



Republic of the Philippines
Supreme Court
Manila

EN BANC

AMPARO BUENO,
Complainant,

Adm. Case No. 8383

Present:

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

- versus -

ATTY. RAMON A. RAÑESES,
Respondent.

Promulgated:

DECEMBER 11, 2012

X-----X

DECISION

PER CURIAM:

Before the Court is the Complaint for Disbarment¹ against Atty. Ramon Rañeses filed on March 3, 1993 by Amparo Bueno with the

* On official leave.
1 Rollo, pp. 3-5.

Integrated Bar of the Philippines-Commission on Bar Discipline (*IBP-CBD*). Commissioner Agustinus V. Gonzaga, and subsequently Commissioner Victoria Gonzalez-de los Reyes, conducted the fact-finding investigation on the complaint.

Commissioner Rico A. Limpingco submitted a Report and Recommendation² dated September 29, 2008 to the IBP Board of Governors which approved it in a resolution dated December 11, 2008.

In a letter³ dated August 12, 2009, IBP Director for Bar Discipline Alicia A. Risos-Vidal transmitted to the Office of Chief Justice Reynato Puno (retired) a Notice of Resolution⁴ and the records of the case.

Factual Antecedents

In her complaint,⁵ Bueno related that she hired Atty. Rañeses to represent her in Civil Case No. 777. In consideration for his services, Bueno paid Atty. Rañeses a retainer fee of ₱3,000.00. She also agreed to pay him ₱300.00 for every hearing he attended. No receipt was issued for the retainer fee paid.

Atty. Rañeses prepared and filed an answer in her behalf. He also attended hearings. On several occasions, Atty. Rañeses would either be absent or late.

Bueno alleged that on November 14, 1988, Atty. Rañeses asked for ₱10,000.00. This amount would allegedly be divided between him and Judge

² *Id.* at 76-81.

³ *Id.* at 74.

⁴ *Id.* at 75.

⁵ *Supra* note 1.

Nidea, the judge hearing Civil Case No. 777, so that they would not lose the case. Atty. Rañeses told Bueno not to tell anyone about the matter. She immediately sold a pig and a refrigerator to raise the demanded amount, and gave it to Atty. Rañeses.

According to Bueno, Atty. Rañeses asked for another ₱5,000.00 sometime in December 1988, because the amount she had previously given was inadequate. Bueno then sold her sala set and colored television to raise the demanded amount, which she again delivered to Atty. Rañeses.

Bueno later discovered that the trial court had required Atty. Rañeses to comment on the adverse party's offer of evidence and to submit their memorandum on the case, but Atty. Rañeses failed to comply with the court's directive. According to Bueno, Atty. Rañeses concealed this development from her. In fact, she was shocked when a court sheriff arrived sometime in May 1991 to execute the decision against them.

Bueno went to Atty. Rañeses' office to ask him about what happened to the case. Atty. Rañeses told her that he had not received any decision. Bueno later discovered from court records that Atty. Rañeses actually received a copy of the decision on December 3, 1990. When she confronted Atty. Rañeses about her discovery and showed him a court-issued certification, Atty. Rañeses simply denied any knowledge of the decision.

In a separate affidavit,⁶ Bueno related another instance where Atty. Rañeses asked his client for money to win a case. Sometime in June 1991, Atty. Rañeses allegedly asked her to deliver a telegram from Justice Buena of the Court of Appeals to her aunt, Socorro Bello. He told her to tell Bello to prepare ₱5,000.00, an amount that Justice Buena purportedly asked for in

⁶ *Rollo*, pp. 25-26.

relation to Criminal Case No. T-1909 that was then on appeal with the Court of Appeals.

According to Bueno, Atty. Rañeses went to Bello's residence two weeks later. In her (Bueno's) presence, Bello paid Atty. Rañeses ₱5,000.00. Bello demanded a receipt but Atty. Rañeses refused to issue one, telling her that none of his clients ever dared to demand a receipt for sums received from them.

Atty. Rañeses never filed an answer against Bueno's complaint. He repeatedly failed to attend the hearings scheduled by Commissioner Gonzaga on March 20, 2000,⁷ on May 11, 2000⁸ and on October 2, 2000.⁹ During the hearing on October 2, 2000, Commissioner Gonzaga issued an Order¹⁰ declaring Atty. Rañeses in default. Bueno presented her evidence and was directed to file a formal offer.

On October 10, 2000, the IBP-CBD received a "Time Motion and Request for Copies of the Complaint and Supporting Papers"¹¹ (dated September 30, 2000) filed by Atty. Rañeses. Atty. Rañeses asked in his motion that the hearing on October 2, 2000 be reset to sometime in December 2000, as he had prior commitments on the scheduled day. He also asked for copies of the complaint and of the supporting papers, claiming that he had not been furnished with these. In the interest of substantial justice, Commissioner Gonzaga scheduled a clarificatory hearing on November 16, 2000.¹²

⁷ Order dated March 20, 2000; *id.* at 10.

⁸ Order dated May 11, 2000; *id.* at 12.

⁹ Order dated October 2, 2000; *id.* at 31.

¹⁰ *Ibid.*

¹¹ *Id.* at 32.

¹² Order dated October 12, 2000; *id.* at 34.

Atty. Rañeses failed to attend the hearing on November 16, 2000. In the same hearing, Commissioner Gonzaga noted that the registry return card refuted Atty. Rañeses' claim that he did not receive a copy of the complaint. Commissioner Gonzaga scheduled another clarificatory hearing on January 17, 2001. He stated that if Atty. Rañeses failed to appear, the case would be deemed submitted for resolution after the complainant submits her memorandum.¹³

Atty. Rañeses did not attend the January 17, 2001 hearing. On the same day, Commissioner Gonzaga declared the case deemed submitted for resolution after the complainant's submission of her memorandum.¹⁴

At some point, the case was reassigned to Commissioner De los Reyes who scheduled another hearing on March 14, 2003.¹⁵ During the hearing, only Bueno and her counsel were present. The Commissioner noted that the IBP-CBD received a telegram from Atty. Rañeses asking for the hearing's resetting because he had prior commitments. The records, however, showed that Atty. Rañeses never filed an answer and the case had already been submitted for resolution. Thus, Commissioner De los Reyes issued an Order¹⁶ directing Bueno to submit her formal offer of evidence and her documentary evidence, together with her memorandum.

The IBP-CBD received Bueno's Memorandum¹⁷ on May 27, 2003, but she did not file any formal offer, nor did she submit any of the documentary evidence indicated as attachments to her complaint.

¹³ Order dated November 16, 2000; *id.* at 36-37.

¹⁴ Order dated January 17, 2001; *id.* at 38.

¹⁵ Order dated March 14, 2003; *id.* at 42-43.

¹⁶ *Ibid.*

¹⁷ Memorandum for Complainant; *id.* at 44-45.

The Investigating Commissioner's Findings

In his report¹⁸ to the IBP Board of Governors, Commissioner Limpingco recommended that Atty. Rañeses be absolved of the charge of negligence, but found him guilty of soliciting money to bribe a judge.

Commissioner Limpingco noted that Bueno failed to provide the court records and certifications that she indicated as attachments to her complaint. These would have proven that Atty. Rañeses had indeed been negligent in pursuing her case. Without these documents, which are not difficult to procure from the courts, Commissioner Limpingco concluded that he would only be left with Bueno's bare allegations which could not support a finding of negligence.

Commissioner Limpingco, however, found Bueno's allegation that Atty. Rañeses solicited money to bribe judges to be credible. According to Commissioner Limpingco, the act of soliciting money to bribe a judge is, by its nature, done in secret. He observed that Bueno had consistently affirmed her statements in her affidavit, while *Atty. Rañeses did nothing to refute them.*

Commissioner Limpingco also noted that *Atty. Rañeses even made a false claim before the investigating commissioners*, as he alleged in his "Time Motion and Request for Copies of the Complaint and Supporting Papers" that he did not receive the complaint against him, a fact belied by the registry receipt card evidencing his receipt.

¹⁸ *Id.* at 76-81.

Thus, Commissioner Limpingco recommended that Atty. Rañeses be disbarred for failure to maintain his personal integrity and for failure to maintain public trust.

The IBP Board of Governors adopted and approved the Investigating Commissioner's Report and Recommendation, but reduced the penalty to indefinite suspension from the practice of law.¹⁹

The Court's Ruling

The Court approves the IBP's findings but resolves to disbar Atty. Rañeses from the practice of law in accordance with Commissioner Limpingco's recommendation and based on our own observations and findings in the case.

The charge of negligence

According to Canon 18 of the Code of Professional Responsibility, lawyers should serve their clients with competence and diligence. Specifically, Rule 18.02 provides that "[a] lawyer shall not handle any legal matter without adequate preparation." Rule 18.03, on the other hand, states that "[a] lawyer shall not neglect a legal matter entrusted to him, and his negligence in connection [therewith] shall render him liable."

"Once lawyers agree to take up the cause of a client, they owe fidelity to the cause and must always be mindful of the trust and confidence reposed in them."²⁰ A client is entitled to the benefit of all remedies and defenses

¹⁹ Notice of Resolution; *id.* at 75.

²⁰ *Garcia v. Bala*, A.C. No. 5039, November 25, 2005, 476 SCRA 85, 92, citing *Anderson, Jr. v. Cardeno*, A.C. No. 3523, January 17, 2005, 448 SCRA 261, 270; *Pariñas v. Paguinto*, A.C. No. 6297, July 13, 2004, 434 SCRA 179, 184; *Ong v. Grijaldo*, A.C. No. 4724, April 30, 2003, 402 SCRA 1, 8; *Ramos v. Atty. Jacoba*, 418 Phil. 346, 351 (2001); and *Atty. Navarro v. Atty. Meneses III*, 349 Phil. 520, 528 (1998).

authorized by law, and is expected to rely on his lawyer to avail of these remedies or defenses.²¹

In several cases, the Court has consistently held that a counsel's failure to file an appellant's brief amounts to inexcusable negligence.²² In *Garcia v. Bala*,²³ the Court even found the respondent lawyer guilty of negligence after availing of an erroneous mode of appeal. To appeal a decision of the Department of Agrarian Reform Adjudication Board (DARAB), the respondent therein filed a notice of appeal with the DARAB, instead of filing a verified petition for review with the Court of Appeals. Because of his error, the prescribed period for filing the petition lapsed, prejudicing his clients.

In this case, Atty. Rañeses' alleged failure to file a comment on the adverse party's offer of evidence and to submit the required memorandum would have amounted to negligence. However, as noted by Commissioner Limpingco, Bueno did not support her allegations with court documents that she could have easily procured. This omission leaves only Bueno's bare allegations which are insufficient to prove Atty. Rañeses' negligence. We support the Board of Governors' ruling on this point.

The charge of soliciting money

In *Bildner v. Ilusorio*,²⁴ the respondent lawyer therein attempted to bribe a judge to get a favorable decision for his client. He visited the judge's office several times and persistently called his residence to convince him to

²¹ *Garcia v. Bala*, *supra*, at 92, citing *Sarenas-Ochagabia v. Ocampos*, A.C. No. 4401, January 29, 2004, 421 SCRA 286, 290.

²² *Sarenas-Ochagabia v. Ocampos*, *supra*; *In Re: Atty. Santiago F. Marcos*, Adm. Case No. 922, December 29, 1987, 156 SCRA 844; and *People v. Villar, Jr.*, No. L-34092, July 29, 1972, 46 SCRA 107.

²³ *Supra* note 20.

²⁴ G.R. No. 157384, June 5, 2009, 588 SCRA 378.

inhibit from his client's case. The Court found that the respondent lawyer therein violated Canon 13 of the Code of Professional Responsibility – the rule that instructs lawyers to refrain from any impropriety tending to influence, or from any act giving the appearance of influencing, the court. The respondent lawyer therein was suspended from the practice of law for one year.

In this case, Atty. Rañeses committed an even graver offense. As explained below, he committed a fraudulent exaction, and at the same time maligned both the judge and the Judiciary. These are exacerbated by his cavalier attitude towards the IBP during the investigation of his case; he practically disregarded its processes and even lied to one of the Investigating Commissioners regarding the notices given him about the case.

While the only evidence to support Bueno's allegations is her own word, the Investigating Commissioner found her testimony to be credible. The Court supports the Investigating Commissioner in his conclusion. As Commissioner Limpingco succinctly observed:

By its very nature, the act [of] soliciting money for bribery purposes would necessarily take place in secrecy with only respondent Atty. Rañeses and complainant Bueno privy to it. Complainant Amparo Bueno has executed sworn statements and had readily affirmed her allegations in this regard in hearings held before the IBP Investigating Commissioners. Respondent Atty. Rañeses, for his part, has not even seen it fit to file any answer to the complaint against him, much less appear in any hearings scheduled in this investigation.²⁵

Further, the false claim made by Atty. Rañeses to the investigating commissioners reveals his propensity for lying. It confirms, to some extent, the kind of lawyer that Bueno's affidavits depict him to be.

²⁵ Report and Recommendation of the IBP Commissioner; *rollo*, p. 80.

Rather than merely suspend Atty. Rañeses as had been done in *Bildner*, the Court believes that Atty. Rañeses merits the *ultimate administrative penalty of disbarment* because of the multi-layered impact and implications of what he did; by his acts he proved himself to be what a lawyer should not be, in a lawyer's relations to the client, to the court and to the Integrated Bar.

First, he extracted money from his client for a purpose that is both false and fraudulent. It is false because no bribery apparently took place as Atty. Rañeses in fact lost the case. It is fraudulent because the professed purpose of the exaction was the crime of bribery. Beyond these, he maligned the judge and the Judiciary by giving the impression that court cases are won, not on the merits, but through deceitful means – a decidedly black mark against the Judiciary. Last but not the least, Atty. Rañeses grossly disrespected the IBP by his cavalier attitude towards its disciplinary proceedings.

From these perspectives, Atty. Rañeses wronged his client, the judge allegedly on the “take,” the Judiciary as an institution, and the IBP of which he is a member. The Court cannot and should not allow offenses such as these to pass unredressed. Let this be a signal to one and all – to all lawyers, their clients and the general public – that the Court will not hesitate to act decisively and with no quarters given to defend the interest of the public, of our judicial system and the institutions composing it, and to ensure that these are not compromised by unscrupulous or misguided members of the Bar.

WHEREFORE, premises considered, respondent Atty. Ramon A. Rañeses is hereby **DISBARRED** from the practice of law, effective upon his receipt of this Decision. The Office of the Bar Confidant is **DIRECTED** to delete his name from the Roll of Attorneys. Costs against the respondent.

Let all courts, through the Office of the Court Administrator, as well as the Integrated Bar of the Philippines, be notified of this Decision.

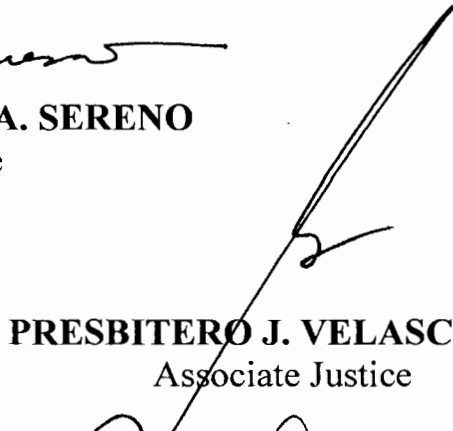
SO ORDERED.



MARIA LOURDES P. A. SERENO
Chief Justice



ANTONIO T. CARPIO
Associate Justice



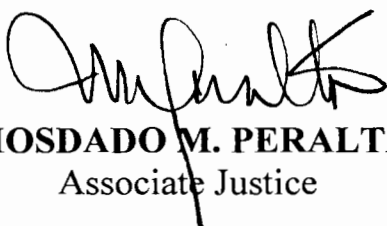
PRESBITERO J. VELASCO, JR.
Associate Justice



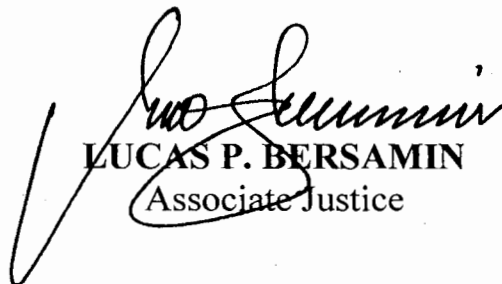
TERESITA J. LEONARDO-DE CASTRO
Associate Justice



ARTURO D. BRION
Associate Justice



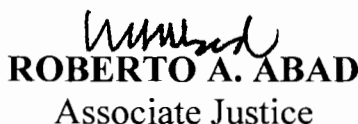
DIOSDADO M. PERALTA
Associate Justice



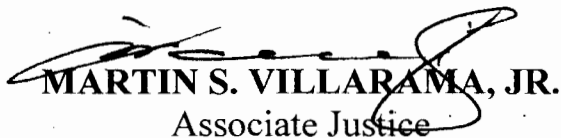
LUCAS P. BERSAMIN
Associate Justice

(On Leave)

MARIANO C. DEL CASTILLO
Associate Justice



ROBERTO A. ABAD
Associate Justice



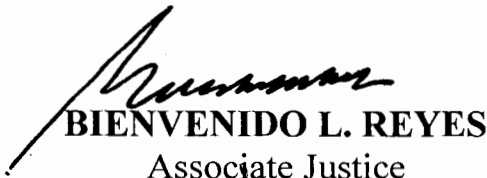
MARTIN S. VILLARAMA, JR.
Associate Justice



JOSE PORTUGAL REREZ
Associate Justice



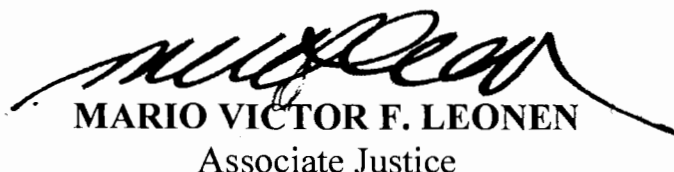
JOSE CATRAL MENDOZA
Associate Justice



BIENVENIDO L. REYES
Associate Justice

(On Leave)

ESTELA M. PERLAS-BERNABE
Associate Justice



MARIO VICTOR F. LEONEN
Associate Justice