EN BANC

[A.C. No. 13404 (Formerly CBD Case No. 15-4833). November 18, 2025]

SPOUSES MARIANNE MARIANO-KHORSHID AND MOAYAD AHMAD RATEB KHORSHID, COMPLAINANTS, VS. ATTY. ELOISA D. BAYANI,• RESPONDENT.

D E C I S I O N

PER CURIAM:

The present disbarment case arose from an Affidavit-Complaint[1] filed by spouses Marianne Mariano-Khorshid (Marianne) and Moayad Ahmad Rateb Khorshid (Moayad) (collectively, complainants), accusing Atty. Eloisa D. Bayani (respondent) of violating the Code of Professional Responsibility (CPR) by knowingly and willfully participating in obtaining a fake Philippine passport for Moayad.

Complainants alleged that they met respondent through Clarita Macabali (Clarita), Marianne's aunt. At the time, respondent was the legal counsel of Rolly Tubelleza (Rolly), Marianne's first husband, in the case seeking the nullity of their marriage.[2] According to complainants, and as attested to by Marianne's and Rolly's mothers,[3] both Marianne and Rolly were abroad during the pendency of the nullity of marriage case.[4] Marianne only learned of the case when Clarita informed her of a Decision[5] dated May 28, 2012, which declared their marriage null and void.[6] It was then that Marianne contacted respondent to secure a copy of the said decision.[7]

On February 2, 2014, Marianne and respondent met at Golden Sands 5 Hotel in Dubai. The meeting took place during one of respondent's regular trips to Dubai in connection with her placement agency. During the meeting, respondent handed Marianne a copy of the decision. They also discussed the possibility of engaging respondent's law firm, Tan Bayani Olba & Bugayong Law Offices, to arrange complainants' civil wedding in the Philippines. Marianne further consulted respondent on whether it is possible to secure a Philippine passport for Moayad, a Syrian national, without undergoing naturalization proceedings.[8]

A few days after their meeting, respondent allegedly confirmed to complainants that the law firm could arrange their civil wedding in the Philippines. She also informed them that it was legally possible to obtain a Philippine passport for Moayad without

undergoing naturalization proceedings. Respondent then sent complainants her fee proposal. Subsequently, complainants made an initial payment of AED 3,525.00, which was equivalent to PHP 42,126.27.[9]

Complainants arrived in Manila on March 3, 2014. The following day, their civil wedding ceremony was held at respondent's law office in Quezon City. After the ceremony, respondent introduced complainants to Emiliana Sarte[10] (Sarte), who would assist them in obtaining a Philippine passport for Moayad.[11]

Before complainants flew back to Dubai, they were issued their Marriage Certificate.[12] They noticed a couple of irregularities in the documents which they dismissed as inconsequential at the time—the date of marriage indicated was March 10, 2014, instead of March 4, 2014, and the solemnizing officer was said to belong to a religious sect called "Come to Jesus Community Church," of which neither of them was a member.[13]

In Dubai, complainants met with respondent on several occasions to make additional payments. During one of these meetings, respondent presented to them two Philippine passports—Moayad's Philippine passport and Marianne's Philippine passport, which now bears her married name. Since they had not yet paid respondent in full, respondent wrote a breakdown of their outstanding balance on a sheet of paper.[14]

Believing his Philippine passport to be authentic, Moayad began using it in his transactions in Dubai and had his United Arab Emirates (UAE) Visa stamped on it. Complainants also recommended respondent's services to Moayad's friend, Nedal Khalil (Nedal), a Syrian national who also needed a Philippine passport. Eventually, respondent was able to obtain a Philippine passport for Nedal.[15]

On November 20, 2014, complainants flew back to Manila to seek medical treatment for Moayad. Upon their arrival at Ninoy Aquino International Airport Terminal 3, Moayad was accosted by immigration officers for using a fake Philippine passport. Marianne sought the help of respondent, who allegedly advised her not to mention any names and assured her that she would resolve the issue.[16]

Marianne repeatedly went back and forth between the Bureau of Immigration and the Syrian embassy to seek assistance. At one time, respondent sent a lawyer from their law firm to assist Marianne. It was from this lawyer that Marianne allegedly learned that it was not legally possible for Moayad to obtain a Philippine passport without undergoing naturalization proceedings. It was then that she recalled respondent's earlier plan to secure a birth certificate declaring that Moayad's mother was a Filipina.[17]

Meanwhile, Moayad was detained at the Immigration Office for three days and two nights before being placed on hospital arrest at San Juan de Dios Hospital for 23 days.[18] As soon as his condition improved and his Syrian passport was issued, complainants flew back to Dubai. However, since Moayad's UAE Visa was on his

confiscated Philippine passport, he was refused entry to Dubai. As a result, Moayad was constrained to fly to Malaysia, where he had to stay for three months, incurring expenses for food and accommodations.[19] Fortunately, with the assistance of the Syrian and Philippine embassies in Malaysia, Moayad was eventually able to obtain a visa and return to the Philippines.[20]

Due to mounting debts and financial liabilities, Marianne allegedly sought financial assistance from respondent, who urged her to take action against Sarte. Despite her diminished trust and confidence in respondent, Marianne heeded her advice and filed a complaint against Sarte with the barangay, as they were in dire need of money. Respondent was able to persuade Sarte to execute a promissory note, but the obligation was never fulfilled.[21]

Sometime thereafter, complainants filed the present complaint with the Integrated Bar of the Philippines (IBP).

In an Order[22] dated November 16, 2015, the IBP Commission on Bar Discipline (IBP-CBD) directed respondent to file an answer. However, she failed to comply. Thereafter, the case was set for mandatory conference on March 16, 2016, with a directive for both parties to file their respective briefs three days prior to the conference.[23] Only complainants complied with this directive.[24]

On the day of the mandatory conference, complainants appeared unassisted by counsel, while another lawyer appeared for respondent.[25] Upon termination of the mandatory conference, the parties were given 10 days to file their respective position papers.[26] Both parties, however, failed to comply. Subsequently, complainants sent a letter[27] to the IBP Commissioner, explaining that their failure to file a position paper was due to their counsel's delays. They requested to meet with the IBP Commissioner instead, as they could no longer afford the services of a lawyer.[28]

On March 9, 2018—two years later—another lawyer entered an appearance for respondent and moved for a fresh period of 15 days to file an answer, alleging that respondent's secretary failed to inform her of the IBP-CBD's directive to file an answer.[29] On May 18, 2018, respondent filed a verified Answer.[30]

The case was once again set for mandatory conference on July 23, 2018, and the parties were again directed to file their respective briefs.[31] Respondent filed her Mandatory Preliminary Conference Brief[32] on July 16, 2018, while complainants filed a pleading denominated as "Statement of Facts"[33] on the same date.

On the day of the mandatory conference, complainants appeared without counsel, while respondent failed to appear despite notice. The mandatory conference was terminated, and the parties were given 15 days to file their respective position papers.[34]

Complainants, through a new counsel, asked for an extension of 15 days or until August 22, 2018, to file their position paper.[35] However, they belatedly filed their Position Paper[36] on August 23, 2018. Meanwhile, on October 12, 2018, respondent filed a Motion for Extension of Time[37] asking for a 15-day extension or until October 26, 2018, to file her position paper, alleging that she was out of the country at the time. Yet, respondent filed her Position Paper[38] only on November 23, 2018.

For her part, respondent denied having any participation in the acquisition of a Philippine passport for Moayad and insisted that she merely introduced complainants to Sarte.[39]

Respondent admitted that she met Marianne through Clarita, who, together with Marianne's mother, sought her services to nullify the marriage between Marianne and Rolly. At Clarita's request, respondent met with Marianne during one of her regular visits to Dubai to hand over some documents. Following their meeting, Marianne remained in contact with respondent and later sought her assistance in arranging the former's civil wedding ceremony with Moayad in the Philippines. Respondent agreed to help complainants and assigned one of her staff to assist in the processing of the wedding requirements.[40] According to respondent, the amount of PHP 42,126.17 sent by complainants was used to defray the expenses for the civil wedding ceremony.[41]

After complainants' wedding, Marianne allegedly approached respondent to ask for assistance with the naturalization of Moayad. In response, respondent advised that naturalization is a tedious process, and that Moayad is not eligible for naturalization. Allegedly, Marianne requested that she be referred instead to someone who can assist her in changing her surname to "Khorshid" on her Philippine passport. Respondent introduced Sarte, who she described as someone who works for a travel agency and who regularly assisted her in the processing of passports.[42]

Respondent stressed that, apart from introducing the two, she had no further involvement in the transactions between Marianne and Sarte. However, since complainants were already in Dubai when Marianne's passport was released, respondent agreed to bring the same to her in Dubai. According to respondent, Sarte handed her a sealed envelope, which she delivered to complainants in Dubai without checking the contents.[43]

Sometime in November 2014, respondent received a call from Marianne, informing her that Moayad had been detained by the immigration officers for using a fake Philippine passport. Contrary to complainants' claims, respondent asserted that she assisted them throughout the ordeal and even defrayed the expenses for Moayad's hospital bill and travel to Malaysia.[44]

Nonetheless, sometime in August 2015, respondent received a demand letter from Marianne seeking PHP 3,500,000.00 in damages and threatening her with legal action if the amount was not paid. Finding the demand to be baseless and an attempt at

extortion, respondent chose not to comply with it.[45]

In addition to denying any involvement in the acquisition of a Philippine passport for Moayad, respondent also challenged the admissibility of the electronic evidence submitted by complainants, arguing that they had not been properly authenticated. She further contended that, even if admitted, those pieces of evidence failed to establish her participation in the processing of Moayad's Philippine passport.[46]

Respondent also denied the existence of a lawyer-client relationship with complainants, asserting that she neither agreed to facilitate the processing of Moayad's Philippine passport nor executed an engagement contract or issued acknowledgment receipts for her legal fees. She maintained that her communications with Marianne regarding Moayad's passport were merely efforts to assist complainants in following up with Sarte.[47]

As regards the issuance of Nedal's Philippine passport, respondent similarly argued that her participation was limited to helping complainants follow up with Sarte. Furthermore, respondent emphasized that the Philippine passport issued to Nedal was never declared to be a counterfeit, and thus, there was no basis to conclude that she was involved in the production of counterfeit passports.[48]

Finally, respondent alleged that the present complaint was filed to harass and extort money from her. She reiterated that no contractual relationship existed between her and complainants, and in support of this claim, she submitted the promissory note executed by Sarte in favor of Marianne, as well as the Certificate to File Action issued in connection with the barangay complaint filed by Marianne. Respondent asserted that she, too, was a victim of Sarte, and emphasized that complainants failed to prove the existence of a conspiracy between her and Sarte.[49]

In his Report and Recommendation[50] dated July 3, 2020, the Investigating Commissioner found respondent guilty of violating Rules 1.01 and 1.02, Canon 1[51] and Rule 15.07, Canon 15[52] of the CPR, and recommended that respondent be suspended from the practice of law for one month.[53]

The Investigating Commissioner rejected respondent's objection to the admissibility of complainants' electronic evidence, emphasizing that the rules of procedure do not strictly apply in administrative proceedings against lawyers. The Investigating Commissioner further observed that respondent did not categorically deny the existence of said evidence, which supported complainants' allegation that respondent had agreed to secure a Philippine passport for Moayad and had introduced them to Sarte. Her defense—that she was merely assisting Marianne in going after Sarte—was contradicted by their Facebook Messenger and Viber conversations. Moreover, the Investigating Commissioner viewed her advice to go after Sarte as a calculated move to shift the blame completely on Sarte.[54]

The Investigating Commissioner also dismissed respondent's claim that no lawyer-client relationship existed between her and complainants. Citing established jurisprudence, the Investigating Commissioner affirmed that a lawyer-client relationship may be established even in the absence of a written agreement or formal engagement.[55]

In a Notice of Resolution[56] dated November 28, 2020, the IBP Board of Governors (IBP-BOG) adopted the findings of the Investigating Commissioner but increased the penalty to two years' suspension from the practice of law given that she was previously suspended from the practice of law for six months in another administrative case.[57]

Aggrieved, respondent filed a Motion for Reconsideration,[58] which the IBP-BOG denied in a Resolution[59] dated February 23, 2022.

Issue

The issue for the Court's resolution is whether respondent violated the Code of Professional Accountability and Responsibility[60] (CPRA).

The Court's Ruling

The Court affirms the findings of the IBP-BOG but modifies the penalty to disbarment.

In disciplinary proceedings against lawyers, the complainant bears the burden of proving their allegations with substantial evidence or that amount of relevant evidence which a reasonable mind might accept to justify a conclusion.[61] In the appreciation of evidence, the technical rules of procedure and evidence do not strictly bind the Court.[62] Indeed, a rigid adherence to these rules "could at times thwart [the] Court's efforts to rid the legal profession of unscrupulous individuals who use their very knowledge of the law to perpetrate fraud or commit transgressions to the detriment of their clients, who purposefully have sought their legal opinion and assistance in the hopes of attaining justice."[63]

Thus, in the present case, the Court may admit as evidence the screen captures of Viber messages, Facebook Messenger messages, SMS, and emails submitted by both parties, without the need for authentication in a manner prescribed by the Rules on Electronic Evidence. Taken together, these pieces of evidence constitute substantial evidence supporting the complainants' narrative and establishing that respondent played a role in securing a fake Philippine passport for Moayad.

Records show that on November 18, 2014, before complainants' flight to Manila, Marianne and respondent exchanged messages on Facebook Messenger, and in this conversation, respondent suggested that Moayad should have first used his Philippine passport to another destination before flying to the Philippines—

[Marianne:] [F]light po namin sa Wednesday 6[:]50pm tas dating namin sa pinas Thursday 6:50am

[Respondent:] *Wala naman po siguro[. P]ero sana ngamit nyo muna khit [p]a-doha or what para may tatak*

[Marianne:] e mam pno un? pero mam visa nia ng uae nakastamp napo sa passport nia. e kaso mam diba po kapag naissuehan na ng passport means valid cia[. P]ano po pag tinanong cia kung pano nagka phil passport ano po sagot namin? wahhh nakakatakot tuloy

[Respondent:] Mam yes po *the fact na may Philippine Passport na po cya* okay na yun.[64] (Emphasis supplied)

Following Moayad's arrest at the airport, respondent and Marianne had the following exchanges in Viber, where respondent confirmed that she had introduced Sarte in response to Marianne's inquiry about obtaining a Philippine passport for Moayad—

[Respondent:] hindi ako pwede personal magkaso sa knya pero pinahanap ko cya

[Marianne:] bakit [di po] pwede e cya ang nagsabi sanyo personal sa paggawa diba

[Respondent:] hindi akin ang . . . passport

[Marianne:] bago pa kami lumuwas ng pilipinas

[Respondent:] kaya paano ko cya irereklamo dahil sa passport

[Marianne:] ok cge mam anjan na tayo[. P]ero as part po na kayo ang nakausap namin regarding sa paggawa nya

[Respondent:] *pero sinabi ko sayo nung gusto mo na inaturalize matagal na process*

[Marianne:] pero now nalaman ko wala po ganon[. K]aso mam alam nyo naman kayo nakakakilala sa knya[. A]s tulong naman po mas matatakot sanyo un

[Respondent:] *Sabi mo need mabilis at kung may kilala pwede mkatulong eh sabi ni [Sarte] kaya nya*[65] (Emphasis supplied)

On January 5, 2018, when Marianne was asking for the return of the sum they paid to Sarte, she had the following conversation with respondent via Facebook Messenger. In

this conversation, respondent mentioned that she had even advanced payment for Sarte —

> **[Marianne:]** maayos po ako nakikipagusap dko lam pano makukuha ang pera kaya tulungan nio po makuha at kailangan ko na tlga di pa ayos asawa ko kayo po may kontak kay [Sarte] at nakipagusap sa kanya sa bagay kung saan naloko kami
>
> **[Respondent:]** At least diniretso nyo na pero alam nyo naging usapan with [Sarte] lhat lhat. Tumulong na lang ako ganito pa napala ko. Willing nman ako tumulong at tumulong din ako tlga pero hindi ako nakinabang sa kung anomang nilabas nyo. Yung 150k hindi ko kayang ibigay now at dami ko ding obligations si [Sarte] pagbabalikin ko ng pera ng nkuha nya.
>
> . . . .
>
> **[Marianne:]** ngaun kelangan namin ng pera pra sa asawa ko dko lam san ako kukuha
>
> **[Respondent:]** *inabonohan ko pa binigay kay [Sarte] nasaan cya?* sana naiintindihan nyo din bakit ganito pakiramdam ko mam hindi naman ako masamang tao tumulong lang ganito pa ngyari[66] (Emphasis supplied)

As correctly observed by the IBP, these exchanges contradict respondent's assertion that she referred Sarte to complainants solely to assist Marianne in securing a Philippine passport bearing her married name, "Marianne Mariano-Khorshid." On the contrary, the messages indicate that respondent referred Sarte to complainants as someone who could swiftly facilitate the process of obtaining a Philippine passport for Moayad.

Under the Philippine Passport Law,[67] only Filipino citizens are eligible to apply for a Philippine passport. Moayad, being a Syrian national, is clearly ineligible. As a lawyer, respondent is presumed to be fully aware of this legal prohibition. Her conversation with Marianne, as shown above, does in fact demonstrate that respondent knew Moayad should have been naturalized first in order to apply and obtain a Philippine passport. The tenor of their conversation reveals that she did inform Marianne of this legal route, but that the latter refused because she wanted an easier and faster route to go about it. As such, respondent brought Sarte into the picture. Respondent's involvement in facilitating the connection between Sarte and complainants, despite knowledge that only Filipino citizens are eligible to apply for a Philippine passport, casts serious doubt on her claim of innocence. To the contrary, it strongly indicates awareness, if not tacit approval, of the illegal transaction. Besides, had she truly believed that the Philippine passport issued to Moayad was authentic, respondent would not have raised concern about its immediate use in traveling to the Philippines. Furthermore, respondent's complicity in the illegal transaction is made even more apparent by her statement that she advanced funds to Sarte.

Additionally, the following exchanges in Facebook Messenger between respondent and

Marianne reveal that respondent also had a hand in the acquisition of a Philippine passport for Nedal, another Syrian[68] national:

> **[Marianne:]** nag away sila today ni [Ne]dal[. S]abi daw po ng mister ko ibalik na lang pera kay [Ne]dal.
>
> **[Respondent:]** *oo kasi sinabi ko na kay sir [Ne]dal ang resulta kay [Sarte].*
>
> . . . .
>
> **[Respondent:]** *nagusap na din kme [ni N]edal*
>
> **[Marianne:]** ok po mam[. C]ge po pahinga na po kayo.
>
> . . . .
>
> **[Respondent:]** *I have the passport npo [Screencap of Nedal's Philippine passport].*[69] (Emphasis supplied)

While the Philippine passport issued to Nedal was never declared a counterfeit, the circumstances in this case reasonably support the conclusion that it involved a transaction similar to that of Moayad's, which was facilitated through Sarte. Notably, respondent did not dispute complainants' allegation and evidence that Nedal is a Syrian national, and therefore, likewise ineligible for a Philippine passport. Thus, the issuance of a Philippine passport—which respondent herself communicated to Marianne—is highly suspect and irregular.

To reiterate, while respondent objected to the admissibility of the electronic messages, she neither denied their existence nor contested their contents. Although she claimed that these messages were tailored to suit complainants' narrative, she failed to present any contrary evidence. To the Court, the pieces of evidence submitted by complainants substantially prove that respondent abetted and participated in the illegal transactions. Her actions constitute clear violations of the CPRA and her oath as a lawyer.

The CPRA was adopted by the Court during the pendency of the present disciplinary case. Nonetheless, its retroactive application is justified under Section 1[70] of the General Provisions of CPRA.

In this case, respondent violated Section 1, Canon II and Section 2, Canon III of the CPRA, which read as follows:

CANON II
PROPRIETY

. . . .

SECTION 1. ***Proper conduct.*** — A lawyer shall not engage in unlawful,

dishonest, immoral, or deceitful conduct.

. . . .

CANON III
FIDELITY

. . . .

SECTION 2. ***The responsible and accountable lawyer.*** — A lawyer shall uphold the constitution, obey the laws of the land, promote respect for laws and legal processes, safeguard human rights, and at all times advance the honor and integrity of the legal profession.

As an officer of the court, a lawyer shall uphold the rule of law and conscientiously assist in the speedy and efficient administration of justice.

As an advocate, a lawyer shall represent the client with fidelity and zeal within the bounds of the law and the CPRA.

She also violated her oath to promote the rule of law, do no falsehood, and discharge her duties and responsibilities with integrity—

I, (name), do solemnly swear (affirm) that I accept the honor, privilege, duty, and responsibility of practicing law in the Philippines as an Officer of the Court in the interest of our people.

I declare fealty to the Constitution of the Republic of [the] Philippines.

In doing so, I shall work towards promoting the rule of law and a regime of truth, justice, freedom, love, equality, and peace.

I shall conscientiously and courageously work for justice, as well as safeguard the rights and meaningful freedoms of all persons, identities and communities. I shall ensure greater and equitable access to justice. I shall do no falsehood nor shall I pervert the law to unjustly favor nor prejudice anyone. I shall faithfully discharge these duties and responsibilities to the best of my ability, with integrity, and utmost civility. I impose all these upon myself without mental reservation nor purpose of evasion.

[For oaths] So help me, God. (Omit for affirmations)[71]

These violations amount to gross misconduct, which has been defined as "any inexcusable, shameful or flagrantly unlawful conduct on the part of the person involved in the administration of justice, conduct that is prejudicial to the rights of the parties, or to the right determination of the cause."[72]

As earlier explained, respondent, as a member of the legal profession, is expected to know that only Filipino citizens are eligible to obtain a Philippine passport and that Moayad, a Syrian national, cannot be issued a Philippine passport without first undergoing naturalization proceedings. Despite this, she introduced Sarte to complainants as someone who could facilitate the issuance of such passport. It is difficult to believe that this introduction was made innocently or without knowledge of its implications. By introducing Sarte and acting as an intermediary between her and complainants, respondent knowingly participated in an illegal transaction, causing grave prejudice to complainants.

Now, the CPRA classifies gross misconduct as a serious offense[73] and prescribes any of the following penalties: (a) disbarment; (b) suspension from the practice of law for a period exceeding six months; or (c) a fine exceeding PHP 100,000.00.[74] As to the manner of imposition, the CPRA instructs that if one or more aggravating circumstances and no mitigating circumstances are present, the Court may impose the penalties of suspension or fine for a period or amount not exceeding double of the maximum prescribed under the pertinent section.[75] Nonetheless, the Court may, in its discretion, impose the penalty of disbarment depending on the number and gravity of the aggravating circumstances.[76]

Respondent's record with the Office of the Bar Confidant (OBC) shows that she has been found guilty of violating the CPR and suspended from the practice of law in two previous administrative cases.

In *Reyes v. Atty. Del Prado-Bayani*,[77] the Court found respondent guilty of violating the 2004 Rules on Notarial Practice, as well as her oath as a lawyer, when she notarized a deed of sale and made it appear that the registered owner of the land participated in the signing and execution of the Deed of Absolute Sale when the truth is that the individual had long been dead even before the date of the execution of the said instrument. The Court imposed on her the penalty of three months' suspension from the practice of law, revoked her commission as a notary public, and disqualified her from being reappointed as a notary public for six months.

Subsequently, in *Quilatan, et al. v. Atty. Bayani*[78] (*Quilatan*), the Court found respondent guilty of violating Rule 16.01, Canon 16 and Canon 17 of the CPR, for her failure to account for the money and property entrusted to her by her clients. The Court imposed on her the penalty of one year suspension from the practice of law with a stern warning that the commission of the same or similar offense shall be dealt with more severely. The Court also imposed a fine of PHP 10,000.00 for her failure to comply with the IBP-CBD's directives to file an answer and position paper, which amounts to willful disregard of the IBP-CBD's authority and disrespect of its proceedings.

Section 38(b)(1), Canon VI of the CPRA provides as an aggravating circumstance a finding of previous administrative liability where a penalty is imposed, regardless of nature or gravity. Considering the two previous administrative cases against respondent, therefore, the Court accordingly appreciates them as aggravating circumstances against

her in this case.

Furthermore, as in *Quilatan*, respondent displayed the same indifferent attitude towards the directives of the IBP-CBD. As borne by the records, respondent failed to comply with the IBP-CBD's order to file an answer within 15 days from notice, as well as to submit a brief three days prior to the mandatory conference. She also neglected to file a position paper without offering any explanation. After two years, a lawyer entered his appearance for respondent and asked for a fresh period of 15 days to file an answer, citing the failure of respondent's secretary to inform her of the IBP-CBD's directive to file an answer. Still, respondent filed her answer two months later. Subsequently, the IBP-CBD set the case for mandatory conference anew, but respondent again failed to appear. When later directed to file a position paper, respondent asked for a 15-day extension only to file her position paper a month after the lapse of the extended period.

Failure to comply with the orders of the IBP in relation to an administrative case also constitutes an aggravating circumstance under the CPRA.[79] Apart from being an aggravating circumstance, respondent's repeated and willful disregard of the IBP's directives reflects a pattern of defiance toward the disciplinary authority of the IBP. Such conduct not only undermines the integrity of the legal profession but also speaks volumes about respondent's lack of respect for the rule of law, professional accountability, and the solemn duties incumbent upon a member of the bar.

The gravity of respondent's transgression cannot be overstated. As a lawyer, she possessed not only legal knowledge but also the trust and confidence of her clients. Instead of upholding the law, she exploited that knowledge and trust to mislead complainants into believing that Moayad could legally obtain a Philippine passport without undergoing naturalization proceedings, and that the passport secured through her assistance was authentic and valid. Relying in good faith on respondent's assurances and representations, complainants were made to suffer the consequences of what turned out to be an illegal transaction. As a result, Moayad was arrested and detained by the Bureau of Immigration, and both complainants endured significant emotional and financial sufferings.

Worse, this is not an isolated lapse in judgment. Respondent had been the subject of two prior disbarment cases, clearly demonstrating a pattern of unprofessionalism and unethical conduct. Moreover, in both her prior and present disciplinary cases, she has repeatedly defied the lawful directives of the IBP, thereby frustrating and delaying the proper conduct of the disciplinary proceedings.

It must be underscored that the practice of law is not a right, but a privilege bestowed by the State upon those who possess, and continue to possess, the qualifications required by law for the conferment of such privilege.[80] At all times, members of the bar are expected "to act with propriety, maintain the appearances of propriety in personal and professional dealings, observe honesty, respect, and courtesy, and uphold the dignity of the legal profession consistent with the highest standards of ethical behavior."[81] Here, respondent's actions, marked by blatant disregard for law and ethical standards and defiance of lawful orders of the IBP, reveal a character that is

inconsistent with these standards. She has shown herself to be unfit to continue in the practice of law.

ACCORDINGLY, the Court finds respondent **Atty. Eloisa D. Bayani GUILTY** of violating the Code of Professional Responsibility and Accountability and the Lawyer's Oath. She is **DISBARRED** from the practice of law and her name is ordered **STRICKEN OFF** the Roll of Attorneys, **effective immediately**.

Let a copy of this Decision be furnished the Office of the Bar Confidant, to be attached to the personal records of Atty. Eloisa D. Bayani. Likewise, let copies of this Decision be furnished to the Office of the Court Administrator for dissemination to all courts in the country and to the Integrated Bar of the Philippines for proper guidance and information.

Gesmundo, C.J., Leonen, SAJ., Caguioa, Lazaro-Javier, Inting, Zalameda, Gaerlan, Rosario, J. Lopez, Dimaampao, Marquez, Kho, Jr., Singh, and *Villanueva, JJ.,* concur.
Hernando,[*] *J.,* on official business.

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[*] On official business.

[•] Also appears as "Atty. Eloisa Del Prado Bayani" in some parts of the *rollo*.

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

[2] *Id*. at 135-136.

[3] *Id*. at 149-150 (Affidavit of Lucita Romero-Mariano) and 156 (Sinumpaang Salaysay of Ma. Ninfa Tubelleza).

[4] *Id*. at 149, 156.

[5] *Id*. at 157-163.

[6] *Id*. at 136.

[7] *Id*.

[8] *Id*. at 136, 270-271.

[9] *Id*. at 136-137, 271.

[10] Also referred to as "Emy" in some parts of the *rollo*.

[11] *Rollo*, pp. 137, 271.

[12] *Id*. at 174.

[13] *Id*. at 137.

[14] *Id*. at 138-139, 271-272.

[15] *Id*. at 139, 272.

[16] *Id*. at 139, 272-273.

[17] *Id*. at 139-140.

[18] *Id*. at 139, 140.

[19] *Id*. at 140, 273.

[20] *Id*. at 141.

[21] *Id*. at 141, 273.

[22] *Id*. at 6.

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

[24] *Id*. at 9-11.

[25] *Id*. at 15.

[26] *Id*.

[27] *Id*. at 21-22.

[28] *Id*. at 22.

[29] *Id*. at 24-26.

[30] *Id*. at 30-37, excluding annexes.

[31] *Id*. at 122-123.

[32] *Id*. at 124-127.

[33] *Id*. at 54-68, excluding annexes.

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

[35] *Id*. at 131-132.

[36] *Id*. at 135-148, excluding annexes.

[37] *Id*. at 212-213.

[38] *Id*. at 214-227.

[39] *Id*. at 279.

[40] *Id*. at 214-215.

[41] *Id*. at 219.

[42] *Id*. at 215-216.

[43] *Id*. at 216.

[44] *Id*.

[45] *Id*. at 216-217.

[46] *Id*. at 217-218.

[47] *Id*. at 219-220.

[48] *Id*. at 220.

[49] *Id*. at 222-225.

[50] *Id*. at 268-282. The July 3, 2020 Report and Recommendation in CBD Case No. 15-4833 was submitted by Commissioner Simplicio M. Virtudazo, Jr. of the Commission on Bar Discipline, Integrated Bar of the Philippines, Pasig City.

[51] CANON 1 – A LAWYER SHALL UPHOLD THE CONSTITUTION, OBEY THE

LAWS OF THE LAND AND PROMOTE RESPECT FOR LAW AND FOR LEGAL PROCESSES.

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

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

[52] CANON 15 – A LAWYER SHALL OBSERVE CANDOR, FAIRNESS AND LOYALTY IN ALL HIS DEALINGS AND TRANSACTIONS WITH HIS CLIENTS.

. . . .

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

[53] *Rollo*, p. 282.

[54] *Id*. at 281-282.

[55] *Id*. at 282.

[56] *Id*. at 291-292. The November 28, 2020 Notice of Resolution in Resolution No. CBD-2020-11-12 CBD Case No. 15-4833 was signed by Roland B. Inting, the National Secretary of the Board of Governors, Integrated Bar of the Philippines, Pasig City.

[57] *Id*. at 291.

[58] *Id*. at 255-265.

[59] *Id*. at 289-290. The February 23, 2022 Notice of Resolution in Resolution No. CBD-XXV-2022-02-31 CBD Case No. 15-4833 was signed by Doroteo Lorenzo B. Aguila, the National Secretary of the Board of Governors, Integrated Bar of the Philippines, Pasig City.

[60] CODE OF PROF. RESPONSIBILITY & ACCOUNTABILITY, A.M. No. 22-09-01-SC, April 11, 2023

[61] *Id*., Canon VI, sec. 32.

[62] **Yumang v. Alaestante**, 833 Phil. 378, 387 (2018) [Per J. Del Castillo, *En Banc*].

[63] *Id*. at 387.

[64] *Rollo*, p. 182.

[65] *Id*. at 199-201.

[66] *Id*. at 188-191.

[67] Republic Act No. 11983 (2024), New Philippine Passport Act which repealed Republic Act No. 8239 (1996), Philippine Passport Act of 1996.

[68] *Rollo*, p. 183, Syrian Passport of Nedal Khalil.

[69] *Id*. at 179-181.

[70] **SECTION 1.** ***Transitory provision.*** — The CPRA shall be applied to all pending and future cases, except to the extent that in the opinion of the Supreme Court, its retroactive application would not be feasible or would work injustice, in which case the procedure under which the cases were filed shall govern.

[71] CODE OF PROF. RESPONSIBILITY & ACCOUNTABILITY, Revised Lawyer's Oath.

[72] **Rodco Consultancy and Maritime Services Corporation v. Concepcion**, 906 Phil. 1, 10 (2021) [*Per Curiam*, *En Banc*]. (Citation omitted)

[73] CODE OF PROF. RESPONSIBILITY & ACCOUNTABILITY, Canon VI, sec. 33(a).

[74] *Id*., Canon VI, sec. 37(a).

[75] *Id*., Canon VI, sec. 39.

[76] *Id*.

[77] A.C. No. 11295, October 19, 2016 [Notice, Third Division].

[78] A.C. No. 13411 (Formerly CBD Case No. 17-5494), September 5, 2022 [Notice, First Division].

[79] CODE OF PROF. RESPONSIBILITY & ACCOUNTABILITY, Canon VI, sec. 38(b)(7).

[80] **Changat v. Ban-eg**, 959 Phil. 562, 570 (2024) [*Per Curiam*, *En Banc*].

[81] CODE OF PROF. RESPONSIBILITY & ACCOUNTABILITY, Canon II.

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