



Republic of the Philippines  
Supreme Court  
Manila

THIRD DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, Third Division, issued a Resolution dated January 11, 2023, which reads as follows:*

**“A.C. No. 11924 (George S. Go, Complainant vs. Atty. J. Ricardo H. Moreno, Respondent). – The Court resolves to NOTE:**

- (1) the Letter dated March 25, 2022 of the Integrated Bar of the Philippines (IBP) transmitting the documents pertaining to this case; and
- (2) the Notice of Resolution dated February 12, 2022 of the IBP Board of Governors (BOG) modifying the findings of fact and recommendation of the investigating commissioner, and imposing a penalty of reprimand and a fine of Five Thousand Pesos (PHP 5,000.00) each for disobeying the directives of the Investigating Commissioner, i.e. failure to file an Answer, failure to Appear during the Mandatory Conference and failure to submit the Position Paper, or a total of Fifteen Thousand Pesos (PHP 15,000.00), and with a stern warning that a repetition of the same or similar infraction shall be dealt with more severely.

The Court resolves the disbarment complaint<sup>1</sup> filed by complainant George S. Go (George) before the Court against respondent Atty. J. Ricardo H. Moreno (Atty. Moreno) for allegedly filing malicious criminal cases against him in violation of the Lawyer’s Oath and the Code of Professional Responsibility (CPR).<sup>2</sup>

*The Antecedents*

In the complaint, George alleged that Atty. Moreno, on behalf of a certain Michael F. Planas,<sup>3</sup> filed a criminal case against him for Syndicated Estafa for his supposed failure to effect the delivery of a fully

<sup>1</sup> *Rollo*, pp. 1-5. Denominated as a Complaint-Affidavit.

<sup>2</sup> *Id.* at 1-2.

<sup>3</sup> Referred to as “Micheal F. Planas” in some parts of the *rollo*.

paid property located at Canyon Cove Residential Resort in Nasugbu, Batangas.<sup>4</sup> He argued that the criminal case was merely a part of a series of harassment suits that Atty. Moreno filed in order to extort money from him.<sup>5</sup>

To bolster his contentions, George pointed to another criminal case for Syndicated Estafa that Atty. Moreno filed against him without the express consent of the real offended party in violation of Section 12, Rule 110 of the Revised Rules of Criminal Procedure, as amended.<sup>6</sup> Moreover, George averred that Atty. Moreno also impleaded him in two other suits of similar nature in representation of different principals. He noted that the City Prosecutor's Office of Makati City and Pasig City had already dismissed the criminal cases for lack of probable cause.<sup>7</sup>

For these reasons, George asserted that Atty. Moreno's actions constituted a blatant violation of the Lawyer's Oath and the CPR for which he should be disbarred from the practice of law.<sup>8</sup>

In the Resolution<sup>9</sup> dated January 11, 2018, the Court referred the case to the Integrated Bar of the Philippines (IBP) for investigation, report, and recommendation.

Consequently, in the Order<sup>10</sup> dated May 28, 2018, the IBP directed Atty. Moreno to submit his answer to the disbarment complaint within fifteen (15) days from receipt thereof. Atty. Moreno, however, did *not* comply with the IBP directive which, in turn, prompted George to move for the presentation of his evidence *ex-parte*.<sup>11</sup>

Then, on November 14, 2018, the IBP notified the parties to appear before it for the mandatory conference of the case on January 7, 2019. It also directed them to submit their mandatory conference briefs, copy furnished the opposing party, at least five days prior to the scheduled date of the conference.<sup>12</sup> Notably, only George submitted his Mandatory Conference Brief<sup>13</sup> on December 13, 2018.<sup>14</sup>

During the mandatory conference, George, through Atty. Carlo Artemus V. Diaz, appeared before the IBP, but Atty. Moreno did not attend. Instead, a certain Virginia De Guzman, who represented herself as Atty. Moreno's secretary, submitted in person an "Urgent Omnibus Motion to Reset Hearing and Motion for Time to File Respondent's

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<sup>4</sup> *Rollo*, p. 1.

<sup>5</sup> *Id.* at 2.

<sup>6</sup> *Id.*

<sup>7</sup> *Id.*

<sup>8</sup> *Id.*

<sup>9</sup> *Id.* at 16.

<sup>10</sup> *Id.* at 18.

<sup>11</sup> *Id.* at 90. See also Motion for Default for Failure to File an Answer dated July 12, 2018, *id.* at 19.

<sup>12</sup> *Id.* at 27.

<sup>13</sup> *Id.* at 28-30.

<sup>14</sup> *Id.* at 90-91.

Answer and Conference Brief”<sup>15</sup> (Omnibus Motion) to the IBP.<sup>16</sup>

In the Order<sup>17</sup> dated January 7, 2019, the IBP denied Atty. Moreno’s Omnibus Motion and directed the parties to submit their respective verified position papers within a non-extendible period of ten (10) days. It likewise informed the parties that the case shall be deemed submitted for report and recommendation after such period unless a clarificatory hearing, based on their position papers, is required.<sup>18</sup>

Once again, George submitted his verified Position Paper<sup>19</sup> while Atty. Moreno did not.<sup>20</sup>

*The IBP’s Report and Recommendation*

In the Report and Recommendation<sup>21</sup> dated June 2, 2021, the Investigating Commissioner found that George had failed to establish that Atty. Moreno’s filing of several criminal cases against him was motivated by ill will or bad faith.<sup>22</sup> Nevertheless, the Investigating Commissioner recommended that Atty. Moreno be reprimanded for his failure to comply with the IBP’s directives to file his answer, mandatory conference brief, and verified position paper despite several and sufficient notice thereof, which is tantamount to a violation of Canon 11 of the CPR.<sup>23</sup>

In the Resolution No. CBD-XXV-2022-02-07<sup>24</sup> dated February 12, 2022, the IBP Board of Governors resolved to modify the recommended penalty to be imposed upon Atty. Moreno to a reprimand and a fine of ₱5,000.00 for each count of disobedience against the directives of the Investigating Commissioner in *three* separate instances, *i.e.*, when he failed to file an answer, attend the mandatory conference, and submit a position paper, or a total amount of ₱15,000.<sup>25</sup>

*The Issue*

The sole issue for the Court’s resolution is whether Atty. Moreno should be held administratively liable for his actions.

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<sup>15</sup> Id. at 40-42.

<sup>16</sup> See Order dated January 7, 2019, id. at 35-36.

<sup>17</sup> Id.

<sup>18</sup> Id. at 35.

<sup>19</sup> Id. at 43-54.

<sup>20</sup> Id. at 91.

<sup>21</sup> Id. at 85-98. Penned by Commissioner Raul E. Canon, Jr.

<sup>22</sup> Id. at 93.

<sup>23</sup> Id. at 94-95.

<sup>24</sup> Id. at 83-84.

<sup>25</sup> Id. at 83.

*The Court's Ruling*

After a careful review of the case, the Court concurs in the findings of the IBP but *modifies* the penalty to be imposed upon Atty. Moreno pursuant to prevailing jurisprudence.

At the outset, the Court agrees with the IBP that George failed to establish with substantial evidence that Atty. Moreno's filing of several criminal cases against him was motivated by bad faith or ill will, which would have warranted the imposition of a disciplinary sanction against the latter. Indeed, Atty. Moreno cannot be held administratively liable in this administrative proceeding based on the mere fact that he instituted several cases of Syndicated Estafa against George.

It is settled that in disbarment proceedings, the complainant must establish the allegations in his or her complaint by substantial evidence<sup>26</sup> in order to overcome the presumption of innocence in favor of the respondent lawyer.<sup>27</sup> This, George clearly failed to do.

Nevertheless, the Court holds Atty. Moreno administratively liable for his *blatant* and *unjustifiable* failure to comply with the directives of the Investigating Commissioner during the proceedings before the IBP. In particular, the records show that Atty. Moreno did not file an answer and a conference brief, attend the mandatory conference, and submit a verified position paper despite several and sufficient notice thereof from the IBP.<sup>28</sup>

To make matters worse, it appears that Atty. Moreno sent his secretary to attend the mandatory conference in his stead, who then submitted before the IBP an Omnibus Motion to reset the hearing and to request for an extension of time to file an answer and a conference brief.<sup>29</sup> Despite all this, Atty. Moreno still failed to submit any pleading to the IBP. These circumstances show that Atty. Moreno was well aware of the IBP's directives but he *consciously* chose not to comply with any of them.

At this juncture, the Court emphasizes that the directives of the IBP, as its investigating arm in administrative cases against the members of the Bar, are *not* mere requests that lawyers can simply disregard and set aside.<sup>30</sup> As officers of the Court, lawyers are *expected* to promptly

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<sup>26</sup> Under Section 6, Rule 133 of the 2019 Amendments to the 1989 Revised Rules on Evidence, substantial evidence is defined as "that amount of relevant evidence which a reasonable mind might accept as adequate to justify a conclusion." See *Ricohermoso, et al. v. Atty. Arnado*, A.C. No. 13077 (Notice), March 21, 2022.

<sup>27</sup> *Ricohermoso, et al. v. Atty. Arnado*, A.C. No. 13077 (Notice), March 21, 2022.

<sup>28</sup> *Rollo*, p. 83.

<sup>29</sup> *Id.* at 35.

<sup>30</sup> *Tapang v. Atty. Donayre*, A.C. No. 12822, November 18, 2020.

and fully comply with these directives.<sup>31</sup> Failure to do so is tantamount to willful disobedience of the lawful orders of the Court itself, which is considered a violation of Canon 1 and Canon 11 of the CPR,<sup>32</sup> viz.:

CANON 1 – A lawyer shall uphold the Constitution, obey the laws of the land, and promote respect for law and legal processes.

CANON 11 – A lawyer shall observe and maintain the respect due to the Courts and to judicial officers and should insist on similar conduct by others.

Noncompliance with the directives, which evinces a clear lack of respect for both the Court and the IBP's rules and procedures, also constitutes as a breach of the Lawyer's Oath which imposes upon all members of the Bar the duty "[t]o support the Constitution and obey the laws as well as the legal orders of the duly constituted authorities therein x x x."<sup>33</sup>

In *Malute v. Atty. Selmo*,<sup>34</sup> the Court reprimanded the respondent lawyer for failure to comply with the IBP's directives, coupled with his use of abusive and improper language. Meanwhile, in *Sia Su v. Atty. Talaboc*,<sup>35</sup> the Court suspended the respondent lawyer from the practice of law for three months for her failure to comply with the Court's Resolutions and the IBP's directives.<sup>36</sup>

In this regard, it bears stressing that "[t]he determination of the appropriate penalty to be imposed on an errant lawyer involves the exercise of sound judicial discretion based on the facts of the case."<sup>37</sup> Given the factual milieu of this case, the Court deems it proper to impose a fine of ₱20,000.00 against Atty. Moreno for his transgressions.

**WHEREFORE,** the disbarment complaint filed against respondent Atty. J. Ricardo H. Moreno is **DISMISSED**.

Still, the Court finds respondent Atty. J. Ricardo H. Moreno **GUILTY** of violation of the Lawyer's Oath and the Code of Professional Responsibility. Accordingly, the Court hereby imposes against him a **FINE** in the amount of ₱20,000.00, with a **STERN WARNING** that a repetition of the same or similar conduct shall be dealt with more severely.

Let copies of this Resolution be furnished to the Office of the Bar

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<sup>31</sup> Id.

<sup>32</sup> Id.

<sup>33</sup> Id.

<sup>34</sup> A.C. No. 12882, December 2, 2020.

<sup>35</sup> A.C. No. 8538 (Notice), February 17, 2020.

<sup>36</sup> Id.

<sup>37</sup> *Tapang v. Atty. Donayre*, A.C. No. 12822, November 18, 2020, citing *Venterez v. Atty. Cosme*, 561 Phil. 479, 490 (2007).

Confidant to be appended to respondent's personal record as an attorney; the Integrated Bar of the Philippines for its information and guidance; and the Office of the Court Administrator for circulation to all courts in the country.

**SO ORDERED."**

By authority of the Court:

*Micael D. Battung*  
**MISAEAL DOMINGO C. BATTUNG III**  
*Division Clerk of Court*  
*[Signature]*

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