



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. 13244 [Formerly CBD Case No. 17-5274] (*Estela V. Tolentino v. Atty. Ronaldo P. Salvado*).—This administrative case arose from a disciplinary complaint¹ filed by complainant Estela V. Tolentino against respondent Atty. Ronaldo P. Salvado (Atty. Salvado) for violation of his oath as a lawyer and pertinent sections of the Code of Professional Responsibility (CPR).²

The Factual Antecedents

On February 3, 2017, complainant filed a Complaint-Affidavit³ with annexes before the Commission on Bar Discipline (CBD) of the Integrated Bar of the Philippines (IBP).

Complainant alleged that in 2011, Atty. Salvado obtained a loan from her. To gain complainant’s trust and as a means to obtain the loan, respondent promised to repay the same on December 23, 2011. In payment of the said loan, respondent issued three checks amounting to PHP 1,725,000.00 in total: (1) PS Bank Check No. 0062612⁴ dated October 23, 2011 in the amount of PHP 75,000.00; (2) PS Bank Check No. 0062613⁵ dated November 23, 2011 in the amount of PHP 75,000.00; and (3) PS Bank Check No. 0062616⁶ dated December 23, 2011 in the amount of PHP 1,575,000.00.

However, upon presentment of payment by complainant on December 23, 2011 at PS Bank Marikina Branch, the said checks were dishonored due to the reason “Account Closed.”⁷ Thereafter, complainant informed Atty.

¹ *Rollo*, unpaginated (CBD *rollo*, vol. I, pp. 1-5).

² The Code of Professional Responsibility (1988).

³ *Rollo*, unpaginated (CBD *rollo*, vol. I, pp. 1-5).

⁴ *Id.* at 9.

⁵ *Id.* at 8.

⁶ *Id.* at 7.

⁷ *Id.* at unpaginated (CBD *rollo*, vol. II, p. 4).

Salvado of the dishonor of his checks. Complainant alleged that despite receipt of several oral and written demands, Atty. Salvado failed and refused to settle his obligation. Thus, complainant prayed that Atty. Salvado be appropriately sanctioned.⁸

In an Order dated March 3, 2017, the CBD directed Atty. Salvado to submit his verified Answer to the complaint within 15 days from receipt of the Order. However, no Answer was filed by respondent.⁹

On June 9, 2017, a Notice of Mandatory Conference was issued by the CBD for hearing on July 7, 2017. During the scheduled conference, only the complainant appeared. There was no appearance from Atty. Salvado despite notice. Complainant requested for time to file her Mandatory Conference Brief.¹⁰

Then on August 25, 2017, when the case was again called for mandatory conference, only the complainant appeared and filed her pre-trial brief. Atty. Salvado still failed to appear despite notice. Thus, the mandatory conference was terminated, and the parties were directed to submit their respective verified position papers within 30 days.¹¹

Report and Recommendation of the Integrated Bar of the Philippines

In its June 18, 2018 Report and Recommendation,¹² the CBD recommended that Atty. Salvado be suspended from the practice of law for a period of one year.

The CBD stated that a lawyer's issuance of a worthless check renders him in breach of his oath to obey laws.¹³ The CBD found that the complainant sufficiently established the existence of the dishonored checks. Moreover, respondent did not even file his answer, nor did he present any contrary evidence to rebut the claim.¹⁴

The CBD noted that since respondent was a lawyer, he was well aware of the objectives and coverage of Batas Pambansa Blg. 22 (BP 22). Respondent's issuance of the unfunded checks exhibited his indifference towards the pernicious effect of his illegal act to public interest and public order.¹⁵

⁸ Id.

⁹ Id. (CBD *rollo*, vol. II, p. 3).

¹⁰ Id.

¹¹ Id.

¹² Id. at unpaginated (CBD *rollo*, vol. II, pp. 3-6).

¹³ Id. (CBD *rollo*, vol. II, p. 5).

¹⁴ Id.

¹⁵ Id. (CBD *rollo*, vol. II, pp. 5-6).

The dispositive portion of the CBD's Report and Recommendation reads:

In view of the foregoing premises, it is respectfully recommended that Atty. Ronaldo P. Salvado in violating the Lawyer's oath and Canon 1, Rule 1.01 and Canon 7, Rule 7.03 of the Code of Professional Responsibility be suspended from the practice of law for a period of one (1) year.

RESPECTFULLY SUBMITTED.¹⁶

On December 15, 2019, the IBP Board of Governors (BOG) resolved to approve and adopt the CBD Report and Recommendation. The dispositive portion of the Resolution reads:

RESOLVED to APPROVE and ADOPT, as it is hereby APPROVED and ADOPTED, the Report and Recommendation of the Investigating Commissioner in the above-entitled case and finding the recommendation fully supported by the evidence on record and the applicable laws and rules, Atty. Ronald P. Salvado is hereby **SUSPENDED from the practice of law for one (1) year and is DIRECTED TO PAY a FINE of Five Thousand (P5,000.00) Pesos for failure to comply with the Order of the Commission.**¹⁷

On July 20, 2020, respondent filed a Motion for Reconsideration¹⁸ of the BOG Resolution. Respondent averred that while he admittedly issued the subject dishonored checks, he wished to clarify that the said checks covered investments, not a loan, as the complainant claims. Atty. Salvado maintained that starting 2010, the complainant received from respondent interests of 5% per month for her investments which started at PHP 1,000,000.00. Thus, from the start of the alleged investment until the time that the subject checks were dishonored, complainant actually received from respondent more than half a million pesos by way of interests on her investments. Atty. Salvado added that the dishonor of the checks was not intentional or deliberate but was caused mainly by circumstances beyond the control of the respondent. Atty. Salvado argued that he himself is a victim of failed lending transactions amounting to PHP 15,000,000.00. Complainant was allegedly aware of respondent's financial difficulties, and for this reason respondent begged for compassion in the imposition of penalties.

In its March 27, 2021 Resolution,¹⁹ the BOG denied respondent's Motion for Reconsideration, there being no reason or new argument adduced to reverse the December 15, 2019 Resolution.

¹⁶ Id. (CBD *rollo*, vol. II, p. 6).

¹⁷ Id. (CBD *rollo*, vol. II, p. 1).

¹⁸ Id. (CBD *rollo*, vol. II, pp. 7-9).

¹⁹ Id. (CBD *rollo*, vol. II, p. 4).

Our Ruling

We resolve to adopt the findings and recommendation of the IBP-BOG in part.

This case is not novel. This Court has previously held that the lawyer's act of issuing worthless checks, punishable under BP 22, constitutes serious misconduct.

In *Enriquez v. Atty. De Vera*,²⁰ We ruled that the issuance of checks in violation of the provisions of BP 22 constitutes serious misconduct on the part of a member of the Bar. Misconduct involves “wrongful intention and not a mere error of judgment.” It is serious or gross when it is flagrant. In that case, We explained the rationale behind the law, thus:

Batas Pambansa Blg. 22 has been enacted in order to safeguard the interest of the banking system and the legitimate public checking account users. The gravamen of the offense defined and punished by Batas Pambansa Blg. 22 . . . is the act of making and issuing a worthless check, or any check that is dishonored upon its presentment for payment and putting it in circulation; the law is designed to prohibit and altogether eliminate the deleterious and pernicious practice of issuing checks with insufficient funds, or with no credit, because the practice is deemed a public nuisance, a crime against public order to be abated.²¹

In the instant case, respondent Atty. Salvado is expected to be cognizant of the objectives and coverage of BP 22. As a lawyer, he is presumed to know the law and the pernicious effects of issuing bouncing checks. As such, the act of issuing an unfunded check is considered a complete disregard of the Lawyer's Oath, which enjoins all members of the Bar to support the Constitution and obey the laws.²²

Therefore, respondent's act of issuing the subject worthless checks and his refusal to heed the directives of the IBP-CBD are in clear contravention of Canon 1, Rule 1.01; Canon 7, Rule 7.03; and Canon 11 of the CPR, which provide:

CANON 1 — A LAWYER SHALL UPHOLD THE CONSTITUTION, OBEY THE LAWS OF THE LAND AND PROMOTE RESPECT FOR LAW AND FOR LEGAL PROCESSES.

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

²⁰ 756 Phil. 1 (2015).

²¹ *Id.* at 11, citing *Ong v. Delos Santos*, 7289 Phil. 332, 338 (2014).

²² *Id.*

CANON 7 — A LAWYER SHALL AT ALL TIMES UPHOLD THE INTEGRITY AND DIGNITY OF THE LEGAL PROFESSION AND SUPPORT THE ACTIVITIES OF THE INTEGRATED BAR.

Rule 7.03 — 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.

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.²³

In consonance with the tenets found in the CPR, it is worthy to emphasize that lawyers are instruments for the administration of justice and vanguards of our legal system. They are expected to maintain not only legal proficiency, but also a high standard of morality, honesty, integrity and fair dealing so that people's faith and confidence in the judicial system is ensured. Lawyers are called to conduct themselves in a manner that reflects the values and norms of the legal profession embodied in the CPR.²⁴

Complainant in this case was able to sufficiently prove that the subject checks were dishonored due to the closure of Atty. Salvado's account.²⁵ Respondent did not even deny such allegation. Rather, he admitted that he issued the subject checks and that the same were dishonored.²⁶ Clearly, Atty. Salvado was aware that the checks he issued in favor of complainant were worthless or unfunded. Despite this, Atty. Salvado ignored complainant's pleas and refused to cover the dishonored amount. Such actuations are not befitting of a member of the Bar.

More egregious is the fact that respondent Atty. Salvado outrightly ignored the directives of the IBP-CBD. To recall, Atty. Salvado did not file an Answer to the instant Complaint, despite receipt of the Order to do so.²⁷ During the scheduled Mandatory Conferences, Atty. Salvado failed to appear on both instances, despite due notice.²⁸ Neither did Atty. Salvado file any position paper to refute the allegations by complainant.²⁹

Atty. Salvado's failure to controvert the claims made and his utter disregard of the orders rendered by the IBP-CBD run contrary to the precepts of the CPR. In *A-1 Finance Services, Inc. v. Valerio*³⁰ (*A-1 Finance Services, Inc.*), this Court has ruled that a lawyer's failure to answer the complaint

²³ The Code of Professional Responsibility (1988).

²⁴ *A-1 Financial Services, Inc. v. Valerio*, 636 Phil 627, 631 (2010).

²⁵ *Rollo*, unpaginated (CBD *rollo*, vol. I, pp. 7-9).

²⁶ *Id.* (CBD *rollo*, vol. II, pp. 7-9).

²⁷ *Id.* (CBD *rollo*, vol. II, p. 3).

²⁸ *Id.*

²⁹ *Id.* (CBD *rollo*, vol. II, p. 4).

³⁰ *Supra.*

against him or her, and the failure to attend disciplinary hearings set by the IBP are considered violations of the Lawyer's Oath, which imposes upon every member of the Bar the duty to delay no man for money or malice. Indeed, a lawyer's failure to answer the complaint against him or her and his or her failure to appear at the investigation are evidence of his or her flouting resistance to lawful orders of the court and illustrate his or her defiance for his or her oath of office in violation of the Rules of Court.³¹ Moreover, respondent only belatedly participated in the proceedings by filing a Motion for Reconsideration upon the issuance of the BOG Resolution recommending his suspension from the practice of law. At any rate, respondent even admitted to the violation and offered no legal or reasonable justification to excuse his violations.

At this juncture, it is important to note that a conviction of criminal charges (*e.g.*, BP 22) is not essential insofar as the administrative case against the lawyer is concerned.³² For the Court to exercise its disciplinary power, the complainant must establish the claims with substantial evidence that the lawyer committed acts or omissions which reflect his or her unfitness to be a member of the Bar.³³ Substantial evidence is defined as "that amount of relevant evidence which a reasonable mind might accept as adequate to justify a conclusion."³⁴ In the case herein, complainant was able to prove that Atty. Salvado issued the subject dishonored checks and was not able to make good on his assurance to pay the amounts due.

In any case, Atty. Salvado himself admitted that he issued the subject checks and that the same were dishonored when presented for payment.³⁵ Respondent's defense that the issuance of the dishonored checks were not intentional or deliberate is without merit. Intent in issuing a check is immaterial in BP 22 cases.³⁶ The law has made the mere act of issuing a bad check *malum prohibitum*, an act proscribed by the legislature for being deemed pernicious and inimical to public welfare.³⁷ Therefore, respondent's contention cannot be countenanced.

On the matter of the length of suspension, this Court finds it appropriate to modify the one year suspension recommended by the IBP-BOG. Considering that Atty. Salvado not only issued worthless checks, but also blatantly ignored the directives of the IBP, it is only proper to impose a two-year suspension on respondent.

³¹ *Ngayan v. Atty. Tugade*, 271 Phil. 654, 6589 (1991).

³² *De Jesus v. Atty. Collado*, 290-A Phil. 410, 415-416 (1992).

³³ *Buenaventura v. Atty. Gille*, A.C. No. 7446, December 9, 2020.

³⁴ *Id.*

³⁵ *Rollo*, unpaginated (CBD *rollo*, vol. II, pp. 5-6).

³⁶ *Nissan Gallery-Ortigas v. Felipe*, 720 Phil. 828, 840 (2013).

³⁷ *Id.*



In *Heenan v. Atty. Espejo*,³⁸ this Court held that a two-year suspension was appropriate when the lawyer issued bouncing checks and refused to heed the orders of the IBP. Similarly in *A-1 Financial Services, Inc.*³⁹ We ruled that a suspension of two years was commensurate to the lawyer's infraction of BP 22 and her wanton disregard of IBP's orders in the course of the proceedings. Finally, in *Nulada v. Atty. Paulma*,⁴⁰ We deemed it proper to impose a suspension of two years from the practice of law when the errant lawyer issued worthless checks and failed to participate in the investigations, despite notice.

As a final note, this Court takes this opportunity to stress that membership in the bar is a privilege burdened with conditions.⁴¹ Verily, this profession carries with it the corresponding duties, not only to the client, but also to the court, the bar, and the public.⁴² The Court unwaveringly demands of him or her to remain a competent, honorable, and reliable individual in whom the public may repose confidence.⁴³ Any transgression of this duty would not only diminish his or her reputation as a lawyer, but would also erode the public's faith in the legal profession as a whole.⁴⁴ The instant case clearly establishes respondent's failure to meet the standards expected of him as a member of the Bar.

WHEREFORE, respondent Atty. Ronaldo P. Salvado is **SUSPENDED** from the practice of law for a period of two years, effective upon his receipt of this Resolution. He is warned that a repetition of the same or similar act will be dealt with more severely. Respondent is **DIRECTED** to file a Manifestation before this Court that his suspension has started, copy furnished all courts and quasi-judicial bodies where he has entered his appearance as counsel.

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

³⁸ 722 Phil. 528, 537 (2013).

³⁹ Supra note 24.

⁴⁰ 784 Phil. 309, 318 (2016).

⁴¹ *Atty. Alcantara v. Atty. De Vera*, 650 Phil. 214, 220 (2010).


⁴² *Bataan Shipyard and Engineering Company, Inc. v. Atty. Consunji*, A.C. No. 11439, January 4, 2022.

⁴³ *Ong v. Atty. Delos Santos*, supra note 20 at 337.

⁴⁴ *Id.* at 341.

SO ORDERED.”

By authority of the Court:


LIBRADA C. BUENA
Division Clerk of Court

by:

MARIA TERESA B. SIBULO
Deputy Division Clerk of Court

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MAR 02 2023

Ms. Estela V. Tolentino
Complainant
#26 Eagle Street, Village East
Cainta, 1900 Rizal

Atty. Ronaldo P. Salvado
Respondent
#003 Madonna Lane Street, Monterey Hills
San Mateo, 1850 Rizal

Integrated Bar of the Philippines
15 Doña Julia Vargas Avenue
Ortigas Center, 1605 Pasig City

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