



SUPREME COURT OF THE PHILIPPINES  
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Republic of the Philippines  
**Supreme Court**  
Manila

*EN BANC*

**IN RE: RESOLUTION DATED 05 A.C. No. 7986  
AUGUST 2008 IN A.M. No. 07-4-11-  
SC**

Present:

**ATTY. JAIME V. LOPEZ,**

*Respondent.*

GESMUNDO, *CJ*,\*  
PERLAS-BERNÁBE,  
LEONEN,  
CAGUIOA,  
HERNANDO,  
CARANDANG,  
LAZARO-JAVIER,  
INTING,  
ZALAMEDA,  
LOPEZ, M.,  
GAERLAN,  
ROSARIO, and  
LOPEZ, J., *JJ*.

Promulgated:

July 27, 2021

X

*Antonio - Quins*

X

**DECISION**

***PER CURIAM:***

When a foreign court renders a judgment imposing disciplinary penalty against a Filipino lawyer admitted in its jurisdiction, such Filipino

\* Took no part.

lawyer may be imposed a similar judgment in the Philippines provided that the basis of the foreign court's judgment includes grounds for the imposition of disciplinary penalty in the Philippines.

### The Case

The present disposition stems from Resolution No. XXI-2015-292<sup>1</sup> dated 18 April 2015 issued by the Board of Governors of the Integrated Bar of the Philippines (IBP), which adopted and approved with modification the Report and Recommendation<sup>2</sup> dated 09 January 2014 of the Investigating Commissioner of the Commission on Bar Discipline (CBD) in CBD Case No. 13-3874.

The CBD found that respondent Atty. Jaime V. Lopez (respondent) violated Canon 16, Rules 16.01, 16.02, and 16.03; Canon 1, Rule 1.01; Canon 7, Rule 7.03; and Canon 10, Rules 10.01 and 10.03 of the Code of Professional Responsibility (CPR). It recommended his suspension from the practice of law for a maximum period of three years. The IBP Board of Governors modified the recommended penalty to disbarment.<sup>3</sup>

### Antecedents

The facts of the present administrative case spans two jurisdictions: first, in the United States of America, and second, in our country. From the records, it appears that respondent was disbarred from the practice of law in the state of California in 2000.

The California disbarment proceedings began with a Notice of Disciplinary Charges (NDC)<sup>4</sup> sent to respondent by the Hearing Department of the Los Angeles, California State Bar Court on 06 August 1999. The details of these charges against respondent are as follows:

1. Count One, *Case No. 96-O-04592*, Rules of Professional Conduct, Rule 4-100(B)(1): Failure to promptly notify client of funds received;<sup>5</sup>

1 *Rollo*, pp. 365-366. Signed by National Secretary Nasser A. Marohomsalic.

2 *Id.* at 367-382. Penned by Commissioner Antonio Ray A. Ortiguerra of the Integrated Bar of the Philippines, Commission on Bar Discipline, Pasig City.

3 *Id.* at 365-382.

4 *Id.* at 125-133.

5 *Id.* at 126-127.

*Amc*

2. Count Two, *Case No. 96-O-04592*, Rules of Professional Conduct, Rule 4-100(A): Failure to maintain client funds in trust account;<sup>6</sup>

Counts One and Two prescind from a case in 1995 where respondent negotiated a bodily injury settlement with Viking Insurance Company (Viking) on behalf of his client, Jemuel C. Monte-Alegre (Monte-Alegre). In July 1995, respondent received the USD\$25,000.00 settlement from Viking, but failed to promptly notify his client of his receipt of said amount.<sup>7</sup>

In August 1995, respondent deposited the USD 25,000.00 settlement into his client's trust account at Wells Fargo Bank. However, respondent did not disburse any portion of this money to Monte-Alegre or to a lienholder on his behalf. Thus, the balance in the trust account fell below USD 25,000.00, such that on 6 March 1996, the balance was overdrawn by USD 2,047.53 and remained overdrawn until it was closed on 10 May 1996.<sup>8</sup>

3. Count Three: *Case No. 96-O-04592*, Business and Professions Code §6106: Moral turpitude – Misappropriation;<sup>9</sup>

In connection with Counts One and Two, respondent dishonestly misappropriated the settlement funds received on behalf of Monte-Alegre.<sup>10</sup>

4. Count Four: *Case No. 96-O-06201*, Business and Professions Code §6106: Moral turpitude -- Misappropriation ;<sup>11</sup> and

Respondent repeatedly issued checks from the Wells Fargo trust account even when he knew or should have known that there were insufficient funds in the account. These checks were issued to various medical providers in behalf of respondent's clients. Respondent committed acts involving moral turpitude, dishonesty, or corruption when he misappropriated the funds intended to pay his clients' medical liens.<sup>12</sup>

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6 *Id.* at 127-128.

7 *Id.* at 127.

8 *Id.* at 127-128.

9 *Id.* at 128-129.

10 *Id.* at 128.

11 *Id.* at 129-131.

12 *Id.*

*Chick*

5. Count Five: *Case No. 96-O-04592, Case No. 96-O-06201*, Business and Professions Code §6068(j): Failure to comply with Section 6002.1.<sup>13</sup>

On 08 October 1996, investigator William O. Armantrout sent two letters by first class mail to respondent at the address stated in his official membership records at State Bar of California. The letters requested respondent to provide a written explanation regarding the allegations in Case No. 96-O-04592 and Case No. 96-O-06201. On 3 January 1997, both letters were returned by the United States Postal Service to the State Bar of California with a note that they were sent to a forwarding address and, thus, not deliverable. Respondent failed to comply with §6002.1 of the Business and Professions Code when he failed to maintain a current address with the official membership records division of the State Bar of California.<sup>14</sup>

The charges were served through certified mail on 06 August 1999 at respondent's official membership records address. On 18 August 1999, the State Bar Court Clerk's Office filed a notice setting a telephonic status conference. This was also served at respondent's official address. Respondent did not file a response to the NDC; hence the Office of the Chief Trial Counsel of the State Bar of California (OCTC) filed a motion for the entry of respondent's default. A copy of the motion was again served at respondent's official address. The State Bar of California filed an Order of Entry of Default and an Order of Involuntary Inactive Enrollment on 20 September 1999. These orders were also served at respondent's official address.<sup>15</sup>

The State Bar of California held a status conference on 05 October 1999. The matter was submitted for decision on 25 October 1999 after the OCTC waived the hearing and submitted its brief on 20 October 1999. The OCTC was represented by Deputy Trial Counsel William Cox, while respondent did not appear at any point of the proceedings.<sup>16</sup>

On 23 December 1999, the California State Bar Court issued a Decision and Order of Involuntary Inactive Enrollment,<sup>17</sup> recommending respondent's disbarment from the practice of law and compliance with Rule 955 of the California Rules of Court. On 02 June 2000, the Supreme Court of the State of California ordered respondent's disbarment in S087012, *In re*

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<sup>13</sup> *Id.* at 131-132.

<sup>14</sup> *Id.* at 131.

<sup>15</sup> *Id.* at 111-113.

<sup>16</sup> *Id.*

<sup>17</sup> *Id.* at 110-123. Penned by Carlos E. Velarde, Judge of the State Bar Court.

*Ande*

*Jaime V. Lopez on Discipline.* The Order<sup>18</sup> read:

It is hereby ordered that Jaime V. Lopez, State Bar No. 134226, be disbarred from the practice of law and that his name be stricken from the roll of attorneys. He is also ordered to comply with rule 955, California Rules of Court, and to perform the acts specified in subdivisions (a) and (c) of the rule within 30 and 40 days, respectively, after the date this order is effective. Costs are awarded to the State Bar.<sup>19</sup>

Here in the Philippines, respondents predicament started when Chief Justice Reynato S. Puno received on 03 April 2007 a Letter<sup>20</sup> informing the Court of the proceedings against respondent before the California State Bar. The Investigating Commissioner summarized the ensuing events in this manner:

xxx

Initially docketed as A.M. No. 07-4-11-SC entitled "Re: Information on Atty. Jaime Velasco Lopez," the Supreme Court En Banc issued a Resolution dated November 13, 2007 referring the matter to the Office of the Bar Confidant (OBC) for recommendation and appropriate action. In compliance with said Resolution, Deputy Clerk of Court and Bar Confidant Atty. Ma. Cristina B. Layusa submitted a Report and Recommendation dated July 14, 2008 stating that the decision of the State Bar Court of California disbaring Atty. Lopez could be used as a ground for disciplinary action but disbarment proceedings must first be instituted. Taking into consideration the Report and Recommendation, the Supreme Court En Banc issued a Resolution dated 5 August 2008 converting the report of Atty. Feliciano into Administrative Case No. 7986 entitled "Re: Resolution dated August 5, 2008 in A.M. No. 07-4-11-SC vs. Atty. Jaime V. Lopez" and ordering Atty. Lopez to show cause within fifteen (15) days from receipt of the order why he should not be suspended or disbarred. The Resolution further required Atty. Lopez to submit a certified true copy of the decision in Case No. 96-0-4592 [and Case No. 96-O-06201] of the State Bar of California.

On September 16, 2008, Atty. Lopez filed a Motion for Extension of Time requesting to be given until December 18, 2008 within which to submit his Comment. The Supreme Court granted said Motion in a Resolution dated October 7, 2008.

Thereafter, on November 24, 2008, the OBC filed a 2nd Report and Recommendation stating that the Resolution dated August 5, 2008, which ordered Atty. Lopez to show cause within fifteen (15) days why he should not be suspended or disbarred, was returned unserved with the

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<sup>18</sup> *Id.* at 109.

<sup>19</sup> *Id.*

<sup>20</sup> *Id.* at 1.

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notation "ATTEMPTED NOT KNOWN." The Resolution was sent to Atty. Lopez at 3600 Wilshire Blvd. 910 Los Angeles, CA 90010. Nevertheless, the report pointed out that Atty. Lopez was able to file his Motion for Extension of Time on September 16, 2008. Furthermore, the OBC stated that, aside from the Los Angeles CA address, there are two addresses of Atty. Lopez on record, namely:

Mr. Jim Lopez  
Assistance [sic] Dean, College of Law  
109 Leviste Street, Salcedo Village  
Makati City

Atty. Jaime Velasco Lopez  
Block 2, Lot 1, Saint Augustine Street  
Maricaban, Pasay City  
Metro Manila

(The Investigative Commissioner notes that the Pasay City address was indicated in Atty. Lopez's Motion for Extension of Time.)

The OBC, accordingly, recommended to the Supreme Court to require Atty. Lopez to use only one address to avoid confusion as to where court processes should be mailed. In addition, the report noted that Atty. Lopez filed his Motion under the previous docket number A.M. No. 07-4-11-SC, even though the case has been re-docketed as a regular administrative case. The OBC, accordingly, further recommended that Atty. Lopez be required to file his pleadings under Administrative Case No. 7986.

Subsequent to the filing of the 2nd Report and Recommendation, Atty. Lopez filed on December 16, 2008 a 2nd Motion for Extension requesting to be given until April 28, 2009 to submit his Comment. The 2nd Motion for Extension again indicated Block 2, Lot 1, Saint Augustine Street, Maricaban, Pasay City as Atty. Lopez's address.

On January 20, 2009, the Supreme Court En Banc considered both the OBC's 2nd Report and Recommendation and Atty. Lopez's 2nd Motion for Extension and issued a Resolution requiring Atty. Lopez to submit within five (5) days from notice one (1) permanent address to which all court processes intended for him will be sent and to file his pleadings under Administrative Case No. 7986. The Resolution likewise granted him up to 28 April 2009 to file his comment.

The January 20, 2009 Resolution was mailed to Blk. 2, Lot 1, St. Augustine St., Maricaban, Pasay City but was returned unserved with the notation "RTS Moved Out"

On April 28, 2009, Atty. Lopez filed his Comment. In the Comment, Atty. Lopez indicted Blk. 2, Lot 1, St. Augustine St., Maricaban, Pasay City as his addresses [sic].

In a Resolution dated June 2, 2009, the Supreme Court noted the

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Comment filed by Atty. Lopez and considered as served on Atty. Lopez the Resolution dated January 20, 2009.

On June 14, 2009, the OBC filed a 3rd Report and Recommendation stating that Atty. Lopez never fully complied with the directives of the Supreme Court in: 1) the Resolution dated August 5, 2008, which required him to submit a certified true copy of the Decision of the State Bar of California; and 2) the Resolution dated January 20, 2009, requiring him to submit one permanent address to which all court processes intended for him will be sent and to file his pleadings under Administrative Case No. 7986. The report also stated that while the August 5, 2008 Resolution of the Supreme Court requiring Atty. Lopez to show cause why he should not be suspended or disbarred was returned unserved, Atty. Lopez was able to file his 1st Motion for Extension. The OBC likewise noted that the Resolutions of the Supreme Court dated January 20, 2009 and June 2, 2009 sent to Blk. 2, Lot 1, St. Augustine St., Maricaban, Pasay City, the address Atty. Lopez indicated in his pleadings, were returned unserved as the addressee has moved out. In view of the foregoing findings and as recommended by the OBC, the Supreme Court issued a Resolution dated August 4, 2009 ordering the following:

1. Requiring Atty. Lopez to Show Cause why he should not be held in contempt for failure to submit the required certified true copy of the Decision dated 2 July 2000 of the State Bar of California;
2. Requiring Atty. Lopez to explain why the resolutions sent to his given address were returned unserved with the notation that the addressee has moved out;
3. Requiring Atty. Lopez to file his pleadings under the proper title; and
4. Requiring the OBC to officially request the Supreme Court of California for an official copy of the Decision dated 2 July 2000 in Case No. 96-O-4592 [and Case No. 96-O-06201].

On October 7, 2009, the OBC officially requested the Supreme Court of California for an official copy of the Decision dated July 2, 2000 in Case No. 96-O-4592 [and Case No. 96-O-06201] and was furnished the same on November 5, 2009. On November 19, 2009, the OBC issued a 4th Report and Recommendation submitting the aforesaid Decision in Case No. 96-O-4592 [and Case No. 96-O-06201]. The report further stated that all processes of the Supreme Court sent to Atty. Lopez were returned unserved. As recommended by the OBC, the Supreme Court issued a Resolution dated December 1, 2009 stating the following:

1. Noting the official copy of the Decision dated July 2, 2000 in Case No. 96-O-4592 [and Case No. 96-O-06201];
2. Reiterating the directives on Atty. Lopez in the Resolution dated 4 August 2009 and directing him to comply with the same; and

*Ordo*

3. Directing the National Bureau of Investigation to locate Atty. Lopez, serve him with the August 4, 2009 Resolution and make a report.

On March 10, 2011, Agent Frayn M. Banawa of the NBI [(Agent Banawa)] submitted a report stating that he learned that Atty. Lopez teaches at Lyceum of the Philippines-Makati, College of Law, No. 109 L.P. Leviste St. Salcedo Village, Makati City [(Lyceum Makati – College of Law)] and left a copy of the Resolutions dated August 4, 2009 and December 1, 2009 with Ms. Ellen C. Bengil, Executive Secretary to the College of Law [(Ms. Bengil)]. Agent Banawa later called Ms. Bengil to inquire if Atty. Lopez had received the resolutions to which Ms. Bengil replied in the affirmative.

On June 4, 2013, the Supreme Court issued the aforesaid Resolution referring the case to the IBP for investigation, report and recommendation.<sup>21</sup>

### **Report and Recommendation of the IBP**

The Investigating Commissioner of the IBP set the case for mandatory conference on 06 September 2013. However, respondent failed to appear despite due notice. A second mandatory conference was set on 11 October 2013. Still, respondent did not appear.<sup>22</sup>

The mandatory conference was terminated, and the Investigating Commissioner issued an Order directing respondent to submit his verified position paper within a non-extendible period of ten (10) days from the receipt of the order.<sup>23</sup> Again, respondent did not ignore the Order.<sup>24</sup>

In his Evaluation, the Investigating Commissioner noted that based on the official copy of the Decision of the California State Bar Court in Case No. 96-O-4592 and Case No. 96-O-06201, the California Supreme Court sanctioned respondent with disbarment for misconduct committed through the following acts: (1) failure to notify a client of his receipt of funds; (2) failure to maintain the funds in his client's trust account; (3) misappropriating the funds in his client's trust account; and (4) issuing bad checks.<sup>25</sup>

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21 *Id.* at 367-372.

22 Notices for the mandatory conferences were sent to Lyceum Makati-College of Law (COL), respondent's address, which were marked as received in the registry return cards.

23 The Order was sent to Lyceum Makati-COL, and the registry return card was also marked received.

24 *Rollo*, pp. 372-373.

25 *Id.* at 373-374.

*Order*

Consistent with the rule on disciplinary actions under Section 27, Rule 138 of the Rules of Court, the Investigating Commissioner held that respondent's acts in 1, 2, and 3 violate Canon 16 and Rules 16.01, 16.02, and 16.03 of the CPR; respondent's acts in 3 and 4 violate Canon 1 and Rule 1.01 of the CPR; and respondent's acts in 1, 2, 3, and 4 violate Canon 7 and Rule 7.03 of the CPR.<sup>26</sup>

As for respondent's conduct in the proceedings before the CBD, the Investigating Commissioner found that respondent violated Canon 10 and Rule 10.01 of the CPR for his failure to comply with this Court's directives despite due notice.<sup>27</sup>

Consequently, the Investigating Commissioner recommended respondent's suspension from the practice of law for a maximum period of three years.<sup>28</sup>

The IBP Board of Governors adopted the Report and Recommendation of the Investigating Commissioner but modified the recommended penalty. In its Resolution dated 18 April 2015, the IBP Board of Governors resolved to disbar respondent from the practice of law and order his name stricken from the Roll of Attorneys. The IBP Director for Bar Discipline transmitted the Notice of Resolution and the records of the case to this Court in a Letter<sup>29</sup> dated 08 March 2016.

When the Office of the Bar Confidant (OBC) reported the IBP Board of Governors' Resolution on 12 April 2016, it noted that no motion for reconsideration nor petition for review was filed by either party.<sup>30</sup> This Court noted the 18 April 2015 Resolution of the IBP Board of Governors in a Resolution<sup>31</sup> dated 01 June 2016.

### **Ruling of the Court**

We affirm the 18 April 2015 Resolution of the IBP Board of Governors.

#### *Respondent's Membership in the*

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<sup>26</sup> *Id.* at 374-376.

<sup>27</sup> *Id.* at 380.

<sup>28</sup> *Id.* at 382.

<sup>29</sup> *Id.* at 364.

<sup>30</sup> *Id.* at 383.

<sup>31</sup> *Id.* at 384.

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*Philippine Bar and in the California State Bar*

Records reveal that respondent has been admitted to both the Philippine Bar and the State Bar of California.

Only one lawyer bears the name “Jaime V. Lopez” in the Roll of Attorneys.<sup>32</sup> Respondent finished his Bachelor of Laws degree at the University of the Philippines. He took and passed the 1979 Bar Examinations but was admitted to the Philippine Bar only on 01 July 1981 due to the pendency of a criminal case filed against him.<sup>33</sup> As of 01 April 2008, respondent is a *bona fide* lifetime member of the IBP, having paid the required lifetime dues and building contribution, and had no pending administrative nor disbarment case filed against him.<sup>34</sup>

Respondent was likewise admitted to practice law in the state of California, United States of America<sup>35</sup> with Bar No. 134226 on 14 June 1988.<sup>36</sup> Prior to 2 July 2000, the effectivity date of the California Supreme Court’s Order to disbar respondent, respondent has been ineligible to practice law in California since 12 August 1996. He was suspended for his failure to file fees.<sup>37</sup>

*Reciprocal Discipline*

When a lawyer is sanctioned for violating a bar’s disciplinary rules or code of conduct, other jurisdictions where he or she is admitted must conduct separate adjudications in order to invoke disciplinary sanctions for the same violation. Generally, the initial finding of wrongdoing in the first jurisdiction is treated as conclusive evidence that the violation occurred. Where the second jurisdiction finds that a sanction in its own jurisdiction is appropriate, it decides on the proper sanction independently even as the first jurisdiction’s findings are given great deference. In many jurisdictions, the second sanction is identical to the first, unless circumstances are shown that such identical discipline is inappropriate.<sup>38</sup> Reciprocal discipline is part of the protocols being developed for international cooperation on lawyer

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32 *Id.* at 143.

33 *Id.* at 8.

34 *Id.* at 12.

35 *Id.* at 126.

36 *Id.* at 110.

37 <<http://members.calbar.ca.gov/fal/Licensee/Detail/134226>> (accessed 27 June 2021).

38 See C. Stephen Lawrence, *In Re Goldberg: Standards for Imposing Concurrent Reciprocal Bar Discipline*, 22 Cath. U. L. Rev. 1165 (1984) <<https://scholarship.law.edu/lawreview/vol133/iss44/13>> (accessed 07 July 2021); Citations omitted.

*Adc*

discipline, especially for lawyers engaged in transnational legal practice.<sup>39</sup>

*Decision of foreign court as prima facie evidence of ground for disciplinary action*

In our jurisdiction, the authority of this Court to disbar or suspend a lawyer for acts or omissions committed in a foreign jurisdiction is found in Section 27, Rule 138 of the Revised Rules of Court, as amended by Supreme Court Resolution dated 13 February 1992, which reads:

*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 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 so to do. The practice of soliciting cases at law for the purpose of gain, either personally or through

<sup>39</sup> Included among regulatory responses to transnational legal practice as well as admission in multiple jurisdictions are Rule 8.5 of the American Bar Association (ABA) Model Rules of Professional Conduct (R8.5) read in coordination with Rule 22 of the ABA Model Rules for Lawyer Disciplinary Enforcement (R22), and the European Union's (EU) Lawyers' Services Directive (77/249) read in coordination with the EU's Lawyer's Establishment Directive (98/5).

R8.5(a) provides for the disciplinary authority and choice of law in regulation of conduct of a lawyer admitted in multiple jurisdictions or of a lawyer providing legal services in multiple jurisdictions <[https://www.americanbar.org/groups/professional\\_responsibility/publications/model\\_rules\\_of\\_professional\\_conduct/rule\\_8\\_5\\_disciplinary\\_authority\\_choice\\_of\\_law/](https://www.americanbar.org/groups/professional_responsibility/publications/model_rules_of_professional_conduct/rule_8_5_disciplinary_authority_choice_of_law/)> (accessed 09 July 2021)

Rule 22(e) specifically provides that "a final adjudication in another jurisdiction that a lawyer, whether or not admitted in that jurisdiction, has been guilty of misconduct x x x shall establish conclusively the misconduct or the disability for purposes of a disciplinary or disability proceeding in this jurisdiction." The judicial determination of misconduct is thus not subject to relitigation. <[https://www.americanbar.org/groups/professional\\_responsibility/resources/lawyer\\_ethics\\_regulation/model\\_rules\\_for\\_lawyer\\_disciplinary\\_enforcement/rule\\_22/](https://www.americanbar.org/groups/professional_responsibility/resources/lawyer_ethics_regulation/model_rules_for_lawyer_disciplinary_enforcement/rule_22/)> (accessed 09 July 2021). *See also* Section 48, Rule 39 of the Rules of Court in footnote 13 *infra*.

77/249 facilitates the exercise of lawyers in EU member states. Lawyers in representation of clients are subject to the rules of professional conduct of the host state, without prejudice to obligations in his home state. Lawyers who pursue activities not in representation of clients are subject to the rules of professional conduct of the home state, without prejudice to respect the professional rules of the host state. <<https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:31977L0249&from=EN>> (accessed 09 July 2021)

Article 7 of 98/5 provides that the home state is informed of the disciplinary action of the host state and is allowed to make submissions in the disciplinary proceedings. In light of a decision of the host state, the home state shall decide its own action under its own procedural and substantive rules. If the home state withdraws authority to practice the profession, temporarily or permanently, then the authority in the host state is automatically withdrawn. <<https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:31998L0005&from=EN>> (accessed 09 July 2021).

*Chic*

paid agents or brokers, constitutes malpractice.

**The disbarment or suspension of a member of the Philippine Bar by a competent court or other disciplinary agency in a foreign jurisdiction where he has also been admitted as an attorney is a ground for his disbarment or suspension if the basis of such action includes any of the acts hereinabove enumerated.**

**The judgment, resolution or order of the foreign court or disciplinary agency shall be *prima facie* evidence of the ground for disbarment or suspension.** (Emphases supplied)

That the decision of the California Supreme Court constitutes *prima facie* evidence of grounds for disciplinary action in the Philippines is "consistent with Section 48, Rule [39] of the Revised Rules of Court which provide that the judgment of a foreign court cannot be enforced by execution in the Philippines, but only creates a right of action. Section 48 further states that a foreign judgment against a person is only presumptive evidence of a right against that person. Hence, the same may be repelled by evidence of clear mistake of law."<sup>40</sup>

Once a foreign judgment is admitted and proven in a Philippine court, it can only be repelled on grounds external to its merits, *i.e.*, "want of jurisdiction, want of notice to the party, collusion, fraud, or clear mistake of law or fact." The rule on limited review embodies the policy of efficiency and the protection of party expectations,<sup>41</sup> as well as respecting the jurisdiction of other states.<sup>42</sup>

In cases filed before administrative and quasi-judicial bodies, a fact

<sup>40</sup> Explanation is from footnote 36 of *In re Atty. Leon G. Maquera*, 479 Phil.322, 330-334 (2004). Section 48, Rule 39 of the Rules of Court reads: *Effect of foreign judgments or final orders*. — The effect of a judgment or final order of a tribunal of a foreign country, having jurisdiction to render the judgment or final order is as follows:

(a) In case of a judgment or final order upon a specific thing, the judgment or final order, is conclusive upon the title to the thing, and

(b) In case of a judgment or final order against a person, the judgment or final order is presumptive evidence of a right as between the parties and their successors in interest by a subsequent title.

In either case, the judgment or final order may be repelled by evidence of a want of jurisdiction, want of notice to the party, collusion, fraud, or clear mistake of law or fact.

<sup>41</sup> *Fujiki v. Marinay*, 712 Phil. 524, 546-547 (2013), [Per J. Carpio], citing *Mijares v. Rañada*, 495 Phil. 372, 386 (2005), [Per J. Tinga]. "Otherwise known as the policy of preclusion, it seeks to protect party expectations resulting from previous litigation, to safeguard against the harassment of defendants, to insure that the task of courts not be increased by never-ending litigation of the same disputes, and – in a larger sense – to promote what Lord Coke in the Ferrer's Case of 1599 stated to be the goal of all law: 'rest and quietness.'" (Citations omitted)

<sup>42</sup> *Fujiki v. Marinay*, *id* at 547, citing *Mijares v. Rañada*, *id.* at 382. "The rules of comity, utility and convenience of nations have established a usage among civilized states by which final judgments of foreign courts of competent jurisdiction are reciprocally respected and rendered efficacious under certain conditions that may vary in different countries." (Citations omitted)

*all*

may be deemed established if it is supported by substantial evidence or that amount of relevant evidence which a reasonable mind might accept as adequate to justify a conclusion.<sup>43</sup> Recognition of a foreign judgment only requires proof of fact of the judgment. In the present case, the official copy of the decision from the Supreme Court of California is sufficient proof of the judgment.

At this juncture, the Court rejects respondent's contention that the California Supreme Court's decision is void and cannot serve as *prima facie* case against him in the Philippines. In his second motion for extension, respondent claimed that he had no actual knowledge of the California State Bar Court's decision and that his basic constitutional rights were trampled upon. Respondent's insistence that due process was not observed in the California disbarment proceedings due to constitutionally deficient notices is not supported by the records. Respondent paid no mind to the fact that the California State Bar Court sent notices to his official address upon taking judicial notice of respondent's official membership records address at 3600 Wilshire Blvd. #910, Los Angeles, CA 90010.<sup>44</sup> Notably, aside from the charges for mishandling of his client's funds, the California State Bar Court also sanctioned respondent for failure to "maintain current State Bar membership records as required by Business and Professions Code section 6002.1"<sup>45</sup> Respondent failed to rebut the same with his bare and unsubstantiated allegations that he sent written notice of his Philippine address to the California State Bar<sup>46</sup> and that he has stayed put in the Philippines continuously for over 13 years without going abroad after his return in the country in 1995 to bury his mother and to take care of his two siblings.<sup>47</sup>

*Respondent's acts in the foreign jurisdiction constitute grounds for the imposition of disciplinary penalty in this jurisdiction*

Having established the existence and evidentiary weight of the foreign judgment against respondent, We proceed to determine if the imposition of disciplinary penalty in the foreign jurisdiction is grounded on "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,

43 *Velez v. De Vera*. 528 Phil. 763, 794-795 (2006), [Per Curiam], citing *Ang Tibay v. Court of Industrial Relations*, 69 Phil. 635, 640 (1940), [Per J. Laurel]

44 *Rollo*, p. 296.

45 *Id.*

46 *Id.* at 56.

47 *Id.* at 55.

*Ono*

or for any violation of the oath which he is required to take before admission to practice, or for a willful disobedience appearing as attorney for a party to a case without authority to do so.”<sup>48</sup> If the answer is in the affirmative, then there is a ground for the imposition of disciplinary penalty in the Philippines against respondent.

Stated differently, a foreign court’s judgment of suspension against a Filipino lawyer admitted in its jurisdiction may transmute into a similar judgment of suspension in the Philippines only if the basis of the foreign court’s action includes any of the grounds of disbarment or suspension in this jurisdiction.<sup>49</sup> This, however, is not automatic. Due process demands that a lawyer disciplined in a foreign jurisdiction must be “given the opportunity to defend himself and to present testimonial and documentary evidence on the matter in an investigation to be conducted in accordance with Rule 139-B of the Revised Rules of Court. Said rule mandates that a respondent lawyer must in all cases be notified of the charges against him. It is only after reasonable notice and failure on the part of the respondent lawyer to appear during the scheduled investigation that an investigation may be conducted *ex parte*.”<sup>50</sup>

Upon meticulous review of the records, the Court agrees with the findings of the Investigating Commissioner that respondent’s acts as charged in Case Nos. 96-O-04592 and 96-O-06201 violate the standards of ethical behavior for members of the Philippine bar and thus constitute grounds for the imposition of disciplinary penalty in this jurisdiction.

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48 Section 27, Rule 138 of the Rules of Court.

49 See *Velez v. De Vera*, *supra* note 44 at 791.

50 *In re: Suspension from the Practice of Law in the Territory of Guam of Atty. Leon G. Maquera*, 479 Phil. 322, 333-334 (2004), [Per J. Tinga]; Section 8, Rule 139-B provides:

*Investigation.* Upon joinder issues or upon failure of the respondent to answer, the Investigator shall, with deliberate speed, proceed with the investigation of the case. He shall have the power to issue subpoenas and administer oaths. The respondent shall be given full opportunity to defend himself, to present witnesses on his behalf, and be heard by himself and counsel. However, if upon reasonable notice, the respondent fails to appear, the investigation shall proceed *ex parte*.

The Investigator shall terminate the investigation within three (3) months from the date of its commencement, unless extended for good cause by the Board of Governors upon prior application.

Willful failure to refusal to obey a subpoena or any other lawful order issued by the Investigator shall be dealt with as for indirect contempt of court. The corresponding charge shall be filed by the Investigator before the IBP Board of Governors which shall require the alleged contemnor to show cause within ten (10) days from notice. The IBP Board of Governors may thereafter conduct hearings, if necessary, in accordance with the procedure set forth in this Rule for hearing before the Investigator. Such hearing shall as far as practicable be terminated within fifteen (15) days from its commencement. Thereafter, the IBP Board of Governors shall within a like period of fifteen (15) days issue a resolution setting forth its findings and recommendations, which shall forthwith be transmitted to the Supreme Court for final action and if warranted, the imposition of penalty.

The Investigating Commissioner found that counts one (failure to notify client of funds received), two (failure to maintain client funds in trust account), and three (misappropriation) were equivalent to violations of Canon 16, Rules 16.01, 16.02, and 16.03.

CANON 16 - A LAWYER SHALL HOLD IN TRUST ALL MONEYS AND PROPERTIES OF HIS CLIENT THAT MAY COME INTO HIS PROFESSION.

Rule 16.01 - A lawyer shall account for all money or property collected or received for or from the client.

Rule 16.02 - A lawyer shall keep the funds of each client separate and apart from his own and those of others kept by him.

Rule 16.03 - A lawyer shall deliver the funds and property of his client when due or upon demand. However, he shall have a lien over the funds and may apply so much thereof as may be necessary to satisfy his lawful fees and disbursements, giving notice promptly thereafter to his client. He shall also have a lien to the same extent on all judgments and executions he has secured for his client as provided for in the Rules of Court.

In his Comment<sup>51</sup> filed before the Court, respondent admitted that he “opened a separate trust account to hold the funds belonging to his clients and other providers.”<sup>52</sup> Respondent merely gave a general description of his methods without specifically addressing the circumstances concerning Monte-Alegre:

Settlement disbursement sheets were required in all files. Once settled, all funds are properly accounted for the review of clients. Once the settlement checks arrive, the clients are contacted to indorse the checks for deposit and distribution. Once properly indorsed, the settlement checks are then deposited in the Client Trust Account. Clients are shown the contents of the file and the disbursement sheet is fully explained to them. From there, the checks for the client, health care providers and the law firm are drawn and set to other payees, a process that is closely monitored to prevent errors.<sup>53</sup>

In *Del Mundo v. Atty. Capistrano (Del Mundo)*,<sup>54</sup> We held that when a client entrusts money to his or her lawyer for a specific purpose, such money, if not utilized, should be immediately returned upon demand and failure to do so gives rise to the presumption that the money has been misappropriated. Respondent’s actions in Case No. 96-O-04592 glaringly failed to overcome this presumption, reminding Us of Our ruling in *Lemoine*

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51 *Rollo*, pp. 54-95.

52 *Id.* at 93.

53 *Id.*

54 685 Phil. 687 (2012), [Per J. Perlas-Bernabe].

*Adelle*

*v. Atty. Balon, Jr. (Lemoine)*,<sup>55</sup> where it was decreed that failure to promptly account for funds received and held for the client's benefit amounts to professional misconduct. Monte-Alegre's funds, as held in trust by respondent, were overdrawn without any disbursement made to Monte-Alegre's account.

The Investigating Commissioner likewise properly considered Counts Three (misappropriation) and Four (misappropriation through issuance of bad checks) as violations of Canon 1, Rule 1.01.

CANON 1 - A LAWYER SHALL UPHOLD THE CONSTITUTION, OBEY THE LAWS OF THE LAND AND PROMOTE RESPECT FOR LAW OF AND LEGAL PROCESSES.

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

Respondent addressed this accusation against him with his characteristic lack of specificity:

Respondent has no prior record of returned checks from his trust account. He exercised utmost care in issuing trust account checks to clients and other payees.

Respondent never had any check bounced from his trust account. Respondent's trust account has no history of returned checks due to insufficient funds from his trust account. He closely monitored his trust account because of its sensitive and sacrosanct nature. He made sure that there were more than enough buffer funds to cover all issued checks. He hired accountants and bought computer accounting software to help him manage his trust account. x x x<sup>56</sup>

Respondent markedly displayed awareness of the lack of evidence to support his claims. He further stated:

x x x Key witnesses who could corroborate the innocence of Respondent, such as Atty. Domingo Lopez, Presentacion Alandy and Berardo Perez-Fraga, have died, or could no longer be located in the United States due to the long passage of time. U.S. banks keep customers' records for a maximum period of ten (10) years. The office and bank records of Respondent could no longer be reconstituted. Documents are delicately susceptible to spoilage and permanent damage due to mildew, termites, water, and other fierce elements of nature.<sup>57</sup>

<sup>55</sup> 460 Phil. 702 (2003), A.C. No. 5829, 28 October 2003 [Per Curiam].

<sup>56</sup> *Rollo*, pp. 57-58.

<sup>57</sup> *Id.* at 86.

In *Wilkie v. Atty. Limos (Wilkie)*,<sup>58</sup> We held that the issuance of checks that were later dishonored for having been drawn against a closed account indicates a lawyer's unfitness for the trust and confidence reposed on her. It shows a lack of personal honesty and good moral character as to render her unworthy of public confidence. The issuance of a series of worthless checks also shows the remorseless attitude of respondent, unmindful of the deleterious effects of such act to the public interest and public order.

Finally, Counts One (failure to notify client of funds received), Two (failure to maintain client funds in trust account), Three (misappropriation), and Four (misappropriation through issuance of bad checks) were correctly made to correspond to violations of Canon 7, Rule 7.03 by the Investigating Commissioner.

CANON 7 - A LAWYER SHALL AT ALL TIMES UPHOLD THE INTEGRITY AND DIGNITY OF THE LEGAL PROFESSION AND SUPPORT THE ACTIVITIES OF THE INTEGRATED BAR.

Rule 7.03 - A lawyer shall not engage in conduct that adversely reflects on his fitness to practice law, nor shall he whether in public or private life, behave in a scandalous manner to the discredit of the legal profession.

We add Our observation of respondent's behavior towards disciplinary measures taken against him. Respondent's behavior before the California State Bar Court parallels his behavior towards this Court, the OBC, the NBI, and the IBP. The common thread that binds the various proceedings in this case was respondent's ability to make himself unreachable.

In the two motions for extension filed by respondent on 16 September 2008<sup>59</sup> and 16 December 2008,<sup>60</sup> he indicated his IBP lifetime member number (402962), his roll number (31382), and his address (Block 2, Lot 1, Saint Augustine St., Maricaban, Pasay City, Metro Manila). However, notices sent to the address provided in said pleadings were returned unserved prompting Us to obtain assistance from the NBI. In the course of investigation, Agent Banawa of the NBI was informed by one Zeny Nebrija and Elmer Tordisillas, the occupants of respondent's address in Pasay City, that respondent already passed away.<sup>61</sup> They directed Agent Banawa to respondent's secretary, Nina Tordisillas, who gave the information that Atty. Lopez died on 23 July 2005. Curiously, however, Atty. Lopez was able to file his Comment<sup>62</sup> on 28 April 2009, or almost four years after his alleged death in 2005, as noted in our 02 March 2010 Resolution. On 09 March 2011, Agent Banawa reported that he found two more addresses for

58 591 Phil. 1 (2008), A.C. No. 7505, 24 October 2008 [Per J. Leonardo-De Castro].

59 *Rollo*, p. 34.

60 *Id.* at 47-48.

61 *Id.* at 148.

62 *Id.* at 54-95.

*Amc*

respondent, one in Manila and another in Makati. Thus, despite respondent's unforthcoming behavior towards this disciplinary proceeding, this Court's Resolutions were successfully served to respondent in the Makati address.<sup>63</sup>

Indeed, respondent was less than candid in his dealings with this Court. When he filed his motions for extension and his Comment, he was already aware that there were court proceedings that required his participation. However, respondent chose to not participate and not notify the Court of his updated address, notwithstanding repeated directives from this Court. Unfortunately for respondent, ignoring the proceedings do not make them go away. Respondent's version of ghosting does not work in his favor. If at all, respondent displayed contumacious conduct and a contempt for court processes. Respondent's lack of respect for court processes can likewise be gleaned from his refusal to file his pleadings under the correct docket number. Despite this Court's directive, he still referred to his case as A.M. No. 07-4-11-SC.

We find that respondent's behavior violates Canon 10, Rule 10.01 and 10.03; Canon 11; and Canon 12, Rule 12.03:

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.

Rule 10.03 - A lawyer shall observe the rules of procedure and shall not misuse them to defeat the ends of justice.

CANON 11 - A LAWYER SHALL OBSERVE AND MAINTAIN THE RESPECT DUE TO THE COURTS AND TO JUDICIAL OFFICERS AND SHOULD INSIST ON SIMILAR CONDUCT BY OTHERS.

CANON 12 - A LAWYER SHALL EXERT EVERY EFFORT AND CONSIDER IT HIS DUTY TO ASSIST IN THE SPEEDY AND EFFICIENT ADMINISTRATION OF JUSTICE.

Rule 12.03 - A lawyer shall not, after obtaining extensions of time to file pleadings, memoranda or briefs, let the period lapse without submitting the same or offering an explanation for his failure to do so.

Rule 12.04 - A lawyer shall not unduly delay a case, impede the execution of a judgment or misuse Court processes.

In *Spouses Cuña v. Elona (Cuña)*,<sup>64</sup> We stated that respondent's

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<sup>63</sup> *Id.* at 166-167.

<sup>64</sup> A.C. No. 5314, 23 June 2020 [Per Curiam].

attitude of disobeying the orders of the IBP manifests his clear lack of respect to the institution and its established rules and regulations. In *Lapitan v. Salgado (Lapitan)*,<sup>65</sup> where respondent repeatedly disregarded lawful orders of the Court, We characterized his behavior as lacking respect for the Court and the Court's lawful procedures. Such behaviors should not be tolerated.

*Disbarment as Sanction Against Respondent*

Disbarment is the most severe form of disciplinary sanction, and, as such, the power to disbar must always be exercised with great caution for only the most imperative reasons and in clear cases of misconduct affecting the standing and moral character of the lawyer as an officer of the court and a member of the bar.<sup>66</sup>

In determining the penalty in administrative cases against lawyers, the Court may take into consideration the gravity of the offenses committed and prior penalties imposed in similar cases. Thus, We examine the sanctions meted out in the previously cited administrative cases.

In *Wilkie*, the lighter penalty of three-month suspension was found sufficient considering that respondent therein fully paid her obligations against the complainant, the criminal cases instituted against her have been dismissed, and it was the first time a complaint of such nature has been filed against the respondent. In *Del Mundo*, the Court found the CBD's recommended penalty of one-year suspension sufficient for respondent's failure to account and return the funds entrusted to him by his client. In these cases, the Court tempered the penalty in view of circumstances considered in favor of respondents therein.

On the other hand, the Court found disbarment the proper penalty in *Lemoine* for respondent's refusal to turn over to his client the proceeds of the insurance claim of the latter despite repeated demands. We likewise ordered the disbarment of respondents in *Cuña* and *Lapitan*. In *Cuña*, respondent failed to promptly deliver to his client funds received by him on the latter's behalf, disobeyed orders of the IBP, and engaged in unauthorized practice of law. In *Lapitan*, respondent repeatedly disregarded the lawful orders of the Court being a fugitive from justice and employed deceitful conduct to complainant therein.

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65 A.C. No. 12452, 18 February 2020 [Per Curiam].

66 *Atty. Briones v. Atty. Jimenez*, 550 Phil. 402, 408 (2007), A.C. No. 6691, 27 April 2007 [Per J. Austria-Martinez].

*Ordo*

Considering the gravity of the offenses committed by respondent which merited his disbarment in the state of California, exacerbated by his non-compliance with the directives from this Court, the Court finds proper the recommended penalty of the IBP Board of Governors.

Respondent would be well reminded that the practice of law is not a vested right but a privilege that is clothed with public interest. To enjoy the privilege of practicing law as officers of the Court, lawyers must adhere to the rigid standards of mental fitness and maintain the highest degree of morality.<sup>67</sup> As we stated in *Sitaca v. Palomares, Jr.*:<sup>68</sup>

The Court has invariably emphasized that membership in the bar is only bestowed upon individuals who are not only learned in law, but also known to possess good moral character. Thus, to preserve the nobility and honor of the legal profession, disbarment, no matter how harsh it may be, is a remedy resorted to by the Court in order to purge the law profession of unworthy members of the bar.<sup>69</sup>

**WHEREFORE**, respondent Atty. Jaime V. Lopez, having violated the Code of Professional Responsibility by committing unlawful, dishonest, deceitful conduct, and by willfully disregarding the lawful processes of courts is **DISBARRED** and his name is ordered **STRICKEN OFF** the Roll of Attorneys **EFFECTIVE IMMEDIATELY**.

A copy of this Decision should be entered in the records of respondent Atty. Jaime V. Lopez. Further, other copies should be served on the Integrated Bar of the Philippines and on the Office of the Court of Administrator, which is directed to circulate them to all the courts in the country for their information and guidance. This Decision is immediately executory.

**SO ORDERED.**

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<sup>67</sup> *Lapitan v. Salgado*, *supra* note 66.

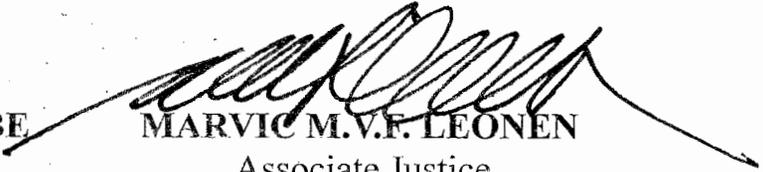
<sup>68</sup> A.C. No. 5285, 14 August 2019 [Per Curiam].

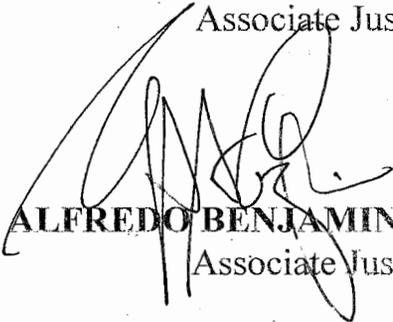
<sup>69</sup> *Id.*

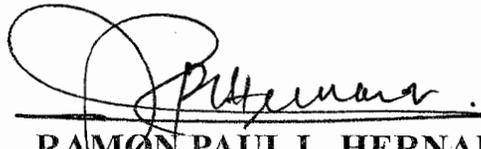
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(no part)  
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Chief Justice

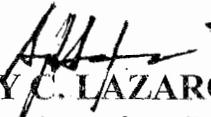
  
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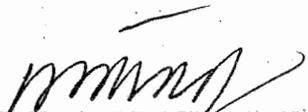
  
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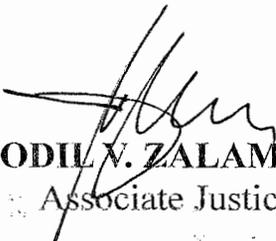
  
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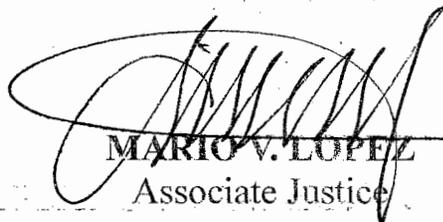
  
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Associate Justice

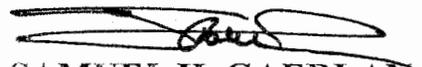
  
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Associate Justice

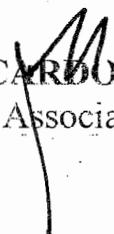
  
**AMY C. LAZARO-JAVIER**  
Associate Justice

  
**HENRI JEAN PAUL B. INTING**  
Associate Justice

  
**RODIL V. ZALAMEDA**  
Associate Justice

  
**MARIO V. LOPEZ**  
Associate Justice

  
**SAMUEL H. GAERLAN**  
Associate Justice

  
**RICARDO R. ROSARIO**  
Associate Justice

  
**JHOSEP Y. LOPEZ**  
Associate Justice