



Republic of the Philippines
Supreme Court
Manila

Supreme Court of the Philippines
Public Information Office

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EN BANC

FLORDELIZA A. MADRIA,
Complainant,

A.C. No. 11256

Present:

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

- versus -

ATTY. CARLOS P. RIVERA,
Respondent.

Promulgated:

March 7, 2017

[Handwritten Signature]

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DECISION

PER CURIAM:

A lawyer who causes the simulation of court documents not only violates the court and its processes, but also betrays the trust and confidence reposed in him by his client and must be disbarred to maintain the integrity of the Law Profession.

Antecedents

In November 2002, complainant Flordeliza A. Madria consulted the respondent in his law office in Tuguegarao City, Cagayan to inquire about

the process of annulling her marriage with her husband, Juan C. Madria. After giving the details of her marriage and other facts relevant to the annulment, the respondent told her that she had a strong case, and guaranteed that he could obtain for her the decree of annulment. He told her, too, that his legal services would cost ₱25,000.00, and that she should return on November 19, 2002 inasmuch as he would still prepare the complaint for the annulment. At the time of the consultation, she was accompanied by her daughter, Vanessa Madria, and her nephew, Jayson Argonza.¹

The complainant returned to the respondent's office on November 19, 2002. On that occasion, he showed her the petition for annulment, and asked her to sign it. She paid to him an initial amount of ₱4,000.00.² He acknowledged the payment through a handwritten receipt.³

The complainant again went to the respondent's office on December 16, 2002 to deliver another partial payment, and to follow up on the case. The respondent advised her to just wait for the resolution of her complaint, and assured her that she did not need to appear in court. He explained that all the court notices and processes would be sent to his office, and that he would regularly apprise her of the developments.⁴ On December 28, 2002, she returned to his office to complete her payment, and he also issued his receipt for the payment.⁵

The complainant's daughter Vanessa thereafter made several follow-ups on behalf of her mother. In the latter part of April 2003, the respondent informed the complainant that her petition had been granted.⁶ Thus, Vanessa went to the respondent's office and received a copy of the trial court's decision dated April 16, 2003 signed by Judge Lyliha Abella Aquino of the Regional Trial Court (RTC), Branch 4, in Tuguegarao City.⁷

According to the complainant, the respondent advised her to allow five months to lapse after the release of the decision before she could safely claim the status of "single." After the lapse of such time, she declared in her Voter's Registration Record (VRR) that she was single.⁸

¹ *Rollo*, pp. 5-6.

² *Id.* at 6.

³ *Id.* at 13.

⁴ *Supra* note 2.

⁵ *Rollo*, p. 14.

⁶ *Id.* at 7.

⁷ *Id.* at 15-16.

⁸ *Supra* note 6

J. B. Argonza

The complainant, again through Vanessa, received from the respondent a copy of the certificate of finality dated September 26, 2003 signed by one Jacinto C. Danao of the RTC (Branch 4).⁹

Believing that the documents were authentic, the complainant used the purported decision and certificate of finality in applying for the renewal of her passport.¹⁰ However, she became the object of an investigation by the National Bureau of Investigation (NBI) because her former partner, Andrew Dowson Grainge, had filed a complaint charging that she had fabricated the decision for the annulment of her marriage. Only then did she learn that the decision and the certificate of finality given by the respondent did not exist in the court records, as borne out by the letter signed by Atty. Aura Clarissa B. Tabag-Querubin, Clerk of Court of the RTC Branch IV, to wit:

MS. RACHEL M. ROXAS
Officer-in-Charge
Regional Consular Office
Tuguegarao City

Madam:

This is in reply to your letter dated June 23, 2011 inquiring on whether Civil Case No. **6149** for the Annulment of Marriage between Flordeliza Argonza Madria and Juan C. Madria was filed and decided by this Court.

As per records of this Court, the above-entitled case was filed on April 25, 2003 but was **dismissed** as per Order of this Court dated April 6, 2004.

The signature of the [sic] Judge Lyliha Abella Aquino as appearing in the alleged decision attached to your letter is a blatant **forgery**.

For your information and guidance.

Very truly yours,

(sgd)
AURA CLARISSA B. TABAG-QUERUBIN
Clerk of Court V¹¹

As a result, the complainant faced criminal charges for violation of the *Philippine Passport Act* in the RTC in Tuguegarao City.¹² She claims that she had relied in good faith on the representations of the respondent; and that he had taken advantage of his position in convincing her to part with her money and to rely on the falsified court documents.¹³

⁹ *Rollo*, p. 17.

¹⁰ *Id.* at 44.

¹¹ *Id.* at 18.

¹² *Supra* note 10.

¹³ *Id.*



In his answer,¹⁴ the respondent denies the allegations of the complainant. He averred that he had informed her that he would still be carefully reviewing the grounds to support her petition; that she had insisted that he should prepare the draft of her petition that she could show to her foreigner fiancé; that she had also prevailed upon him to simulate the court decision to the effect that her marriage had been annulled, and to fabricate the certificate of finality; that she had assured him that such simulated documents would be kept strictly confidential; that he had informed her that the petition had been filed in April 2003, but she had paid no attention to such information; that she had not appeared in any of the scheduled hearings despite notice; and that he had not heard from her since then, and that she had not even returned to his office.

Findings and Recommendation of the Integrated Bar of the Philippines (IBP)

After conducting her investigation, IBP Commissioner Rebecca Villanueva-Maala submitted her Report and Recommendation¹⁵ wherein she concluded that the respondent had violated his Lawyer's Oath; and recommended his suspension from the practice of law for a period of two years.

The IBP Board of Governors, albeit adopting the findings of Commissioner Villanueva-Maala, modified the recommendation of suspension from the practice of law for two years to disbarment through its Resolution No. XXI-2015-242, to wit:

RESOLUTION NO. XXI-2015-242
CDB Case No. 14-4315
Flordeliza A. Madria vs.
Atty. Carlos P. Rivera

RESOLVED to ADOPT and APPROVE, as it is hereby ADOPTED AND APPROVED, **with modification**, the Report and Recommendation of the Investigating Commissioner in the above-entitled case, herein made part of this Resolution as Annex "A", considering violation of his lawyers' oath as a lawyer and a member of the Bar by preparing a simulated Court decision granting the petition for annulment of marriage of complainant and a certificate of finality of the annulment petition. Hence, Atty. Carlos P. Rivera is hereby **DISBARRED from the practice of law and his name stricken off the Roll of Attorneys.**¹⁶

¹⁴ Id. at 23-26.

¹⁵ Id. at 72-76.

¹⁶ Id. at 70.

49 for Mayor - Davao

Ruling of the Court

We adopt the findings and recommendation of the IBP Board of Governors.

The respondent acknowledged authorship of the petition for annulment of marriage, and of the simulation of the decision and certificate of finality. His explanation of having done so only upon the complainant's persistent prodding did not exculpate him from responsibility. For one, the explanation is unacceptable, if not altogether empty. Simulating or participating in the simulation of a court decision and a certificate of finality of the same decision is an outright criminal falsification or forgery. One need not be a lawyer to know so, but it was worse in the respondent's case because he was a lawyer. Thus, his acts were legally intolerable. Specifically, his deliberate falsification of the court decision and the certificate of finality of the decision reflected a high degree of moral turpitude on his part, and made a mockery of the administration of justice in this country. He thereby became unworthy of continuing as a member of the Bar.

The respondent directly contravened the letter and spirit of Rules 1.01 and 1.02, Canon 1, and Rule 15.07, Canon 15 of the *Code of Professional Responsibility*, to wit:

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.**

Rule 1.02 - A lawyer **shall not counsel or abet activities aimed at defiance of the law or at lessening confidence in the legal system.**

x x x x

CANON 15 - A LAWYER SHALL OBSERVE CANDOR, FAIRNESS AND LOYALTY IN ALL HIS DEALINGS AND TRANSACTIONS WITH HIS CLIENTS.

Rule 15.07. - A lawyer **shall impress upon his client compliance with the laws** and the principles of fairness.

7/9/10 [Signature]

The respondent would shift the blame to his client. That a lay person like the complainant could have swayed a lawyer like the respondent into committing the simulations was patently improbable. Yet, even if he had committed the simulations upon the client's prodding, he would be no less responsible. Being a lawyer, he was aware of and was bound by the ethical canons of the *Code of Professional Responsibility*, particularly those quoted earlier, which would have been enough to deter him from committing the falsification, as well as to make him unhesitatingly frustrate her prodding in deference to his sworn obligation as a lawyer to always act with honesty and to obey the laws of the land. Surely, too, he could not have soon forgotten his express undertaking under his Lawyer's Oath to "*do no falsehood, nor consent to its commission.*"¹⁷ Indeed, the ethics of the Legal Profession rightly enjoined every lawyer like him to act with the highest standards of truthfulness, fair play and nobility in the course of his practice of law.¹⁸ As we have observed in one case:¹⁹

Public confidence in law and lawyers may be eroded by the irresponsible and improper conduct of a member of the bar. Thus, a lawyer should determine his conduct by acting in a manner that would promote public confidence in the integrity of the legal profession. Members of the Bar are expected to always live up to the standards embodied in the Code of Professional Responsibility as the relationship between an attorney and his client is highly fiduciary in nature and demands utmost fidelity and good faith.

Also, Canon 15²⁰ and Rule 18.04²¹ of Canon 18 of the *Code of Professional Responsibility* required the respondent be true to the complainant as his client. By choosing to ignore his fiduciary responsibility for the sake of getting her money, he committed a further violation of his Lawyer's Oath by which he swore not to "*delay any man's cause for money or malice,*" and to "*conduct [him]self as a lawyer according to the best of [his] knowledge and discretion with all good fidelity as well to the courts as to [his] clients.*" He compounded this violation by taking advantage of his legal knowledge to promote his own selfish motives, thereby disregarding his responsibility under Canon 17.²²

¹⁷ *The Lawyer's Oath*, as stated in Section 3, Rule 138 of the *Rules of Court*.

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

¹⁹ *Nakpil v. Valdes*, A.C. No. 2040, March 4, 1998, 286 SCRA 758, 774.

²⁰ Canon 15. A lawyer shall observe candor, fairness and loyalty in all his dealings and transactions with his client.

²¹ Rule 18.04 - A lawyer shall keep the client informed of the status of his case and shall respond within a reasonable time to the client's request for information.

²² 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.

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Under Section 27,²³ Rule 138 of the *Rules of Court*, a lawyer may be disbarred on any of the following grounds, namely: (1) deceit; (2) malpractice; (3) gross misconduct in office; (4) grossly immoral conduct; (5) conviction of a crime involving moral turpitude; (6) violation of the lawyers oath; (7) willful disobedience of any lawful order of a superior court; and (8) corruptly or willfully appearing as a lawyer for a party to a case without authority so to do.

Falsifying or simulating the court papers amounted to deceit, malpractice or misconduct in office, any of which was already a ground sufficient for disbarment under Section 27, Rule 38 of the *Rules of Court*.²⁴ The moral standards of the Legal Profession expected the respondent to act with the highest degree of professionalism, decency, and nobility in the course of their practice of law.²⁵ That he turned his back on such standards exhibited his baseness, lack of moral character, dishonesty, lack of probity and general unworthiness to continue as an officer of the Court.²⁶

We note that the respondent was previously sanctioned for unprofessional conduct. In *Cruz-Villanueva v. Rivera*,²⁷ he was suspended from the practice of law because he had notarized documents without a notarial commission. This circumstance shows his predisposition to beguile other persons into believing in the documents that he had falsified or simulated. It is time to put a stop to such proclivity. He should be quickly removed through disbarment.

It is true that the power to disbar is always exercised with great caution and only for the most imperative reasons or in cases of clear misconduct affecting the standing and moral character of the lawyer as an officer of the court and member of the bar.²⁸ But we do not hesitate when the misconduct is gross, like in the respondent's case. We wield the power now because the respondent, by his gross misconduct as herein described,

²³ Section 27. *Disbarment or 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 an attorney for a party to a case without authority so to do. The practice of soliciting cases at law for the purpose of gain, either personally or through paid agents or brokers, constitutes malpractice.

The disbarment or suspension of a member of the Philippine Bar by a competent court or other disciplinary agency in a foreign jurisdiction where he has also been admitted as an attorney is a ground for his disbarment or suspension if the basis of such action includes any of the acts hereinabove enumerated.

The judgment, resolution or order of the foreign court or disciplinary agency shall be *prima facie* evidence of the ground for disbarment or suspension. (As amended by SC Resolution dated February 13, 1992.)

²⁴ *In re Avanceña*, A.C. No. 407, August 15, 1967, 20 SCRA 1012, 1014.

²⁵ *Manzano v. Soriano*, A.C. No. 8051 April 7, 2009, 584 SCRA 1, 9.

²⁶ *Flores v. Chua*, A.C. No. 4500 April 30, 1999, 306 SCRA 465, 483.

²⁷ A.C. No. 7123, November 20, 2006, 507 SCRA 248.

²⁸ *Kara-an v. Pineda*, A.C. No. 4306, March 28, 2007, 519 SCRA 143, 146.

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absolutely forfeited the privilege to remain in the Law Profession. As we reminded in *Embido v. Pe*,²⁹ in which we disbarred the respondent lawyer for falsifying a court decision:

No lawyer should ever lose sight of the verity that the practice of the legal profession is always a privilege that the Court extends only to the deserving, and that the Court may withdraw or deny the privilege to him who fails to observe and respect the Lawyer's Oath and the canons of ethical conduct in his professional and private capacities. He may be disbarred or suspended from the practice of law not only for acts and omissions of malpractice and for dishonesty in his professional dealings, but also for gross misconduct not directly connected with his professional duties that reveal his unfitness for the office and his unworthiness of the principles that the privilege to practice law confers upon him. Verily, no lawyer is immune from the disciplinary authority of the Court whose duty and obligation are to investigate and punish lawyer misconduct committed either in a professional or private capacity. The test is whether the conduct shows the lawyer to be wanting in moral character, honesty, probity, and good demeanor, and whether the conduct renders the lawyer unworthy to continue as an officer of the Court.³⁰

WHEREFORE, the Court **FINDS** and **HOLDS** **Atty. CARLOS P. RIVERA** guilty of **GRAVE MISCONDUCT** and **VIOLATION OF THE LAWYER'S OATH**; and, **ACCORDINGLY**, **ORDERS** his **DISBARMENT**. Let his name be **STRICKEN** from the **ROLL OF ATTORNEYS**.

This decision is **IMMEDIATELY EXECUTORY**.

Let copies of this decision be furnished to: (a) the **OFFICE OF THE COURT ADMINISTRATOR** for dissemination to all courts throughout the country for their information and guidance; (b) the **INTEGRATED BAR OF THE PHILIPPINES**; (c) the **OFFICE OF THE BAR CONFIDANT** for appending to the respondent's personal record as a member of the Bar; and (d) the **OFFICE OF THE PROSECUTOR GENERAL, DEPARTMENT OF JUSTICE** for possible criminal prosecution of the respondent.

SO ORDERED.




MARIA LOURDES P.A. SERENO
Chief Justice

²⁹ A.C. No. 6732, October 22, 2013, 708 SCRA 1.

³⁰ Id. at 10-11.



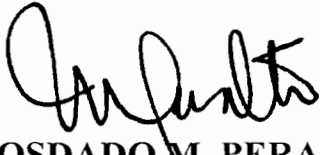
ANTONIO T. CARPIO
Associate Justice



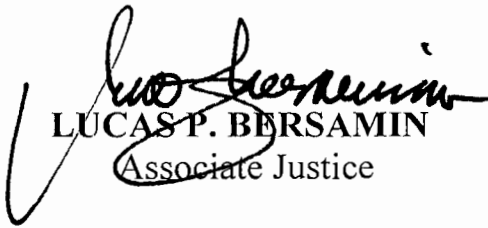
PRESBITERO J. VELASCO, JR.
Associate Justice



TERESITA J. LEONARDO-DE CASTRO
Associate Justice



DIOSDADO M. PERALTA
Associate Justice




LUCAS P. BERSAMIN
Associate Justice



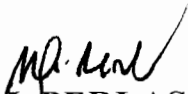
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Associate Justice



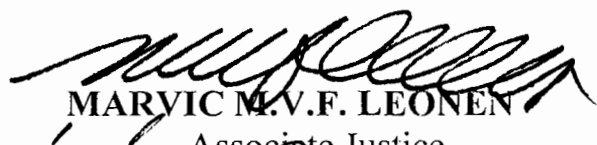
JOSE CATRAL MENDOZA
Associate Justice



BIENVENIDO L. REYES
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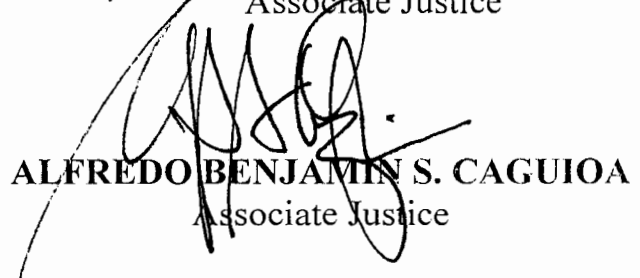
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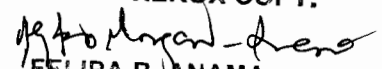


FRANCIS H. JARDELEZA
Associate Justice



ALFREDO BENJAMIN S. CAGUIOA
Associate Justice

CERTIFIED XEROX COPY:



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