



Republic of the Philippines
Supreme Court
Manila

EN BANC

MELODY H. SANTOS,

Complainant,

A.C. No. 12353

Present:

- versus -

ATTY. EMILIO S. PAÑA, JR.,

Respondent.

GESMUNDO, C.J.,
LEONEN,
CAGUIOA,
HERNANDO,
LAZARO-JAVIER,
INTING,
ZALAMEDA,
LOPEZ, M.,
GAERLAN,
ROSARIO,
LOPEZ, J.
DIMAAMPAO,
MARQUEZ,
KHO, JR., and
SINGH, JJ.*

Promulgated:

February 6, 2024

X-----X

DECISION

PER CURIAM:

A lawyer's participation in the falsification of court documents is a reprehensible act which merits administrative sanction. It is directly contradictory to the oath one takes upon becoming a member of the Bar and shows unworthiness to continue in the practice of law.

* On official business.

The Case

This involves an administrative Complaint¹ filed with the Court by Melody H. Santos (Melody) against respondent Atty. Emilio S. Paña, Jr. (Atty. Paña) for committing gross immoral conduct, in violation of the Lawyer's Oath and the Code of Professional Responsibility (CPR).²

Antecedents

Melody alleged that in 2013, she needed assistance for the declaration of the nullity of her marriage.³ Hence, she was introduced by a friend of her cousin's wife to one Alberto Santos (Santos).⁴ Santos was a court interpreter in Branch 39 of the Regional Trial Court (RTC) of Polomolok, South Cotabato, who allegedly knew a lawyer who could help her obtain a quick nullity of marriage.⁵ This lawyer turned out to be Atty. Paña.⁶

Purportedly, Santos, and Atty. Paña claimed that they could obtain a decree of nullity of marriage for Melody within a period of six months, together with the relevant documents from the National Statistics Office (NSO).⁷ For their services, Melody paid PHP 280,000.00.⁸

Melody claimed that Atty. Paña eventually provided her with copies of a Judgment dated March 18, 2010 appearing to be issued by Judge Cader P. Indar, al Haj (Judge Indar) of Branch 15 of RTC Cotabato City.⁹ She was also given a Certificate of Finality dated April 14, 2010 stating that the said judgment has become final and executory.¹⁰

Thereafter, in 2014, Melody applied for her K-1 visa at the United States (US) Embassy in Manila.¹¹ During her interview, she was informed that the annulment papers she presented were fraudulent.¹² As a result, her application was denied.¹³ It was later confirmed that the annulment papers were indeed inauthentic, and not actually issued by Branch 15 of RTC

¹ *Rollo*, pp. 3-13.

² *Id.* at 116.

³ *Id.* at 4.

⁴ *Id.*

⁵ *Id.*

⁶ *Id.*

⁷ *Id.*

⁸ *Id.* at 116.

⁹ *Id.* at 5.

¹⁰ *Id.*

¹¹ *Id.*

¹² *Id.*

¹³ *Id.* at 116.

Cotabato City.¹⁴ Notably, Judge Indar has been disbarred by the Court for violating the CPR.¹⁵

Due to the foregoing, Melody stated that she was forced to hire another lawyer to file another petition for the nullity of her marriage.¹⁶ Further, she had to refile a K-1 visa application with the US Embassy.¹⁷ When she demanded for a refund, Atty. Paña merely returned PHP 260,000.00.¹⁸

Thus, Melody prayed that Atty. Paña should be disbarred from the practice of law for violating the Lawyer's Oath and Rule 1.01 of Canon 1 and Rule 7.03 of Canon 7 of the CPR.¹⁹

For his part, Atty. Paña denied the allegations against him.²⁰ He confirmed that Melody was indeed referred to him for the declaration of the nullity of her marriage.²¹ Shortly thereafter, Melody allegedly called him stating that her fiancé from the US was in a hurry to bring her there.²² The said fiancé was willing to spend for a quick annulment of Melody's previous marriage.²³ Atty. Paña claimed that he informed Melody that a quick annulment was not possible in South Cotabato.²⁴

Verily, Atty. Paña stated that at that time, he encountered one Samuel Guillermo (Guillermo), a court employee who claimed to know a lot of court staff, lawyers, and businessmen, who successfully secured the annulment of their marriages in Cotabato.²⁵ When Melody reached out again to Atty. Paña, she allegedly asked that she be referred to someone who could provide her immediate assistance.²⁶ She also stated that she will no longer be engaging Atty. Paña's legal services.²⁷ Due to her earnest request, Atty. Paña referred her to Guillermo.²⁸

More than a year later, Melody purportedly requested for a meeting with Atty. Paña.²⁹ It was only then that he was informed that the annulment

¹⁴ *Id.* at 6.

¹⁵ *Id.*

¹⁶ *Id.* at 116.

¹⁷ *Id.*

¹⁸ *Id.* at 6.

¹⁹ *Id.* at 116.

²⁰ *Id.* at 117.

²¹ *Id.* at 90.

²² *Id.* at 90-91.

²³ *Id.* at 91.

²⁴ *Id.*

²⁵ *Id.*

²⁶ *Id.*

²⁷ *Id.*

²⁸ *Id.*

²⁹ *Id.*

papers were not honored by the NSO.³⁰ He then advised Melody to ask for a refund from Guillermo, but she pressed that Atty. Paña should assist her in demanding for the refund.³¹ Purportedly, Guillermo gradually paid Melody by depositing the money to her Metrobank account.³²

Atty. Paña insisted that if ever he committed lapses, it was referring Melody to Guillermo.³³ He stated that in his journey as a lawyer, this was perhaps the indiscretion of a lifetime.³⁴ He apologized for not being prudent enough in making the said referral, as Guillermo assisted Melody in taking a shortcut of the regular procedure for the annulment of her marriage.³⁵

Verily, on July 1, 2019, the present complaint was referred by the Court to the Integrated Bar of the Philippines (IBP) for investigation, report, and recommendation.³⁶

Recommendation of the IBP

In its Report and Recommendation dated June 30, 2022,³⁷ the IBP Commission on Bar Discipline (CBD) recommended that Atty. Paña be suspended from the practice of law for a period of two years, to wit:

WHEREFORE, premises considered respondent Atty. Emilio S. Paña, Jr. violated his Lawyer's Oath and pertinent provisions of the Code of Professional Responsibility and the undersigned Commissioner respectfully recommends that a penalty of suspension from practice of law for a period of two (2) years at the discretion of the Board of Governors be imposed with warning that repetition of similar conduct in the future will warrant a more severe penalty.

RESPECTFULLY SUBMITTED.³⁸

The IBP CBD observed that the material allegations of Melody were substantiated.³⁹ It stated that Atty. Paña fell short of the high standard of maintaining morality, honesty, integrity, and fair dealing when he committed

³⁰ *Id.*

³¹ *Id.* at 92.

³² *Id.*

³³ *Id.* at 95.

³⁴ *Id.*

³⁵ *Id.* at 117.

³⁶ *Id.* at 40.

³⁷ *Id.* at 115–119. Penned by Commissioner Gilbert L. Macatangay.

³⁸ *Id.* at 119.

³⁹ *Id.* at 117.

the acts of misrepresentation and deception against Melody.⁴⁰ The IBP CBD concluded that these reveal basic moral flaws which warrant administrative sanction.⁴¹

Notably, the IBP Board of Governors (BOG) issued its Resolution dated October 14, 2022 modifying the penalty recommended by the IBP CBD to disbarment, viz.:

*RESOLVED, to MODIFY, as it is hereby MODIFIED, the Report and Recommendation of the Investigating Commissioner, to recommend instead to impose upon Respondent Atty. Emilio S. Paña, Jr. the penalty of **DISBARMENT**; and*

RESOLVED FURTHERMORE, to direct Dep. Director Patrick M. Velez to prepare an Extended Resolution explaining the recommendation of the Board of Governors in this case, which shall be appended to this resolution.⁴²

Preliminarily, the IBP BOG explained that there is an attendant responsibility on lawyers to ensure that only valid, legal, and real documents are processed in the course of the exercise of their possession.⁴³ It then stressed that the present case deals with the deplorable conduct of deceitful behavior in falsifying papers and effects of the judiciary.⁴⁴ It considered Atty. Paña's actions amount to crude forgery, ultimately attacking the integrity of court processes.⁴⁵ Hence, the IBP BOG found that the imposition of disbarment as a penalty is warranted for a straighter appreciation of the gravamen of the violation.⁴⁶

Issue

The essential issue is whether Atty. Paña should be held administratively liable.

Ruling of the Court

The Court adopts the recommendation of the IBP BOG.

⁴⁰ *Id.* at 119.

⁴¹ *Id.*

⁴² *Id.* at 113.

⁴³ *Id.* at 112.

⁴⁴ *Id.* at 121.

⁴⁵ *Id.* at 120–123.

⁴⁶ *Id.*

Time and again, it has been emphasized that the lawyers are expected to remain highly ethical and strictly observe the rules of the profession.⁴⁷ Failure to adhere to this standard would result in the Court's exercise of its power to discipline members of the bar.⁴⁸ Using such power, the Court calls lawyers to account for their mistakes as officers of the Court, for the purpose of preserving the purity of the profession and the proper administration of justice.⁴⁹

On this note, the falsification of court documents has been treated as an act which reflects a high degree of moral turpitude on a lawyer.⁵⁰ It is deemed as an offense amounting to unlawful, dishonest, immoral, and deceitful conduct, and has the effect of lessening the confidence of the public in the legal system.⁵¹ Due to the damage and prejudice caused by this offense, the Court has pronounced that it exhibits one's inability to discharge his or her duties as a member of the bar.⁵²

In this regard, Rule 1.01, Canon 1 of the CPR provides that lawyers should not engage in unlawful, dishonest, immoral, or deceitful conduct. Rule 7.03, Canon 7 thereof also states that they should not engage in conduct that adversely reflects on their fitness to practice law. Similarly, both the Lawyer's Oath and Rule 10.01, Canon 10 of the CPR mandate lawyers to not do any falsehood, nor consent to the doing of any in court.

Verily, A.M. No. 22-09-01-SC, or the Code of Professional Responsibility and Accountability (CPRA), was recently issued by the Court, which repealed the CPR and took effect on May 29, 2023.⁵³ Notably, the CPRA includes a transitory provision which states that it shall be applied to all pending and future cases, unless not feasible or would work injustice.⁵⁴ As the exceptions are not present in the instant case, the Court deems the application of the CPRA to be proper.⁵⁵

The pertinent provisions in the CPRA which enjoin lawyers from performing improper acts, particularly the participation in the falsification of court decisions, orders, or documents, are the following:⁵⁶

⁴⁷ See *Manalang v. Buendia*, 889 Phil. 544, 551 (2020) [*Per Curiam, En Banc*].

⁴⁸ *Id.*

⁴⁹ *Drilon v. Maglalatang*, A.C. No. 8471, August 22, 2023 [*Per Curiam, En Banc*].

⁵⁰ *Embido v. Pe, Jr.*, 720 Phil. 2, 10 (2013) [*Per J. Bersamin, En Banc*].

⁵¹ See *Taday v. Apoya, Jr.*, 835 Phil. 13, 23-24 (2018) [*Per Curiam, En Banc*].

⁵² *Tan v. Diamante*, 740 Phil. 382, 392 (2014) [*Per Curiam, En Banc*].

⁵³ *Ascaño v. Panem*, A.C. No. 13287, June 21, 2023 [*Per J. Inting, Third Division*].

⁵⁴ Code of Professional Responsibility and Accountability, section 1.

⁵⁵ *Ascaño v. Panem*, A.C. No. 13287; June 21, 2023 [*Per J. Inting, Third Division*].

⁵⁶ *Drilon v. Maglalatang*, A.C. No. 8471, August 22, 2023 [*Per Curiam, En Banc*].

CANON II
Propriety

A lawyer shall, at all times, act with propriety and maintain the appearance of propriety in personal and professional dealings, observe honesty, respect and courtesy, and uphold the dignity of the legal profession consistent with the highest standards of ethical behavior. (n)

SECTION 1. *Proper Conduct.* — A lawyer shall not engage in unlawful, dishonest, immoral, or deceitful conduct. (1.01)

SECTION 2. *Dignified Conduct.* — A lawyer shall respect the law, the courts, tribunals, and other government agencies, their officials, employees, and processes, and act with courtesy, civility, fairness, and candor towards fellow members of the bar. (8a)

A lawyer shall not engage in conduct that adversely reflects on one's fitness to practice law, nor behave in a scandalous manner, whether in public or private life, to the discredit of the legal profession. (7.03a)

SECTION 5. *Observance of Fairness and Obedience.* — A lawyer shall, in every personal and professional engagement, insist on the observance of the principles of fairness and obedience to the law.

SECTION 8. *Prohibition against Misleading the Court, Tribunal, or Other Government Agency.* — A lawyer shall not misquote, misrepresent, or mislead the court as to the existence or the contents of any document, argument, evidence, law, or other legal authority, or pass off as one's own the ideas or words of another, or assert as a fact that which has not been proven. (10.02a)

CANON III
Fidelity

Fidelity pertains to a lawyer's duty to uphold the Constitution and the laws of the land, to assist in the administration of justice as an officer of the court, and to advance or defend a client's cause, with full devotion, genuine interest, and zeal in the pursuit of truth and justice. (n) x x x

SECTION 2. *The Responsible and Accountable Lawyer.* — A lawyer shall uphold the constitution; obey the laws of the land, promote respect for laws and legal processes, safeguard human rights, and at all times advance the honor and integrity of the legal profession.

As an officer of the court, a lawyer shall uphold the rule of law and conscientiously assist in the speedy and efficient administration of justice. (12a)

As an advocate, a lawyer shall represent the client with fidelity and zeal within the bounds of the law and the CPRA. (17a, 19a)

In administrative cases, the quantum of proof is substantial evidence.⁵⁷ This is defined as “that amount of relevant evidence as a reasonable mind might accept as adequate to support a conclusion, even if other minds, equally reasonable, might conceivably opine otherwise.”⁵⁸

The Court finds that there is substantial evidence proving that Atty. Paña violated the Lawyer’s Oath and the CPRA.

It was undisputed that Atty. Paña was engaged to represent Melody in an action for the declaration of the nullity of her marriage.⁵⁹ His receipt of the PHP 280,000.00 fee is proven by the acknowledgment receipts he and Santos respectively issued to Melody.⁶⁰ Further, the fact that the Judgment dated March 18, 2010 and Certificate of Finality dated April 14, 2010 are inauthentic was not denied by Atty. Paña. Notably, pursuant to this Court’s decision in *Office of the Court Administrator v. Indar*,⁶¹ Judge Indar was indeed dismissed from service and disbarred for issuing decisions on annulment of marriage cases without the conduct of judicial proceedings.

Atty. Paña’s allegation that his only mistake was referring Melody to Guillermo cannot be given credence.⁶² In an email correspondence presented as evidence by Melody, Atty. Paña stated:

I would like to apologize for the mess. I fully understand your feelings. I am trying to convince persons in Cotabato about the refund. I would like to inform you that I merely referred the case to Cotabato people. The bulk of money went to them. Anyway, I have a heart to heart talk with Melody and her father. I made two proposals to Melody. I hope cooler heads shall prevail. I am also hoping that if there is any problem, this will not aggravate.⁶³

From the foregoing, it is clear that Atty. Paña was aware of the irregularity of the procedure to be taken. In fact, he stated in his position paper that he apologizes for not being prudent enough in referring Melody to Guillermo “who assisted her take a short cut of the regular procedure

⁵⁷ See *Gubaton v. Atty. Amador*, 835 Phil. 825, 832 (2018) [Per J. Perlas-Bernabe, Second Division].

⁵⁸ *Id.*

⁵⁹ *Rollo*, p. 120.

⁶⁰ *Id.* at 73–74.

⁶¹ 685 Phil. 272 (2012) [*Per Curiam, En Banc*].

⁶² *Rollo*, pp. 94–95.

⁶³ *Id.* at 85.

regarding annulment of marriage.”⁶⁴ However, it appears that Atty. Paña did more than just refer Melody to Guillermo. Atty. Paña facilitated the act of securing the spurious Judgment dated March 18, 2010 and Certificate of Finality dated April 14, 2010.⁶⁵ It is evident that he and Santos were the ones who received the fee, and they gave the “Cotabato people” shares.⁶⁶ He was also updating Melody about the status of the case and the subsequent demand for refund.⁶⁷

On this note, the Court has not hesitated to impose sanctions on lawyers found to have participated in the falsification of court documents.

In *Reyes, Jr. v. Rivera*,⁶⁸ complainant sought the assistance of respondent lawyer in filing a case for the dissolution of his marriage. Eventually, he was given a copy of the petition for declaration of nullity of marriage, stamped received by Branch 215 of RTC Muntinlupa City. Respondent lawyer then furnished him a copy of a court decision granting the petition, which was surprisingly issued by Branch 206 of RTC Muntinlupa City.⁶⁹ Complainant doubted the authenticity of the same as he never attended a single hearing of the case. He later learned that no petition was filed, and Branch 215 of RTC Muntinlupa City does not in fact exist.⁷⁰ For furnishing his client with a fake court decision, the Court found respondent lawyer guilty of violating the CPR and imposed upon him the penalty of disbarment.⁷¹

Also, in *Madria v. Rivera*,⁷² complainant engaged the services of respondent lawyer for the annulment of her marriage. When complainant followed up on the case, respondent lawyer advised her to wait for the resolution of the court as there is no need for her appearance.⁷³ Eventually, complainant received a copy of the RTC decision granting the petition and a certificate of finality.⁷⁴ Believing that these documents are authentic, complainant used them in applying for the renewal of her passport.⁷⁵ She eventually discovered that the decision and certificate of finality did not in fact exist in the court records.⁷⁶ The Court found respondent lawyer guilty and emphasized that he turned his back on the moral standards of the legal

⁶⁴ *Id.* at 95.

⁶⁵ *Id.* at 74.

⁶⁶ *Id.* at 85.

⁶⁷ *Id.*

⁶⁸ 887 Phil. 247 (2020) [*Per Curiam, En Banc*].

⁶⁹ *Id.* at 252.

⁷⁰ *Id.* at 250.

⁷¹ *Id.* at 252–253.

⁷² 806 Phil. 774 (2017) [*Per Curiam, En Banc*].

⁷³ *Id.* at 777

⁷⁴ *Id.* at 778.

⁷⁵ *Id.*

⁷⁶ *Id.* at 779.

profession which he was expected to uphold.⁷⁷ For this, he was ordered disbarred from the practice of law.⁷⁸

Lastly, in the recent case of *Drilon v. Maglalang*,⁷⁹ complainants are a judge and a clerk of court of RTC Bacolod City, who discovered the existence of a court order they supposedly issued. The said order declared the presumptive death of a certain Ruby Madrinian upon the petition of his wife, Jodee Andren (Andren).⁸⁰ Apparently, Andren sought the legal service of respondent lawyer for the annulment of her marriage.⁸¹ Respondent lawyer assured her that he can take care of everything, including the update in her NSO records, without need for her personal appearance.⁸² Eventually, respondent lawyer indeed gave her the annulment order signed by complainant judge.⁸³ However, when Andren attempted to get a copy of her updated NSO records, it was found that the court order was fake and no petition for annulment was actually filed.⁸⁴ The Court found respondent lawyer guilty of violating the CPRA for his authorship and use of a forged court order.⁸⁵ Accordingly, he was disbarred from the practice of law.⁸⁶

Under Section 33(b), Canon VI of the CPRA, the falsification of documents is considered a serious offense. Section 37(a) thereof provides that any of the following sanctions, or a combination thereof, may be imposed on a respondent found guilty of a serious offense: (1) disbarment; (2) suspension from the practice of law for a period exceeding six months; (3) revocation of notarial commission and disqualification as notary public for not less than two years; or (4) a fine exceeding PHP 100,000.00.

By participating in the falsification of court documents, Atty. Paña made a mockery of the judicial system.⁸⁷ Ironically, instead of being the supposed advocate for justice, he became the perpetrator of injustice.⁸⁸ Prevailing jurisprudence shows that the Court imposed no less than the ultimate penalty of disbarment on respondent lawyers who participated in the falsification of court documents. So must it be in the present case. Atty. Paña's reprehensible acts show that he should not remain in the rolls of the legal profession.

⁷⁷ *Id.* at 785.

⁷⁸ *Id.*

⁷⁹ A.C. No. 8471, 22 August 2023. [*Per Curiam, En Banc*].

⁸⁰ *Id.*

⁸¹ *Id.*

⁸² *Id.*

⁸³ *Id.*

⁸⁴ *Id.*

⁸⁵ *Id.*

⁸⁶ *Id.*

⁸⁷ *Krursel v. Abion*, 789 Phil. 584, 597 (2016) [*Per Curiam, En Banc*].

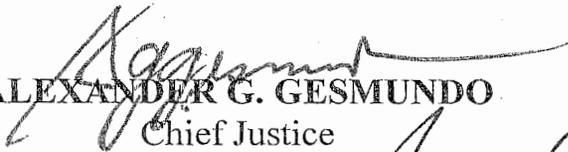
⁸⁸ *Id.*

For these reasons, the Court finds Atty. Paña guilty of violating the CPRA and the Lawyer's Oath. He is disbarred from the practice of law and his name is ordered stricken off from the roll of attorneys, effective immediately.

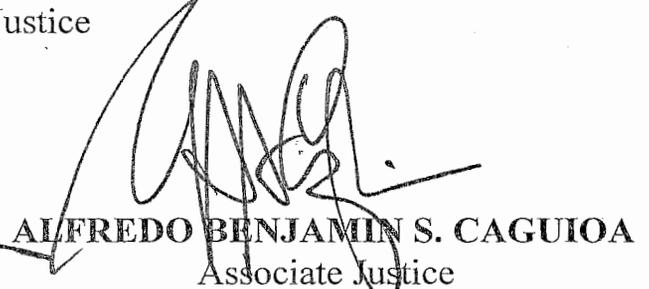
ACCORDINGLY, the Court finds respondent **Atty. Emilio S. Paña, Jr. GUILTY** of violating the Code of Professional Responsibility and Accountability and the Lawyer's Oath. He is **DISBARRED** from the practice of law and his name is ordered **STRICKEN OFF** from the Roll of Attorneys, effective immediately.

Let a copy of this Decision be furnished to the Office of the Bar Confidant, to be appended to Atty. Emilio S. Paña, Jr.'s personal records as attorney. Likewise, let copies of this Decision be furnished to the Integrated Bar of the Philippines and the Office of the Court Administrator for dissemination to all courts in the country.

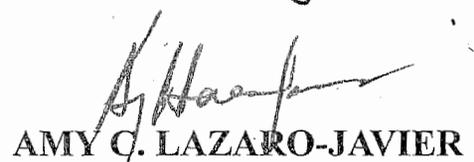
WE CONCUR:


ALEXANDER G. GESMUNDO
Chief Justice

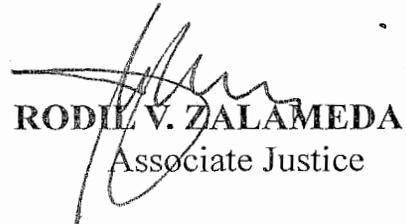

MARVIC M. V. F. LEONEN
Associate Justice

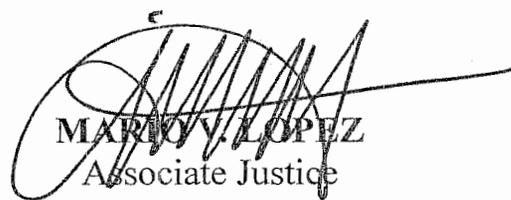

ALFREDO BENJAMIN S. CAGUIOA
Associate Justice


RAMON PAUL L. HERNANDO
Associate Justice


AMY C. LAZARO-JAVIER
Associate Justice


HENRI JEAN PAUL B. INTING
Associate Justice

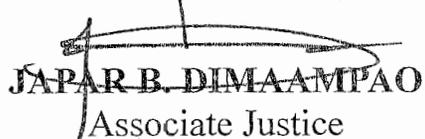

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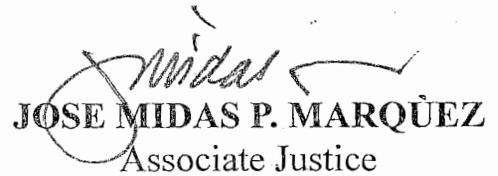

MARVIC V. LOPEZ
Associate Justice


SAMUEL H. GAERLAN
Associate Justice

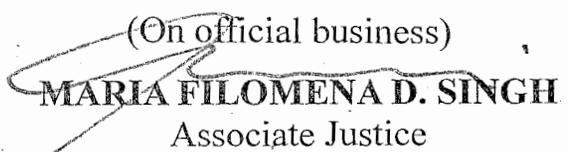

RICARDO R. ROSARIO
Associate Justice


JHOSEP Y. LOPEZ
Associate Justice


JAPAR B. DIMAAMPAO
Associate Justice


JOSE MIDAS P. MARQUEZ
Associate Justice


ANTONIO T. KHO, JR.
Associate Justice

(On official business)

MARIA FILOMENA D. SINGH
Associate Justice