



Republic of the Philippines
Supreme Court
Manila

EN BANC

MYRNA M. DEVEZA,
Complainant,

A.C. No. 9574

Present:

SERENO, C.J.,
CARPIO,
VELASCO, JR.,
LEONARDO-DE CASTRO,
BRION,
PERALTA,
BERSAMIN,
DEL CASTILLO,*
PEREZ,
MENDOZA,
REYES,
PERLAS-BERNABE,
LEONEN,
JARDELEZA, and
CAGUIOA, JJ.

- versus -

ATTY. ALEXANDER M. DEL
PRADO,

Promulgated:

Respondent.

June 21, 2016

X ----- X

DECISION

Per Curiam:

Before the Court is a Complaint-Affidavit¹ for disbarment filed by Myrna M. Deveza (*complainant*) against respondent Atty. Alexander M. Del Prado (*Atty. Del Prado*) for dishonesty and for acts unbecoming a lawyer.

* On Official Leave.

¹ *Rollo*, pp. 1-2.

In her complaint-affidavit, complainant alleged, among others, the following:

2. The charge arose from the following facts:

- (a) In February 2003, Atty. Alexander del Prado bought my lot located at No. 3242 Malvar St., Bragy. Pagasa, Camarin, Caloocan City, consisting of 633.80 sq. meters and covered by Transfer Certificate of Title No. 178828 of the Register of Deeds of Caloocan City for ₱1,500.00 per square meters on installment basis.
- (b) To evidence the said sale, we executed a Contract to Sell. Atty. Del Prado took all the copies of the Contract to Sell on the pretext that he will have the document notarized but he never gave me a copy of the said document.
- (c) Atty. Del Prado defaulted in his obligation to pay me the purchase price of the said lot by leaving a balance of ₱565,950.00.
- (d) When I sent him a demand letter for the payment of his obligation and/or rescission of sale, he called me and told me that he will meet me and my son at Jollibee, Muñoz Branch, where he will pay his unpaid balance. He likewise asked me to bring the title over the property.
- (e) Upon meeting Atty. Del Prado at Jollibee Muñoz Branch, he asked for the title of the property and I showed it to him. Then Atty. Del Prado brought out a completely filled up Deed of Sale and he asked us to sign it before he will give us his payment.
- (f) After we have signed the Deed of Absolute Sale, he gave us ₱5,000.00 and he told us that he would have the document first notarized before he will give us his complete payment. x x x
- (g) At that juncture, Atty. Del Prado tried to put inside his bag our title over the property but I was able to grab it from him.
- (h) Atty. Del Prado never paid us the balance of the purchase price for the lot he bought from us.
- (i) [Worst], Atty. Del Prado used the Deed of Absolute Sale that he made us sign by means of fraud as evidence in the civil case I filed against him for rescission of contract [that misled] the court.

x x x.²

In a Resolution,³ dated September 3, 2012, the Court required Atty. Del Prado to comment on the complaint-affidavit but failed to do so.

² Id. at 1-2.

³ Id. at 29.

J. Karloson - Done

Pursuant to the Court Resolution,⁴ dated November 18, 2013, the complaint was referred to the Integrated Bar of the Philippines (*IBP*) for investigation, report and recommendation.

On June 18, 2014, the case was set for mandatory conference but only the counsel of complainant appeared. Despite due notice, Atty. Del Prado did not attend the mandatory conference. The parties were then required to submit their respective position papers but Atty. Del Prado again did not heed to the order of the IBP.

On September 2, 2014, the IBP-CBD, in its Report and Recommendation,⁵ stated that Atty. Del Prado's failure to answer the complaint despite several notices and his continuous absence in the scheduled hearings shows his flouting resistance to the lawful orders of the court and illustrates his despicency for his oath of office as a lawyer. The IBP-CBD recommended that Atty. Del Prado be meted the penalty of suspension from the practice of law and as a member of the bar for a period of two (2) years.

In its Notice of Resolution No. XXI-2015-014,⁶ dated January 30, 2015, the IBP-Board of Governors adopted and approved with modification the report and recommendation of the CBD and suspended Atty. Del Prado from the practice of law for a period of five (5) years.

The Court agrees with the findings and recommendation of the IBP.

The practice of law is a privilege bestowed only to those who show that they possess and continue to possess the legal qualifications for it. As vanguards of our legal system, they are expected to maintain not only legal proficiency but also a high standard of morality, honesty, integrity and fair dealing.⁷ Because of their important role in the society, the Court shall not hesitate to discipline a lawyer for any conduct that is wanting in morality, honesty, probity and good demeanor, whether such conduct was committed in their professional or in private capacity.⁸

Canon 7 of the Code of Professional Responsibility specifically mandates all lawyers to uphold the integrity and dignity of the legal profession. Rule 1.01 of Canon 1 of the same code proscribes a lawyer from engaging in any unlawful, dishonest, immoral or deceitful conduct. They should refrain from doing any act which might lessen in any degree the

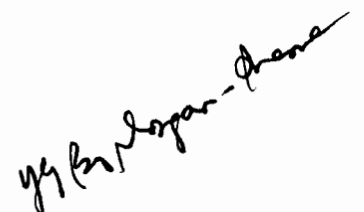
⁴ Id. at 32.

⁵ Id. at 51-53.

⁶ Id. at 49-50.

⁷ *Bengco v. Atty. Bernardo*, 687 Phil. 7, 16 (2012).

⁸ *Tomlin II v. Atty. Moya II*, 518 Phil. 325, 330 (2006).



confidence and trust reposed by the public in the fidelity, honesty and integrity of the legal profession.⁹

In the present case, Atty. Del Prado committed an act which fell short of the standard of the norm of conduct required of every lawyer. He deceived the complainant by making her sign the deed of sale and making her believe that he would pay in full the balance of the purchase price after he had the document notarized. Complainant waited for Atty. Del Prado to make good his promise to pay but despite several demands, he continued renegeing on his obligation which prompted her to file a case against him.

Moreover, Atty. Del Prado wantonly disregarded the lawful orders of the Court and IBP-CBD to file his comment and position paper and to appear in the mandatory conference despite due notice. His continued defiance of the orders of the Court and the IBP-CBD is a deliberate and contemptuous affront on the court's authority which cannot be tolerated.¹⁰ Atty. Del Prado should bear in mind that he is a lawyer and an officer of the court who is duty bound to obey and respect the court processes. He must acknowledge, at all times, the orders of the Court and the IBP-CBD in deference to their authority over him as a member of the bar.¹¹

WHEREFORE, finding respondent Atty. Alexander Del Prado **GUILTY** of violating Rule 1.01 of Canon 1 and Canon 7 of the Code of Professional Responsibility, the Court hereby **SUSPENDS** him from the practice of law for Five (5) years effective upon receipt of this decision with a **WARNING** that a repetition of the same or a similar act will be dealt with more severely.

Let copies of this decision be furnished all courts in the country and the Integrated Bar of the Philippines for their information and guidance. Let also a copy of this decision be appended to the personal record Atty. Alexander Del Prado in the Office of the Bar Confidant.

SO ORDERED.



MARIA LOURDES P. A. SERENO
Chief Justice

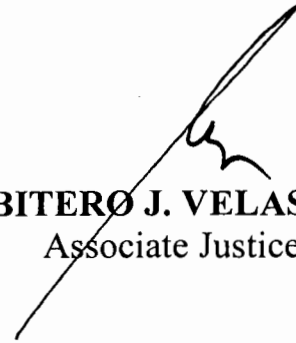
⁹ *Maligsa v. Cabanting*, 338 Phil. 912, 917 (1997).

¹⁰ *Supra* note 7, at 15.

¹¹ *Toledo v. Atty. Abalos*, 374 Phil. 15, 18 (1999).


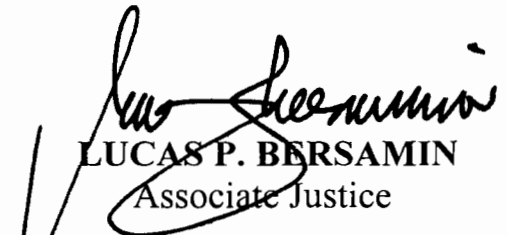


ANTONIO T. CARIPIO
Associate Justice




PRESBITERO J. VELASCO, JR.
Associate Justice



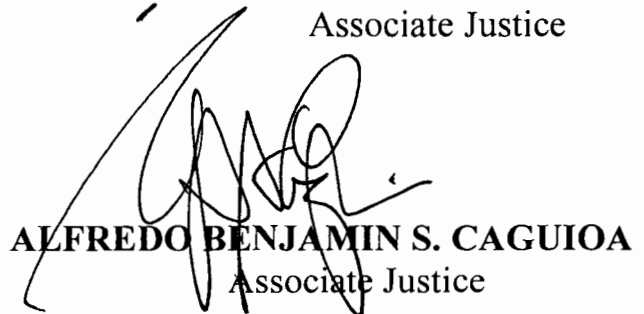
Teresita Leonardo de Castro
TERESITA J. LEONARDO-DE CASTRO
Associate Justice


ARTURO D. BRION
Associate Justice
DIOSDADO M. PERALTA
Associate Justice
LUCAS P. BERSAMIN
Associate Justice

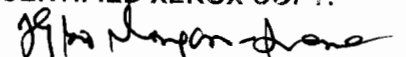
(On Official Leave)
MARIANO C. DEL CASTILLO
Associate Justice


JOSE PORTUGAL PEREZ
Associate Justice
JOSE CATRAL MENDOZA
Associate Justice
BIENVENIDO L. REYES
Associate Justice

M.P. Bernabe
ESTELA M. PERLAS-BERNABE
Associate Justice


MARVIC M.V.F. LEONEN
Associate Justice
FRANCIS H. JARDELEZA
Associate Justice
ALFREDO BENJAMIN S. CAGUIOA
Associate Justice

CERTIFIED XEROX COPY:


FELIPA B. ANAMA
CLERK OF COURT, EN BANC
SUPREME COURT