



Republic of the Philippines
Supreme Court
Manila

SECOND DIVISION

ROBERTO BERNARDINO, Complainant,	A.C. No. 10583 [Formerly CBD 09-2555]
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-versus-

ATTY. VICTOR REY SANTOS,
Respondent.

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ATTY. JOSE MANGASER CARINGAL, Complainant,	A.C. No. 10584 [Formerly CBD 10-2827]

Present:

-versus-

CARPIO, J., Chairperson,
VELASCO, JR.,*
DEL CASTILLO,
MENDOZA, and
LEONEN, JJ.

* Designated acting member per S.O. No. 1910 dated January 12, 2015.

ATTY. VICTOR REY SANTOS,
Respondent.

Promulgated:

18 FEB 2015

X-----

Atty. Cabalag

RESOLUTION

LEONEN, J.:

These cases involve administrative Complaints¹ against Atty. Victor Rey Santos for violation of Canon 10, Rule 10.01² and Canon 15, Rule 15.03³ of the Code of Professional Responsibility.

In A.C. No. 10583, complainant Roberto C. Bernardino (Bernardino) filed a Letter-Complaint⁴ against Atty. Victor Rey Santos (Atty. Santos) before the Integrated Bar of the Philippines, praying that Atty. Santos be investigated and subjected to disciplinary action.⁵

Bernardino alleged that the death certificate of his aunt, Rufina de Castro Turla, was falsified by Atty. Santos. Atty. Santos made it appear that Rufina Turla died in 1992, when in fact, she died in 1990.⁶

Atty. Santos used the falsified death certificate to support the Affidavit of Self-Adjudication⁷ executed by Mariano Turla, husband of Rufina Turla.⁸ Paragraph 6 of the Affidavit of Self-Adjudication prepared by Atty. Santos states:

Being her surviving spouse, I am the sole legal heir entitled to succeed to and inherit the estate of said deceased who did not leave any descendant or any other heir entitled to her estate.⁹
(Emphasis in the original, underscoring supplied)

Years later, Atty. Santos, on behalf of Marilu Turla, daughter of Rufina and Mariano Turla,¹⁰ filed a Complaint¹¹ for sum of money with

¹ *Rollo*, pp. 2–3 and 326–340.

² *Id.* at 333.

³ *Id.* at 329.

⁴ *Id.* at 2–3.

⁵ *Id.* at 3.

⁶ *Id.* at 2. According to Bernardino, the falsification is for the purpose of defeating his claim in the estate of Rufina Turla. As to how the alleged falsification affected his claim was not explained.

⁷ In this case, the complainants and the respondents used the terms Affidavit of Self-Adjudication and Affidavit of Adjudication interchangeably.

⁸ *Id.* at 2–3.

⁹ *Id.*

¹⁰ *Id.* at 35.

¹¹ *Id.* at 9–20.

prayer for Writ of Preliminary Injunction and temporary restraining order against Bernardino, docketed as Civil Case No. 09-269.¹² The Complaint in Civil Case No. 09-269 alleged that Marilu Turla is an heir of Mariano Turla,¹³ which allegedly contradicts the Affidavit of Self-Adjudication that Atty. Santos drafted.¹⁴ Hence, Atty. Santos represented clients with conflicting interests.¹⁵

In Civil Case No. 09-269, Atty. Santos testified during cross-examination:

CROSS-EXAMINATION BY:

ATTY. CARINGAL

....

Q : In your Judicial Affidavit[,] you mentioned that you know Marilu C. Turla[,] the plaintiff[,] since she was about four years old.

A : Yes, sir.

Q : As a matter of fact[,] you know her very well[,] considering that you are a *Ninong* of the plaintiff, isn't it?

A : I was not a *Ninong* when I first knew Marilu Turla, I was just recently married to one of her cousins.

....

Q : Now, the parents of Marilu Turla are Mariano C. Turla and Rufina C. Turla?

THE WITNESS

: Yes, sir. As per my study and as per my knowledge of her relationship[s].

THE COURT

: What's the name of the mother?

ATTY. CARINGAL

: Rufina, your Honor. Rufina Turla.

Q : And wife died ahead of Mariano, isn't it?

THE WITNESS

¹² Id. at 9–10.

¹³ Id. at 10.

¹⁴ Id. at 3.

¹⁵ Id.

: Yes, sir.

Q : And of course, being the daughter of Rufina Turla, Marilu is also an heir of Rufina Turla, isn't it?

A : Of course.

Q : Now, we go by the ethics of the profession, Mr. Witness. You recall[,] of course[,] and admitted [sic] in court that you drafted this document which you requested to be marked as Exhibit B.

THE COURT

: Exhibit?

ATTY. CARINGAL

: "B", your Honor, in particular reference to the Affidavit of Adjudication for the extra judicial settlement of the intestate estate of the late Rufina De Castro Turla[,] and I have just learned from you as you just testified. Rufina is the mother of the plaintiff here[,] Marilu Turla.

THE WITNESS

: Yes, sir.

Q : And as you admitted, you prepared you drafted [sic] this Extra Judicial.

A : Yes, sir.

Q : Or this Affidavit of Adjudication.

ATTY. REY SANTOS

: At this point in time, your Honor, I would object to the question regarding my legal ethics because it is not the issue in this case.

....

ATTY. CARINGAL

....

Q : . . . In this document consisting of one, two, three, four and appearing to have been duly notarized on or about 29th [of] June 1994 with document number 28, page number 7, book number 23, series of 1994 before Notary Public Hernando P. Angara. I call your attention to the document[,] more particularly[,] paragraph 6 thereof and marked as Exhibit 7-A for the defendants[.] I read into the record and I quote, "Being her surviving spouse, I am the sole legal heir

entitled to succeed to and inherit the estate of the said deceased who did not leave any descendant, ascendant or any other heir entitled to her estate.”¹⁶ *Mr. Witness, is this particular provision that you have drafted into this document . . . true or false?*

ATTY. REY SANTOS

- : Your Honor, I would like to reiterate that any question regarding the matter that would impugn the legitimacy of the plaintiff, Marilu Turla[,] is impertinent and immaterial in this case[.] [I]t was only the wife Rufina Turla [who] ha[s] the right to impugn the legitimacy of the plaintiff[,] and that has been the subject of my continuing objection from the very beginning.

THE COURT

- : But then again[,] you have presented this document as your Exhibit B[.] [Y]ou have practically opened the floodgate to . . . questions on this document.

ATTY. REY SANTOS

- : Only for the purposes [sic] of showing one or two . . . properties owned by the late Mariano Turla, your Honor. That is why that’s only [sic] portion I have referred to in marking the said documents, your Honor.

THE COURT

- : So, you now refused [sic] to answer the question?

ATTY. REY SANTOS

- : No, I am not refusing to answer, I am just making a manifestation.

ATTY. CARINGAL

- : What is the answer, is it true or false, your Honor[?]

ATTY. REY SANTOS

- : My answer regarding the same would be subject to my objection on the materiality and impertinency and relevancy of this question, your Honor[,] to this case.

THE COURT

- : So anyway, the court has observed the continuing objection before[,] and to be consistent with the ruling of the court[,] I will allow you to answer the question[.] [I]s it true or false?

¹⁶ Id. at 6.

THE WITNESS

: No, that is not true.

ATTY. CARINGAL

: That is not true. Mr. Witness, being a lawyer[,] you admit before this court that you have drafted a document that caused the transfer of the estate of the decease[d] Rufina Turla.

THE WITNESS

: Yes, sir.

....

ATTY. CARINGAL

Q : *This document, this particular provision that you said was false, you did not tell anybody[,] ten or five years later[,] that this is false, is it not?*

THE WITNESS

: *I called the attention of Mr. Mariano Turla[,] I . . . asked him what about Lulu¹⁷ she is entitled [sic] to a share of properties and he . . . told me, “Ako na ang bahala kay Lulu[,] hindi ko pababayaang yan”. So, he asked me to proceed with the Affidavit of Adjudication wherein he claimed the whole [sic] properties for himself.¹⁸ (Emphasis supplied)*

Another Complaint¹⁹ was filed against Atty. Santos by Atty. Jose Mangaser Caringal (Atty. Caringal). This was docketed as A.C. No. 10584.²⁰ Similar to Bernardino’s Complaint, Atty. Caringal alleged that Atty. Santos represented clients with conflicting interests.²¹ He also alleged that in representing Marilu Turla, Atty. Santos would necessarily go against the claims of Mariano Turla.²²

Also, in representing Marilu Turla, Atty. Santos was allegedly violating the so-called “Dead Man’s Statute”²³ because “he [would] be

¹⁷ Atty. Santos, as witness, was referring to Marilu Turla.

¹⁸ Id. at 55–69.

¹⁹ Id. at 326–339.

²⁰ Id. at 453.

²¹ Id. at 329.

²² Id. at 330.

²³ REV. RULES ON EVID., Rule 130, sec. 23 which provides:

Rule 130. Rules of Admissibility.

SEC. 23. *Disqualification by reason of death or insanity of adverse party.*—Parties or assignors of parties to a case, or persons in whose behalf a case is prosecuted, against an executor or administrator or other representative of a deceased person, or against a person of unsound mind, upon a claim or

utilizing information or matters of fact occurring before the death of his deceased client. Similarly, he . . . [would] be unscrupulously utilizing information acquired during his professional relation with his said client . . . that [would] constitute a breach of trust . . . or of privileged communication[.]”²⁴

Atty. Caringal further alleged that Atty. Santos violated Canon 12²⁵ of the Code of Professional Responsibility when he filed several cases against the other claimants of Mariano Turla’s estate.²⁶ In other words, he engaged in forum shopping.²⁷

In addition, Atty. Santos allegedly violated Canon 10, Rule 10.01²⁸ of the Code of Professional Responsibility when he drafted Mariano Turla’s Affidavit of Self-Adjudication. The Affidavit states that Mariano Turla is the sole heir of Rufina Turla, but Atty. Santos knew this to be false.²⁹ Atty. Santos’ wife, Lynn Batac, is Mariano Turla’s niece.³⁰ As part of the family, Atty. Santos knew that Rufina Turla had other heirs.³¹ Atty. Caringal further alleged:

14.4 Being the lawyer of Mariano Turla in the drafting of the document some fifteen years ago, he is fully aware of all the circumstances therein recited. Moreover at that time, the [sic] Lynn Batac Santos was then employed at the BIR [sic] who arranged for the payment of the taxes due. There is some peculiarity in the neat set up [sic] of a husband and wife team where the lawyer makes the document while the wife who is a BIIR [sic] employee arranges for the payment of the taxes due the government;

14.5 Respondent attorney could not have been mistaken about the fact recited in the *Affidavit of Adjudication, etc.* that said deceased (Rufina de Castro Turla) “*did not leave any descendant, xxx, or any other heir entitled to her estate*’ [sic] . . . [.]”³² (Emphasis in the original)

Atty. Caringal argued that Atty. Santos was bound by the statement in Mariano Turla’s affidavit that Rufina Turla had no other heir.³³

demand against the estate of such deceased person or against such person of unsound mind, cannot testify as to any matter of fact occurring before the death of such deceased person or before such person became of unsound mind.

²⁴ *Rollo*, p. 330.

²⁵ Code of Professional Responsibility, Canon 12 — A lawyer shall exert every effort and consider it his duty to assist in the speedy and efficient administration of justice.

²⁶ *Rollo*, p. 331.

²⁷ *Id.* at 333.

²⁸ Code of Professional Responsibility, 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.

²⁹ *Rollo*, pp. 333–334.

³⁰ *Id.* at 334.

³¹ *Id.*

³² *Id.*

³³ *Id.* at 335.

Moreover, Atty. Santos allegedly converted funds belonging to the heirs of Mariano Turla for his own benefit. The funds involved were rental income from Mariano Turla's properties that were supposed to be distributed to the heirs. Instead, Atty. Santos received the rental income.³⁴

Lastly, Atty. Caringal alleged that Atty. Santos cited the repealed Article 262 of the Civil Code in his arguments.³⁵

In his Answer,³⁶ Atty. Santos denied having falsified the death certificate.³⁷ He explained that the death certificate and the Affidavit of Self-Adjudication were given to him by Mariano Turla and that he was not aware that there was a falsified entry in the death certificate.³⁸

As regards the issue on conflict of interest, Atty. Santos argued that he did not represent and was not representing conflicting interests since Mariano Turla was already dead.³⁹ Further, "he [was] representing Marilu Turla against those who ha[d] an interest in her father's estate."⁴⁰ Mariano Turla's Affidavit of Self-Adjudication never stated that there was no other legal heir but only "that Mariano Turla was the sole heir of Rufina Turla."⁴¹

Regarding the allegations of Atty. Caringal, Atty. Santos insisted that he did not commit forum shopping because the various cases filed had different issues.⁴²

As to the conversion of funds, Atty. Santos explained that the funds used were being held by his client as the special administratrix of the estate of Mariano Turla.⁴³ According to Atty. Santos, payment of attorney's fees out of the estate's funds could be considered as "expenses of administration."⁴⁴ Also, payment of Atty. Santos' legal services was a matter which Atty. Caringal had no standing to question.⁴⁵

³⁴ Id. at 338.

³⁵ Id.

³⁶ Id. at 131–137.

³⁷ Id. at 131.

³⁸ Id. at 464.

³⁹ Id. at 465–466.

⁴⁰ Id. at 466.

⁴¹ Id. at 465.

⁴² Id. at 466. Based on the records of this case, Atty. Santos filed a case for unlawful detainer, delivery of titles, and settlement.

⁴³ Id. at 467.

⁴⁴ Id.

⁴⁵ Id. at 468.

On the allegation that Atty. Santos cited a repealed provision of law, he discussed that Article 262 of the Civil Code is applicable because it was in force when Marilu Turla's birth certificate was registered.⁴⁶

The Commission on Bar Discipline of the Integrated Bar of the Philippines recommended that Atty. Santos be suspended for three (3) months.⁴⁷

It found that Bernardino failed to prove his allegation that Atty. Santos knew that the death certificate was falsified and used it to support Mariano Turla's Affidavit of Self-Adjudication.⁴⁸

Likewise, Atty. Caringal failed to prove that Atty. Santos converted funds from Mariano Turla's estate.⁴⁹

With regard to the citation of a repealed provision, the Commission on Bar Discipline stated that the evidence presented did not prove that Atty. Santos "knowingly cited a repealed law."⁵⁰

Further, Atty. Santos did not engage in forum shopping. The various cases filed involved different parties and prayed for different reliefs.⁵¹

However, the Commission on Bar Discipline agreed with Bernardino and Atty. Caringal that Atty. Santos represented clients with conflicting interests.⁵² The Report and Recommendation⁵³ of the Commission on Bar Discipline stated:

. . . *Canon 15 of the Code of Professional Responsibility particularly Rule 15.03* specifically proscribes members of the bar from representing conflicting interests. The Supreme Court has explained that "the proscription against representation of conflicting interest finds application where the conflicting interests arise with respect to the same general matter and is applicable however slight such adverse interest may be; the fact that the conflict of interests is remote or merely probable does not make the prohibition inoperative."

. . . .

. . . In the case at bar, the fact that the respondent represented Mariano Turla is no secret. The respondent has in a number of

⁴⁶ Id.

⁴⁷ Id. at 474.

⁴⁸ Id. at 469.

⁴⁹ Id.

⁵⁰ Id. at 470.

⁵¹ Id.

⁵² Id. at 471.

⁵³ Id. at 456–474.

pleadings/motions/documents and even on the witness stand admitted that he drafted Mariano Turla's *Affidavit of Adjudication* which expressly states that he was the sole heir of Rufina Turla.

And then he afterwards agreed to represent Marilu Turla who claimed to be Mariano Turla's daughter. To substantiate her claim that she is Mariano Turla's daughter, the respondent admitted that he relied on the birth certificate presented by Marilu Turla[,] which indicates that she is not only the daughter of Mariano Turla but also of Rufina Turla as evidenced by the Birth Certificate presented stating that Rufina Turla is Marilu Turla's mother. This means that Marilu Turla was also a rightful heir to Rufina Turla's inheritance and was deprived of the same because of the *Affidavit of Adjudication* which he drafted for Mariano Turla[,] stating that he is his wife's sole heir.

. . . To further explain, the respondent[,] in agreeing to represent Marilu Turla[,] placed himself in a position where he is to refute the claim in Mariano Turla's *Affidavit of Adjudication* that he is the only heir of Rufina Turla.⁵⁴ (Citations omitted)

In the Resolution⁵⁵ dated May 10, 2013, the Board of Governors of the Integrated Bar of the Philippines (IBP Board of Governors) adopted and approved the findings and recommendations of the Commission on Bar Discipline.

Atty. Santos filed a Motion for Partial Reconsideration,⁵⁶ which was denied by the IBP Board of Governors in the Resolution⁵⁷ dated March 22, 2014.

This administrative case was forwarded to this court through a letter of transmittal dated July 15, 2014,⁵⁸ pursuant to Rule 139-B, Section 12(b) of the Rules of Court which provides:

RULE 139-B

DISBARMENT AND DISCIPLINE OF ATTORNEYS

SEC. 12. *Review and decision by the Board of Governors.*—

. . . .

(b) If the Board, by the vote of a majority of its total membership, determines that the respondent should be suspended from the practice of law or disbarred, it shall issue a resolution setting forth its findings and recommendations which, together with the whole record of the case, shall forthwith be transmitted to the Supreme Court for final action.

⁵⁴ Id. at 471–473.

⁵⁵ Id. at 455.

⁵⁶ Id. at 546–558.

⁵⁷ Id. at 454.

⁵⁸ Id. at 453.

The issues in this case are: (1) whether respondent Atty. Santos violated the Code of Professional Responsibility; and (2) whether the penalty of suspension of three (3) months from the practice of law is proper.

This court accepts and adopts the findings of fact of the IBP Board of Governors' Resolution. However, this court modifies the recommended penalty of suspension from the practice of law from three (3) months to one (1) year.

Canon 15, Rule 15.03 of the Code of Professional Responsibility states:

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

....

Rule 15.03 — A lawyer shall not represent conflicting interests except by written consent of all concerned given after a full disclosure of the facts.

The rule on conflict of interest is based on the fiduciary obligation in a lawyer-client relationship. Lawyers must treat all information received from their clients with utmost confidentiality in order to encourage clients to fully inform their counsels of the facts of their case.⁵⁹ In *Hornilla v. Atty. Salunat*,⁶⁰ this court explained what conflict of interest means:

There is conflict of interest when a lawyer represents inconsistent interests of two or more opposing parties. *The test is "whether or not in behalf of one client, it is the lawyer's duty to fight for an issue or claim, but it is his duty to oppose it for the other client. In brief, if he argues for one client, this argument will be opposed by him when he argues for the other client."* This rule covers not only cases in which confidential communications have been confided, but also those in which no confidence has been bestowed or will be used. Also, there is conflict of interests if the acceptance of the new retainer will require the attorney to perform an act which will injuriously affect his first client in any matter in which he represents him and also whether he will be called upon in his new relation to use against his first client any knowledge acquired through their connection. Another test of the inconsistency of interests is whether the acceptance of a new relation will prevent an attorney from the full discharge of his duty of undivided fidelity and loyalty to his client or invite suspicion of unfaithfulness or double dealing in the performance thereof.⁶¹ (Emphasis supplied, citations omitted)

⁵⁹ *Samson v. Atty. Era*, A.C. No. 6664, July 16, 2013, 701 SCRA 241, 252 [Per J. Bersamin, En Banc].

⁶⁰ 453 Phil. 108 (2003) [Per J. Ynares-Santiago, First Division].

⁶¹ *Id.* at 111–112.

Applying the test to determine whether conflict of interest exists, respondent would necessarily refute Mariano Turla's claim that he is Rufina Turla's sole heir when he agreed to represent Marilu Turla. Worse, he knew that Mariano Turla was not the only heir. As stated in the Report of the Commission on Bar Discipline:

Worse[,] the respondent himself on the witness stand during his April 14, 2009 testimony in the Civil Case for *Sum of Money with Prayer of Writ of Preliminary Injunction and Temporary Restraining Order docketed as Civil Case No. 09-269* filed with the RTC of Makati City admitted as follows: "I called the attention of Mr. Mariano Turla[,] I . . . asked him what about Lulu she is entitled [sic] to a share of properties and he . . . told me, 'Ako na ang bahala kay Lulu[,] hindi ko pababayaang yan.' So he asked me to proceed with the Affidavit of Adjudication wherein he claimed the whole [sic] properties for himself." This very admission proves that the respondent was privy to Marilu Turla's standing as a legal and rightful heir to Rufina Turla's estate.⁶² (Citation omitted)

However, Rule 15.03 provides for an exception, specifically, "by written consent of all concerned given after a full disclosure of the facts."⁶³ Respondent had the duty to inform Mariano Turla and Marilu Turla that there is a conflict of interest and to obtain their written consent.

Mariano Turla died on February 5, 2009,⁶⁴ while respondent represented Marilu Turla in March 2009.⁶⁵ It is understandable why respondent was unable to obtain Mariano Turla's consent. Still, respondent did not present evidence showing that he disclosed to Marilu Turla that he previously represented Mariano Turla and assisted him in executing the Affidavit of Self-Adjudication. Thus, the allegation of conflict of interest against respondent was sufficiently proven.

Likewise, we accept and adopt the IBP Board of Governors' finding that respondent violated Canon 10, Rule 10.01 of the Code of Professional Responsibility, which states:

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.

In the Report, the Commission on Bar Discipline explained:

⁶² *Rollo*, p. 494.

⁶³ Code of Professional Responsibility, Canon 15, rule 15.03.

⁶⁴ *Rollo*, p. 21.

⁶⁵ *Id.* at 18 and 20.

Corollary to the foregoing, the Commission by virtue of the doctrine *res ipsa loquitor* [sic] finds that the respondent's act of failing to thwart his client Mariano Turla from filing the *Affidavit of Adjudication* despite . . . his knowledge of the existence of Marilu Turla as a possible heir to the estate of Rufina Turla, the respondent failed to uphold his obligation as a member of the bar to be the stewards of justice and protectors of what is just, legal and proper. Thus in failing to do his duty and acting dishonestly[,], not only was he in contravention of the Lawyer's Oath but was also in violation of *Canon 10, Rule 10.01 of the Code of Professional Responsibility*.⁶⁶ (Emphasis in the original)

As officers of the court, lawyers have the duty to uphold the rule of law. In doing so, lawyers are expected to be honest in all their dealings.⁶⁷ Unfortunately, respondent was far from being honest. With full knowledge that Rufina Turla had another heir, he acceded to Mariano Turla's request to prepare the Affidavit of Self-Adjudication.⁶⁸

This court notes that the wording of the IBP Board of Governors' Resolutions dated May 10, 2013 and March 22, 2014 seems to imply that it is the Integrated Bar of the Philippines that has the authority to impose sanctions on lawyers. This is wrong.

The authority to discipline members of the Bar is vested in this court under the 1987 Constitution:

ARTICLE VIII JUDICIAL DEPARTMENT

. . . .

Section 5. The Supreme Court shall have the following powers:

. . . .

(5) Promulgate rules concerning the protection and enforcement of constitutional rights, pleading, practice, and procedure in all courts, *the admission to the practice of law*, the integrated bar, and legal assistance to the underprivileged. . . . (Emphasis supplied)

*Zaldivar v. Sandiganbayan*⁶⁹ elucidated on this court's "plenary disciplinary authority over attorneys"⁷⁰ and discussed:

⁶⁶ Id. at 494.

⁶⁷ *Sonic Steel Industries, Inc. v. Atty. Chua*, A.C. No. 6942, July 17, 2013, 701 SCRA 340, 350 [Per J. Peralta, Third Division].

⁶⁸ *Rollo*, p. 494.

⁶⁹ 248 Phil. 542 (1988) [Per Curiam, En Banc].

⁷⁰ Id. at 554.

We begin by referring to the authority of the Supreme Court to discipline officers of the court and members of the court and members of the Bar. The Supreme Court, as regular and guardian of the legal profession, has plenary disciplinary authority over attorneys. The authority to discipline lawyers stems from the Court's constitutional mandate to regulate admission to the practice of law, which includes as well authority to regulate the practice itself of law. Quite apart from this constitutional mandate, the disciplinary authority of the Supreme Court over members of the Bar is an inherent power incidental to the proper administration of justice and essential to an orderly discharge of judicial functions. . . .

. . . The disciplinary authority of the Court over members of the Bar is but corollary to the Court's exclusive power of admission to the Bar. A lawyers [sic] is not merely a professional but also an officer of the court and as such, he is called upon to share in the task and responsibility of dispensing justice and resolving disputes in society.⁷¹ (Citations omitted)

This court's authority is restated under Rule 138 of the Rules of Court, specifically:

RULE 138

ATTORNEYS AND ADMISSION TO BAR

. . . .

SEC. 27. *Disbarment or suspension of attorneys by Supreme Court, grounds therefor.*—A member of the bar may be disbarred or suspended from his office as attorney by the Supreme Court for any deceit, malpractice, or other gross misconduct in such office, grossly immoral conduct, or by reason of his conviction of a crime involving moral turpitude, or for any violation of the oath which he is required to take before admission to practice, or for a wilful disobedience appearing as an attorney for a party to a case without authority so to do. The practice of soliciting cases at law for the purpose of gain, either personally or through paid agents or brokers, constitutes malpractice. (Emphasis supplied)

In *Ramirez v. Buhayang-Margallo*,⁷² this court emphasized the authority of this court to impose disciplinary action on those admitted to the practice of law.

Parenthetically, it is this court that has the constitutionally mandated duty to discipline lawyers.⁷³ Under the current rules, the duty to assist fact finding can be delegated to the Integrated Bar of the Philippines. The findings of the Integrated Bar, however, can only be recommendatory, consistent with the constitutional powers of this court.

⁷¹ Id. at 554–556.

⁷² A.C. No. 10537, p. 8 [Per J. Leonen, En Banc].

⁷³ CONST. (1987), art. VIII, sec. 5(5).

Its recommended penalties are also, by its nature, recommendatory.⁷⁴

The authority given to the Integrated Bar of the Philippines is based on Rule 139-B, Section 1 of the Rules of Court, which provides that “[p]roceedings for the disbarment, suspension or discipline of attorneys may be taken by the Supreme Court *motu proprio*, or by the Integrated Bar of the Philippines . . . upon the verified complaint of any person.” However, this authority is only to assist this court with the investigation of the case, to determine factual findings, and to recommend, at best, the penalty that may be imposed on the erring lawyer.

We reiterate the discussion in *Tenoso v. Atty. Echanez*.⁷⁵

Time and again, this Court emphasizes that the practice of law is imbued with public interest and that “a lawyer owes substantial duties not only to his client, but also to his brethren in the profession, to the courts, and to the nation, and takes part in one of the most important functions of the State—the administration of justice—as an officer of the court.” Accordingly, “[l]awyers are bound to maintain not only a high standard of legal proficiency, but also of morality, honesty, integrity and fair dealing.”⁷⁶ (Citations omitted)

Only this court can impose sanctions on members of the Bar. This disciplinary authority is granted by the Constitution and cannot be relinquished by this court.⁷⁷ The Resolutions of the Integrated Bar of the Philippines are, at best, recommendatory, and its findings and recommendations should not be equated with Decisions and Resolutions rendered by this court.

WHEREFORE, we find respondent Atty. Victor Rey Santos guilty of violating Canon 15, Rule 15.03 and Canon 10, Rule 10.01 of the Code of Professional Responsibility. The findings of fact and recommendations of the Board of Governors of the Integrated Bar of the Philippines dated May 10, 2013 and March 22, 2014 are **ACCEPTED and ADOPTED with the MODIFICATION** that the penalty of suspension from the practice of law for one (1) year is imposed upon Atty. Victor Rey Santos. He is warned that a repetition of the same or similar act shall be dealt with more severely.

Let a copy of this Resolution be furnished the Office of the Bar Confidant, to be appended to respondent’s personal record as attorney, to the Integrated Bar of the Philippines, and to the Office of the Court

⁷⁴ A.C. No. 10537, p. 8 [Per J. Leonen, En Banc].

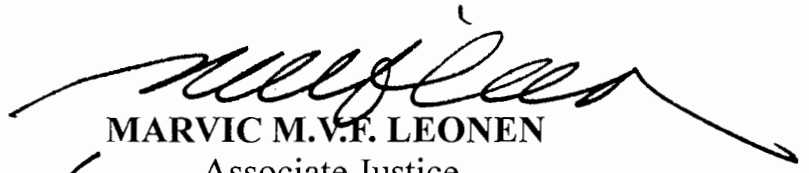
⁷⁵ A.C. No. 8384, April 11, 2013, 696 SCRA 1 [Per J. Leonen, En Banc].

⁷⁶ Id. at 6.


⁷⁷ *In re Almacen*, G.R. No. L-27654, February 18, 1970, 31 SCRA 562, 601 [Per J. Castro, En Banc].


Administrator for dissemination to all courts throughout the country for their information and guidance.

SO ORDERED.


MARVIC M.V.F. LEONEN
Associate Justice

WE CONCUR:


ANTONIO T. CARPIO
Associate Justice
Chairperson


PRESBITERO J. VELASCO, JR.
Associate Justice


MARIANO C. DEL CASTILLO
Associate Justice


JOSE CATRAL MENDOZA
Associate Justice