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REPORT OF CASES

DETERMINED IN THE

SUPREME COURT OF THE PHILIPPINES

EN BANC

[A.C. No. 11641. March 12, 2019]

MARILU C. TURLA, *complainant, vs.* **ATTY. JOSE M. CARINGAL,** *respondent.*

SYLLABUS

1. **LEGAL ETHICS; ATTORNEYS; BAR MATTER NO. 850 (RULES ON MANDATORY CONTINUING LEGAL EDUCATION FOR MEMBERS OF THE INTEGRATED BAR OF THE PHILIPPINES); MANDATORY CONTINUING LEGAL EDUCATION; MUST BE COMPLIED WITH TO KEEP MEMBERS' CAREER, ABREAST WITH LAW AND JURISPRUDENCE, TO MAINTAIN THE ETHICS OF THE PROFESSION AND TO ENHANCE THE STANDARDS OF THE PRACTICE OF LAW.—** The directive to comply with the MCLE requirements is essential for the legal profession, as enshrined in BM No. 850. The purpose is "to ensure that throughout [the IBP members'] career, they keep abreast with law and jurisprudence, maintain the ethics of the profession and enhance the standards of the practice of law."

2. **ID.; ID.; ID.; ID.; CONSEQUENCES OF FAILURE TO COMPLY THEREWITH WITHIN THE COMPLIANCE PERIOD; CASE AT BAR.—** It is clear from [Section 12 (c) to (e) of the MCLE Implementing Rules], x x x that a non-compliant lawyer must pay a non-compliance fee of PhP 1,000.00 **and** still comply with the MCLE requirements within a sixty

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(60)-day period, otherwise, he/she will be listed as a delinquent IBP member after investigation by the IBP-CBD and recommendation by the MCLE Committee. The non-compliance fee is a mere penalty imposed on the lawyer who fails to comply with the MCLE requirements within the compliance period and is in no way a grant of exemption from compliance to the lawyer who thus paid. It is worthy to note that Atty. Caringal could not be declared a delinquent member as the sixty (60)-day period for compliance did not commence to run. There was no showing that he was ever issued and that he had actually received a Non-Compliance Notice as required by the MCLE Implementing Rules. In addition, by March 11, 2011, he had already complied with the MCLE requirements for MCLE II and III compliance periods, albeit belatedly.

3. ID.; ID.; CODE OF PROFESSIONAL RESPONSIBILITY; RULE 1.01, CANON 1, RULE 10.01, CANON 10, CANON 17 AND CANON 18 THEREOF, VIOLATED WHEN A LAWYER INDICATED THAT HE WAS MCLE-EXEMPT IN THE PLEADINGS AND MOTIONS HE FILED, ALTHOUGH IN FACT HE WAS NOT.— Atty. Caringal is being held liable for knowingly and willfully misrepresenting in the pleadings he had signed and submitted to the courts that he was exempted from MCLE II and III. BM No. 1922, issued on June 3, 2008, required the practicing members of the IBP to indicate in all pleadings filed before the courts or quasi-judicial bodies, the number and date of issue of their MCLE Certificate of Compliance or Certificate of Exemption, as may be applicable, for the immediately preceding compliance period. It also explicitly stated that "[f]ailure to disclose the required information would cause the dismissal of the case and the expunction of the pleadings from the records." In a Resolution dated January 14, 2014, in BM No. 1922, the Court amended the rules for non-disclosure of current MCLE compliance/ exemption number in the pleadings. x x x Prior to its amendment on January 14, 2014, BM No. 1922 imposed a stiff penalty for a practicing lawyer's failure to indicate the details of his/her MCLE Compliance/Exemption in the pleadings filed before the courts or quasi-judicial bodies, *i.e.*, the dismissal of the case and expunction of the pleadings from the records, which, in effect, ultimately penalized said lawyer's clients, too. Atty. Caringal, in this case, not only failed to indicate the necessary MCLE details in his pleadings and motions, but purposely stated

therein the false information that he was exempted from MCLE II and III. As he had filed the subject pleadings in 2010, prior to the amendment of BM No. 1922 on January 14, 2014, he risked the dismissal of the cases and expunction of the pleadings and motions by the courts, to his clients' detriment. In fact, as Turla mentioned, the pleadings which Atty. Caringal filed before the RTC of Makati City, Branch 59, in Civil Case No. 09-269, were indeed expunged from the records per the Order dated March 4, 2013 because of the false MCLE information he indicated therein. Considering the foregoing, Atty. Caringal violated his sworn oath as a lawyer to "do no falsehood" as well as the following provisions of 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. 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. CANON 17 — A LAWYER OWES FIDELITY TO THE CAUSE OF HIS CLIENT AND HE SHALL BE MINDFUL OF THE TRUST AND CONFIDENCE REPOSED IN HIM. CANON 18 — A LAWYER SHALL SERVE HIS CLIENT WITH COMPETENCE AND DILIGENCE. When Atty. Caringal indicated that he was MCLE-exempt in the pleadings and motions he filed, although in fact he was not, he engaged in dishonest conduct which was also disrespectful of the courts. He undoubtedly placed his clients at risk, given that pleadings with such false information produce no legal effect and can result in the expunction of the same. Undeniably, he did not stay true to the cause of his clients and actually violated his duty to serve his clients with competence and diligence.

APPEARANCES OF COUNSEL

Joel Enrico N. Santos for complainant.

The Law Firm of Antonio B. Manzano & Associates for respondents.

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D E C I S I O N

HERNANDO, *J.*:

This administrative case arose from a verified Complaint[1] dated October 8, 2010 filed by Marilu C. Turla (Turla) against the respondent, Atty. Jose Mangaser Caringal (Caringal), before the Commission on Bar Discipline (CBD) of the Integrated Bar of the Philippines (IBP). Turla is the petitioner in Special Proceedings No. Q09-64479 before the Regional Trial Court (RTC) of Quezon City, Branch 222, wherein Atty. Caringal is the counsel for the oppositor.

In July 2010, Turla discovered that Atty. Caringal[2] had not attended the required Mandatory Continuing Legal Education (MCLE) seminars for the Second (MCLE II) and Third (MCLE III) Compliance Periods, which were from April 15, 2004 to April 14, 2007 and April 25, 2007 to April 14, 2010 respectively. Turla confirmed such information when she received a Certification[3] dated August 2, 2010 issued by the MCLE Office. Yet, Atty. Caringal signed the pleadings and motions in several cases on which he indicated the following information after his signature and other personal details: "MCLE Exemption II & III Rec. No. 000659126 Pasig 8.10.10."[4] These pleadings and motions are particularly identified, *viz.*:

A. In Special Proceedings No. Q09-64479 (RTC Quezon City, Branch 222)

1) Motion to Remove Marilu Turla as Special Administratrix dated 2 September 2010;
2) Urgent *Ex Parte* Motion to Re-Schedule the Collection of Biological Sample dated 12 September 2010;

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[1] *Rollo*, pp. 2-6.

[2] Roll Number 25207 of IBP Pasay-Parañaque-Las Piñas-Muntinlupa Chapter.

[3] *Rollo*, p. 7.

[4] *Id.* at 191.

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3) Motion to Issue Order Authorizing the National Bureau of Investigation to Examine the Birth Certificate of Petitioner dated 11 October 2010;

B. In Civil Case No. Q09-64850 (RTC Quezon City, Branch 221)

1) Comment On/Opposition to Motion to Expunge Pleadings dated 15 August 2010;

C. In Civil Case No. 09-269 (RTC Makati, Branch 59)

1) Motion for Reconsideration of Order dated 16 July 2010 dated 10 August 2010;[5]
2) Motion for Indefinite Suspension of Proceedings dated 17 July 2010;
3) Comment On/Opposition to Motion to Expunge Pleadings dated 15 August 2010;

D. In CA-G.R. SP. No. 115847 (Court of Appeals)

1) Compliance dated 24 September 2010.
2) Comment On/Opposition to Petition for *Certiorari* dated 26 September 2010;

E. In CA-G.R. SP. No. 117943 (Court of Appeals)

1) Petition for *Certiorari* dated 15 December 2010; and

F. In the Present Case

1) Answer to Complaint dated 13 November 2010.[6]

As it turned out, the receipt Atty. Caringal pertained to was not for his MCLE exemption, but for his payment of the MCLE non-compliance fee.[7]

Consequently, in her Complaint, Turla charged Atty. Caringal with (1) failure to take the MCLE seminars for the MCLE II and III compliance periods as required under Bar Matter (BM) No. 850; and (2) violation of his lawyer's oath not to do any

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[5] Typographical error in the Report and Recommendation of the Investigating Commissioner of the Commission on Bar Discipline.

[6] *Rollo*, p. 192.

[7] *Id.* at 4.

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falsehood.[8] She further alleged that even if Atty. Caringal was already confronted with his deception, he continued to flaunt such duplicity since he still filed pleadings with the courts afterwards.

Turla contended that under Section 2, Rule 13[9] of BM No. 850, Atty. Caringal's non-compliance resulted in his being listed as a delinquent member. She likewise argued that Atty. Caringal violated Rule 139-A[10] of the Rules of Court.

Although Turla admitted that Atty. Caringal had already complied with the MCLE requirement as of March 10, 2011, she asserted that he had already committed a gross infraction, and hence should be sanctioned accordingly. All the same, Turla averred that she did not file the instant complaint in order to harass Atty. Caringal since Special Proceedings No. Q09-64479 had nothing to do with the latter's violation of the MCLE requirement.

Atty. Caringal, in his Answer,[11] countered that Turla's Complaint was a form of harassment since as the counsel for the oppositor in Special Proceedings No. Q09-64479, he had filed motions in the said case for Turla to undergo DNA testing to prove her filiation with the deceased over whose estate she was claiming rights.

In any case, Atty. Caringal averred that he had taken several units for the First (MCLE I) Compliance Period, which was

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[8] *Id.* at 2.

[9] SEC. 2. *Listing as delinquent member.* — A member who fails to comply with the requirements after the sixty (60) day period for compliance has expired, shall be listed as a delinquent member of the IBP upon the recommendation of the MCLE Committee. The investigation of a member for non-compliance shall be conducted by the IBP's Commission on Bar Discipline as a fact-finding arm of the MCLE Committee.

[10] **Section 10.** *Effect of non-payment of dues.* — Subject to the provisions of Section 12 of this Rule, default in the payment of annual dues for six months shall warrant suspension of membership in the Integrated Bar, and default in such payment for one year shall be a ground for the removal of the name of the delinquent member from the Roll of Attorneys.

[11] *Rollo*, pp. 22-26.

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from April 15, 2001 to April 14, 2004, but was unable to complete the required units. During the months of March and April 2008, he supposedly completed the required units for MCLE II at the Halls of the Philippine Senate in Pasay City. However, the MCLE supervising officer erroneously applied the said units to his MCLE I instead. Thereafter, on January 7, 2009, he paid an "exemption fee"[12] of PhP1,000.00[13] for his uncompleted MCLE I. Afterwards, on January 19, 2009, a Certificate of Compliance[14] was issued to Atty. Caringal for his completion of MCLE I.

Upon verification,[15] Atty. Caringal was informed that he still had some units left before the completion of his MCLE II. On August 10, 2010, Atty. Caringal paid the non-compliance fees for his MCLE II and III in the total amount of PhP2,000.00.[16]

In his Report,[17] the Investigating Commissioner[18] of the CBD held that Turla's motives are unimportant to a disbarment case since the issue is mainly to determine the fitness of a lawyer to continue acting as an officer of the court. He found that there was no question that Atty. Caringal failed to complete the MCLE requirements for the MCLE II and III compliance periods, but noted that Atty. Caringal paid the non-compliance fee of PhP2,000.00, evidenced by Official Receipt No. 0659126, pursuant to Rule 13, Section 1 of BM No. 850, which then served as his penalty for said infraction.

The Investigating Commissioner added that according to Rule 13, Section 2 of BM No. 850 (on listing as a delinquent member), the sixty (60)-day period for compliance only begins to run once notice of non-compliance is sent. Yet, Turla did not allege

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[12] This is actually a non-compliance fee.

[13] *Rollo*, p. 16.

[14] *Id.* at 17; MCLE Compliance No. 1-0016256.

[15] *Id.* at 18.

[16] *Id.* at 19.

[17] *Id.* at 190-201.

[18] Investigating Commissioner Leland R. Villadolid, Jr.

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the date of receipt by Atty. Caringal of such notice, nor did she present any certification from the MCLE Office attesting to Atty. Caringal's non-compliance even after due notice. In any case, he noted that Atty. Caringal had already complied with the MCLE requirements as of March 11, 2011, thereby making the issue of his supposed status as a delinquent member moot.

As to Turla's contention that Atty. Caringal should still be penalized because he had already committed the infraction, the Investigating Commissioner stated that "[c]omplainant only proved that Respondent failed to comply with the MCLE requirements within the Second and Third Compliance Periods. Respondent was already penalized for the same pursuant to B.M. 850, Rule 13, Section 1."[19]

Still, the Investigating Commissioner held that Atty. Caringal breached his oath to do no falsehood by stating that he was exempted from complying with the MCLE requirements when what he really paid for was the non-compliance fee and not any exemption fee. The Investigating Commissioner reasoned that:

> Respondent should have known that he could not merely pay to be exempted from the MCLE Requirement. *First*, as a lawyer he is obligated to keep abreast of legal developments. *Second*, Respondent's experience in the completion of MCLE for the First Compliance should have put him on notice that he had to complete thirty-six (36) hours per compliance period. Respondent narrated that after attending an MCLE course for the Second Compliance Period, the officer-in-charge applied the subjects to his uncompleted units [for] the First Compliance Period. *Last*, Complainant had raised the matter of MCLE in several pleadings. This should have forced Respondent to check the MCLE Requirements as provided in B.M. No. 850.[20]

The Investigating Commissioner likewise noted that Atty. Caringal's failure to report his MCLE information placed the pleadings he signed on behalf of his clients at risk of expunction. Notwithstanding this, Atty. Caringal's liability is mitigated since

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[19] *Rollo*, p. 198.

[20] *Id.* at 200.

he belatedly complied with the MCLE requirements. Even so, whether or not Atty. Caringal intended to mislead the court, he still had a duty to faithfully report his MCLE status but he failed to do so.

Ultimately, the Investigating Commissioner made the following findings and recommendations:

1. Respondent failed to comply with the MCLE Requirements in a timely manner;
2. Respondent falsely asserted he had an exemption from the MCLE requirement; and
3. Respondent be reprimanded with a stern warning that repetition of same or similar acts or conduct shall be dealt with more severely.[21]

In a Resolution[22] dated April 18, 2015, the IBP Board of Governors resolved to adopt and approve the foregoing Report and Recommendation of the Investigating Commissioner with modification that Atty. Caringal be suspended from the practice of law for three years due to his failure to comply with the MCLE requirements and because of his misrepresentation that he had an MCLE exemption.

Atty. Caringal asked for a reconsideration but was denied in a Resolution[23] dated August 26, 2016.

Discontented, Atty. Caringal filed a Petition for Review by *Certiorari*[24] before the Court.

In its Resolution[25] dated August 1, 2017, the Court referred the case to the Office of the Bar Confidant (OBC) for evaluation, report, and recommendation.

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[21] *Id.* at 201.

[22] *Id.* at 189; CBD Case No. 10-2772.

[23] *Id.* at 236-237.

[24] *Id.* at 282-298A.

[25] *Id.* at 313.

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The OBC, in its Report and Recommendation[26] dated October 29, 2018, determined that Atty. Caringal's Petition for Review was a mere rehash of the matters already passed upon by the Investigating Commissioner in his Report. It highlighted that Atty. Caringal wrongfully stated that he was exempt from complying with the MCLE requirements in 11 different pleadings. The significant number of pleadings which he signed indicating such wrong details completely negated any defense of good faith since it demonstrated negligence in the performance of his duties towards his client and the courts. Hence, the OBC agreed with the recommendation of the IBP Board of Governors to impose a three-year suspension on Atty. Caringal from the practice of law.

Atty. Caringal's Petition for Review is without merit.

The directive to comply with the MCLE requirements is essential for the legal profession, as enshrined in BM No. 850. The purpose is "to ensure that throughout [the IBP members'] career, they keep abreast with law and jurisprudence, maintain the ethics of the profession and enhance the standards of the practice of law."[27]

Turla was able to secure a Certification dated August 2, 2010 from the MCLE Office that Atty. Caringal, as of said date, had not yet complied with the requirements for MCLE II and III compliance periods. Despite being confronted with such Certification by Turla, Atty. Caringal continued to sign and submit pleadings and motions before various courts in several cases, indicating therein that he was "exempt" from the MCLE requirements and referring to the Official Receipt for his payment of the non-compliance fees.

In case a lawyer fails to comply with the MCLE requirements within the compliance period, Rule 13 of BM No. 850 lays down the following consequences:

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[26] *Id.* at 323-331; Penned by Atty. Maria Celina S. Carungay-Sevillano and reviewed by Atty. Rosita M.R. Nacional, noted by Atty. Ma. Cristina B. Layusa, Deputy Clerk of Court and Bar Confidant.

[27] Bar Matter No. 850, Rule I, Section 1, October 2, 2001.

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SEC. 1. *Non-compliance fee*. — A member who, for whatever reason, is in non-compliance at the end of the compliance period shall pay a non-compliance fee.

SEC. 2. *Listing as delinquent member*. — A member who fails to comply with the requirements after the sixty (60) day period for compliance has expired, shall be listed as a delinquent member of the IBP upon the recommendation of the MCLE Committee. The investigation of a member for non-compliance shall be conducted by the IBP's Commission on Bar Discipline as a fact-finding arm of the MCLE Committee.

Section 12(c) to (e) of the MCLE Implementing Rules further provide as follows:

SEC. 12. *Compliance Procedures*

x x x x x x x x x

c. If a lawyer fails to comply with any requirement under the Rules, the Committee will send him/her a notice of non-compliance on any of the following deficiencies:

    1) Failure to complete the education requirement within the compliance period;

    2) Failure to provide attestation of compliance or exemption;

    3) Failure to provide satisfactory evidence of compliance (including evidence of exempt status) within the prescribed period;

    4) Failure to satisfy the education requirement and furnish evidence of such compliance within sixty (60) days from receipt of a non-compliance notice; and

    5) Any other act or mission analogous to any of the foregoing or intended to circumvent or evade compliance with the MCLE requirements.

d. A member failing to comply with the continuing legal education requirement will receive a Non-Compliance Notice stating his specific deficiency and will be given sixty (60) days from the receipt of the notification to explain the deficiency or otherwise show compliance with the requirements. Such notice shall be written in capital letters as follows:

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YOUR FAILURE TO PROVIDE ADEQUATE JUSTIFICATION FOR NON-COMPLIANCE OR PROOF OF COMPLIANCE WITH THE MCLE REQUIREMENT WITHIN 60 DAYS FROM RECEIPT OF THIS NOTICE, SHALL BE A CAUSE FOR LISTING YOU AS A DELINQUENT MEMBER AND SHALL NOT BE PERMITTED TO PRACTICE LAW UNTIL SUCH TIME AS ADEQUATE PROOF OF COMPLIANCE IS RECEIVED BY THE MCLE COMMITTEE.

The member may use the 60-day period to complete his compliance with the MCLE requirement. Credit units earned during this period may only be counted toward compliance with the prior compliance period requirement unless units in excess of the requirement are earned, in which case the excess may be counted toward meeting the current compliance period requirement.

e. A member who is in non-compliance at the end of the compliance period shall pay a non-compliance fee of ₱1,000.00 and shall be listed as a delinquent member of the IBP by the IBP Board of Governors upon the recommendation of the MCLE Committee, in which case Rule 139-B of the Rules of Court shall apply.

It is clear from the aforequoted provisions, which are simply and clearly worded, that a non-compliant lawyer must pay a non-compliance fee of PhP 1,000.00 **and** still comply with the MCLE requirements within a sixty (60)-day period, otherwise, he/she will be listed as a delinquent IBP member after investigation by the IBP-CBD and recommendation by the MCLE Committee. The non-compliance fee is a mere penalty imposed on the lawyer who fails to comply with the MCLE requirements within the compliance period and is in no way a grant of exemption from compliance to the lawyer who thus paid.

It is worthy to note that Atty. Caringal could not be declared a delinquent member as the sixty (60)-day period for compliance did not commence to run. There was no showing that he was ever issued and that he had actually received a Non-Compliance Notice as required by the MCLE Implementing Rules. In addition,

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by March 11, 2011,[28] he had already complied with the MCLE requirements for MCLE II and III compliance periods, albeit belatedly.

Nevertheless, Atty. Caringal is being held liable for knowingly and willfully misrepresenting in the pleadings he had signed and submitted to the courts that he was exempted from MCLE II and III.

BM No. 1922, issued on June 3, 2008, required the practicing members of the IBP to indicate in all pleadings filed before the courts or quasi-judicial bodies, the number and date of issue of their MCLE Certificate of Compliance or Certificate of Exemption, as may be applicable, for the immediately preceding compliance period. It also explicitly stated that "[f]ailure to disclose the required information would cause the dismissal of the case and the expunction of the pleadings from the records." In a Resolution dated January 14, 2014, in BM No. 1922, the Court amended the rules for non-disclosure of current MCLE compliance/exemption number in the pleadings, to wit:

(a) AMEND the June 3, 2008 resolution by repealing the phrase "Failure to disclose the required information would cause the dismissal of the case and the expunction of the pleadings from the records" and replacing it with "Failure to disclose the required information would subject, the counsel to appropriate penalty and disciplinary action"; and

(b) PRESCRIBE the following rules for non-disclosure of current MCLE compliance/exemption number in the pleadings:

(i) The lawyer shall be imposed a fine of ₱2,000.00 for the first offense, ₱3,000.00 for the second offense and ₱4,000.00 for the third offense;

(ii) In addition to the fine, counsel may be listed as a delinquent member of the Bar pursuant to Section 2, Rule 13 of Bar Matter No. 850 and its implementing rules and regulations; and

(iii) The non-compliant lawyer shall be discharged from the case and the client/s shall be allowed to secure the services of a

[28] As found by the Investigating Commissioner. Complainant though alleged that the date is March 10, 2011.

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> new counsel with the concomitant right to demand the return of fees already paid to the non-compliant lawyer.

Prior to its amendment on January 14, 2014, BM No. 1922 imposed a stiff penalty for a practicing lawyer's failure to indicate the details of his/her MCLE Compliance/Exemption in the pleadings filed before the courts or quasi-judicial bodies, *i.e.*, the dismissal of the case and expunction of the pleadings from the records, which, in effect, ultimately penalized said lawyer's clients, too. Atty. Caringal, in this case, not only failed to indicate the necessary MCLE details in his pleadings and motions, but purposely stated therein the false information that he was exempted from MCLE II and III. As he had filed the subject pleadings in 2010, prior to the amendment of BM No. 1922 on January 14, 2014, he risked the dismissal of the cases and expunction of the pleadings and motions by the courts, to his clients' detriment. In fact, as Turla mentioned, the pleadings which Atty. Caringal filed before the RTC of Makati City, Branch 59, in Civil Case No. 09-269, were indeed expunged from the records per the Order[29] dated March 4, 2013 because of the false MCLE information he indicated therein.

Considering the foregoing, Atty. Caringal violated his sworn oath as a lawyer to "do no falsehood"[30] as well as the following provisions of 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.

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.

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[29] *Rollo*, pp. 223-224.

[30] Lawyer's Oath.

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CANON 17 — A LAWYER OWES FIDELITY TO THE CAUSE OF HIS CLIENT AND HE SHALL BE MINDFUL OF THE TRUST AND CONFIDENCE REPOSED IN HIM.

CANON 18 — A LAWYER SHALL SERVE HIS CLIENT WITH COMPETENCE AND DILIGENCE.

When Atty. Caringal indicated that he was MCLE-exempt in the pleadings and motions he filed, although in fact he was not, he engaged in dishonest conduct which was also disrespectful of the courts. He undoubtedly placed his clients at risk, given that pleadings with such false information produce no legal effect[31] and can result in the expunction of the same. Undeniably, he did not stay true to the cause of his clients and actually violated his duty to serve his clients with competence and diligence.

The Court had previously pronounced that "[t]he appropriate penalty for an errant lawyer depends on the exercise of sound judicial discretion based on the surrounding facts."[32] Considering Atty. Caringal's willful statement of false MCLE details in his pleadings to the prejudice of his clients, aggravated, by his lack of diligence in fully and promptly complying with the MCLE requirements within the compliance period, and his seemingly defiant and unremorseful attitude, the Court deems it apt to adopt the recommendations of both the IBP Board of Governors and the OBC, and imposes upon Atty. Caringal the penalty of suspension from the practice of law for three years.

WHEREFORE, the instant petition is **DENIED**. Atty. Jose Mangaser Caringal is **SUSPENDED** from the practice of law for three (3) years.

Let copies of this Decision be furnished to the Office of the Bar Confidant, to be appended to the personal record of Atty. Jose M. Caringal as an attorney; to the Integrated Bar of the

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[31] *Mapalad, Sr. v. Atty. Echanez*, A.C. No. 10911, June 6, 2017, 826 SCRA 57, 64 citing *Intestate Estate of Jose Uy v. Atty. Maghari III*, 768 Phil. 10, 35 (2015).

[32] *Saunders v. Atty. Pagano-Calde*, 766 Phil. 341, 350 (2015).

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Philippines; and to the Office of the Court Administrator for dissemination to all courts throughout the country for their guidance and information.

SO ORDERED.

Bersamin, C.J., Carpio, Peralta, del Castillo, Perlas-Bernabe, Leonen, Jardeleza, Caguioa, Reyes, A. Jr., Gesmundo, Reyes, J. Jr., Carandang, and *Lazaro-Javier, JJ.*, concur.

EN BANC

[A.C. No. 12401. March 12, 2019]

NELITA S. SALAZAR, *complainant, vs.* **ATTY. FELINO R. QUIAMBAO,** *respondent.*

SYLLABUS

1. LEGAL ETHICS; ATTORNEYS; CONDITIONS REQUIRED FOR REMAINING A MEMBER OF GOOD STANDING OF THE BAR AND FOR ENJOYING THE PRIVILEGE TO PRACTICE LAW.— Adherence to rigid standards of mental fitness, maintenance of the highest degree of morality, faithful compliance with the rules of the legal profession, and regular payment of membership fees to the IBP are the conditions required for remaining a member of good standing of the bar and for enjoying the privilege to practice law. Beyond question, any breach by a lawyer of any of these conditions makes him unworthy of the trust and confidence which the courts and clients must repose in him, and renders him unfit to continue in the exercise of his professional privilege. Both disbarment and suspension demonstrably operationalize this intent to protect the courts and the public from members of the bar who have become unfit and unworthy to be part of the esteemed and noble profession.