Republic of the Philippines
Supreme Court
Manila

EN BANC

VIRGILIO J. MAPALAD, SR., **Complainant,**	**A.C. No. 10911**
	Present:
	SERENO, *C.J.,* CARPIO, VELASCO, JR., LEONARDO-DE CASTRO, PERALTA, BERSAMIN, DEL CASTILLO, MENDOZA,* REYES, PERLAS-BERNABE, LEONEN, JARDELEZA, CAGUIOA, MARTIRES,* TIJAM, *JJ.*
- versus -	
ATTY. ANSELMO S. ECHANEZ, **Respondent.**	
	Promulgated:
	June 6, 2017

x----------x

DECISION

TIJAM, *J.*:

This administrative case arose from a verified Complaint for disbarment dated October 16, 2009 filed by complainant Virgilio Mapalad,

* On official leave.

Sr. against respondent Atty. Anselmo S. Echanez before the Integrated Bar of the Philippines (IBP).[1]

The Facts

Complainant alleged that in an action for Recovery of Possession and Damages with Writ of Preliminary Mandatory Injunction docketed as Civil Case No. 1635-1-784 before the Municipal Trial Court in Santiago City, Isabela, complainant was one of the plaintiffs while respondent was the defendants' counsel therein. As the said case was decided in favor of the plaintiffs, respondent filed a Notice of Appeal dated May 22, 2009, in which respondent indicated his Mandatory Continuing Legal Education (MCLE) Compliance No. II-0014038 without indicating the date of issue thereof.[2] On appeal, respondent filed the appellants' brief, again only indicating his MCLE Compliance Number.[3]

In another case docketed as Special Civil Action No. 3573, respondent, for the same clients, filed a Petition for Injunction wherein he once again only indicated his MCLE Compliance Number.[4] Respondent also filed a Motion for Leave of Court dated July 13, 2009 in the said special civil action, indicating his MCLE Compliance Number without the date of issue.[5]

Upon inquiry with the MCLE Office, complainant discovered that respondent had no MCLE compliance yet. The MCLE Office then issued a Certification dated September 30, 2009, stating that respondent had not yet complied with his MCLE requirements for the First Compliance Period (April 15, 2001 to April 14, 2004) and Second Compliance Period (April 15, 2004 to April 14, 2007).[6]

Hence, this complaint. Complainant argues that respondent's act of deliberately and unlawfully misleading the courts, parties, and counsels concerned into believing that he had complied with the MCLE requirements when in truth he had not, is a serious malpractice and grave misconduct.[7] The complainant, thus, prayed for the IBP to recommend respondent's disbarment to this Court.[8]

In a resolution dated February 10, 2010, this Court required the respondent to file a comment on the complaint within 10 days from notice.[9]

---

[1] *Rollo*, pp. 2-5.
[2] Id. at 6.
[3] Id. at 7-18.
[4] Id. at 19-22.
[5] Id. at 23-24.
[6] Id. at 25.
[7] Supra note 1.
[8] Id.
[9] Id. at 35.

Despite receipt thereof, however, respondent failed to comply with the said resolution.[10] This Court, thus, issued another resolution dated July 11, 2011 requiring the respondent to show cause why he should not be disciplinarily dealt with or held in contempt for such failure and, again, to file a comment to the complaint.[11] However, the respondent again failed to comply.[12]

On August 14, 2013, the IBP Commission on Bar Discipline (IBP-CBD) issued a Notice of Mandatory Conference/Hearing.[13] On the date of the hearing, however, none of the parties appeared despite due notice.[14] Nonetheless, the IBP directed the parties to submit their respective position papers within 10 days from notice.[15] Only the complainant filed his position paper, reiterating the allegations and arguments in his complaint.[16]

After investigation, the Investigating Commissioner of the IBP-CBD rendered a report[17] dated December 17, 2013 with the following recommendation, to wit:

> WHEREFORE, after a careful evaluation of the pieces of evidence submitted by the complainant, it is recommended that ATTY. ANSELMO S. ECHANEZ be DISBARRED and that his name be stricken from the Roll of Attorneys upon finality of the decision.
>
> SO ORDERED.[18]

On September 28, 2014, the IBP Board of Governors issued Resolution No. XXI-2014-685, adopting and approving the report and recommendation of the CBD-IBP Investigating Commissioner, *viz.*:

> RESOLVED to ADOPT and APPROVE, as it is hereby ADOPTED and APPROVED, the Report and Recommendation of the Investigating Commissioner in the above-entitled case, herein made part of this Resolution as Annex "A", and finding the recommendation to be fully supported by the evidence on record and applicable laws, and for Respondent's violation of the Lawyer's Oath, Canon 1, Rule 1.01 and Canon 10, Rule 10.01 of the Code of Professional Responsibility when he falsified his MCLE Compliance Number and used it in his pleadings in Court, including his having ignored the Orders and notices of the Commission on Bar Discipline and his having been previously sanctioned twice by the IBP, Atty. Anselmo

---

[10] Id. at 36.
[11] Id.
[12] No compliance on record.
[13] *Rollo*, p. 38.
[14] Id. at 39.
[15] Id.
[16] Id. at 40-44.
[17] Id. at 72-76.
[18] Id. at 76.

Echanez is hereby **DISBARRED and his name stricken from the Roll of Attorneys.**[19]

No motion for reconsideration was filed by either party.

The Issue

Should respondent be administratively disciplined based on the allegations in the complaint and evidence on record?

The Ruling

We answer in the affirmative.

Preliminarily, let it be stated that there is no denying that the respondent was given ample opportunity to answer the imputations against him and defend himself but he did not do so despite due notices.

At any rate, respondent's acts of misconduct are clearly manifest, thus, warranting the exercise by this Court of its disciplinary power.

First. It was clearly established that respondent violated Bar Matter No. 850[20]. No less than the MCLE Office had issued a certification stating that respondent had not complied with the first and second compliance period of the MCLE.[21]

Second. Despite such non-compliance, respondent repeatedly indicated a false MCLE compliance number in his pleadings before the trial courts.[22] In indicating patently false information in pleadings filed before the courts of law, not only once but four times, as per records, the respondent acted in manifest bad faith, dishonesty, and deceit. In so doing, he indeed misled the courts, litigants – his own clients included – professional colleagues, and all others who may have relied on such pleadings containing false information.[23]

Respondent's act of filing pleadings that he fully knew to contain false information is a mockery of the courts, especially this Court, considering that it is this Court that authored the rules and regulations that the respondent violated.[24]

---

[19] Id. at 71.

[20] BAR MATTER 850: MANDATORY CONTINUING LEGAL EDUCATION. "ADOPTING THE REVISED RULES ON THE CONTINUING LEGAL EDUCATION FOR MEMBERS OF THE INTEGRATED BAR OF THE PHILIPPINES. October 2, 2001.

[21] Supra note 6.

[22] Supra notes 2-5.

[23] *Intestate Estate of Jose Uy, herein represented by its administrator Wilson Uy v. Atty. Pacifico M. Maghari III*, A.C. No. 10525, September 1, 2015, 768 SCRA 384.

[24] Id.

The Lawyer's Oath in Rule 138, Section 3 of the Rules of Court requires commitment to obeying laws and legal orders, doing no falsehood, and acting with fidelity to both court and client, among others, *viz.*:

> I, x x x do solemnly swear that I will maintain allegiance to the Republic of the Philippines, I will support the Constitution and **obey the laws as well as the legal orders of the duly constituted authorities therein**; **I will do no falsehood, nor consent to the doing of any in court**; I will not wittingly or willingly promote or sue any groundless, false, or unlawful suit, or give aid nor consent to the same; I will delay no man for money or malice, and **will conduct myself as a lawyer according to the best of my knowledge and discretion, with all good fidelity as well to the courts as to my clients**; and I impose upon myself these, voluntary obligations without any mental reservation or purpose of evasion. So help me God. *(emphasis supplied)*

Also, Canon 1, Rule 1.01 of the Code of Professional Responsibility (CPR) provides:

> CANON 1 – A lawyer shall uphold the constitution, obey the laws of the land and promote respect for law and legal processes.
>
> Rule 1.01 – A lawyer shall not engage in unlawful, dishonest, immoral or deceitful conduct.

Canon 10, Rule 10.01 of the CPR likewise 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 mislead by any artifice.

In using a false MCLE compliance number in his pleadings, respondent also put his own clients at risk. Such deficiency in pleadings can be fatal to the client's cause as pleadings with such false information produce no legal effect.[25] In so doing, respondent violated his duty to his clients.[26] Canons 17 and 18 of the CPR provide:

> CANON 17 – A lawyer owes fidelity to the cause of his client and shall be mindful of the trust and confidence reposed upon him.

---

[25] Id.
[26] Id.

CANON 18 – A lawyer shall serve his client with competence and diligence.

Third. The respondent also repeatedly failed to obey legal orders of the trial court, the IBP-CBD, and also this Court despite due notice. In the special civil action above-cited, the trial court directed the respondent to file a comment on a motion which raised in issue respondent's use of a false MCLE compliance number in his pleadings but he did not file any.[27] This Court also directed respondent to file a comment on the instant complaint but he failed to do so.[28] We then issued a show cause order against the respondent to explain why he should not be disciplined or held in contempt for failing to file the required comment but again, respondent did not heed this court's order.[29] The IBP-CBD also notified the respondent to appear before it for mandatory conference/hearing but the said notice was also ignored.[30]

Court orders should be respected not only because the authorities who issued them should be respected, but because of the respect and consideration that should be extended to the judicial branch of the government, which is absolutely essential if our government is to be a government of laws and not of men.[31]

Clearly, respondent's act of ignoring the said court orders despite notice violates the lawyer's oath and runs counter to the precepts of the CPR. By his repeated dismissive conduct, the respondent exhibited an unpardonable lack of respect for the authority of the Court.

Respondent's culpability is further highlighted by the fact that, as cited by the IBP Board of Governors in its resolution, respondent had already been sanctioned by the IBP twice. In a decision dated April 11, 2013 by this Court *en banc*, respondent was found guilty of engaging in notarial practice without a notarial commission, and was thus suspended from the practice of law for two years with the warning that a repetition of the same or similar act in the future shall merit a more severe sanction.[32] In another decision dated May 31, 2016, this Court *en banc* again found respondent guilty of performing notarial acts without a notarial commission and was thus suspended from the practice of law for two years and barred permanently from being commissioned as notary public with a stern warning that a repetition of the same shall be dealt with severely.[33] It is noteworthy that in both cases, respondent already manifested his lack of regard, not only for the

---

[27] *Rollo*, p. 66.

[28] Supra note 9.

[29] Supra note 10.

[30] *Supra* note 13-16.

[31] *Hon. Maribeth Rodriguez-Manahan, Presiding Judge, Municipal Trial Court, San Mateo, Rizal v. Atty. Rodolfo Flores*, A.C. No. 8954, November 13, 2013.

[32] *Efiginia M. Tenoso v. Atty. Anselmo S. Echanez*, 709 Phil. 1 (2013).

[33] *Flora C. Mariano v. Atty. Anselmo S. Echanez*, A.C. No. 10373, May 31, 2016.

charges against him, but most importantly to the orders of the IBP and the courts. In the said cases, the respondent likewise failed to file answers, comments, or position papers, or attended mandatory conferences despite due notices.[34]

Taken altogether, considering respondent's act of using a false MCLE compliance number in his pleadings[35], his repeated failure to obey legal orders[36], and the fact that he had already been sanctioned twice by this Court on separate cases[37], We are constrained to affirm the IBP Board of Governors' Resolution No. XXI-2014-685, recommending his disbarment to prevent him from further engaging in legal practice.[38] It cannot be overstressed that lawyers are instruments in the administration of justice.[39] As vanguards of our legal system, they are expected to maintain legal proficiency and a high standard of honesty, integrity, and fair dealing.[40] Also, of all classes and professions, the lawyer is most sacredly bound to uphold the laws.[41] He is their sworn servant; and for him, of all men in the world, to repudiate and override the laws, to trample them underfoot and ignore the very bonds of society, is unfaithful to his position and office and sets a detrimental example to the society.[42]

WHEREFORE, respondent Anselmo S. Echanez is hereby **DISBARRED** from the practice of law, and his name is **ORDERED STRICKEN FROM THE ROLL OF ATTORNEYS**. Let a copy of this Decision be entered in his record as a member of the Bar; and let notice of the same be served on the Integrated Bar of the Philippines, and on the Office of the Court Administrator for circulation to all courts in the country.

SO ORDERED.

NOEL GIMENEZ TIJAM
Associate Justice

---

[34] Supra notes 31 and 32.

[35] Supra notes 2-5.

[36] Supra notes 9-16.

[37] Supra notes 18, 31 and 32.

[38] Rule 138, 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 any 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. x x x.

[39] *Fidela Bengco and Teresita Bengco v. Atty. Pablo S. Bernardo*, 687 Phil. 7 (2012).

[40] Id.

[41] *Catherine & Henry Yu v. Atty. Antoniutti K. Palaña*, 580 Phil. 19 (2008).

[42] Id.

WE CONCUR:

MARIA LOURDES P.A. SERENO
Chief Justice

ANTONIO T. CARPIO
Associate Justice

PRESBITERO J. VELASCO, JR.
Associate Justice

TERESITA J. LEONARDO-DE CASTRO
Associate Justice

DIOSDADO M. PERALTA
Associate Justice

LUCAS P. BERSAMIN
Associate Justice

MARIANO C. DEL CASTILLO
Associate Justice

(On Official Leave)
JOSE CATRAL MENDOZA
Associate Justice

BIENVENIDO L. REYES
Associate Justice

ESTELA M. PERLAS-BERNABE
Associate Justice

MARVIC M.V.F. LEONEN
Associate Justice

FRANCIS H. JARDELEZA
Associate Justice

ALFREDO BENJAMIN S. CAGUIOA
Associate Justice

(On Official Leave)
SAMUEL R. MARTIRES
Associate Justice

CERTIFIED XEROX COPY:
FELIPA B. ANAMA
CLERK OF COURT, EN BANC
SUPREME COURT