



Republic of the Philippines
Supreme Court
Manila

SUPREME COURT OF THE PHILIPPINES
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**JUDY GABAWAN DELA CRUZ,
RODOLF JOHN G. DELA
CRUZ, AND RODOLF JAMES
DELA CRUZ**

**A.C. No. 13475
[Formerly CBD 16-5224]**

Present:

Complainants,

GESMUNDO, *CJ*,
LEONEN,
CAGUIOA,
HERNANDO,
LAZARO-JAVIER,
INTING,*
ZALAMEDA,
LOPEZ, M.,
GAERLAN,
ROSARIO,
LOPEZ, J.,*
DIMAAMPAO,
MARQUEZ, and
KHO, JR.,* and
SINGH,* *JJ*.

- versus -

ATTY. GLEN ERIC PERALTA,

Respondent.

Promulgated:

October 4, 2022

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

DECISION

PER CURIAM:

Before the Court is a Complaint¹ for Disbarment filed by

* On official business leave.
¹ Rollo, Vol. 1, pp. 1-10.

complainants Judy Gabawan Dela Cruz, Rodolf John Gabawan Dela Cruz, and Rodolf James Gabawan Dela Cruz (collectively, complainants) before the Integrated Bar of the Philippines (IBP) against respondent Atty. Glenn Patrick Peralta (respondent) for alleged violation of the Lawyer's Oath and the Code of Professional Responsibility (CPR) by engaging in a series of dishonest and deceitful conduct.

Antecedents

Complainants filed a criminal complaint for Reckless Imprudence Resulting in Homicide against one Lito Gitalan, Jr. (Gitalan) for the death of their loved one, Rodolfo Dela Cruz. After trial on the merits, the court rendered a Judgment² against Gitalan, finding him guilty as charged and ordering him to pay complainants damages in the amount of ₱213,750.00. After Gitalan successfully applied for probation, the said Judgment became final and executory³ on June 28, 2011.⁴

On October 2, 2014, complainants filed an omnibus motion, seeking the execution of the money judgment against Gitalan, among other things. During the hearing on October 10, 2014, respondent tendered payment in the amount of ₱100,000.00 in cash and the ₱30,000.00 cash bond posted by Gitalan. He also manifested that he would settle the balance of ₱83,750.00 within a period of one month. Complainants agreed to respondent's propositions, subject to the filing of a proper motion in case of default.⁵

Subsequently, respondent approached the presiding judge and falsely claimed to the latter that he had already fully paid the damages awarded by the court to complainants. He presented the falsified acknowledgment receipt as proof. Upon learning of the matter, complainants raised the issue to the presiding judge. They denied receipt of payment and the issuance of the acknowledgment receipt. The presiding judge promptly issued a subpoena directing Gitalan to shed light on the subject.⁶

Gitalan testified that on June 20, 2012, he handed respondent a manager's check in the name of Rodolf James Dela Cruz, representing payment of the monetary judgment in complainants' favor. Respondent, in turn, gave Gitalan an acknowledgment receipt. The document was notarized by respondent and purportedly signed by Judy Gabawan Dela Cruz.⁷

² Id. at 11-33, Annexes "A" to "A-22."

³ Id. at 34; *see* Entry of Final Judgment.

⁴ Id. at 2.

⁵ Id. at 38-39; *see* Order dated October 10, 2014, issued by Branch 02, Regional Trial Court of Pagadian City in Criminal Case No. 14708.

⁶ Id. at 3-4.

⁷ Id. at 4; *see also* Transfer of Stenographic Notes dated March 20, 2015, id. at 40-46, Annexes "F" to "F-

Despite Gitalan's testimony, respondent vehemently denied the charges against him and gave his own version of the events. He claimed that he never received any check from Gitalan. Furthermore, he did not notarize the falsified acknowledgment receipt, let alone hand the same to Gitalan or complainants. He was supposedly out of town when the events transpired, and he was only alerted of the existence of the acknowledgment receipt when complainants filed the motion. Upon such knowledge, he confronted his secretary, Era S. Vidal (Vidal), who executed an Affidavit,⁸ where she admitted receiving the check from Gitalan, encashing the same, and then issuing the subject receipt.⁹

Respondent further claimed that the case was a mere afterthought since complainants allowed the lapse of two years before filing the complaint against him. Moreover, he was allegedly coerced to tender payment during the hearing. Apparently, complainants demanded ₱1,000,000.00 so they would not file the case against him. When he failed to pay said amount, complainants filed the present complaint against him.¹⁰

On January 22, 2015, respondent tendered the remainder of the monetary award to complainants. Nevertheless, complainants still filed the instant case for disbarment against respondent on December 5, 2016.¹¹

Report and Recommendation of the IBP

In his Report and Recommendation,¹² the IBP Investigating Commissioner found the evidence presented by complainants sufficient to prove respondent's violation of the Code of Professional Responsibility (CPR) for committing dishonesty repetitively and with impunity.¹³ For this reason, the Investigating Commissioner recommended the suspension of respondent for three years.

In an Extended Resolution,¹⁴ the IBP Board of Governors adopted the findings of the Investigating Commissioner as to respondent's guilt but modified the recommended penalty from suspension to disbarment. The dispositive portion of its Extended Resolution states:

WHEREFORE, premises considered, the *Report and Recommendation* dated 16 January 2020 is **APPROVED** and **ADOPTED**

⁷ Id. at 63.

⁸ Id.

⁹ Id. at 57.

¹⁰ *Rollo*, Vol. 2, pp. 5-7.

¹¹ Id. at 3-10.

¹² Id. at 9.

¹³ Id. at 11-16.

WITH MODIFICATION on the recommended penalty from SUSPENSION from the practice of law for three (3) years to DISBARMENT.¹⁵ (Emphasis and italics in the original.)

The IBP Board of Governors explained that based on the statements of Gitalan and the actuations of respondent after receiving a copy of the Motion for Execution, it was convinced that respondent indeed acted dishonestly under the circumstances, and is thus guilty of violating Canon 1, Rule 1.01, Canon 10, Rule 10.01, and Canon 16, Rule 16.01 of the CPR.¹⁶

The IBP Board of Governors recommended the penalty of disbarment, finding the penalty of suspension to not be commensurate to the gravity of the offenses committed by respondent. thus:

Indeed, the actuations of respondent ([1] in keeping for himself the proceeds of the check in the amount of PhP213,750.00 entrusted to him by his client for the payment of the latter's judgment obligation to herein complainants, and [2] in covering up his nefarious act by forging the signature of the payee and by abusing his position as a Notary Public), respondent has shown his unfitness to practice law.

x x x x

In this case, respondent's deceitful and illegal conduct was exarcebated by the fact that he did all those in relation to a case that was pending execution before the Municipal Trial Court in Cities Pagadian City, Branch 2 and that he attempted to hide his misdeeds during the hearing of the Motion for Execution dated October 10, 2014. He, thus, violated as well Canon 10...

x x x x

Finally, respondent committed fraud against the IBP by submitting the Affidavit of his secretary, the contents of which were clearly fabricated in his favor. It should be noted that this defense of the respondent of passing the blame on his secretary was raised for the first time in his Answer to the instant Complaint and, hence, was a mere afterthought.¹⁷

Respondent filed a Motion for Reconsideration,¹⁸ but the IBP Board of Governors denied the same in its Resolution¹⁹ dated 22 January 2022.

Issues

For the Court's resolution are: (1) whether respondent is guilty of

¹⁵ Id. at 16.

¹⁶ Id. at 14-16.

¹⁷ Id. at 15-16.

¹⁸ Id. at 17-22.

¹⁹ Id. at 32.

violating the Lawyer's Oath and the CPR; and (2) whether disbarment is the appropriate penalty under the circumstances.

Ruling of the Court

The Court adopts the findings of the Investigating Commissioner, as affirmed by the IBP Board of Governors. Furthermore, the Court sustains the IBP Board of Governor's recommendation of imposing the penalty of disbarment against respondent.

Complainants substantially proved respondent's violations of his Lawyer's Oath and the CPR

In disbarment and suspension proceedings against lawyers, the Court will not hesitate to impose disciplinary sanctions on lawyers who are found to have violated their Lawyer's Oath and the CPR. At the same time, the Court will also not falter to extend its protective arm to lawyers if the accusations against them are not duly proven.²⁰ Verily, attorneys enjoy the legal presumption that they are innocent of the charges against them until the contrary is proved, and that as officers of the Court, they are presumed to have performed their duties in accordance with their oath.²¹ Thus, the Court will not penalize them unless it is unmistakably shown that they are unfit to continue being a member of the Bar.²²

The burden of proof is on the complainant to duly show that respondent committed acts that would warrant the Court to exercise its disciplinary powers against the latter.²³ The standard of proof required is substantial evidence, or "that amount of relevant evidence which a reasonable mind might accept as adequate to justify a conclusion."²⁴

In this case, the Court is fully convinced that substantial evidence exists to prove respondent's violation of his Lawyer's Oath and the CPR through deceit and gross misconduct.

Jurisprudence defines *deceitful conduct* as one involving moral turpitude, including any act contrary to justice, modesty, or good morals. It

²⁰ See *Armilla-Calderon v. Lapore*, A.C. No. 10619, September 2, 2020.

²¹ See *Tan v. Atty. Alvarico*, A.C. No. 10933, November 3, 2020.

²² See *Fajardo v. Atty. Alvarez*, 785 Phil. 303, 323 (2016).

²³ *Supra* note 19.

²⁴ *Id.*

is an act of baseness, vileness, or depravity in the private and social duties a man owes to his fellowmen or society, contrary to justice, honesty, modesty, or good morals.²⁵ On the other hand, *gross misconduct* is any inexcusable, shameful, or flagrant unlawful conduct on the part of a person concerned with the administration of justice, *i.e.*, conduct prejudicial to the parties' rights or the proper determination of the cause. The motive behind this conduct is generally a deliberate, obstinate, or intentional purpose.²⁶

Here, evidence substantially proves that respondent received a manager's check from his client to pay off the latter's monetary liability to complainants. However, respondent violated his client's trust and even put the latter in a precarious predicament by creating a fake acknowledgment receipt and forging the signature of Judy Gabawan Dela Cruz. Respondent also tried to inveigle the trial court into believing that all was well and that he was satisfying his client's monetary liability to complainants in good faith.

Adding to his transgression, respondent still refused to show any remorse when complainants unraveled his deceitful schemes. He even lied to the presiding judge by showing the fake acknowledgment receipt. Moreover, he also attempted to use his secretary as a scapegoat by making her execute an Affidavit containing falsehoods.

In committing all the foregoing acts, he egregiously violated Rule 1.01 of Canon 1, Rule 7.03 of Canon 7, Rule 10.01 of Canon 10, and Canon 11 of the CPR, to wit:

Rule 1.01, Canon 1 — A lawyer shall not engage in unlawful, dishonest, immoral or deceitful conduct.

Rule 7.03, Canon 7 — A lawyer shall not engage in conduct that adversely reflects on his [or her] fitness to practice law, nor shall he [or she] whether in public or private life, behave in a scandalous manner to the discredit of the legal profession.

Rule 10.01, Canon 10 — A lawyer shall not do any falsehood, nor consent to the doing of any in Court; nor shall he [or she] mislead or allow the Court to be misled by any artifice.

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.

Furthermore, for the lies he so brazenly committed to his client, and by failing to properly account for the proceeds of the manager's check entrusted to him, respondent also transgressed Canons 15, 16, and 17 of the CPR:

²⁵ See *Domingo-Agaton v. Atty. Cruz*, A.C. No. 11023, May 4, 2021.

²⁶ See *Tablizo v. Golangco*, A.C. No. 10636, October 12, 2020.

Canon 15- A lawyer shall observe candor, fairness, and loyalty in all his [or her] dealings and transactions within his [or her] clients.

Canon 16- A lawyer shall hold in trust all moneys and properties of his [or her] client that may come into his [or her] possession.

Canon 17- A lawyer owes fidelity to the case of his [or her] client and he [or she] shall be mindful of the trust and confidence reposed on him [or her].

Respondent's actions also palpably led to the delay in the full satisfaction of the monetary judgment in favor of complainants, even though Gitalan had already fully paid the same as early as 2012. The totality of respondent's conduct palpably runs counter to his duty to take part in the speedy and efficient administration of justice, which thus violates Rule 12.04, Canon 12 of the CPR:

CANON 12 — A LAWYER SHALL EXERT EVERY EFFORT AND CONSIDER IT HIS [OR HER] DUTY TO ASSIST IN THE SPEEDY AND EFFICIENT ADMINISTRATION OF JUSTICE.

Rule 12.04 — A lawyer shall not unduly delay a case, impede the execution of a judgment or misuse Court process.

Finally, respondent violated his Lawyer's Oath to do no falsehood, nor consent to the doing of any in court, delay no man for money or malice, and conduct himself as a lawyer with all good fidelity, as well to the courts as to his client.

*Respondent's actions warrant
the imposition of the penalty of
disbarment.*

The fitness to be a lawyer is a continuing requirement, measured against the standards laid out in the Lawyer's Oath and the CPR.²⁷ Thus, in the recent case of *Bondoc v. Atty. Licudine*,²⁸ the Court emphasized anew that lawyers should *always* live up to the ethical standards of the legal profession as embodied in the CPR. Moreover, lawyers should act and comport themselves in a manner that would promote public confidence in the integrity of the legal profession.

When lawyers fail to abide by the CPR, they disrespect said Code and everything that it stands for. In so doing, they disregard the ethics and

²⁷ See *Guevarra-Castil v. Trinidad*, A.C. No. 10294, July 12, 2022.

²⁸ A.C. No. 12768, 23 June 2020.

disgraces the dignity of the legal profession.²⁹ Not only that, lawyers' irresponsible and improper conduct can erode public confidence in law and the administration of justice.

In line with this stringent standard, the Court has invariably emphasized that membership in the Bar is only bestowed upon individuals who are not only learned in law, but also known to possess good moral character. To preserve the nobility and honor of the legal profession, the Court may mete out the penalty of *disbarment*, no matter how harsh it may be, in order to purge the Bar of unworthy members.³⁰

Understandably, the penalty of disbarment, as a rule, should be imposed only in clear cases of misconduct that seriously affect the standing and character of the lawyer as an officer of the Court and as a member of the Bar, or where the misconduct borders on the criminal or committed under the scandalous circumstance. Conversely, where a lesser penalty corresponding to the infraction may suffice, the lesser penalty should be imposed.³¹

In not a few instances, however, the Court emphatically held that it will not hesitate to mete out the grave penalty of disbarment if lawyers are found guilty of misrepresentation and deception of their clients.³² It is worth noting, too, that in numerous cases, lawyers have been disbarred for falling short of the standard imposed under Rule 1.01 of the CPR, which commands lawyers "to maintain not only a high standard of legal proficiency, but also of morality, honesty, integrity, and fair dealing."³³ Lawyers may be disbarred when their misdeeds are unacceptable, disgraceful, and dishonorable to the legal profession, and reveal basic moral flaws that make them unfit to practice law.³⁴

Such is the case with respondent.

Through his deceitfulness, gross misconduct, and utter lack of remorse, respondent has palpably demonstrated his unfitness to practice the high and noble calling of the law. He continuously denies his wrongdoings, even in the face of evidence that overwhelmingly establishes his guilt. It is thus beyond cavil that the IBP Board of Governors correctly modified the recommended penalty from suspension to disbarment. Respondent's grave misconduct and dishonesty are compelling reasons to disbar him³⁵ because they manifest his unfitness to continue as a member of the Bar and

²⁹ See *Belleza v. Atty. Macasa*, 611 Phil. 179 (2009).

³⁰ See *Sitaca v. Atty. Palomares, Jr.*, A.C. No. 5285, August 14, 2019.

³¹ See *Pálacios v. Atty. Amorá, Jr.*, 815 Phil. 9, 25 (2017), citing *Alitagtag v. Atty. Garcia*, 451 Phil. 420, 426 (2003).

³² See *Manalang v. Atty. Buendia*, A.C. No. 12079, November 10, 2020.

³³ See *Reyes v. Atty. Riveña*, A.C. No. 9114, October 6, 2020.

³⁴ See *Billanes v. Atty. Latido*, 839 Phil. 292 (2018).

³⁵ See *Nava II v. Atty. Artuz*, A.C. No. 7253, & A.M. No. MTJ-08-1717, February 18, 2020.

a practitioner of this noble profession. As the Court stressed in *Nava v. Atty. Artuz*:³⁶


Membership in the legal profession is a privilege, and whenever it is made to appear that an attorney is no longer worthy of the trust and confidence of his [or her] clients and the public, it becomes not only the right but also the duty of the Court to withdraw the same.


WHEREFORE, the foregoing premises considered, the Court finds respondent Atty. Glen Eric Peralta **GUILTY** of violating the Lawyer's Oath, and committing multiple violations of the Code of Professional Responsibility through his deceitful, unlawful, and grossly reprehensible conduct. Accordingly, he is hereby **DISBARRED** from the practice of law and his name is ordered **STRICKEN** from the Roll of Attorneys, effective immediately.

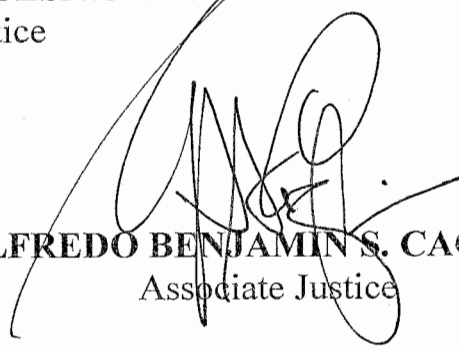
Let copies of this Decision be furnished to the: (1) Office of the Court Administrator, for dissemination to all courts throughout the country for their information and guidance; (2) Integrated Bar of the Philippines; and (3) Office of the Bar Confidant, to be appended to the respondent's personal record as a member of the Bar.

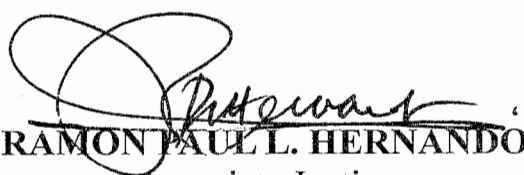
SO ORDERED.

³⁶ A.C. No. 7253. & A.M. No. MTJ-08-1717, February 18, 2020.


ALEXANDER G. GESMUNDO
Chief Justice

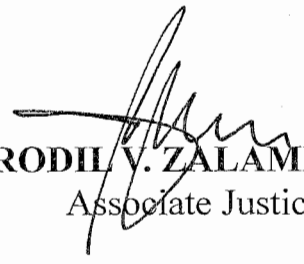

MARVIC M.V.F. LEONEN
Associate Justice


ALFREDO BENJAMIN S. CAGUIOA
Associate Justice

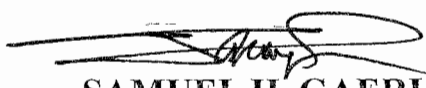

RAMON PAUL L. HERNANDO
Associate Justice

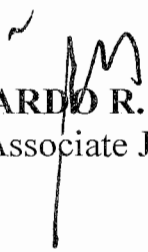

AMY C. LAZARO-JAVIER
Associate Justice

(On official business leave)
HENRI JEAN PAUL B. INTING
Associate Justice


RODIL V. ZALAMEDA
Associate Justice

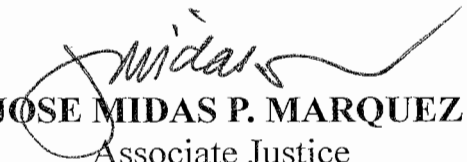

MARIO V. LOPEZ
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SAMUEL H. GAERLAN
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RICARDO R. ROSARIO
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JHOSEP Y. LOPEZ
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Associate Justice

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MARIA FILOMENA D. SINGH
Associate Justice

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MARIA LUISA M. SANTILLA
Deputy Clerk of Court and
Executive Officer
OCC-En Banc, Supreme Court