



Republic of the Philippines
Supreme Court
Baguio City

EN BANC

ALEX NULADA,

Complainant,

A.C. No. 8172

Present:

- versus -

ATTY. ORLANDO S. PAULMA,
Respondent.

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

Promulgated:

April 12, 2016

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Perlas-Bernabe
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RESOLUTION

PERLAS-BERNABE, J.:

The instant administrative case arose from a verified complaint¹ for disbarment by reason of dishonesty and conviction of a crime involving moral turpitude filed by complainant Alex Nulada (complainant) against respondent Atty. Orlando S. Paulma (respondent).

* On official leave.

¹ Dated January 7, 2009. *Rollo*, pp. 1-5.

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The Facts

Complainant alleged that on September 30, 2005, respondent issued in his favor a check in the amount of ₱650,000.00 as payment for the latter's debt. Because of respondent's standing as a respected member of the community and his being a member of the *Sangguniang Bayan* of the Municipality of Miagao,² Province of Iloilo, complainant accepted the check without question.³

Unfortunately, when he presented the check for payment, it was dishonored due to insufficient funds. Respondent failed to make good the amount of the check despite notice of dishonor and repeated demands, prompting complainant to file a criminal complaint for violation of *Batas Pambansa Bilang* (BP) 22⁴ against respondent,⁵ before the Office of the Provincial Prosecutor, Province of Iloilo, docketed as I.S. No. 2006-637,⁶ which issued a Resolution⁷ dated May 26, 2006 recommending the filing of the appropriate information against respondent before the Municipal Trial Court of Miagao, Province of Iloilo (MTC).⁸ Subsequently, said information was docketed as Criminal Case No. 2604.⁹

After due proceedings, the MTC rendered a Decision¹⁰ dated October 30, 2008 finding respondent guilty of violation of BP 22 and ordering him to pay the amount of ₱150,000.00 as fine, with subsidiary imprisonment in case of failure to pay. Furthermore, he was ordered to pay: (1) the sum of ₱650,000.00 representing the amount of the check with interest pegged at the rate of twelve percent (12%) per annum computed from the time of the filing of the complaint; (2) filing fees in the amount of ₱10,000.00; and (3) attorney's fees in the amount of ₱20,000.00 plus appearance fees of ₱1,500.00 per hearing.¹¹

Records show that respondent appealed his conviction to the Regional Trial Court of Guimbal, Iloilo, Branch 67 (RTC), docketed as Criminal Case No. 346.¹² In a Decision¹³ dated March 13, 2009, the RTC affirmed *in toto*

² Spelled as "Miag-ao" in some parts of the *rollo*.

³ *Rollo*, p. 2.

⁴ Entitled "AN ACT PENALIZING THE MAKING OR DRAWING AND ISSUANCE OF A CHECK WITHOUT SUFFICIENT FUNDS OR CREDIT AND FOR OTHER PURPOSES," approved on April 3, 1979.

⁵ *Rollo*, p. 2.

⁶ See *id.* at 78.

⁷ *Id.* at 78-80. Issued by 3rd Assistant Provincial Prosecutor Globert J. Justalero and approved by Provincial Prosecutor Bernabe D. Dusaban.

⁸ *Id.* at 79.

⁹ See *id.* at 6.

¹⁰ *Id.* at 6-19. Penned by Designated Judge Ernesto A. Templanza, Sr.

¹¹ *Id.* at 18-19.

¹² See *id.* at 72.

¹³ *Id.* at 72-73. Penned by Judge Domingo D. Diamante.

the MTC ruling. On April 16, 2009, the RTC Decision became final and executory.¹⁴

Prior to the promulgation of the RTC Decision, or on February 12, 2009, complainant filed this administrative complaint before the Court, through the Office of the Bar Confidant.

In his defense,¹⁵ respondent denied that he committed dishonesty against complainant, as prior to September 30, 2005, he informed the latter that there were insufficient funds to cover the amount of the check. Respondent claimed that he merely issued the check in order to accommodate a friend in whose favor he obtained the loan, stressing that he did not personally benefit from the proceeds thereof.¹⁶ Unfortunately, said friend had died and respondent had no means by which to pay for the amount of the check.¹⁷ He also claimed that complainant threatened him and used his unfunded check to the latter's personal advantage.¹⁸

Thereafter, the Court, in its Resolution dated November 14, 2011,¹⁹ referred this administrative case to the Integrated Bar of the Philippines (IBP) for its investigation, report, and recommendation.

The IBP's Report and Recommendation

After conducting mandatory conferences, the Commission on Bar Discipline (CBD) of the IBP issued a Report and Recommendation²⁰ dated June 26, 2013, recommending that respondent be suspended from the practice of law for a period of six (6) months for violation of the lawyer's oath and the Code of Professional Responsibility (CPR), as well as for having been found guilty of a crime involving moral turpitude.²¹

It found that the offense for which respondent was found guilty of, *i.e.*, violation of BP 22, involved moral turpitude, and that he violated his lawyer's oath and the CPR when he committed the said offense. Stressing the importance of the lawyer's oath, the IBP held that by his conviction of

¹⁴ See Entry of Final Judgment signed by Clerk of Court VI Atty. Aemos Jonathan A. Galuego; *id.* at 30. It appears from the records that respondent elevated the criminal case before the Court of Appeals (CA) through filing of two (2) separate motions for extensions to file petition, which were, however denied by the CA, in its Resolution dated October 1, 2009 for failure to: (a) pay full amount of docket and lawful fees; and (b) file the petition within the extended period (see *id.* at 74-75). Said CA Resolution became final and executory on October 2, 2010 (see Entry of Judgment signed by Division Clerk of Court May Faith L. Trumata-Rebotiaco; *id.* at 116).

¹⁵ See Counter-Affidavit dated September 2, 2011; *id.* at 43-46.

¹⁶ *Id.* at 43-44.

¹⁷ *Id.* at 44.

¹⁸ *Id.* at 45.

¹⁹ *Id.* at 48. Signed by Division Clerk of Court Wilfredo V. Lapitan.

²⁰ *Id.* at 122-125. Issued by IBP Commissioner Roland B. Beltran.

²¹ See *id.* at 125.

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the said crime, respondent has shown that he is “unfit to protect the administration of justice or that he is no longer of good moral character”²² which justifies either his suspension or disbarment.²³

Subsequently, or on October 10, 2014, the IBP Board of Governors issued a Notice of Resolution²⁴ adopting and approving with modification the IBP’s Report and Recommendation dated June 26, 2013, suspending respondent from the practice of law for a period of two (2) years for having violated the lawyer’s oath and the CPR, as well as for having been found guilty of a crime involving moral turpitude.²⁵

The Issue Before the Court

The issue advanced for the Court’s resolution is whether or not respondent should be administratively disciplined for having been found guilty of a crime involving moral turpitude.

The Court’s Ruling

The Court sustains the findings and conclusions of the CBD of the IBP, as approved, adopted, and modified by the IBP Board of Governors.

Section 27, Rule 138 of the Rules of Court provides:

Section 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 willful disobedience of any lawful order of a superior court, or for corruptly or willfully appearing as an attorney for a party to a case without authority to do so. The practice of soliciting cases at law for the purpose of gain, either personally or through paid agents or brokers, constitutes malpractice.

Canon 1 of the CPR mandates all members of the bar “to obey the laws of the land and promote respect for law x x x.” Rule 1.01 thereof specifically provides that “[a] lawyer shall not engage in unlawful, dishonest, immoral or deceitful conduct.” By taking the lawyer’s oath, a lawyer becomes a guardian of the law and an indispensable instrument for

²² Id. at 124.

²³ See id.

²⁴ Id. at 121, including dorsal portion thereof. Issued by National Secretary Nasser A. Marohomsalic.

²⁵ See Resolution No. XXI-2014-737 in CBD Case No. 12-3357; id.

the orderly administration of justice.²⁶ As such, he can be disciplined for any conduct, in his professional or private capacity, which renders him unfit to continue to be an officer of the court.²⁷

In *Enriquez v. De Vera*,²⁸ the Court discussed the purpose and nature of a violation of BP 22 in relation to an administrative case against a lawyer, as in this case, to wit:

[BP] 22 has been enacted in order to safeguard the interest of the banking system and the legitimate public checking account users. The gravamen of the offense defined and punished by [BP] 22[x x x] is the act of making and issuing a worthless check, or any check that is dishonored upon its presentment for payment and putting it in circulation; the law is designed to prohibit and altogether eliminate the deleterious and pernicious practice of issuing checks with insufficient funds, or with no credit, because the practice is deemed a public nuisance, a crime against public order to be abated.

x x x x

Being a lawyer, respondent was well aware of the objectives and coverage of [BP] 22. If he did not, he was nonetheless presumed to know them, for the law was penal in character and application. His issuance of the unfunded check involved herein knowingly violated [BP] 22, and exhibited his indifference towards the pernicious effect of his illegal act to public interest and public order. He thereby swept aside his Lawyer's Oath that enjoined him to support the Constitution and obey the laws.²⁹

Clearly, the issuance of worthless checks in violation of BP Blg. 22 indicates a lawyer's unfitness for the trust and confidence reposed on him, shows such lack of personal honesty and good moral character as to render him unworthy of public confidence, and constitutes a ground for disciplinary action.³⁰

In this case, respondent's conviction for violation of BP 22, a crime involving moral turpitude, had been indubitably established. Such conviction has, in fact, already become final. Consequently, respondent violated the lawyer's oath, as well as Rule 1.01, Canon 1 of the CPR, as aptly found by the IBP and, thus, must be subjected to disciplinary action.

In *Heenan v. Espejo*,³¹ the Court suspended therein respondent from the practice of law for a period of two (2) years when the latter issued checks

²⁶ *Foronda v. Alvarez, Jr.*, AC No. 9976, June 25, 2014, 727 SCRA 155, 164, citing *Manzano v. Soriano*, 602 Phil. 419, 426-427 (2009).

²⁷ *Id.*, citing *de Chavez-Blanco v. Lumasag, Jr.*, 603 Phil. 59, 65 (2009).

²⁸ See A.C. No. 8330, March 16, 2015, citing *Ong v. Delos Santos*, A.C. No. 10179, March 4, 2014, 717 SCRA 663, 668-669.

²⁹ See *id.*

³⁰ *Wong v. Moya II*, 590 Phil. 279, 289 (2008), citing *Cuizon v. Macalino*, 477 Phil. 569, 575 (2004).

³¹ A.C. No. 10050, December 3, 2013, 711 SCRA 290.

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which were dishonored due to insufficiency of funds. In *A-1 Financial Services, Inc. v. Valerio*,³² the same penalty was imposed by the Court to respondent who issued worthless checks to pay off her loan. Likewise, in *Dizon v. De Taza*,³³ the Court meted the penalty of suspension for a period of two (2) years to respondent for having issued bouncing checks, among other infractions. Finally, in *Wong v. Moya II*,³⁴ respondent was ordered suspended from the practice of law for a period of two (2) years, because aside from issuing worthless checks and failure to pay his debts, respondent also breached his client's trust and confidence to his personal advantage and had shown a wanton disregard of the IBP's Orders in the course of its proceedings. Accordingly, and in view of the foregoing instances when the erring lawyer was suspended for a period of two (2) years for the same violation, the Court finds it appropriate to mete the same penalty to respondent in this case.

As a final word, it should be emphasized that membership in the legal profession is a privilege burdened with conditions.³⁵ A lawyer is required to observe the law and be mindful of his or her actions whether acting in a public or private capacity.³⁶ Any transgression of this duty on his part would not only diminish his reputation as a lawyer but would also erode the public's faith in the legal profession as a whole.³⁷ In this case, respondent's conduct fell short of the exacting standards expected of him as a member of the bar, for which he must suffer the necessary consequences.

WHEREFORE, respondent Atty. Orlando S. Paulma is hereby **SUSPENDED** from the practice of law for a period of two (2) years, effective upon his receipt of this Resolution. He is warned that a repetition of the same or similar act will be dealt with more severely.

Let a copy of this Resolution be entered in Atty. Paulma's personal record with the Office of the Bar Confidant, and copies be served to the Integrated Bar of the Philippines and the Office of the Court Administrator for circulation to all the courts in the land.

SO ORDERED.


ESTELA M. PERLAS-BERNABE
Associate Justice

³² 636 Phil. 627 (2010).

³³ A.C. 7676, June 10, 2014, 726 SCRA 70.

³⁴ Supra note 30.

³⁵ Id. at 290.

³⁶ *Enriquez v. De Vera*, supra note 28.

³⁷ *Ong v. Delos Santos*, supra note 28, at 671.

WE CONCUR:



MARIA LOURDES P. A. SERENO
Chief Justice



ANTONIO T. CARPIO
Associate Justice



PRESBITERO J. VELASCO, JR.
Associate Justice

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



ARTURO D. BRION
Associate Justice

On Official leave
DIOSDADO M. PERALTA
Associate Justice



LUCAS P. BERSAMIN
Associate Justice



MARIANO C. DEL CASTILLO
Associate Justice



JOSE PORTUGAL PEREZ
Associate Justice



JOSE CANRAL MENDOZA
Associate Justice



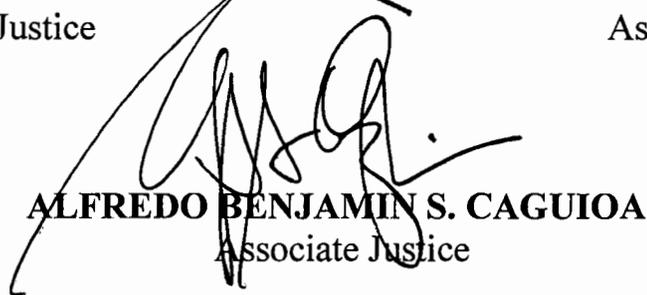
BIENVENIDO L. REYES
Associate Justice



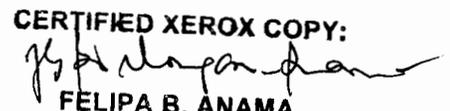
MARVIC M. V. F. LEONEN
Associate Justice



FRANCIS HJARDELEZA
Associate Justice



ALFREDO BENJAMIN S. CAGUIOA
Associate Justice

CERTIFIED XEROX COPY:

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