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assistance of respondent as a PAO lawyer, he misrepresented that his answer was prepared by someone who is not a lawyer. Second, when complainant showed respondent a copy of their answer with the MCTC, he assured him that he had strong evidence to support the defense in the answer that plaintiffs were no longer the owners of the property in dispute. However, all that he could provide respondent was the affidavit of the *barangay* officials. Last but not least, it is of public knowledge that the Public Attorney's Office is burdened with a heavy caseload.

All things considered, we conclude that suspension for two (2) months from the practice of law is the proper and just penalty.

WHEREFORE, respondent Atty. Wilfredo Oca is ordered *SUSPENDED* from the practice of law for two (2) months from notice, with the warning that a similar misconduct will be dealt with more severely. Let a copy of this decision be attached to respondent's personal record in the Office of the Bar Confidant and copies be furnished to all chapters of the Integrated Bar of the Philippines (IBP) and to all the courts in the land.

SO ORDERED.

Bellosillo (Chairman), Acting C.J., Quisumbing, Austria-Martinez, and *Callejo, Sr., JJ.,* concur.

EN BANC

[A.C. No. 6084. September 3, 2003]

(formerly CBD 99-614)

FELICITAS BERBANO, *complainant, vs.* **ATTY. WENCESLAO BARCELONA,** *respondent.*

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SYNOPSIS

Complainant sought the disbarment of respondent for malpractice and gross misconduct unbecoming a lawyer, dereliction of duty and unjust enrichment. It was alleged that complainant obtained the assistance of respondent for the release of one Porfirio Daen who was arrested by the police authorities and that respondent collected money from the complainant and the nephew of the detained person for the immediate release of the detainee through his alleged connection with a Justice of the Supreme Court. However, the detainee was never released from incarceration. Consequently, respondent was found guilty of malpractice and serious breach of the Code of Professional Responsibility.

The Supreme Court ruled that respondent was guilty of culpable violations of several Canons of the Code of Professional Responsibility. The Code exacts from lawyers not only a firm respect for law, legal processes and the courts, but also mandates the utmost degree of fidelity and good faith in dealing with clients and the moneys entrusted to them pursuant to their fiduciary relationship. Instead of promoting respect for law and the legal process, respondent callously demeaned the legal profession by taking money from a client under the pretext of having connections with a Member of this Court.

Thus, for gross misconduct, respondent was disbarred from the practice of law. He was also directed to return to complainant the amount he received from the latter.

SYLLABUS

1. **LEGAL ETHICS; ATTORNEYS; DISBARMENT, PURPOSE OF.**— The object of a disbarment proceeding is not so much to punish the individual attorney himself, as to safeguard the administration of justice by protecting the court and the public from the misconduct of officers of the court, and to remove from the profession of law persons whose disregard for their oath of office have proved them unfit to continue discharging the trust reposed in them as members of the bar.

2. **ID.; ID.; ID.; NATURE OF DISBARMENT PROCEEDINGS; DOES NOT INVOLVE A TRIAL OF AN ACTION OR SUIT**

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BUT AN INVESTIGATION BY THE COURT INTO THE CONDUCT OF ITS OFFICERS.— In *In re Almacen*, the Court expounded on the nature of disbarment proceedings, *viz.:* ". . . Disciplinary proceedings against lawyers are *sui generis.* Neither purely civil nor purely criminal, they do not involve a trial of an action or a suit, but are rather investigations by the Court into the conduct of one of its officers. Not being intended to inflict punishment, [they are] in no sense a criminal prosecution. Accordingly, there is neither a plaintiff nor a prosecutor therein. [They] may be initiated by the Court *motu proprio*. Public interest is [their] primary objective, and the real question for determination is whether or not the attorney is still a fit person to be allowed the privileges as such. Hence, in the exercise of its disciplinary powers, the Court merely calls upon a member of the Bar to account for his actuations as an officer of the Court with the end in view of preserving the purity of the legal profession and the proper and honest administration of justice by purging the profession of members who by their misconduct have prove[n] themselves no longer worthy to be entrusted with the duties and responsibilities pertaining to the office of an attorney. ..."

3. **REMEDIAL LAW; EVIDENCE; BURDEN OF PROOF; PROOF REQUIRED; CLEAR PREPONDERANT EVIDENCE, NECESSARY TO JUSTIFY THE IMPOSITION OF ADMINISTRATIVE PENALTY.**— In disbarment proceedings, the burden of proof rests upon the complainant, and for the court to exercise its disciplinary powers, the case against the respondent must be established by clear, convincing and satisfactory proof. Considering the serious consequence of the disbarment or suspension of a member of the Bar, this Court has consistently held that clear preponderant evidence is necessary to justify the imposition of the administrative penalty.

4. **ID.; ID.; IN DISBARMENT PROCEEDINGS, THE MATTER OF ASSIGNING VALUES TO THE TESTIMONY OF WITNESSES IS DONE BY THE INVESTIGATING BODY.**— The matter of assigning values to the testimony of witnesses is best done by the investigating body (which in this case is the Investigating Commissioner) because unlike appellate courts, it can weigh such testimony in light of the demeanor, conduct and attitude of the witnesses at the trial. Witnesses are weighed not numbered, and the testimony of a single witness may suffice if trustworthy and reliable.

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5. **LEGAL ETHICS; ATTORNEYS; LAWYERS MUST OBSERVE UTMOST FIDELITY AND GOOD FAITH IN DEALING WITH CLIENTS AND THE MONEYS ENTRUSTED TO THEM.**— The Code exacts from lawyers not only a firm respect for law, legal processes and the courts but also mandates the utmost degree of fidelity and good faith in dealing with clients and the moneys entrusted to them pursuant to their fiduciary relationship. Instead of promoting respect for law and the legal processes, respondent callously demeaned the legal profession by taking money from a client under the pretext of having connections with a Member of this Court.

6. **ID.; ID.; LAWYERS SHOULD UPHOLD THE DIGNITY AND AUTHORITY OF THE COURTS.**— Respondent has demonstrated a penchant for misrepresenting to clients that he has the proper connections to secure the relief they seek, and thereafter, ask for money, which will allegedly be given to such connections. In this case, respondent misrepresented to complainant that he could get the release of Mr. Porfirio Daen through his connection with a Supreme Court Justice. Not only that, respondent even had the audacity to tell complainant that the Justices of the Supreme Court do not accept checks. In so doing, respondent placed the Court in dishonor and public contempt. In *Surigao Mineral Reservation Board vs. Cloribel,* the Court expounded on a lawyer's duty to the courts, *viz.*: A lawyer is an officer of the courts; he is, "like the court itself, an instrument or agency to advance the ends of justice.' [*People ex rel. Karlin vs. Culkin*, 60 A.L.R. 851, 855]. His duty is to uphold the dignity and authority of the courts to which he owes fidelity, 'not to promote distrust in the administration of justice." [*In re Sotto*, 82 Phil. 595, 602]. Faith in the courts a lawyer should seek to preserve. For, to undermine the judicial edifice "is disastrous to the continuity of the government and to the attainment of the liberties of the people." [*Malcolm Legal and Judicial Ethics*, 1949 ed., p. 160]. Thus has it been said of a lawyer that '[a]s an officer of the court, it is his sworn and moral duty to help build and not destroy unnecessarily that high esteem and regard towards the courts so essential to the proper administration of justice." In *Surigao Mineral Reservation Board vs. Cloribel,* the Court expounded on a lawyer's duty to the courts, *viz.:* A lawyer is an officer of the courts; he is, "like the

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court itself, an instrument or agency to advance the ends of justice.' [*People ex rel. Karlin vs. Culkin*, 60 A.L.R. 851, 855]. His duty is to uphold the dignity and authority of the courts to which he owes fidelity, 'not to promote distrust in the administration of justice." [*In re Sotto,* 82 Phil. 595, 602]. Faith in the courts a lawyer should seek to preserve. For, to undermine the judicial edifice "is disastrous to the continuity of the government and to the attainment of the liberties of the people." [*Malcolm Legal and Judicial Ethics,* 1949 ed., p. 160]. Thus has it been said of a lawyer that "[a]s an officer of the court, it is his sworn and moral duty to help build and not destroy unnecessarily that high esteem and regard towards the courts so essential to the proper administration of justice."

7. **ID.; ID.; PRACTICE OF LAW IS A PRIVILEGE BURDENED WITH CONDITIONS.**— *The practice of law is a privilege burdened with conditions. Adherence to the rigid standards of mental fitness, maintenance of the highest degree of morality and faithful compliance with the rules of the legal profession are the conditions required for remaining a member of good standing of the bar and for enjoying the privilege to practice law. The Supreme Court, as guardian of the legal profession, has ultimate disciplinary power over attorneys. This authority to discipline its members is not only a right but a bounden duty as well . . . That is why respect and fidelity to the Court is demanded of its members.*

D E C I S I O N

***PER CURIAM*:**

A lawyer shall at all times uphold the integrity and dignity of the legal profession. The trust and confidence necessarily reposed by clients require in the attorney a high standard and appreciation of his duty to his clients, his profession, the courts and the public. The bar should maintain a high standard of legal proficiency as well as of honesty and fair dealing. Generally speaking, a lawyer can do honor to the legal profession by faithfully performing his duties to society, to the bar, to the courts and to his clients. To this end, nothing should be done by any member of the legal fraternity which might tend to lessen

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in any degree the confidence of the public in the fidelity, honesty and integrity of the profession.[1]

In a sworn Affidavit-Complaint dated March 11, 1999 filed before the Integrated Bar of the Philippines (IBP), complainant Felicitas Berbano seeks the disbarment of Atty. Wenceslao Barcelona for Malpractice and Gross Misconduct Unbecoming a Lawyer, Dereliction of Duty and Unjust Enrichment.[2] Complainant alleges:

1. I am one of the heirs of Rufino Esteban Hilapo, owner of a 244-hectare lot situated at Alabang, Muntinlupa, which property is being claimed by Filinvest Dev. Corp. in a case pending with the Commission on the Settlement of Land Problems (COSLAP), Quezon City. The heirs of REH has appointed Mr. PORFIRIO DAEN as their attorney-in-fact giving him authority to prosecute the case for and in their behalf.

2. On January 26, 1999, Mr. Porfirio Daen was arrested by a Muntinlupa police on the strength of an expired warrant of arrest — it was issued on February 1990 — and subsequently detained at the Muntinlupa City Jail, Tunasan, Muntinlupa City, until his release on February 18, 1999.

3. Since Mr. Daen needed the assistance of a lawyer for his release from incarceration, we tried to look for one. We told our friend Naty Sibuya, about the predicament of Mr. Daen, who recommended Atty. Wenceslao Barcelona to us, his wife being Naty's cousin/relative.

4. So on January 26, 1999, at about 10:30 in the evening, Atty. Wenceslao Barcelona arrived at the Muntinlupa City Jail and conferred with Mr. Daen. We learned later that Mr. Daen has engaged the services of Atty. Barcelona for the latter to secure the release of the former from prison. After their conversation, Atty. Barcelona told us that if you could produce the amount of FIFTY THOUSAND (₱50,000.00) Pesos he

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[1] *Busiños vs. Ricafort*, 283 SCRA 407, 414 (1997), citing *Marcelo vs. Javier*, 214 SCRA 1, 12-13 (1992).

[2] *Rollo*, p. 4.

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will cause the release of Mr. Daen from prison the following day. I told him that it was already late in the evening and I cannot any more produce the amount. But he insisted that I must produce even just a small amount. So, what I did was ask my relatives who were with me at the time to contribute and we were able to raise FIFTEEN THOUSAND SEVEN-HUNDRED (₱15,700.00) Pesos. In the meantime, Atty. Barcelona proceeded to Chowking Restaurant which is just located across the city jail where he waited for us there.

5. At the aforesaid restaurant, I handed to Atty. Barcelona the amount who accepted the same. He reiterated his promise to secure the release of Mr. Daen the following day. Before he left, he asked us to meet him at Max' Restaurant at around 12:00 noon at EDSA Crossing. He thereafter left because according to him, he would go and see somebody, (a justice) from the Supreme Court who could help the release of Mr. Daen. It was already about 12:30 in the early morning of January 27, 1999.

6. As agreed upon, I, together with Romana Soriano, proceeded to Max' Restaurant. We arrived at around 12:00 noon. Atty. Barcelona came at around 1:00 P.M. He even told us that he just came from the Supreme Court where he "fixed" the case of Mr. Daen. It surprised me though, that he did not have with him any single document at the time. Then, I handed him a "pay-to-cash" check for TWENTY-FOUR THOUSAND (₱24,000.00) Pesos, dated January 29, 1999. We told him that the check may be encashed on the said date. Although, he said that the Justices of the Supreme Court do not accept check he nonetheless, accepted it saying that he will have the same rediscounted. We thereafter left.

7. The following morning, January 28, 1999, at around 7:00 o'clock Atty. Barcelona called me up by phone to say that since he was unable to have the check rediscounted, I must produce the amount of ₱5,000.00 and give the amount to him at Max' Restaurant at EDSA Crossing at around 12:00 noon. We were unable to meet him because we arrived at about 1:00 o'clock already. Nonetheless, we waited for him until 3:00 in the afternoon. Thereafter, I called him through his pager saying that we were waiting for him at Max'. I also called up our house and inquire (sic) if a lawyer has called

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up. I was able to talk to my husband who informed me that a certain Atty. Barcelona called up. That Atty. Barcelona wanted to meet us at McDonald's at Barangka Drive, Mandaluyong. So we rushed to the place but he was not there. I again paged him informing him that we were already at McDonald's and to return my call through my cell phone. After a while, his wife called up to inform us to proceed to their house which was just five houses away from McDonald's. When we reached their house, we were met by his daughter who called her mother. We were ushered inside the house and after introducing ourselves, we gave not only ₱5,000.00, but TEN THOUSAND (₱10,000.00) Pesos in cash to his wife in the presence of his daughter. Then we went to Putatan, Muntinlupa, hoping that he might be there.

8. We arrived at Putatan, Muntinlupa at around 4:30 in the afternoon and there we saw Atty. Barcelona. We informed him that we left the ₱10,000.00 with his wife at their house. Since Atty. Barcelona informed us that he could not secure the release of Mr. Daen because the check had not been encashed, Mr. Gil Daen, a nephew of Porfirio Daen, gave him FIFTEEN THOUSAND (₱15,000.00) Pesos in cash. I also gave him an additional ₱1,000.00 for his gasoline expenses.

9. The next time that we saw Atty. Barcelona was on February 3, 1999, Wednesday at around 6:00 in the evening at Putatan, Muntinlupa. He informed us that he just came from the city jail where he had a conversation with Mr. Daen. He told us that he is going to release Mr. Daen from prison tomorrow, February 4, 1999. However, in the morning of February 4, we learned from the wife of Atty. Barcelona when she returned my call that her husband had left for Mindanao early that morning on board a private plane owned by Chiongbian allegedly to attend a peace talk with the Muslims.

10. After more than a week, I went to Putatan, Muntinlupa, because I was informed by the son of Mr. Daen that he saw Atty. Barcelona there. When I saw him, I confronted him about his undertaking to release Mr. Daen from prison, but he only advised us not to worry and promised (again) that he will return the entire amount of ₱64,000.00 more or less, on Thursday, February 18, 1999. But I never saw him again

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since then. I have repeatedly paged him to return my call but he never returned any of my calls.[3]

In an Order dated April 15, 1999, Investigating Commissioner J. Virgilio A. Bautista of the Commission on Bar Discipline of the IBP, required respondent to submit his answer to the complaint, with a warning that he will be considered in default and the case will be heard *ex parte*, if he fails to do so.[4] Despite due notice,[5] respondent failed to file his answer. Thus, complainant filed a motion to declare respondent in default,[6] resolution of which was held in abeyance by the Investigating Commissioner who required the parties to appear for hearing before the Commission on August 13, 1999.[7] On said date, respondent again failed to appear despite due receipt of notice.[8] Commissioner Bautista was thus constrained to consider respondent in default and complainant was allowed to present her evidence *ex parte*. Complainant testified and affirmed under oath the truthfulness and veracity of her Affidavit-Complaint.[9] Complainant also manifested that she will present the check in the amount of ₱24,000.00[10] at the next date of hearing.

Further hearings were set by the Commissioner, on October 1, 1999, November 19, 1999, October 12, 2001, December 14, 2001 and June 28, 2002, but both parties failed to appear on said dates despite due notice.[11]

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[3] Exhibit "A", Affidavit-Complaint, *Rollo*, pp. 2-4.

[4] *Id.*, p. 6.

[5] Per Registry Return Receipt showing that the order was received on April 20, 1999, *Rollo*, back of p. 6.

[6] *Rollo*, pp. 7-8.

[7] Per Order dated July 9, 1999, *Rollo*, p. 10.

[8] Per Registry Return Receipt showing that the order was received on July 22, 1999, back of p. 10.

[9] *Rollo*, p. 12, Order dated August 13, 1999.

[10] *Rollo*, p. 13.

[11] *Id.*, pp. 14, 16, 18, 21 and 27; *Rollo*, see back of pp. 18-26.

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Commissioner Bautista submitted his Final Report and Recommendation on December 23, 2002 finding respondent guilty of malpractice and serious breach of the Code of Professional Responsibility and recommending that respondent be disbarred and ordered to return to complainant the amount of ₱64,000.00. The IBP Board of Governors adopted Commissioner Bautista's findings but reduced the penalty to suspension from the practice of law for six years.

The Court disagrees with the IBP Board of Governors in reducing the penalty and upholds the findings and recommendation of Commissioner Bautista. Under the facts established by complainant, respondent should not only be suspended, but disbarred from practice.

The object of a disbarment proceeding is not so much to punish the individual attorney himself, as to safeguard the administration of justice by protecting the court and the public from the misconduct of officers of the court, and to remove from the profession of law persons whose disregard for their oath of office have proved them unfit to continue discharging the trust reposed in them as members of the bar.[12]

In *In re Almacen*, the Court expounded on the nature of disbarment proceedings, *viz.*:

> . . . Disciplinary proceedings against lawyers are *sui generis*. Neither purely civil nor purely criminal, they do not involve a trial of an action or a suit, but are rather investigations by the Court into the conduct of one of its officers. Not being intended to inflict punishment, [they are] in no sense a criminal prosecution. Accordingly, there is neither a plaintiff nor a prosecutor therein. [They] may be initiated by the Court *motu proprio*. Public interest is [their] primary objective, and the real question for determination is whether or not the attorney is still a fit person to be allowed the privileges as such. Hence, in the exercise of its disciplinary powers, the Court merely calls upon a member of the Bar to account for his actuations as an officer of the Court with the end in view of preserving the purity of the legal profession

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[12] *Deles vs. Aragona, Jr.*, Adm. Case No. 598, March 28, 1969, 27 SCRA 633, 644.

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and the proper and honest administration of justice by purging the profession of members who by their misconduct have prove[n] themselves no longer worthy to be entrusted with the duties and responsibilities pertaining to the office of an attorney. . . .[13]

As in the *Ricafort* case,[14] herein respondent chose to forget that by swearing the lawyer's oath, he became a guardian of truth and the rule of law, and an indispensable instrument in the fair and impartial administration of justice — a vital function of democracy a failure of which is disastrous to society.[15] In disbarment proceedings, the burden of proof rests upon the complainant, and for the court to exercise its disciplinary powers, the case against the respondent must be established by clear, convincing and satisfactory proof.[16] Considering the serious consequence of the disbarment or suspension of a member of the Bar, this Court has consistently held that clear preponderant evidence is necessary to justify the imposition of the administrative penalty.[17]

Complainant's evidence consists solely of her Affidavit-Complaint and testimony before the Commission attesting to the truth of the allegations laid down in her affidavit. Commissioner Bautista and the IBP Board of Governors found her testimony together with her affidavit sufficient to support the finding that respondent committed the acts complained of. The matter of assigning values to the testimony of witnesses is best done by the investigating body (which in this case is the Investigating Commissioner) because unlike appellate courts, it can weigh such testimony in light of the demeanor, conduct and attitude of the witnesses at the trial.[18] Witnesses are weighed

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[13] *Gatchalian Promotions Talents Pool, Inc. vs. Atty. Naldoza*, A.C. No. 4017, September 29, 1990, 374 Phil. 1, 10.

[14] See Note 1.

[15] *Ibid.*

[16] *Concepcion vs. Fandiño, Jr.*, 334 SCRA 136, 142 (2000).

[17] *Id.*

[18] *Office of the Court Administrator vs. Sumilang*, A.M. No. MTJ-94-989, April 18, 1997, 271 SCRA 316, 325.

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not numbered, and the testimony of a single witness may suffice if trustworthy and reliable.[19]

The non-presentation of the check given to respondent does not affect complainant's case as it will merely serve to corroborate her testimony and there is no law which requires that the testimony of a single witness needs corroboration except where the law expressly mandates such corroboration[20] which is not so required in administrative cases.

The act of respondent in not filing his answer and ignoring the hearings set by the Investigating Commission, despite due notice, emphasized his contempt for legal proceedings. Thus, the Court finds no compelling reason to overturn the Investigating Commissioner's judgment.

Respondent is guilty of culpable violations of several Canons of the Code of Professional Responsibility, to wit:

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

CANON 7 — A lawyer shall at all times upholds the integrity and dignity of the legal profession, and support the activities of the integrated bar.

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.

CANON 16 — A lawyer shall hold in trust all moneys and properties of his client that may come into his possession.

Rule 16.01 — A lawyer shall account for all money or property collected or received for or from the client.

The Code exacts from lawyers not only a firm respect for law, legal processes and the courts but also mandates the utmost

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[19] *Naval vs. Panday*, A.M. No. RTJ-95-1283, December 21, 1999, 321 SCRA 290, 301; citing *People vs. Nimo*, 227 SCRA 69 (1993).

[20] *Ibid.*

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degree of fidelity and good faith in dealing with clients and the moneys entrusted to them pursuant to their fiduciary relationship. Instead of promoting respect for law and the legal processes, respondent callously demeaned the legal profession by taking money from a client under the pretext of having connections with a Member of this Court.

The Court has taken into consideration the penalties imposed in other administrative cases involving similar offenses, *e.g.*:

In *Judge Angeles vs. Atty. Uy, Jr.*,[21] the respondent was suspended from the practice of law for one month for failing to promptly report and remit the amount of ₱16,500.00 he received on behalf of his client.

In *Gonato vs. Atty. Adaza*,[22] the respondent was suspended from the practice of law for six months for charging his clients the amount of ₱15,980.00 as filing fees when in fact no such fees were due.

In *Dumadag vs. Lumaya*,[23] the Court ordered the indefinite suspension of a lawyer for not remitting to his client the amount of ₱4,344.00 that he had received pursuant to an execution.

In *Gatchalian Promotions Talents Pool, Inc., vs. Atty. Naldoza*,[24] the respondent was disbarred for obtaining from his client the amount of US$2,555.00 allegedly as cash bond in an appealed case before this Court, when in fact no such amount has been paid or that the Court required such payment.

In the present case, respondent collected money from the complainant and the nephew of the detained person in the total amount of ₱64,000.00 for the immediate release of the detainee through his alleged connection with a Justice of the Supreme Court. He deserves to be disbarred from the practice of law.

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[21] A.C. No. 5019, April 6, 2000, 386 Phil. 221.

[22] A.C. No. 4083, March 27, 2000, 328 SCRA 694.

[23] A.C. No. 2614, June 29, 2000, 334 SCRA 513.

[24] *Gatchalian* case, *supra*, Note 18.

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This is not the first time that respondent has been charged with and found guilty of conduct unbecoming a lawyer. In *Gil T. Aquino vs. Atty. Wenceslao C. Barcelona*,[25] respondent misrepresented to the complainant that he could secure the restructuring of the complainant's loan with the PNB through his connection with a certain Gonzalo Mericullo, legal assistant in the PNB. Based on such misrepresentation, respondent asked and received the amount of ₱60,000.00 from the complainant allegedly to be paid to the PNB. It turned out that there was no such employee in the PNB by the name Gonzalo Mericullo and the complainant's property was eventually foreclosed. As in the present case, respondent did not appear before the IBP Commission on Bar Discipline despite receipt of the notices sent and duly received by him. After due proceedings, the IBP Board of Governors found respondent guilty of professional misconduct, and recommended that he be suspended from the practice of law for six months and ordered to render the accounting and restitute whatever remained of the ₱60,000.00 to the complainant. The Court adopted such finding and recommendation and respondent was ordered suspended from the practice of law for six months, effective immediately.

Respondent has demonstrated a penchant for misrepresenting to clients that he has the proper connections to secure the relief they seek, and thereafter, ask for money, which will allegedly be given to such connections. In this case, respondent misrepresented to complainant that he could get the release of Mr. Porfirio Daen through his connection with a Supreme Court Justice. Not only that, respondent even had the audacity to tell complainant that the Justices of the Supreme Court do not accept checks.

In so doing, respondent placed the Court in dishonor and public contempt. In *Surigao Mineral Reservation Board vs. Cloribel*,[26] the Court expounded on a lawyer's duty to the courts, *viz.*:

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[25] A.C. No. 5668, April 19, 2002.

[26] 31 SCRA 1, 16-17 (1970).

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A lawyer is an officer of the courts; he is, "like the court itself, an instrument or agency to advance the ends of justice.' [*People ex rel. Karlin vs. Culkin*, 60 A.L.R. 851, 855]. His duty is to uphold the dignity and authority of the courts to which he owes fidelity, 'not to promote distrust in the administration of justice." [*In re Sotto*, 82 Phil. 595, 602]. Faith in the courts a lawyer should seek to preserve. For, to undermine the judicial edifice "is disastrous to the continuity of the government and to the attainment of the liberties of the people." [Malcolm *Legal and Judicial Ethics*, 1949 ed., p. 160]. Thus has it been said of a lawyer that "[a]s an officer of the court, it is his sworn and moral duty to help build and not destroy unnecessarily that high esteem and regard towards the courts so essential to the proper administration of justice."

The Judiciary has been besieged enough with accusations of corruption and malpractice. For a member of the legal profession to further stoke the embers of mistrust on the judicial system with such irresponsible representations is reprehensible and cannot be tolerated. Respondent made a mockery of the Judiciary and further eroded public confidence in courts and lawyers when he ignored the proceedings in the Aquino case and in the present case. More so, when he misrepresented to complainant that he has connections with a Member of the Court to accommodate his client and that Justices of the Court accept money. Indubitably, he does not deserve to remain a member of the Bar any minute longer.

The practice of law is a privilege burdened with conditions. Adherence to the rigid standards of mental fitness, maintenance of the highest degree of morality and faithful compliance with the rules of the legal profession are the conditions required for remaining a member of good standing of the bar and for enjoying the privilege to practice law. The Supreme Court, as guardian of the legal profession, has ultimate disciplinary power over attorneys. This authority to discipline its members is not only a right but a bounden duty as well . . . That is why respect and fidelity to the Court is demanded of its members.[27]

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[27] *Dumadag* case, *supra*, Note 23.

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WHEREFORE, for gross misconduct, respondent Wenceslao C. Barcelona is *DISBARRED* from the practice of law. His name is ordered *STRICKEN* from the Roll of Attorneys. He is further directed to return to complainant Felicitas Berbano the amount of Sixty Four Thousand Pesos (₱64,000.00) within thirty (30) days from notice of this Decision.

This Decision shall take effect immediately.

Let copies hereof be furnished the Office of the Bar Confidant, to be appended to respondent's personal record; the Integrated Bar of the Philippines; the Office of the President; the Department of Justice; the Philippines Judges Association; and all courts of the land for their information and guidance.

SO ORDERED.

Bellosillo, Puno, Panganiban, Quisumbing, Sandoval-Gutierrez, Austria-Martinez, Corona, Carpio-Morales, Callejo, Sr., Azcuna, and *Tinga, JJ., concur.*

Davide, Jr., C.J., Ynares-Santiago and *Carpio, JJ.,* on official leave.

Vitug, J., I concur except for the civil award which, in my view, should be taken apart from this administrative case.

EN BANC

[A.M. No. 02-10-614-RTC. September 3, 2003]

RE: EDITORIAL OF THE NEGROS CHRONICLE AND OTHER CHARGES OF A CONCERNED CITIZEN AGAINST JUDGE ROGELIO CARAMPATAN, REGIONAL TRIAL COURT, BRANCH 31, DUMAGUETE CITY