



Republic of the Philippines SUPREME COURT OF THE PHILIPPINES
PUBLIC INFORMATION OFFICE

Supreme Court

Manila

RECEIVED
JUL 20 2023
BY: [Signature]
TIME: 3:17

EN BANC

NORMA F. FLORES and
MARK SHERWIN F. FLORES,
Complainants,

A.C. No. 11495 [Formerly
CBD Case No. 17-5466]

Present:

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

- versus -

ATTY. WILLIAM F. DELOS
SANTOS,

Respondent.

Promulgated:

February 21, 2023

x-----[Signature]-----x

DECISION

DIMAAMPAO, J.:

This Complaint¹ lodged by Norma F. Flores (Norma) and Mark Sherwin F. Flores (Mark) seeks to disbar respondent Atty. William F. Delos Santos (Atty. Delos Santos) for violations of the Lawyer's Oath and the Code of Professional Responsibility.

¹ The Complaint dated August 2, 2016, was received by the Office of the Bar Confidant on September 5, 2016, *rollo*, vol. I, pp.1-14.

Mark was convicted of violating Sections 5 and 11, Article II of Republic Act No. 9165² in Criminal Case Nos. 11-288297 and 11-288298, before the Regional Trial Court of Manila, Branch 23. Within the period to file an appeal, his mother Norma engaged the services of Atty. Delos Santos, who asked for ₱20,000.00 as initial acceptance fee, and ₱5,000.00 as payment for the request of documents. Norma immediately paid him the said amounts.³

Subsequently, Atty. Delos Santos asked for additional payments, to which Norma acceded. However, Norma did not receive any update from Atty. Delos Santos, causing her to pay him a visit on July 9, 2015, at his residence in Bacoor City, Cavite to inquire about the status of her son's appeal. Thereupon, Atty. Delos Santos informed her that he already submitted his Formal Entry of Appearance before the Court of Appeals on July 8, 2015. At this point, he asked once again for the payment of additional fees. Norma avowed that from the time she engaged Atty. Delos Santos' services up to the day she visited him at his residence, he was able to collect from her the total amount of ₱77,500.00.⁴

On July 18, 2015, Atty. Delos Santos coaxed Norma to produce the additional payment of ₱160,000.00, which would be used to "bribe" the Justices of the Fifteenth Division of the Court of Appeals, before whom Mark's case was pending. He supposedly uttered the following statements to her: "*Maghanda ka ng PHP 160,000.00 kung gusto mong maabswelto sa kaso si Mark. Wala na tayong magagawa pang ibang paraan kundi ang sundin at ibigay ang hinihinging PHP 160,000.00 ng mga Justices. Meron na akong kausap sa loob para mabilis ng magawa ang proseso*"; "*Yung PHP 10,000.00 ay ibibigay sa taga-lakad at yung PHP 150,000.00 ay tig-PHP 50,000.00 naman kada-Justice*"; and "*Pasalamat ka at tig-PHP 50,000.00 lang hinihingi ng mga Justices kahit mabigat kaso ng anak mo, kasi sinabi ko kaunti lang naman ang nakuhang droga sa anak mo at wala pang isang gramo.*" He was able to persuade her by insisting that it was the only option she had to obtain a favorable judgment for her son.⁵

Relying on Atty. Delos Santos' guarantee, Norma borrowed money from her friends and relatives to raise the necessary amount. In line with his instructions, she deposited various sums totaling ₱160,000.00 on August 5, 2015, August 15, 2015, and October 5, 2015 in Banco De Oro Savings Account No. 4760100442 under the name of Atty. Delos Santos' wife, Reinalyn B. Delos Santos. Upon receiving the total amount of ₱160,000.00,

² AN ACT INSTITUTING THE COMPREHENSIVE DANGEROUS DRUGS ACT OF 2002, REPEALING REPUBLIC ACT NO. 6425, OTHERWISE KNOWN AS THE DANGEROUS DRUGS ACT OF 1972, AS AMENDED, PROVIDING FUNDS THEREFOR, AND FOR OTHER PURPOSES. Approved: June 7, 2002.

³ *Rollo*, Vol. I, pp. 1-2.

⁴ *Id.* at 2-3.

⁵ *Id.* at 3.

Atty. Delos Santos reassured Norma that the money would be delivered to his insider or “facilitator” with the Fifteenth Division of the Court of Appeals.⁶

To Norma’s dismay, the Fifteenth Division of the Court of Appeals affirmed her son Mark’s conviction in its ruling dated July 25, 2016. Further, she discovered that Atty. Delos Santos failed to file an Appellant’s Reply Brief notwithstanding his commitment to do so. Aghast, she immediately called him, but he responded that “he did not know what happened” despite making “the necessary arrangement with the Justices including his facilitator inside the Court of Appeals.” He then promised Norma that he would return the money within a week, as well as prepare a Motion for Reconsideration.⁷

In their Complaint,⁸ Norma and Mark accuse Atty. Delos Santos of engaging in dishonest and deceitful conduct. Apart from knowingly rendering illegal advice, Atty. Delos Santos was also “grossly remiss in the performance of his duties as counsel,” as evidenced by his failure to file an Appellant’s Reply Brief on behalf of Mark. Moreover, given that he was previously suspended by the Court in another disciplinary case,⁹ his “present perversity” demonstrated that “he has hardly shown any remorse.”¹⁰ For these reasons, they implore the Court to disbar him.

Thereafter, the Court issued a Notice of Resolution dated November 16, 2016,¹¹ requiring Atty. Delos Santos to comment on the Complaint. His failure to comply in spite of receipt of the said Notice prompted the Court to dispense with his comment and immediately refer the case to the Integrated Bar of the Philippines (IBP) for investigation, report, and recommendation.¹²

In due course, the IBP Investigating Commissioner Sherwin C. De Joya (Investigating Commissioner) found Atty. Delos Santos liable for gross misconduct and recommended his disbarment from legal practice.¹³ The Investigating Commissioner opined that Atty. Delos Santos’ repeated failure to comply with the November 16, 2016 Notice¹⁴ of this Court, attend the mandatory conference scheduled by the IBP, and submit the required pleadings even with due notice evinced his disobedience and disrespect of

⁶ Id. at 4 & 19-21.

⁷ Id. at 4-5.

⁸ Id. at 1-14.

⁹ See *Ong v. Atty. Delos Santos*, 728 Phil. 332-342 (2014).

¹⁰ *Rollo*, p. 11.

¹¹ Id. at 25.

¹² Id.

¹³ Id. at 225-230. See Integrated Bar of the Philippines (IBP) Report and Recommendation.

¹⁴ Id. at 229.

lawful orders.¹⁵ The Investigating Commissioner further treated his previous suspension¹⁶ as an aggravating circumstance.¹⁷

Ensuingly, on December 15, 2019, the IBP Board of Governors (IBP Board) passed a Resolution, approving with modification the Report and Recommendation of the Investigating Commissioner, in that Atty. Delos Santos was ordered to return the amount of ₱160,000.00, with legal interest, to Norma and Mark.¹⁸

Disgruntled, Atty. Delos Santos filed an Urgent Motion for Reconsideration,¹⁹ vehemently denying Norma and Mark's accusations and explicating that the subject amount of ₱160,000.00 covered the payment of his attorney's fees. Despite his protestations, the IBP Board denied his Motion in its Resolution dated March 13, 2021.²⁰

The focal issue posited before this Court is whether Atty. Delos Santos is guilty of gross misconduct as to warrant his disbarment from the practice of law.

After assiduous scrutiny of the records, the Court finds and so holds that Atty. Delos Santos willfully engaged in gross misconduct. Accordingly, the findings and recommendation of the IBP Board are in order.

At the incipience, Atty. Delos Santos' failure to comply with the Notice²¹ dated November 16, 2016, of this Court, which required him to comment on the Complaint, lends credence to the averments therein and manifests his tacit admission of the same.²² Quite tellingly, in his Urgent Motion for Reconsideration,²³ Atty. Delos Santos did not even provide any justifiable reason for his prolonged silence and refusal to comply with the orders of this Court as well as the IBP. As aptly observed by the Investigating Commissioner, his "obstinate snobbery to comply with these orders not only betrays a recalcitrant flaw in his character, [but] also underscores his disrespect of lawful orders which is only too deserving of reproof."²⁴

Anent the merits of the Complaint, the Court finds that the serious allegations of gross misconduct against Atty. Delos Santos were sufficiently established.

¹⁵ Id. at 20. See IBP Report and Recommendation.

¹⁶ Supra note 9.

¹⁷ Rollo, p. 179. See IBP Report and Recommendation.

¹⁸ Id. at 174.

¹⁹ Id. at 180-181. See Urgent Motion for Reconsideration.

²⁰ Id. at 233.

²¹ Id. at 25.

²² See *Unity Fishing Development Corporation v. Atty. Macalino*, 487 Phil. 235, 243 (2004).

²³ Rollo, pp. 180-181. See Urgent Motion for Reconsideration.

²⁴ Id. at 229. See IBP Report and Recommendation.

g

Gross misconduct is defined as ‘improper or wrong conduct, the transgression of some established and definite rule of action, a forbidden act, a dereliction of duty, willful in character, and implies a wrongful intent and not a mere error in judgment.’²⁵ As officers of the court, lawyers are called upon to assist in the administration of justice. They are vanguards of the legal system who are tasked to protect and uphold the truth and the rule of law; and are expected to act with honesty in all their dealings, especially with the court.²⁶ To this end, they must abstain from engaging in activities aimed at defiance of the law or at lessening confidence in the legal system. Thus, a lawyer must “remain a competent, honorable, and reliable individual in whom the public reposes confidence. Any gross misconduct that puts his moral character in serious doubt renders him unfit to continue in the practice of law.”²⁷

For the Court to exercise its disciplinary power to punish members of the Bar for gross misconduct, the burden of proof rests upon the complainant who must establish with substantial evidence that the lawyer committed acts or omissions which reflect his or her unfitness for the legal profession. Substantial evidence is defined as “that amount of relevant evidence which a reasonable mind might accept as adequate to justify a conclusion.”²⁸

A review of the evidence on record shows that the required degree of proof has been established by complainants. Norma’s affidavit, coupled with the bank deposit slips she submitted, amply support her allegation that she deposited various sums amounting to ₱160,000.00 in the savings account of Atty. Delos Santos’ wife, Reinalyn.²⁹ Nonetheless, in his Urgent Motion for Reconsideration,³⁰ Atty. Delos Santos emphatically denied Norma’s allegation that he prevailed upon her to deposit the said amount for the purpose of bribing the Justices of the Court of Appeals. Contrarily, he asserted that the amount covered the payment of his attorney’s fees.

This Court refuses to pander to Atty. Delos Santos’ assertions. Certainly, Norma’s clear and categorical narration is more convincing when juxtaposed with his mere denial. After all, well-ensconced is the rule that “[d]enial is an intrinsically weak defense. To merit credibility, it must be buttressed by strong evidence of non-culpability. If unsubstantiated by clear and convincing evidence [as in this case] it is negative and self-serving, x x x.”³¹

²⁵ See *Buenaventura v. Atty. Gille*, A.C. No. 7446, December 9, 2020.

²⁶ See *Presiding Judge Cobarrubias-Nabaza v. Atty. Lavandero*, A.M. No. 2017-07-SC / A.C. No. 12323, March 14, 2022.

²⁷ *Supra* note 25.

²⁸ *Id.*

²⁹ *Rollo*, pp. 4 & 19-21.

³⁰ *Id.* at 180-181. See Urgent Motion for Reconsideration.

³¹ See *Gubaton v. Atty. Amador*, 825 Phil. 834-835 (2018).

Atty. Delos Santos blatantly took advantage of a mother's sheer desperation over the plight of her son. By deliberately misleading and deceiving Norma that he can bribe and influence the Justices of the Court of Appeals to rule in her son's favor, Atty. Delos Santos ineludibly cast doubt upon the integrity of the legal system, eroded public confidence in the Judiciary, and brought intolerable dishonor to the legal profession. Such gross disrespect of the judicial system shows that he is wanting in moral fiber and that he lacks integrity in his character.³² His actions are in utter disregard of the following duties enshrined in the Code of Professional Responsibility—

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

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

Rule 1.02. – A lawyer shall not counsel or abet activities aimed at defiance of the law or at lessening confidence in the legal system.

x x x x

CANON 10. – A lawyer owes candor, fairness, and good faith to the court.

Rule 10.01. – A lawyer shall not do any falsehood, nor consent to the doing of any in court; nor shall he mislead or allow the Court to be misled by any artifice.

x x x x

CANON 13. – A lawyer shall rely upon the merits of his cause and refrain from any impropriety which tends to influence or gives the appearance of influencing the court.

x x x x

CANON 15. – A lawyer shall observe candor, fairness, and loyalty in all his dealings and transactions with his clients.

x x x x

Rule 15.05. – A lawyer, when advising his client, shall give a candid and honest opinion on the merits and probable results of the client's case, neither overstating nor understating the prospects of the case.

Rule 15.06. – A lawyer shall not state or imply that he is able to influence any public official, tribunal or legislative body.

Rule 15.07. – A lawyer shall impress upon his client compliance with the laws and the principles of fairness.

³² *Dumlao v. Atty. Camacho*, 839 Phil. 509, 522 (2018).

Withal, Atty. Delos Santos was negligent in handling Mark's case. He wantonly failed to apprise Norma and Mark of the status of the appeal, as well as submit an Appellant's Reply Brief, despite his commitment to do so.³³

Under Section 27, Rule 138 of the Rules of Court, a lawyer may be disbarred or suspended from the practice of law for deceitful and dishonest acts or other gross misconduct, as follows:

Disbarment or suspension of attorneys by Supreme Court; grounds therefor. – A member of the bar may be disbarred or suspended from his office as attorney by the Supreme Court for any deceit, malpractice or other gross misconduct in such office, grossly immoral conduct, or by reason of his conviction of a crime involving moral turpitude, or for any violation of the oath which he is required to take before admission to practice, or for a willful disobedience of any lawful order of a superior court, or for corruptly or willfully appearing as an attorney for a party to a case without authority so to do. The practice of soliciting cases at law for the purpose of gain, either personally or through paid agents or brokers, constitutes malpractice.

While it is settled that the Court will not disbar a lawyer where a lesser penalty will suffice to accomplish the desired end, the Court does not hesitate to impose the penalty of disbarment when the guilty party has become a repeat offender.³⁴ On account of Atty. Delos Santos' evident violations of the Lawyer's Oath and the Code of Professional Responsibility in the present case, as well as his previous suspension from the practice of law,³⁵ he deserves no less than the ultimate penalty of disbarment.

Furthermore, Atty. Delos Santos must return to complainants the amount of ₱160,000.00. In conformity with the Court's ruling in *Alfredo San Gabriel v. Atty. Jonathan Sempio*,³⁶ interest at the rate of six percent (6%) *per annum* shall be imposed on the said amount, which shall accrue from the time of Atty. Delos Santos' receipt of this Decision until full satisfaction thereof.

One final inflection. It is ingrained in this jurisdiction that membership in the legal profession is a privilege that is bestowed upon individuals who are not only learned in law, but are also known to possess good moral character.³⁷ Whenever it is made to appear that an attorney is no longer worthy of the trust and confidence of his or her clients and of the public, it becomes not only the right but also the duty of this Court, which made him or her one of its officers and gave him or her the privilege of ministering within its Bar, to withdraw that privilege.³⁸

³³ *Rollo*, p. 4.

³⁴ See *Vda. Eleanor V. Francisco v. Atty. Real*, A.C. No. 12689, formerly CBD Case No. 14-4459, September 1, 2020.

³⁵ *Supra* note 9.

³⁶ 850 Phil. 533, 542 (2019).

³⁷ See *Roa-Buenafe v. Atty. Lirazan*, 850 Phil. 1, 12 (2019).

³⁸ See *Rev. Fr. Zafra v. Atty. Pagatpatan*, 850 Phil. 1152, 1159 (2019).

WHEREFORE, respondent Atty. William F. Delos Santos is hereby declared **GUILTY** of violating Rules 1.01 and 1.02 of Canon 1, Rule 10.01 of Canon 10, Canon 13, and Rules 15.05, 15.06, and 15.07 of Canon 15 of the Code of Professional Responsibility. He is **DISBARRED** from the practice of law, and his name is **ORDERED STRICKEN OFF** from the Roll of Attorneys.

This Decision shall take effect immediately. Atty. William F. Delos Santos is **DIRECTED** to **INFORM** this Court of the date of his receipt of this Decision for the purpose of reckoning the period of his penalty.

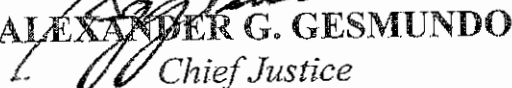
Moreover, Atty. William F. Delos Santos is **ORDERED** to return to complainants Norma F. Flores and Mark Sherwin F. Flores within ten (10) days from receipt of this Decision the amount of ₱160,000.00, which shall earn legal interest at the rate of six percent (6%) *per annum* from his receipt of this Decision until full satisfaction thereof.

Finally, let copies of this Decision be furnished to the Office of the Bar Confidant, to be appended to Atty. William F. Delos Santos' personal record as an attorney; the Integrated Bar of the Philippines, for their information and guidance; and the Office of the Court Administrator, for dissemination to all the courts in the country.

SO ORDERED.


JAPAR B. DIMAAMPAO
Associate Justice

WE CONCUR:

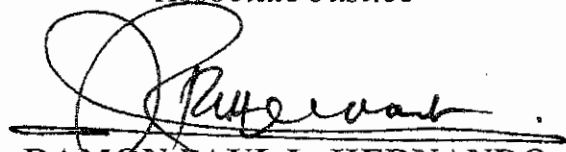

ALEXANDER G. GESMUNDO
Chief Justice



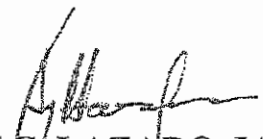
MARVIC M.V.F. LEONEN
Associate Justice



ALFREDO BENJAMIN S. CAGUIOA
Associate Justice



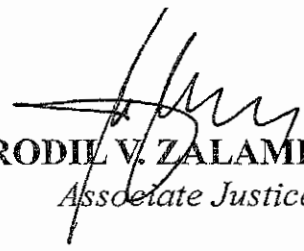
RAMON PAUL L. HERNANDO
Associate Justice



AMY C. LAZARO-JAVIER
Associate Justice



HENRI JEAN PAUL B. INTING
Associate Justice



RODIL V. ZALAMEDA
Associate Justice



MARIO N. LOPEZ
Associate Justice



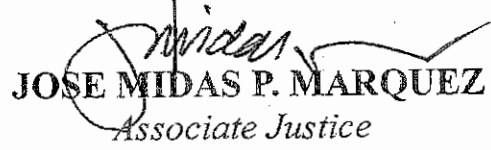
SAMUEL H. GAERLAN
Associate Justice



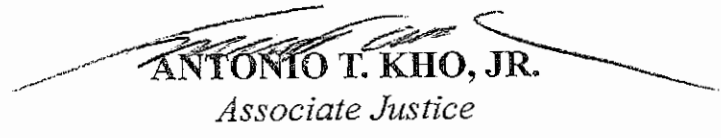
RICARDO R. ROSARIO
Associate Justice



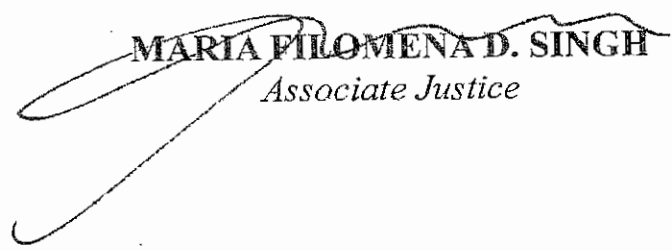
JHOSEP Y. LOPEZ
Associate Justice



JOSE MIDAS P. MARQUEZ
Associate Justice



ANTONIO T. KHO, JR.
Associate Justice



MARIA FILOMENA D. SINGH
Associate Justice

