



Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, First Division, issued a Resolution dated February 22, 2023 which reads as follows:

“A.C. No. 10033 (*Fortunato C. Dionisio, Jr. and Franklin C. Dionisio v. Atty. Rowena Soriano-Dionisio*).—This is a Complaint¹ for disbarment filed by Fortunato C. Dionisio, Jr. (Fortunato) and Franklin C. Dionisio (Franklin) against Atty. Rowena Soriano-Dionisio for allegedly violating her duty as a lawyer when the original owner’s copy of a Transfer Certificate of Title (TCT) covering a property owned by FCD Pawnshop and Merchandising Company (FCD) which was entrusted to her fell into the hands of Union Bank Corporation (Union Bank), and later on fraudulently mortgaged and foreclosed without the knowledge of complainants who are partners of FCD.

The Factual Antecedents

Complainants are partners at FCD, together with their sister Felicitas Dionisio-Juguillon and their late mother Adelaida C. Dionisio. The lifetime of the company ended in 1991 and became inoperative thereafter.²

In their complaint, complainants alleged that in 2009, they requested respondent to liquidate the affairs of FCD. Allegedly, respondent accepted the job for a consideration of PHP 50,000.00.³

FCD owned a parcel of land covered by TCT No. 168302, a copy of which was turned over to respondent. In 2010, to their dismay and surprise, FCD was furnished a letter from Union Bank addressed to Sunyang Mining Corporation (Sunyang). Complainant Fortunato visited Union Bank and met with Atty. Antonio Mandigma who informed him that the land was mortgaged to the bank for the amount of PHP 20,000,000.00, and the

¹ *Rollo*, pp. 1-3.

² *Id.* at unpaginated (Report and Recommendation, Integrated Bar of the Philippines Commission on Bar Discipline, p. 1).

³ *Id.*

proceeds were released in favor of Sunyang.⁴

Complainants contended that they did not execute any document authorizing anyone to mortgage the subject property. Upon verification, they found out that a Real Estate Mortgage was annotated on the TCT. When they examined the mortgage contract, they were surprised because they did not appear before a notary public on the date appearing on the said document, *i.e.*, February 12, 2010, and they did not participate in the execution or in the notarization of the same.⁵ Moreover, their sister Felicitas was made to appear on said date, but complainants claimed that she was out of the country then.⁶

Thus, they were constrained to file a disbarment case against respondent for having violated the Code of Professional Responsibility (CPR) when the title of the property entrusted to her was later on fraudulently mortgaged to their damage and prejudice.⁷

In her Comment⁸ to the Complaint, respondent asserted that the case was maliciously filed and should therefore be outrightly dismissed.⁹ She contended that other than the bare allegations of the complainants, no clear, convincing, and satisfactory proof was presented to show that she violated the Lawyer's Oath and the CPR.¹⁰

Respondent narrated that sometime in 2009, complainant Franklin offered to engage her as his lawyer, however, there was no mention of any liquidation or winding-up of the affairs of FCD. The legal consultation was about unpaid realty taxes. Since complainant Franklin's proposed courses of action would require respondent to perform acts that would violate the law and codes of conduct governing her as a lawyer and a government officer, she immediately but politely refused, as her integrity, reputation and license will be compromised.¹¹

Significantly, respondent was employed as a lawyer at the *Bangko Sentral ng Pilipinas*, a government entity that prohibits its lawyers from engaging in private practice.¹² However, due to complainant Franklin being respondent's father-in-law, respondent told him that she would help him look for lawyers to consult about his legal problem.¹³ However, respondent was not able to refer complainant Franklin to a lawyer due to her heavy workload and hectic schedule.¹⁴

⁴ Id. at 1-2.

⁵ Id. at 2.

⁶ Id.

⁷ Id.

⁸ Id. at 54-61.

⁹ Id. at 57.

¹⁰ Id. at 58.

¹¹ Id.

¹² Id. at 58-59.

¹³ Id. at 59.

¹⁴ Id.

Respondent insisted that she never agreed to lawyer for the complainants or receive any payment of attorney's fees from them. Furthermore, respondent never requested nor received the TCT of the lot which was mortgaged to Union Bank.¹⁵

Additionally, both the notary public who notarized the Real Estate Mortgage, and an employee of Union Bank who acted as witness, affirmed that complainants appeared before the notary public to subscribe to the Real Estate Mortgage.¹⁶

Respondent also contended that per Union Bank's records, the contact person as regards the mortgage is the daughter of one of the complainants, Mary Ann Dionisio-Valisno.¹⁷

Respondent argued that it is clear that complainants could not pinpoint with particularity her alleged transgression of the Lawyer's Oath and the CPR. She alleged that there was no material averments as to how respondent positively and actively mortgaged their property to Union Bank.¹⁸

Report and Recommendation of the Integrated Bar of the Philippines

In a Report and Recommendation¹⁹ dated June 22, 2021, Investigating Commissioner Jose I. Dela Rama of the Integrated Bar of the Philippines (IBP) Commission on Bar Discipline (CBD) recommended the dismissal of the complaint against respondent for utter lack of evidence to establish respondent's alleged transgressions.²⁰

The Investigating Commissioner ruled that complainants failed to prove that the documents and title were actually turned over to respondent, except for a self-serving statement of the wife and the daughter of complainant Fortunato, Adoracion Dionisio and Julie Ann Dionisio-Hilario, in their Joint Affidavit.²¹

There is likewise no proof presented that respondent appeared before the bank for the purpose of mortgaging the property. Her name does not even

¹⁵ Id.

¹⁶ Id.

¹⁷ Id. at 60.

¹⁸ Id.

¹⁹ Id. at unpaginated (Report and Recommendation, Integrated Bar of the Philippines Commission on Bar Discipline, pp. 1-8). Penned by Commissioner Dr. Jose I. Dela Rama, Jr.

²⁰ Id.

²¹ Id.

appear in the records of the bank. The identity of respondent is completely unknown to Union Bank.²²

On the other hand, the Investigating Commissioner found that if the allegation that Felicitas was not in the country on the date of notarization of the mortgage contract, it should not be attributed to the respondent. If the notary public notarized the mortgage in the absence of Felicitas, the complainants are advised to file an administrative case against the notary public.²³

In a Resolution²⁴ dated August 28, 2021, the IBP Board of Governors (Board) resolved to approve and adopt the Report and Recommendation of the Investigating Commissioner to dismiss the complaint against respondent for lack of merit.

As of May 4, 2022, no motion for reconsideration nor petition for review has been filed by either party.

Issue

The core issue is whether respondent should be held administratively liable.

Our Ruling

The Court adopts the findings of the IBP and affirms the dismissal of the administrative case against respondent.

The power to disbar must be exercised with great caution, and only in a clear case of misconduct that seriously affects the standing and character of a lawyer as an officer of the court and as a member of the Bar.²⁵ To be the basis of disciplinary action, the lawyer's conduct must not only be immoral but grossly immoral. It must be so corrupt as to constitute a criminal act or as unprincipled as to be reprehensible to a high degree or committed under such scandalous or revolting circumstances as to shock the common sense of decency.²⁶ For the Court to exercise its disciplinary powers, the case against the respondent must be established by substantial evidence.²⁷

In the instant case, there was absolutely no proof that respondent committed any such infraction.

²² Id.

²³ Id.

²⁴ Id.

²⁵ *Bellosillo v. Board of Governors of the Integrated Bar of the Philippines*, 520 Phil. 676, 689 (2006).

²⁶ Id., citing *Dantes v. Dantes*, 482 Phil. 64, 70 (2004).

²⁷ *Tan v. Alvarico*, A.C. No. 10933, November 3, 2020.

As the Investigating Commissioner of the IBP CBD correctly held:

That there is no sufficient evidence presented by complainants to prove that the documents and title were actually handed to the respondent except for a self-serving statement of Adoracion Dionisio and Julie Ann Dionisio-Hilario in their Joint Affidavit.

There is no evidence that will prove that the respondent had a hand or participation in the mortgage of the property which [sic] Union Bank. In fact, based on their own admission, the contact person of Union Bank is Michelle Ann and not the respondent Atty. Rowena Soriano-Dionisio.

There is no proof presented that respondent appeared before the bank for the purpose of mortgaging the said property. Her name does not even appear in any of the records of the bank. Thus, the identity of the respondent is totally unknown to Union Bank.²⁸

The Court affirms the finding that respondent was a stranger to the alleged anomalous transaction, there being no proof at all showing otherwise.

While the Court will not hesitate to penalize lawyers who have failed to live up to their sworn duties, neither will it hesitate to extend its protective arm to them when the accusation against them is not indubitably proven.²⁹

In view of the foregoing, the instant administrative case has neither factual nor legal basis, as complainants were unable to establish with substantial evidence their imputations of misconduct on the part of respondent. The disbarment case must therefore be dismissed.

WHEREFORE, in the absence of evidence to show that Atty. Rowena Soriano-Dionisio was guilty of any misconduct, the complaint filed against her is **DISMISSED** for lack of merit.


The Notice of Resolution No. CBD-XXV-2021-08-29 dated August 28, 2021 of the Integrated Bar of the Philippines' Board of Governors which resolved to approve and adopt the Report and Recommendation of the Investigating Commissioner dated June 22, 2021 dismissing the complaint, is **NOTED**.

²⁸ *Rollo*, unpaginated (Report and Recommendation, Integrated Bar of the Philippines Commission on Bar Discipline, p. 6).

²⁹ *Biliran v. Bantugan*, A.C. No. 8451, September 30, 2020, citing *Guanzon v. Dojillo*, 838 Phil. 228, 235 (2018).

SO ORDERED.”

By authority of the Court:


LIBRADA C. BUENA
Division Clerk of Court *jt/dh*

by:

MARIA TERESA B. SIBULO
Deputy Division Clerk of Court

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