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of the Court of Appeals in CA-G.R. SP No. 117686 are hereby **REVERSED** and **SET ASIDE.** Accordingly, the Decision dated October 27, 2010 of the Regional Trial Court of Bayombong, Nueva Vizcaya, Branch 28 in Civil Case No. 6974 is **REINSTATED.**

SO ORDERED.

Brion[*] *(Acting Chairperson), del Castillo, Perez,* and *Mendoza,*[**] *JJ.,* concur.

FIRST DIVISION

[A.C. No. 3452. June 23, 2014]

HENRY SAMONTE, *petitioner, vs.* **ATTY. GINES ABELLANA,** *respondent.*

SYLLABUS

1. LEGAL ETHICS; ATTORNEYS; LAWYER'S OATH; IN HIS DEALINGS WITH HIS CLIENT AND WITH THE COURTS, EVERY LAWYER IS EXPECTED TO BE HONEST, IMBUED WITH INTEGRITY, AND TRUSTWORTHY AND MUST OBSERVE AND MAINTAIN THE RULE OF LAW AS WELL AS BE AN EXEMPLAR WORTHY OF EMULATION BY OTHERS.— In his dealings with his client and with the courts, every lawyer

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[*] Designated Acting Chairperson per Special Order No. 1699 dated June 13, 2014.

[**] Designated Acting Member per Special Order No. 1696 dated June 13, 2014.

is expected to be honest, imbued with integrity, and trustworthy. These expectations, though high and demanding, are the professional and ethical burdens of every member of the Philippine Bar, for they have been given full expression in the Lawyer's Oath that every lawyer of this country has taken upon admission as a *bona fide* member of the Law Profession x x x. By the Lawyer's Oath is every lawyer enjoined not only to obey the laws of the land but also to refrain from doing any falsehood in or out of court or from consenting to the doing of any in court, and to conduct himself according to the best of his knowledge and discretion with all good fidelity as well to the courts as to his clients. Every lawyer is a servant of the Law, and has to observe and maintain the rule of law as well as be an exemplar worthy of emulation by others. It is by no means a coincidence, therefore, that honesty, integrity and trustworthiness are emphatically reiterated by the *Code of Professional Responsibility* xxx. Atty. Abellana abjectly failed the expectations of honesty, integrity and trustworthiness in his dealings with Samonte as the client, and with the RTC as the trial court.

2. ID.; ID.; DISCIPLINARY PROCEEDINGS; CLEARLY PREPONDERANT EVIDENCE IS REQUIRED TO OVERCOME THE PRESUMPTION OF INNOCENCE IN FAVOR OF THE RESPONDENT-LAWYER; PREPONDERANCE OF EVIDENCE, HOW DETERMINED.— The contention of Atty. Abellana is bereft of substance. In disciplinary proceedings against lawyers, clearly preponderant evidence is required to overcome the presumption of innocence in favor of the respondent lawyers. *Preponderant evidence* means that the evidence adduced by one side is, as a whole, superior to or has greater weight than that of the other. In order to determine if the evidence of one party is greater than that of the other, Section 1, Rule 133 of the *Rules of Court* instructs that the court may consider the following, namely: (*a*) all the facts and circumstances of the case; (*b*) the witnesses' manner of testifying, their intelligence, their means and opportunity of knowing the facts to which they are testifying, the nature of the facts to which they testify, the probability or improbability of their testimony; (*c*) the witnesses' interest or want of interest, and also their personal credibility so far as the same may ultimately appear in the trial; and (*d*)

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the number of witnesses, although it does not mean that preponderance is necessarily with the greater number. The complainant's evidence preponderantly established the administrative sins of Atty. Abellana.

3. ID.; ID.; ID.; ANY RESORT TO FALSEHOOD OR DECEPTION, INCLUDING ADOPTING ARTIFICES TO COVER UP ONE'S MISDEEDS COMMITTED AGAINST CLIENTS AND THE REST OF THE TRUSTING PUBLIC, EVINCES AN UNWORTHINESS TO CONTINUE ENJOYING THE PRIVILEGE TO PRACTICE LAW AND HIGHLIGHTS THE UNFITNESS TO REMAIN A MEMBER TO THE LAW PROFESSION.— Disciplinary proceedings against lawyers are designed to ensure that whoever is granted the privilege to practice law in this country should remain faithful to the Lawyer's Oath. Only thereby can lawyers preserve their fitness to remain as members of the Law Profession. Any resort to falsehood or deception, including adopting artifices to cover up one's misdeeds committed against clients and the rest of the trusting public, evinces an unworthiness to continue enjoying the privilege to practice law and highlights the unfitness to remain a member of the Law Profession. It deserves for the guilty lawyer stern disciplinary sanctions.

4. ID.; ID.; ID.; PENALTY OF SIX MONTHS SUSPENSION FROM THE PRACTICE OF LAW IMPOSED TO A LAWYER WHO WILLFULLY RESORTS TO FALSEHOOD IN ORDER TO MISLEAD THE COURTS AND HIS CLIENTS TO BOLSTER HIS UNWORTHY DENIAL OF HIS NEGLECT IN THE HANDLING OF THE CLIENT'S CASE.— The falsehoods committed by Atty. Abellana, being aimed at misleading his client and the Court to bolster his unworthy denial of his neglect in the handling of the client's case, were unmitigated. Still, the Court must not close its eyes to the fact that Atty. Abellana actually finished presenting his client's case; and that the latter initiated the termination of Atty. Abellana's engagement as his counsel only after their relationship had been tainted with mistrust. Thus, we determine the proper sanction. x x x. In *Molina v. Magat*, the respondent had invoked double jeopardy in behalf of his client by stating that the complainant had filed a similar case of slight physical injuries in another court, but his

invocation was false because no other case had been actually filed. He was suspended from the practice of law for six months for making the false and untruthful statement in court. For Atty. Abellana, therefore, suspension from the practice of law for six months with warning of a more severe sanction upon a repetition suffices.

D E C I S I O N

BERSAMIN, *J.*:

A lawyer who willfully resorts to any falsehood in order to mislead the courts or his clients on the status of their causes exhibits his unworthiness to remain a member of the Law Profession. This is because he is always expected to be honest and forthright in his dealings with them. He thereby merits the condign sanction of suspension from the practice of law, if not disbarment.

Antecedents

On February 16, 1990, complainant Henry E. Samonte brought this administrative complaint against respondent Atty. Gines N. Abellana who had represented him as the plaintiff in Civil Case No. CEB-6970 entitled *Capt. Henry E. Samonte v. Authographics, Inc., and Nelson Yu* of the Regional Trial Court in Cebu City.[1] In the administrative complaint, Samonte enumerated the serious acts of professional misconduct by Atty. Abellana, to wit:

1. Falsification of documents, when Atty. Abellana made it appear that he had filed Civil Case No. CEB-6970 on June 10, 1988, conformably with their agreement, although the complaint was actually filed on June 14, 1988;

2. Dereliction of duty, when Atty. Abellana failed to: (*a*) file the reply *vis-à-vis* the answer with counterclaim, with his omission having delayed the pre-trial of the case; (*b*) inform

[1] *Rollo*, pp. 4-5.

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the trial court beforehand that Samonte could not be available on a scheduled hearing, thereby incurring for the plaintiff's side an unexplained absence detrimental to Samonte as the plaintiff; and (*c*) submit an exhibit required by the trial judge, only to eventually submit it three months later;

3. Gross negligence and tardiness in attending the scheduled hearings; and

4. Dishonesty for not issuing official receipts for every cash payments made by Samonte for his court appearances and his acceptance of the case.

To support his administrative complaint, Samonte attached the following annexes, namely:

1. Comparative photocopies of the cover page of the complaint on file in the RTC and of the cover page of the complaint Atty. Abellana furnished him;[2]

2. A photocopy of the order issued on January 16, 1989, and a photocopy of the order issued on January 19, 1990 in which the RTC observed that "[t]he formal offer of plaintiff's exhibits is rather very late;"[3] and

3. The motion to change counsel, in which Samonte stated that Atty. Abellana had failed to promptly attend court hearings and to do other legal services required of him as the counsel. In the lower left portion of the motion, Atty. Abellana noted the motion subject to the reservation that his attorneys fees should still be paid.[4]

On March 12, 1990, the Court required Atty. Abellana to comment on the administrative complaint.

In his comment dated April 6, 1990,[5] Atty. Abellana denied the charge of falsification of documents, clarifying that the actual

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[2] *Id*. at 6.

[3] *Id*. at 7-8.

[4] *Id*. at 9.

[5] *Id*. at 11-16.

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filing of the complaint could be made only on June 14, 1988 instead of on June 10, 1988 because Samonte had not given enough money to cover the filing fees and other charges totaling ₱5,027.76; and that Samonte shelled out only ₱5,000.00, contrary to their agreement in April 1988 on paying to him ₱10,000.00 as the acceptance fee in addition to the filing fees. He asserted that the charge of dereliction of duty was baseless, because he had filed the reply on December 2, 1988 after receiving the answer with counterclaim of the defendants on August 2, 1988, attaching as proof the copies of the reply (Annex 8 and Annex 9 of his comment);[6] and that it was the RTC, not him, who had scheduled the pre-trial on January 16, 1989.[7] Anent his non-attendance at the hearings in Civil Case No. CEB-6970, he explained that although he had informed the RTC of his having been either stranded in another province, or having attended the arraignment of another client in another court, the presiding judge had opted not to await his arrival in the courtroom. He blamed Samonte for his inability to submit the formal offer of exhibits on time, pointing out that Samonte had failed to give the duplicate originals of the documentary exhibits despite his request because of the latter's absence from the country. He countered that it was Samonte who had been dishonest, because Samonte had given only the filing fees plus at least ₱2,000.00 in contravention of their agreement on the amount of ₱10,000.00 being his acceptance fees in addition to the filing fees; that the filing fees paid were covered by receipts issued by the Clerk of Court; that no receipts were issued for the ₱200.00/appearance fee conformably with the practice of most lawyers; and that Samonte had not also demanded any receipts.

Atty. Abellana branded as unethical Samonte's submission of a motion to change counsel,[8] stating that the latter did not thereby exhibit the courtesy of informing him beforehand on the intention of not meeting his obligation to him as the counsel; that Samonte had been forced to issue to him a check after the

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[6] *Id*. at 29-32.

[7] *Id*. at 33 (Annex 10).

[8] *Id*. at 35 (Annex 12).

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Branch Clerk of Court had told him that his motion to change counsel would not be acted upon unless it carried Atty. Abellana's conformity as the counsel; and that he had duly acknowledged the check.[9]

On May 23, 1990, the Court received Samonte's letter dated May 8, 1990[10] embodying additional charges of falsification of documents, dereliction of duty and dishonesty based on the reply and the annexes Atty. Abellana had filed. Samonte noted in the letter that the reply attached to the comment of Atty. Abellana was not authentic based on the categorical statement of the Branch Clerk of Court of Branch 5 of the RTC in Cebu City to the effect that no such reply had been filed in behalf of Samonte; and that the rubber stamp affixed on the reply supposedly filed by Atty. Abellana in Samonte's behalf was not also the official rubber stamp of Branch 5.[11] Samonte denied being the cause of delay in the submission of the formal offer of exhibits, and reminded that the documentary exhibits concerned had been shown to the trial court during his testimony, with the opposing party not even objecting to their authenticity.

Samonte declared that his agreement with Atty. Abellana on the fees for all his legal services stipulated the equivalent of 20% of the awarded damages; that the amount demanded was ₱1.12 Million;[12] that he paid Atty. Abellana a total of ₱7,027.00 for filing expenses, plus ₱5,000.00 that he gave as a token payment for Atty. Abellana's services after discovering the latter's inefficiency and fraudulent practices.

On May 30, 1990[13] and July 30, 1990,[14] the Court referred the administrative complaint to the Integrated Bar of the Philippines (IBP) for investigation.

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[9] *Id*. at 36 (Annex 13 and Annex 13-A).

[10] *Id*. at 44-47.

[11] *Id*. at 52.

[12] *Id*. at 53.

[13] *Id*. at 38.

[14] *Id*. at 57.

Proceedings in the IBP

On November 3, 1994, the IBP notified the parties to appear and present their evidence at 10:00 am on November 18, 1994.[15] However, the parties sought postponements.[16] The hearing was reset several times more for various reasons, namely: on December 9, 1994 due to the IBP Commissioner being out of town, but telegrams were sent to the parties on December 6, 1994;[17] on April 12, 2002, with the hearing being cancelled;[18] and on March 7, 2003, with the hearing being cancelled until further notice.[19]

On February 7, 2005, the IBP received a motion to quash dated January 7, 2005 from Atty. Abellana,[20] seeking the dismissal of the administrative complaint because of the lack of interest on the part of Samonte. Atty. Abellana observed therein that Samonte had always sought the postponement of the hearings.

Reacting to the motion to quash, Samonte requested an early hearing by motion filed on February 9, 2005,[21] declaring his interest in pursuing the administrative complaint against Atty. Abellana.

On March 22, 2005,[22] IBP Commissioner Victoria Gonzalez-De Los Reyes set the mandatory conference on June 22, 2005. In that conference, only Samonte appeared;[23] hence, the IBP just required the parties to submit their verified position papers within 30 days from notice. Nonetheless, the IBP scheduled the clarificatory hearing on August 18, 2005.[24]

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[15] *Id*. at 63.

[16] *Id*. at 64 and 66-67.

[17] *Id*. at 70.

[18] *Id*. at 75-76.

[19] *Id*. at 77-78.

[20] *Id*. at 79-81.

[21] *Id*. at 86-87.

[22] *Id*. at 91.

[23] *Id*. at 92.

[24] *Id*. at 93.

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Samonte submitted his position paper on August 2, 2005.[25] On August 9, 2005, Atty. Abellana requested an extension of his period to submit his own position paper allegedly to allow him to secure relevant documents from the trial court.[26]

On August 18, 2005, the parties appeared for the clarificatory hearing. The case was thereafter deemed submitted for resolution.

On August 29, 2005, Samonte presented a verified amended position paper, reiterating his allegations against Atty. Abellana.[27]

Also on August 29, 2005, Atty. Abellana submitted his verified position paper dated August 17, 2005,[28] in which he represented that although he had been at times late for the hearings he had nonetheless efficiently discharged his duties as the counsel for Samonte; that he had not caused any delay in the case; that it was Samonte who had been unavailable at times because of his work as an airline pilot; that the complainant had discharged him as his counsel in order to avoid paying his obligation to him; and that the complainant filed this disbarment case after he lost his own civil case in the RTC. He attached all the pleadings he had filed on behalf of the complainant, except the above-stated replies.

On May 1, 2008,[29] the IBP Commission on Bar Discipline found Atty. Abellana negligent in handling certain aspects of his client's case, like not filing a reply to the defendants' answer with counterclaims in order to deny the new matters raised in the answer; resorting to falsehood to make it appear that he had filed the reply; and being considerably late in submitting the formal offer of exhibits for Samonte, as noted even by the trial judge in the order dated January 19, 1990. It observed that although the negligence of Atty. Abellana did not necessarily

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[25] *Id.* at 94.

[26] *Id.* at 101.

[27] *Id.* at 104-105.

[28] *Id.* at 107-113.

[29] *Id.* at 226-238 (penned by Commissioner Rico A. Limpingco).

prejudice his client's case, his lack of honesty and trustworthiness as an attorney, and his resort to falsehood and deceitful practices were a different matter;[30] noted that he had twice resorted to falsehood, the first being when he tried to make it appear that the complaint had been filed on June 10, 1988 despite the court records showing that the complaint had been actually filed only on June 14, 1988; and the second being when he had attempted to deceive his client about his having filed the reply by producing a document bearing a rubber stamp marking distinctively different from that of the trial court's; that he did not dispute the pieces of material evidence adduced against him; that he had explained that the reason for his delay in the filing of the complaint had been the complainant's failure to pay the agreed fees on time; and that he had only stated that he had filed a reply, without presenting proof of his having actually filed such in court.

The IBP Commission on Bar Discipline recommended the disbarment of Atty. Abellana, observing as follows:

> x x x Apart from his negligent handling of portions of the civil case, **said respondent has shown a facility for utilizing false and deceitful practices as a means to cover-up his delay and lack of diligence in pursuing the case of his client**. Taken together as a whole, the respondent's acts are nothing short of deplorable.
>
> WHEREFORE, premises considered, it is respectfully recommended that **respondent Atty. Gines Abellana be disbarred from the practice of law for resorting to false and/or deceitful practices, and for failure to exercise honesty and trusthworthiness as befits a member of the bar.** (Bold emphasis supplied)

On June 5, 2008, the IBP Board of Governors, albeit adopting the findings of the IBP Investigating Commissioner, suspended Atty. Abellana from the practice of law for one year, to wit:

> RESOLVED to ADOPT and APPROVE, as it is hereby unanimously ADOPTED and APPROVED, with modification, the Report and Recommendation of the Investigating Commissioner of the above-entitled case, herein made part of this Resolution as Annex

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[30] *Id*. at 226-238.

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"A", and, finding the recommendation fully supported by the evidence on record and the applicable laws and rules, and for resorting to falsehood and/or deceitful practices, and for failure to exercise honesty and trustworthiness as befits member of the Bar, Atty. Gines N. Abellana is hereby **SUSPENDED from the practice of law for one (1) year.**[31] (Bold emphasis supplied)

On September 25, 2008, Atty. Abellana moved for reconsideration based on the following grounds:[32]

A. That the imposition of sanction for the suspension of the undersigned from the practice of law for one (1) year is too stiff in relation to the alleged unethical conduct committed by the respondent;

B. That the findings of the investigating commissioner is not fully supported with evidence;

C. That the complaint of the complainant is not corroborated by testimonial evidence so that it is hearsay and self-serving.

In support of his motion, Atty. Abellana rehashed most of his previous arguments, and stated that the "enumerations of failures are belied by the existence of Reply to counterclaims, which were attached as Annexes "8" and "9" of the Position Paper of respondent."[33] It is noted, however, that Annex 8 and Annex 9 of Atty. Abellana's position paper were different documents, namely: Annex 8[34] (*Manifestation and Opposition to Plaintiff's Motion to Change Counsel*); and Annex 9[35] (*Manifestation*). Nonetheless, he argued that both documents were already part of the records of the case, and that anyway Atty. Geronimo V. Nazareth, the Branch Clerk of Court, did not execute any affidavit or certification to the effect that both documents were inexistent. He reminded that Samonte had only said that both documents "seemed to be falsified documents"

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[31] *Id*. at 225.

[32] *Id*. at 153-160.

[33] *Id*. at 154.

[34] *Id*. at 129-130.

[35] *Id*. at 131.

based on the certification of Atty. Nazareth on the official rubber stamp of the court.

The IBP required Samonte to comment on Atty. Abellana's motion for reconsideration.[36]

In his comment dated October 21, 2008,[37] Samonte reiterated his allegations against Atty. Abellana; insisted that Atty. Abellana did not refute the charges against him; and noted that the reply that Atty. Abellana had supposedly filed in the case was not even annexed either to his position paper and motion for reconsideration.

On December 16, 2008, Atty. Abellana filed a motion requesting to be allowed to submit certified true copies of his exhibits, *i.e.*, the pleadings he had submitted in the RTC.[38]

On April 2, 2009, Samonte filed a motion for early resolution.[39]

On September 15, 2009, Atty. Abellana filed a supplemental motion for reconsideration.[40]

On June 22, 2013, the IBP Board of Governors denied the motion for reconsideration of Atty. Abellana.[41]

Ruling

We adopt and approve the findings of the IBP Board of Governors by virtue of their being substantiated by the records.

In his dealings with his client and with the courts, every lawyer is expected to be honest, imbued with integrity, and trustworthy. These expectations, though high and demanding, are the professional and ethical burdens of every member of the Philippine

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[36] *Id*. at 162.

[37] *Id*. at 163-165.

[38] *Id*. at 183.

[39] *Id*. at 189.

[40] *Id*. at 192-196.

[41] *Id*. at 223.

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Bar, for they have been given full expression in the Lawyer's Oath that every lawyer of this country has taken upon admission as a *bona fide* member of the Law Profession, thus:

> I, _____, do solemnly swear that I will maintain allegiance to the Republic of the Philippines; I will support its Constitution and obey the laws as well as the legal orders of the duly constituted authorities therein**; I will do no falsehood, nor consent to the doing of any in court**; I will not wittingly or willingly promote or sue any groundless, false or unlawful suit, nor give aid nor consent to the same. **I will delay no man for money or malice, and will conduct myself as a lawyer according to the best of my knowledge and discretion with all good fidelity as well to the courts as to my clients;** and I impose upon myself this voluntary obligation without any mental reservation or purpose of evasion. So help me God. (Emphasis supplied)

By the Lawyer's Oath is every lawyer enjoined not only to obey the laws of the land but also to refrain from doing any falsehood in or out of court or from consenting to the doing of any in court, and to conduct himself according to the best of his knowledge and discretion with all good fidelity as well to the courts as to his clients. Every lawyer is a servant of the Law, and has to observe and maintain the rule of law as well as be an exemplar worthy of emulation by others.[42] It is by no means a coincidence, therefore, that honesty, integrity and trustworthiness are emphatically reiterated by the *Code of Professional Responsibility*, to wit:

> 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.
>
> Rule 11.02 - A lawyer shall punctually appear at court hearings.
>
> Rule 18.04 - A lawyer shall keep the client informed of the status of his case and shall respond within a reasonable time to client's request for information.

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[42] *De Leon v. Castelo*, A.C. No. 8620, January 12, 2011, 639 SCRA 237, 243-244.

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Atty. Abellana abjectly failed the expectations of honesty, integrity and trustworthiness in his dealings with Samonte as the client, and with the RTC as the trial court. He resorted to outright falsification by superimposing "0" on "4" in order to mislead Samonte into believing that he had already filed the complaint in court on June 10, 1988 as promised, instead of on June 14, 1988, the date when he had actually done so. His explanation that Samonte was himself the cause of the belated filing on account of his inability to remit the correct amount of filing fees and his acceptance fees by June 10, 1988, as agreed upon, did not excuse the falsification, because his falsification was not rendered less dishonest and less corrupt by whatever reasons for filing at the later date. He ought to remember that honesty and integrity were of far greater value for him as a member of the Law Profession than his transactions with his client.

Atty. Abellana's perfidy towards Samonte did not stop there. He continued misleading Samonte in explaining his mishandling of the latter's civil case. Worse, he also foisted his dishonesty on the Court no less. To counter Samonte's accusation about his not filing the reply in the civil case, he knowingly submitted two documents as annexes of his comment during the investigation by the IBP, and represented said documents to have been part of the records of the case in the RTC. His intention in doing so was to enhance his defense against the administrative charge. But the two documents turned out to be forged and spurious, and his forgery came to be exposed because the rubber stamp marks the documents bore were not the official marks of the RTC's, as borne out by the specimens of the official rubber stamp of Branch 5 of the RTC duly certified by Atty. Geronimo V. Nazareth, the Branch Clerk of Court.[43] He defended his dishonesty by lamely claiming that "court personnel were authorized to accept filing of pleadings even without the usual rubber stamp."[44] In these acts, he manifested his great disrespect towards both the Court and his client.

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[43] *Supra* note 11.

[44] *Rollo,* p. 158.

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The finding on Atty. Abellana's neglect in the handling of Samonte's case was entirely warranted. He admitted being tardy in attending the hearings of the civil case. He filed the formal offer of evidence in behalf of his client way beyond the period to do so, a fact that he could not deny because the RTC Judge had himself expressly noted the belated filing in the order issued in the case. Atty. Abellana was fortunate that the RTC Judge exhibited some tolerance and liberality by still admitting the belated offer of evidence in the interest of justice.

In the motion for reconsideration that he filed in the IBP Board of Governors, Atty. Abellana challenged the sufficiency of the proof presented against him by Samonte, contending that such proof had consisted of merely hearsay and self-serving evidence.

The contention of Atty. Abellana is bereft of substance. In disciplinary proceedings against lawyers, clearly preponderant evidence is required to overcome the presumption of innocence in favor of the respondent lawyers. *Preponderant evidence* means that the evidence adduced by one side is, as a whole, superior to or has greater weight than that of the other.[45] In order to determine if the evidence of one party is greater than that of the other, Section 1, Rule 133 of the *Rules of Court* instructs that the court may consider the following, namely: (*a*) all the facts and circumstances of the case; (*b*) the witnesses' manner of testifying, their intelligence, their means and opportunity of knowing the facts to which they are testifying, the nature of the facts to which they testify, the probability or improbability of their testimony; (*c*) the witnesses' interest or want of interest, and also their personal credibility so far as the same may ultimately appear in the trial; and (*d*) the number of witnesses, although it does not mean that preponderance is necessarily with the greater number.

The complainant's evidence preponderantly established the administrative sins of Atty. Abellana. To start with, Atty. Abellana

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[45] *Aba v. De Guzman, Jr.*, A.C. No. 7649, December 14, 2011, 662 SCRA 361, 372.

admitted superimposing the "0" on "4" but justified himself by claiming that he had done so only because the complainant had not given to him the correct amount of filing fees required. Secondly, Atty. Abellana filed a spurious document by making it appear as one actually filed in court by using a fake rubber stamp. His misdeed was exposed because the rubber stamp imprint on his document was different from that of the official rubber stamp of the trial court. He defended himself by stating that court personnel accepted papers filed in the court without necessarily using the official rubber stamp of the court. He well knew, of course, that such statement did not fully justify his misdeed. Thirdly, Atty. Abellana did not present any proof of his alleged filings, like certified copies of the papers supposedly filed in court. His omission to prove his allegation on the filings conceded that he did not really file them. And, lastly, Atty. Abellana misrepresented the papers he had supposedly filed by stating that he was attaching them as Annex 8 and Annex 9 of his comment, but Annex 8 and Annex 9 turned out to be papers different from those he represented them to be.

Disciplinary proceedings against lawyers are designed to ensure that whoever is granted the privilege to practice law in this country should remain faithful to the Lawyer's Oath. Only thereby can lawyers preserve their fitness to remain as members of the Law Profession. Any resort to falsehood or deception, including adopting artifices to cover up one's misdeeds committed against clients and the rest of the trusting public, evinces an unworthiness to continue enjoying the privilege to practice law and highlights the unfitness to remain a member of the Law Profession. It deserves for the guilty lawyer stern disciplinary sanctions.

The falsehoods committed by Atty. Abellana, being aimed at misleading his client and the Court to bolster his unworthy denial of his neglect in the handling of the client's case, were unmitigated. Still, the Court must not close its eyes to the fact that Atty. Abellana actually finished presenting his client's case; and that the latter initiated the termination of Atty. Abellana's engagement as his counsel only after their relationship had been tainted with mistrust. Thus, we determine the proper sanction.

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In *Maligaya v. Doronilla, Jr.*,[46] the respondent lawyer was suspended for two months from the practice of law for representing in court that the complainant had agreed to withdraw the lawsuit when in truth the complainant had made no such agreement. The respondent admitted the falsity of his representation, but gave as an excuse his intention to amicably settle the case. In *Molina v. Magat*,[47] the respondent had invoked double jeopardy in behalf of his client by stating that the complainant had filed a similar case of slight physical injuries in another court, but his invocation was false because no other case had been actually filed. He was suspended from the practice of law for six months for making the false and untruthful statement in court. For Atty. Abellana, therefore, suspension from the practice of law for six months with warning of a more severe sanction upon a repetition suffices.

ACCORDINGLY, the Court **AFFIRMS** the Resolution dated June 22, 2013 of the Integrated Bar of the Philippines Board of Governors subject to the **MODIFICATION** that Atty. Gines N. Abellana is **SUSPENDED FOR SIX (6) MONTHS FROM THE PRACTICE OF LAW** effective upon receipt of this decision, with the stern warning that any repetition by him of the same or similar acts will be punished more severely.

Let a copy of this decision be entered in the personal records of Atty. Gines N. Abellana as a member of the Philippine Bar, and copies furnished to the Office of the Bar Confidant, the Integrated Bar of the Philippines, and the Office of the Court Administrator for proper dissemination to all courts in the country.

SO ORDERED.

Sereno, C.J. (Chairperson), Leonardo-de Castro, Villarama, Jr., and *Reyes, JJ.,* concur.

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[46] A.C. 6198, September 15, 2006, 502 SCRA 1, 8-10.

[47] A.C. 1900, June 13, 2012, 672 SCRA 1, 6-7.