years from the practice of law, and her return of the amount of ₱350,000.00 to the complainants. The recommended penalty is not commensurate to the gravity of the misconduct committed. She merited a heavier sanction of suspension from the practice of law for five years. Her professional misconduct warranted a longer suspension from the practice of law because she had caused material prejudice to the clients' interest.²³ She should somehow be taught to be more ethical and professional in dealing with trusting clients like the complainants and their mother, who were innocently too willing to repose their utmost trust in her abilities as a lawyer and in her trustworthiness as a legal professional. In this connection, we state that the usual mitigation of the recommended penalty by virtue of the misconduct being her first offense cannot be carried out in her favor considering that she had disregarded the several notices sent to her by the IBP in this case. As to the return of the ₱350,000.00 to the complainant, requiring her to restitute with legal interest is only fair and just because she did not comply in the least with her ethical undertaking to work on the redemption of the property of the mother of the complainants. In addition, she is sternly warned against a similar infraction in the future; otherwise, the Court will have her suffer a more severe penalty.

WHEREFORE, the Court **FINDS** and **HOLDS ATTY. MARIE FRANCES E. RAMON** guilty of violating Canon 1, Rule 1.0I of the *Code*

²⁰ *Re: Report on the Financial Audit Conducted on the Books of Accounts of Atty. Raquel G. Kho, Clerk of Court IV, Regional Trial Court, Oras, Eastern Samar*, A.M. No. P-06-2177, April 19, 2007, 521 SCRA 25, 28-29.

²¹ *Anacta v. Resurreccion*, A.C. No. 9074, August 14, 2012, 678 SCRA 352, 360.

²² *Pesto v. Millo*, A.C. No. 9612, March 13, 2013, 693 SCRA 281, 289-290.

²³ *Agpalo, Legal Ethics*, 2009 ed., p. 518.


of Professional Responsibility and the Lawyer's Oath; **SUSPENDS HER FROM THE PRACTICE OF LAW FOR A PERIOD OF FIVE YEARS EFFECTIVE FROM NOTICE**, with the **STERN WARNING** that any similar infraction in the future will be dealt with more severely; **ORDERS** her to return to the complainants the sum of ₱350,000.00 within 30 days from notice, plus legal interest of 6% *per annum* reckoned from the finality of this decision until full payment; and **DIRECTS** her to promptly submit to this Court written proof of her compliance within the same period of 30 days from notice of this decision.


Let copies of this decision be furnished to the Office of the Bar Confidant, to be appended to Atty. Marie Frances E. Ramon's personal record as an attorney; to the Integrated Bar of the Philippines; and to the Office of the Court Administrator for dissemination to all courts throughout the country for their information and guidance.

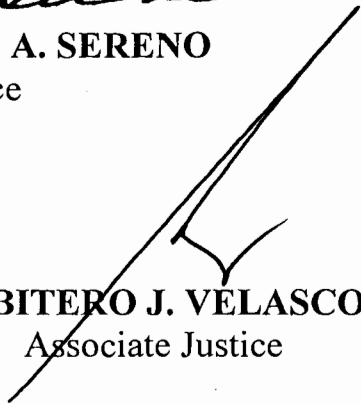
SO ORDERED.



LUCAS P. BERSAMIN
Associate Justice

WE CONCUR:


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

(On Leave)
ARTURO D. BRION
Associate Justice



DIOSDADO M. PERALTA
Associate Justice



MARIANO C. DEL CASTILLO
Associate Justice



JOSE PORTUGAL PEREZ
Associate Justice

(On Official Leave)

JOSE CATRAL MENDOZA
Associate Justice



BIENVENIDO L. REYES
Associate Justice



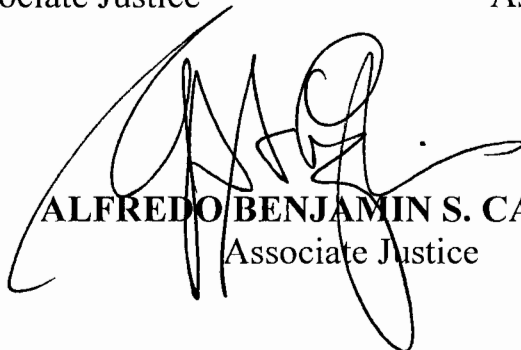
ESTELA M. PERLAS-BERNABE
Associate Justice



MARVIC M. V. F. LEONEN
Associate Justice

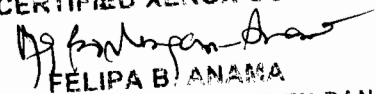


FRANCIS H. JARDELEZA
Associate Justice



ALFREDO BENJAMIN S. CAGUIOA
Associate Justice

CERTIFIED XEROX COPY:



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