



Republic of the Philippines
Supreme Court
 Manila

EN BANC

**LAURENCE D. PUNLA and
 MARILYN SANTOS,**
Complainants,

A.C. No. 11149
(Formerly CBD Case No. 13-3709)

Present:

SERENO, C.J.,
 CARPIO,
 VELASCO, JR.,
 LEONARDO-DE CASTRO,
 PERALTA,
 BERSAMIN,
 DEL CASTILLO,
 PERLAS-BERNABE,
 LEONEN,
 JARDELEZA,
 CAGUIOA,*
 MARTIRES,
 TIJAM,
 REYES, JR., and
 GESMUNDO, JJ

- versus -

ATTY. ELEONOR MARAVILLA-ONA,
Respondent.

Promulgated:
 August 15, 2017

X-----*[Signature]*-----X

DECISION

PER CURIAM:

The present administrative case stemmed from a Complaint-Affidavit¹ filed with the Integrated Bar of the Philippines Commission on Bar Discipline (IBP-CBD) by complainants Laurence D. Punla and Marilyn Santos against respondent Atty. Eleonor Maravilla-Ona, charging the latter with violation of the lawyer's oath, for neglecting her clients' interests.

* On official leave
¹ Rollo, pp. 2-4.

Factual Background

The facts, as culled from the disbarment complaint, are summarized in the Report and Recommendation² of Investigating Commissioner Ricardo M. Espina viz.:

In a complaint-affidavit filed on 15 January 2013, complainants alleged that they got to know respondent lawyer sometime in January 2012 when they requested her to notarize a Deed of Sale; that subsequently, they broached the idea to respondent that they intend (sic) to file two (2) annulment cases and they wanted respondent to represent them; that respondent committed to finish the two (2) annulment cases within six (6) months from full payment; that the agreed lawyer's fee for the two annulment cases is ₱350,000.00; that the ₱350,000.00 was paid in full by complainants, as follows: ₱100,000.00 on 27 January 2012 as evidenced by respondent's Official Receipt (O.R.) No. 55749 of even date (Annex "A"); ₱150,000.00 on 28 January 2012 as evidenced by respondent's Official Receipt (O.R.) No. 56509 of even date (Annex "B"); ₱50,000.00 on 14 March 2012 personally handed to respondent lawyer and evidenced by respondent's handwritten acknowledgement receipt of same date (Annex "C"); and, ₱50,000.00 on 15 March 2012 deposited to respondent's Metrobank account no. 495-3-49509141-5 (Annex "D").

On the commitment of respondent that she will (sic) finish the cases in six (6) months, complainants followed up their cases in September 2012 or about 6 months from their last payment in March 2012. They were ignored by respondent. On 25 September 2012, complainants sent a letter (Annex "E") to respondent demanding that the ₱350,000.00 they paid her be refunded in full within five (5) days from receipt of the letter. In a Certification dated 07 November 2012 (Annex "F"), the Philpost of Dasmariñas, Cavite, attested that complainants' letter was received by respondent on 01 October 2012. No refund was made by respondent.³

In an Order⁴ dated January 25, 2013, the IBP directed respondent to file her Answer within 15 days. **No answer was filed.** A Mandatory Conference/Hearing was set on December 4, 2013⁵ but respondent did not appear, so it was reset to January 22, 2014.⁶ However, **respondent again failed to attend the mandatory conference/hearing as scheduled.** Hence, in an Order⁷ dated January 22, 2014, the mandatory conference was terminated and both parties were directed to submit their verified position papers.

² Id. at 20-24.

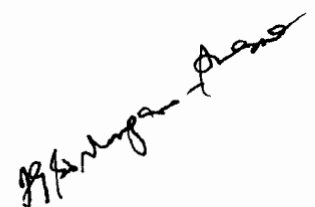
³ Id. at 21.

⁴ Id. at 10.

⁵ Id. at 11.

⁶ Id. at 13.

⁷ Id. at 15.



Report and Recommendation of the Investigating Commissioner

The Investigating Commissioner was of the opinion that respondent is guilty of violating Canons 17 and 18 of the Code of Professional Responsibility, to wit:⁸

There is clear violation of Canons 17 and 18, Canons of Professional Responsibility. These canons, quoted hereunder, [state]:

CANON 17 – A lawyer owes fidelity to the cause of his client and he shall be mindful of the trust and confidence reposed in him.

CANON 18 – A lawyer shall serve his client with competence and diligence.

Of particular concern is Rule 18.04, Canon 18 of the Code of Professional Responsibility, which requires a lawyer to always keep the client informed of the developments in his case and to respond whenever the client requests for information. Respondent has miserably failed to comply with this Canon.⁹

In addition, the IBP Investigating Commissioner found that respondent has been charged with several infractions. Thus:

Moreover, verification conducted by this Office shows that this is not the first time that respondent lawyer has been administratively charged before this Office. As shown in the table below, respondent is involved in the following active cases:

COMPLAINANTS	CASE NO.	STATUS	PENALTY	WHEN FILED
<i>Ten (10) consolidated cases:</i>				
1. Felisa Amistoso, et al.	A.C. No. 6369	Pending with Supreme Court	Suspension	
2. Anita Lagman	A.C. No. 6371			
3. Isidro H. Montoya	A.C. No. 6458			
4. Noel Angcao	A.C. No. 6459			
5. Mercedes Bayan	A.C. No. 6460			
6. Rustica Canuel	A.C. No. 6462			
7. Anita Canuel	A.C. No. 6457			
8. Elmer Canuel	A.C. No. 6463			
9. Evangeline Sangalang	A.C. No. 6464			
10. Felisa Amistoso	A.C. No. 6469			
11. Beatrice Yatco, et al.	CBD Case No. 10-2733	Pending with Supreme Court	Suspension	July 26, 2010
12. Norma Guterrez	CBD Case No. 12-3444	For report and recommendation		May 23, 2012
13. Bienvenida Flor Suarez	CBD Case No. 12-3534	For report and recommendation		August 01, 2012

⁸ Id. at 23.

⁹ Id. at 23-24.

Ag. for Lagman - Amistoso

withheld from complainants the amount of ₱350,000.00 given to her, despite her failure to render the necessary legal services, and after complainants demanded its return.

It cannot be stressed enough that once a lawyer takes up the cause of a client, that lawyer is duty-bound to serve the latter with competence and zeal, especially when he/she accepts it for a fee. The lawyer owes fidelity to such cause and must always be mindful of the trust and confidence reposed upon him/her.¹³

Moreover, a lawyer's failure to return upon demand the monies he/she holds for his/her client gives rise to the presumption that he/she has appropriated the said monies for his/her own use, to the prejudice and in violation of the trust reposed in him/her by his/her client.¹⁴

What is more, this Court cannot overlook the reality that several cases had been filed against respondent, as pointed out by the IBP. In fact, one such case eventually led to the disbarment of respondent. In *Suarez v. Maravilla-Ona*,¹⁵ the Court meted out the ultimate penalty of disbarment and held that the misconduct of respondent was aggravated by her unjustified refusal to obey the orders of the IBP directing her to file an answer and to appear at the scheduled mandatory conference. This constitutes blatant disrespect towards the IBP and amounts to conduct unbecoming a lawyer.

In the same case, the Court took note of the past disbarment complaints that had been filed against Atty. Maravilla-Ona viz.:

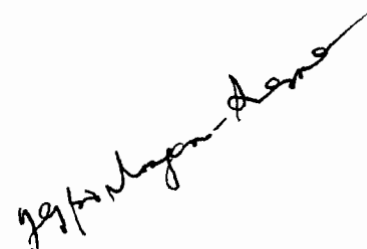
x x x In A.C. No. 10107 entitled *Beatrice C. Yatco, represented by her Attorney-In-Fact, Marivic Yatco v. Atty. Eleonor Maravilla-Ona*, the complainant filed a disbarment case against Atty. Maravilla-Ona for issuing several worthless checks as rental payments for the complainant's property and for refusing to vacate the said property, thus forcing the latter to file an ejectment case against Atty. Maravilla-Ona. The IBP required Atty. Maravilla-Ona to file her Answer, but she failed to do so. Neither did she make an appearance during the scheduled mandatory conference. In its Resolution dated February 13, 2013, the IBP found Atty. Maravilla-Ona guilty of serious misconduct_(s) and for violating Canon 1, Rule 1.01 of the Code. The Court later adopted and approved the IBP's findings in its Resolution of September 15, 2014, and suspended Atty. Maravilla-Ona from the practice of law for a period of one year.

In yet another disbarment case against Atty. Maravilla-Ona, docketed as A.C. No. 10944_(s) and entitled *Norma M. Gutierrez v. Atty. Eleonor Maravilla-Ona*, the complainant therein alleged that she engaged the services of Atty.

¹³ *Olayta-Camba v. Atty. Bongon*, 757 Phil. 1, 5-6 (2015).

¹⁴ *Llunar v. Ricafort*, A.C. No. 6484, June 16, 2015, 757 SCRA 614, 620.

¹⁵ A.C. No. 11064, September 27, 2016.



Maravilla-Ona and gave her the amount of ₱80,000.00 for the filing of a case in court. However, Atty. Maravilla-Ona failed to file the case, prompting the complainant to withdraw from the engagement and to demand the return of the amount she paid. Atty. Maravilla-Ona returned ₱15,000.00¹⁶ and executed a promissory note to pay the remaining ₱65,000.00. However, despite several demands, Atty. Maravilla-Ona failed to refund completely the complainant's money. Thus, a complaint for disbarment was filed against Atty. Maravilla-Ona for grave misconduct, gross negligence and incompetence. But again, Atty. Maravilla-Ona failed to file her Answer and [to] appear in the mandatory conference before the IBP. The IBP found that Atty. Maravilla-Ona violated Canon 16, Rule 16.03 of the Code [of Professional Responsibility] and recommended her suspension for a period of five (5) years, considering her previous infractions. The Court, however, reduced Atty. Maravilla-Ona's penalty to suspension from the practice of law for a period of three (3) years, with a warning that a repetition of the same or similar offense will be dealt with more severely. She was also ordered to return the complainant's money.

Clearly, Atty. Maravilla-Ona exhibits the habit of violating her oath as a lawyer and the Code [of Professional Responsibility], as well as defying the processes of the IBP. The Court cannot allow her blatant disregard of the Code [of Professional Responsibility] and her sworn duty as a member of the Bar to continue. She had been warned that a similar violation [would] merit a more severe penalty, and yet, her reprehensible conduct has, again, brought embarrassment and dishonor to the legal profession.¹⁶

Back to the case at bar: While indeed respondent's condemnable acts ought to merit the penalty of disbarment, we cannot disbar her anew, for in this jurisdiction we do not impose double disbarment.

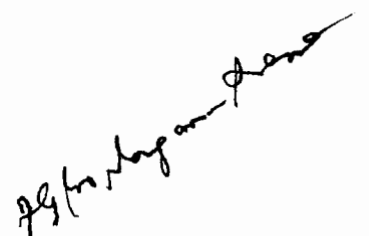
WHEREFORE, the Court hereby **ADOPTS** the findings of the Integrated Bar of the Philippines and **FINDS** respondent **ATTY. ELEONOR MARAVILLA-ONA GUILTY** of gross and continuing violation of the Code of Professional Responsibility and accordingly **FINED** ₱40,000.00. Respondent is also **ORDERED to PAY** complainants the amount of ₱350,000.00, with 12% interest from the date of demand until June 30, 2013 and 6% *per annum* from July 1, 2013 until full payment.¹⁷ This is without prejudice to the complainants' filing of the appropriate criminal case, if they so desire.

Furnish a copy of this Decision to the Office of the Bar Confidant, which shall append the same to the personal record of respondent; to the Integrated Bar of the Philippines; and the Office of the Court Administrator, which shall circulate the same to all courts in the country for their information and guidance.

This Decision shall be immediately executory.

¹⁶ Id. at 6-7.

¹⁷ *Nacar v. Gallery Frames*, 716 Phil. 267, 283 (2013).



SO ORDERED.



MARIA LOURDES P. A. SERENO
Chief Justice




ANTONIO T. CARPIO
Associate Justice



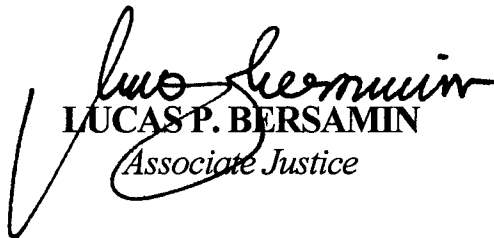
PRESBITERO J. VELASCO, JR.
Associate Justice



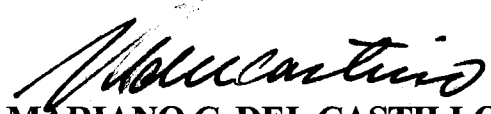
TERESITA J. LEONARDO-DE CASTRO
Associate Justice




DIOSDADO M. PERALTA
Associate Justice



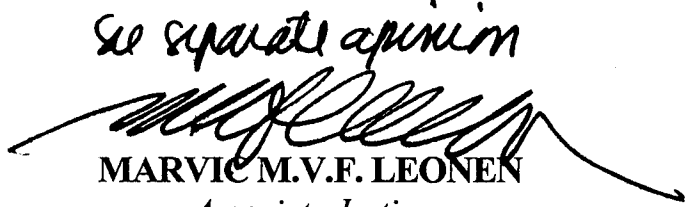
LUCAS P. BERSAMIN
Associate Justice



MARIANO C. DEL CASTILLO
Associate Justice



ESTELA M. PERLAS-BERNABE
Associate Justice



separate opinion
MARVIC M.V.F. LEONEN
Associate Justice



FRANCIS H. JARDELEZA
Associate Justice

(On official leave)
ALFREDO BENJAMIN S. CAGUIOA
Associate Justice



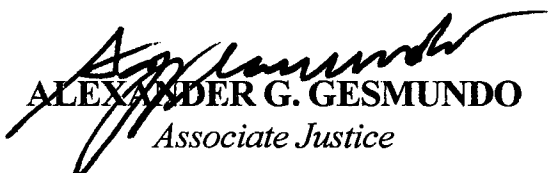
SAMUEL R. MARTIRES
Associate Justice



NOEL GOMEZ TIJAM
Associate Justice



ANDRES B. REYES, JR.
Associate Justice



ALEXANDER G. GESMUNDO
Associate Justice