

Republic of the Philippines Supreme Court Manila

EN BANC

ADRIAN M. KELLEY, Complainant, **A.C. No. 13955** [Formerly CBD Case No. 19-6114]

Present:

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

- versus -

ATTY. CIPRIANO D. ROBIELOS III, Respondent.

Promulgated:

January 30, 2024

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DECISION

PER CURIAM:

The Case

Complainant Adrian M. Kelley (Kelley) charged respondent Atty. Cipriano D. Robielos III (Atty. Robielos) before the Integrated Bar of the Philippines (IBP) with grave misconduct, averring that the latter issued a worthless check and failed to pay his debt in violation of the Code of Professional Responsibility (CPR) and the Lawyer's Oath.¹

Antecedents

According to Kelley, sometime in February 2016, Atty. Robielos borrowed from him PHP 240,000.00, for which Atty. Robielos issued as payment Bank of Commerce Check No. 0000008² dated June 30, 2016. When he presented the check for payment, however, the same was dishonored for being "drawn against insufficient funds." He consequently sent Atty. Robielos a demand letter³ dated July 30, 2016.⁴

He and Atty. Robielos subsequently entered into an Agreement⁵ ("Kasunduan ng Pag-Aayos") dated September 13, 2016 before the Office of the Barangay Chairman, Barangay 33, Caloocan City, whereby Atty. Robielos committed to pay in installments of PHP 20,000.00 every 15 days for a period of six months. Atty. Robielos, however, only paid three installments or a total of PHP 60,000.00, leaving a balance of PHP 180,000.00.6

He was, therefore, constrained to file a small claims complaint⁷ against Atty. Robielos before the Branch 51, Metropolitan Trial Court, Caloocan City, (MeTC-Branch 51) docketed as Small Claims Case No. 17-2040. Despite receipt of summons, Atty. Robielos failed to file an answer and did not appear during the hearing.⁸

By Decision⁹ dated February 23, 2017, MeTC-Branch 51 ordered Atty. Robielos to pay the amount of PHP 180,000.00 with 5% interest per annum. Kelley then filed a Motion for Execution,¹⁰ which Atty. Robielos opposed,¹¹ claiming he had suffered a mild stroke. During the hearing on the motion for execution, Atty. Robielos appeared and was directed by the court to file his answer, which he did. Atty. Robielos countered that the check was issued merely to "return a favor" and was not intended to be encashed as payment for a debt.¹²

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¹ Rollo, pp. 2-5. 2

Id. at 33. 3

Id. at 193-194. 4

Id. 5

Id. at 43. 6

Id. at 214. 7

Id. at 26-32. 8

Id. at 214.

⁹ Id. at 52-54. Penned by Presiding Judge Gloria D. Santos, Jr., Branch 51, Metropolitan Trial Court, Caloocan City. 10 Id. at 57.

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Id. at 58-60. 12

Id. at 215.

By Order¹³ dated April 3, 2017, MeTC-Branch 51 found the aforesaid defense to be devoid of merit, hence, it granted the motion for execution. The same was affirmed by the Branch 129, Regional Trial Court, Caloocan City per its Order¹⁴ dated June 14, 2017. An alias writ of execution was eventually served on Atty. Robielos who still refused to pay the judgment award.¹⁵

Consequently, this time, Kelley was compelled to file the instant administrative complaint against Atty. Robielos.¹⁶

Proceedings before the IBP Committee on Bar Discipline

On October 21, 2019, the Director for the Committee on Bar Discipline (CBD), Atty. Randall C. Tabayoyong, required Atty. Robielos to file his answer.¹⁷ Despite receipt of the order, Atty. Robielos failed to file his answer.¹⁸

By Order¹⁹ dated July 24, 2020, IBP Commissioner Sherwin D. Vizconde directed the parties to submit their respective email addresses and manifest whether they are willing to waive the mandatory conference. Once more, Atty. Robielos failed to respond despite notice. As in the past, only Kelley filed his compliance. Consequently, the IBP terminated the mandatory conference and ordered both parties to submit their respective verified position papers within a non-extendible period of 10 days from notice.²⁰ Kelley complied on June 13, 2022, but Atty. Robielos, again, did not.²¹

The Report and Recommendation of the Investigating Commissioner

By his Report and Recommendation²² dated November 8, 2021, Investigating Commissioner Patrick V. Santo recommended that Atty. Robielos be found guilty of violating Canon 1, Rule 1.01²³ of the CPR and meted the penalty of suspension from the practice of law for a period of two years. Too, for his refusal to comply with the orders of the IBP, he was fined PHP 15,000.00.

- ²⁰ *Id.* at 184.
- ²¹ *Id.* at 211.

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¹³ Id. at 74–77.

¹⁴ *Id.* at 101–108.

 ¹⁵ Id. at 214–215.
¹⁶ Id. at 211.

¹⁷ *Id.* at 128.

¹⁸ *Id.* at 211.

¹⁹ *Id.* at 151-152.

²² Id. at 211–219.

²³ 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.

The Investigating Commissioner ruled that the omissions and actions of Atty. Robielos showed a dishonest intent to evade payment of his just debt. Despite having been properly served with a writ of execution, Atty. Robielos insisted on his obstinate refusal to pay his obligation. He even issued a worthless check, an act punishable under Batas Pambansa Blg. 22.²⁴

The Resolution of the IBP Board of Governors

Under Resolution No. CBD-XXV-2023-04-11²⁵ dated April 14, 2023, the IBP Board of Governors affirmed in the main but increased the penalty to suspension from the practice of law for five years, *viz*.:

RESOLVED, to MODIFY, as it is hereby MODIFIED, the Report and Recommendation of the Investigating Commissioner (IC), adopting the finding of guilt, but after taking into account the previous two (2) suspension of six months and five years, respectively, meted upon him in A.C. No. 7849 (CBD Case No. 05-1489) and A.C. No. 11520 (CBD Case No. 17-5472), which are aggravating circumstances of recidivism, to recommend instead the imposition upon Respondent Atty. Cipriano D. Robielos III of the penalties of **SUSPENSION from the practice of law for FIVE (5) YEARS, with STERN WARNING** that a repetition of the same or similar act shall be dealt with more severely, and a **FINE of P15,000.00** for failure to comply with the directives of the IC.²⁶ (Emphasis in the original)

Our Ruling

At the outset, the Court emphasizes that the provisions of the Code of Professional Responsibility and Accountability (CPRA), which took effect on May 30, 2023, apply to the present case by virtue of Section 1, of the General Provisions of the CPRA, *viz*.:

Section 1. *Transitory Provision.* — The CPRA shall be applied to all pending and future cases, except to the extent that in the opinion of the Supreme Court, its retroactive application would not be feasible or would work injustice, in which case the procedure under which the cases were filed shall govern.

Membership in the Bar is a privilege burdened with conditions. Time and again, the Court has imposed the penalty of suspension or disbarment for any gross misconduct that a lawyer may have committed, whether it is in his or her professional or private capacity. Good character is an essential qualification for the admission to and continued practice of law. Hence, any

²⁵ *Rollo*, p. 209.

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²⁴ An Act Penalizing The Making Or Drawing And Issuance Of A Check Without Sufficient Funds Or Credit And For Other Purposes, approved April 3, 1979.

²⁶ Id.

wrongdoing, whether professional or non-professional, indicating unfitness for the profession justifies disciplinary action,²⁷ as here.

Indeed, the Court has repeatedly ordained that -

Law is a noble profession, and the privilege to practice it is bestowed only upon individuals who are competent intellectually, academically and, equally important, morally. Because they are vanguards of the law and the legal system, lawyers must at all times conduct themselves, especially in their dealings with their clients and the public at large, with honesty and integrity in a manner beyond reproach.²⁸

Unfortunately, Atty. Robielos failed to live up to these standards.

Atty. Robielos is guilty of violation of Canon II of the CPRA

To recall, Atty. Robielos obtained from Kelley a loan in the amount of PHP 240,000.00. Atty. Robielos issued a check as payment therefor. Upon presentment, however, the check was dishonored for having been drawn against insufficient funds. Despite demand, Atty. Robielos failed to pay. Subsequently, Kelley and Atty. Robielos entered into a "Kasunduan ng Pagaayos" whereby the latter promised to pay the full amount in installments over a period of six months. Atty. Robielos, however, only paid PHP 60,000.00 and failed to pay the subsequent installments, leaving a balance of PHP 180,000.00.

Notably, Atty. Robielos does not dispute that he issued a check for the amount of PHP 240,000.00 and that this check was eventually dishonored by the drawee bank. As a flimsy excuse though, Atty. Robielos asserted that he issued the check to "repay a favor" and that he was not actually indebted to Kelley. But this assertion is bereft of any evidentiary support as Atty. Robielos offered no explanation on what he meant by this so called "favor" or why he had to issue a check to "repay this favor." Too, it does not escape the Court's attention that prior to the filing of the complaint against him, Atty. Robielos entered into a "Kasunduan ng Pagaayos" and he made partial payments for his loan amounting to PHP 60,000.00. This is positive proof that Atty. Robielos indeed has an outstanding obligation to Kelley and he issued the subject check to secure its payment.

Canon II of the CPRA aptly provides.

CANON II

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²⁷ Lim v. Atty. Rivera, 833 Phil. 609, 615 (2018) [Per J. Perlas-Bernabe, Second Division].

²⁸ Resurreccion v. Atty. Sayson, 360 Phil. 313, 322 (1998) [Per Curiam, En Banc].

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.

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

. . . .

Deceitful conduct involves moral turpitude and includes anything done contrary to justice, modesty or good morals. It is an act of baseness, vileness or depravity in the private and social duties which a man or woman owes to others or to society in general, contrary to justice, honesty, modesty, or good morals.²⁹

Such malfeasance is not only unacceptable, disgraceful, and dishonorable to the legal profession; it also reveals a basic moral flaw that makes one unfit to practice law. Good moral character is not only a condition precedent relating to one's admission into the practice of law, but is a continuing imposition in order to maintain membership in the Philippine Bar.³⁰

To be sure, whether lawyers may be administratively sanctioned by the Court for issuing worthless checks to pay their debts is not novel.

In *Lim v. Atty. Rivera*,³¹ the Court decreed:

It is undisputed that respondent had obtained a loan from complainant for which he issued a post-dated check that was eventually dishonored and had failed to settle his obligation despite repeated demands. It has been consistently held that "[the] deliberate failure to pay just debts and the issuance of worthless checks constitute gross misconduct, for which a lawyer may be sanctioned with suspension from the practice of law. Lawyers are instruments for the administration of justice and vanguards of our legal system. They are expected to maintain not only legal proficiency but also a high standard of morality, honesty, integrity and fair dealing so that the peoples' faith and confidence in the judicial system is ensured. They must at all times faithfully perform their duties to society, to the bar, the courts and to their clients, which include prompt payment of financial obligations. They must conduct themselves in a manner that reflects the values and norms of the legal profession as embodied in the Code of Professional Responsibility." Thus, the IBP IC correctly ruled that respondent's act of issuing a worthless check was a violation of Rule 1.01, Canon 1 of the CPR, which explicitly states:

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²⁹ Yamon-Leach v. Atty. Astorga, 860 Phil. 403, 417 (2019) [Per Curiam, En Banc].

³⁰ San Juan v. Atty. Venida, 793 Phil. 656, 663 (2016) [Per Curiam, En Banc]. (citations omitted) ³¹ 833 Phil 609 (2018) [Per L Perlas Bernabe Second Division]

⁸³³ Phil. 609 (2018) [Per J. Perlas-Bernabe, Second Division].

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.

In Enriquez v. De Vera, the Court categorically pronounced that a lawyer's act of issuing a worthless check, punishable under Batas Pambansa Blg. 22, constitutes serious misconduct penalized by suspension from the practice of law for one (1) year, for which no conviction of the criminal charge is even necessary. Batas Pambansa Blg. 22 was "designed to prohibit and altogether eliminate the deleterious and pernicious practice of issuing checks with insufficient funds, or with no credit, because the practice is deemed a public nuisance, a crime against public order to be abated." Being a lawyer, respondent was well aware of, or was nonetheless presumed to know, the objectives and coverage of Batas Pambansa Blg. 22. Yet, he knowingly violated the law and thereby "exhibited his indifference towards the pernicious effect of his illegal act to public interest and public order."³² (Emphasis in the original and citations omitted)

In *Linsangan v. Atty. Lucero*,³³ the Court underscored that Atty. Lucero's act of issuing a worthless check was an outright violation of the law and clearly showed that he was unmindful of the deleterious effect of his act to public interest and public order.³⁴

In the same vein, the failure of Atty. Robielos to pay his indebtedness, coupled with the issuance of a worthless check, warrants disciplinary sanction. Such acts are indicative of the unfitness of a lawyer from the trust and confidence reposed on him and demonstrates a lack of personal honesty and good moral character.

In fine, Atty. Robielos must be held administratively liable for violating Canon II of the CPRA.

Atty. Robielos is also liable for violation of Canon III of the CPRA

Canon III, Section 2 of the CPRA requires a lawyer to promote respect for legal processes, uphold the rule of law, and conscientiously assist in the speedy and efficient administration of justice, *viz*.:

CANON III FIDELITY

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³² *Id.* at 615–616.

³³ A.C. No. 13664, January 23, 2023 [Per J. Kho, Jr., Second Division].

³⁴ Id.

Section 2

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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.

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

Atty. Robielos, therefore, violated Canon III, Section 2 of the CPRA for lack of respect for legal processes as he abjectly failed to comply with the directives of the IBP Committee on Bar Discipline (IBP-CBD) to file his position papers and to attend the required mandatory conference.

As a member of the Bar, Atty. Robielos ought to have known that the orders of the IBP-CBD as the investigating arm of the Court in administrative cases against lawyers are not mere requests but directives which should be complied with promptly and completely.³⁵ He should be reminded that as a lawyer, he must maintain respect not only to the courts, but also to judicial officers and other duly constituted authorities, including the IBP.³⁶

Penalties

True, the power to disbar must be exercised with great caution, and may be imposed only in a clear case of misconduct that seriously affects the standing and the character of the lawyer as an officer of the Court and as a member of the Bar. Disbarment should never be decreed where any lesser penalty could accomplish the end desired.³⁷ Hence, in resolving the sanction to be imposed, the Court must consider that the primary purposes of disciplinary proceedings are to protect the public; to foster public confidence in the Bar; to preserve the integrity of the profession; and to deter other lawyers from similar misconduct.³⁸

Under Canon VI, Section 37(a)(1) of the CPRA, a respondent may be disbarred if he or she is found guilty of a serious offense.³⁹ Relevantly, under

³⁹ Section 37. Sanctions. --

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³⁵ Jinon v. Atty. Jiz, 705 Phil. 321, 329 (2013) [Per J. Perlas Bernabe, En Banc].

³⁶ Sia Su v. Talaboc, A.C. No. 8538, February 17, 2020 [Notice, First Division].

³⁷ Mangubat v. Atty. Herrera, A.C. No. 9457, April 5, 2022 [Per Curiam, En Banc].

³⁸ Valdez v. Atty. Dabon, 773 Phil. 109, 127 (2015) [Per Curiam, En Banc].

⁽a) If the respondent is found guilty of a serious offense, any of the following sanctions, or a combination thereof, shall be imposed:

Section 33(a) of the same Canon, gross misconduct is classified as serious offense.⁴⁰

In *Lao v. Medel*,⁴¹ the Court held that the deliberate failure to pay just debts and the issuance of worthless checks constitute gross misconduct, for which a lawyer may be sanctioned with suspension from the practice of law for a period of one year.⁴²

In *A-1 Financial Services Inc. v. Atty. Valerio*,⁴³ Atty. Valerio issued a postdated check for PHP 50,000.00 to secure the payment of her loan obligation. Upon presentation to the bank, however, the check was dishonored due to insufficient funds. For her misconduct and for her failure to heed the IBP's and the Court's orders, the Court imposed the penalty of suspension from the practice of law for two years.⁴⁴

On this score, the Court notes that Atty. Robielos had already been previously sanctioned twice for unprofessional conduct of a similar nature as here.

In *Phie v. Atty. Robielos III (Phie)*,⁴⁵ the Court suspended Atty. Robielos from the practice of law for a period of three months. In *Phie*, complainant Emely Phie charged Atty. Robielos with dishonesty for allegedly disappearing with her money amounting to PHP 503,000.00. The Court ruled that while Phie failed to substantiate her allegations, Atty. Robielos stubbornly failed to comply with the lawful orders of the IBP, for which he was sanctioned with suspension from the practice of law for a period of three months.⁴⁶

In yet another case, *Mangayan v. Atty. Robielos*,⁴⁷ Atty. Robielos obtained a PHP 594,185.00 loan from Mangayan in 1995 for which he issued a total of ten worthless checks. He was accordingly suspended from the practice of law for a period of five years and sternly warned that a repetition of the same or similar infraction will be dealt with more severely.⁴⁸

(1) Disbarment;

Section 33. Serious offenses. — Serious offenses include:
(a) Gross misconduct, or any inexcusable, shameful or flagrant unlawful conduct;
(b) Serious dishonesty, fraud, or deceit, including falsification of documents and making untruthful statements;

⁴⁶ Id.

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⁴¹ 453 Phil. 115 (2003) [Per J. Panganiban, En Banc].

⁴² *Id.* at 124.

⁴³ 636 Phil. 627 (2010) [Per J. Peralta, En Banc].

⁴⁴ *Id.* at 633.

⁴⁵ A.C. No. 7849, August 28, 2019 [Notice, First Division].

 ⁴⁷ A.C. No. 11520, April 5, 2022 [Per J. Gaerlan, *En Banc*].
⁴⁸ Id

⁴⁸ Id.

It is therefore clear that Atty. Robielos has repeatedly engaged in a vicious cycle of borrowing money and later on refusing to pay his debts each time. Too, Atty. Robielos has demonstrated an abject lack of remorse and disrespect to the legal processes. He has displayed impertinence by stubbornly refusing to pay his outstanding obligation, and he has made a mockery of our judicial systems and processes by continuing to evade the writ of execution issued on him.

Worse, he even fabricated a defense that "he was merely returning a favor," without even bothering to expound on what this "favor" entailed.

Evidently, Atty. Robielos has a penchant for violating the provisions of the CPRA, albeit, he had been repeatedly warned that a similar violation will merit a more severe penalty. The Court cannot simply turn a blind eye to Atty. Robielos' repeated and brazen disregard of the provisions of the CPRA and the Lawyer's Oath, or his utter indifference to the values a lawyer ought to live by as a requisite for his continued membership in the Bar.

All told, for his present administrative infraction involving his propensity to issue worthless checks to pay his debts, We deem it proper to impose the ultimate penalty of disbarment on Atty. Robielos. Once more, We emphasize that membership in the legal profession is a privilege, and whenever it is made to appear that an attorney is no longer worthy of the trust and confidence of his or her clients and the public, it becomes not only the right but also the duty of the Court to withdraw the same as in the case of Atty. Robielos.

As for his brazen disregard of the lawful orders and processes of the IBP-CBD directing him to file his answer, to attend the mandatory conferences, and to file his position paper despite due notice, exhibiting a conduct in breach of his sworn duty as an officer of the court, which is classified as a less serious offense under Canon VI, Section 34 of the CPRA,⁴⁹ We, thus, impose a fine of PHP 35,000.00, pursuant to Canon VI, Section 37 (b) of the CPRA, thus:

CANON VI ACCOUNTABILITY

Section 37. Sanctions. -

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⁴⁹ Section 34. Less serious offenses. — Less serious offenses include:

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⁽c) Violation of Supreme Court rules and issuances in relation to Bar Matters and administrative disciplinary proceedings, including willful and deliberate disobedience of the orders of the Supreme Conrt and the IBP;

(b) If the respondent is found guilty of a less serious offense, any of the following sanctions, or a combination thereof, shall be imposed:

 Suspension from the practice of law for a period within the range of one (1) month to six (6) months, or revocation of notarial commission and disqualification as notary public for less than two (2) years;

(2) A fine within the range of P35,000.00 to P100,000.00.

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In *Jacolbia v. Atty. Panganiban*,⁵⁰ the Court ordained that as a member of the IBP, a lawyer is duty-bound to comply with all the lawful directives of the IBP in deference to its authority over him or her. Accordingly, a lawyer's failure to comply with the orders of the IBP without justifiable reason manifests his or her disrespect of judicial authorities and legal processes, for which he or she must be disciplined.⁵¹

ACCORDINGLY, respondent Atty. Cipriano D. Robielos III is found GUILTY of violation of Canons II and III of the Code of Professional Responsibility and Accountability. He is **DISBARRED** from the practice of law and his name is **ORDERED** stricken off from the Roll of Attorneys, effective immediately. He is also meted a **FINE** in the amount of **PHP 35,000.00** for his repeated disobedience to the orders of the Integrated Bar of the Philippines. Finally, he is directed to **PAY** his debt to complainant Adrian M. Kelley and comply with the Writ of Execution dated April 3, 2017 issued by the Branch 51, Metropolitan Trial Court, Caloocan City.

Let a copy of this Decision be attached to his personal record in the Office of the Bar Confidant.

Too, furnish a copy of this Decision to the Integrated Bar of the Philippines for its information and guidance; and the Office of the Court Administrator for dissemination to all courts of the Philippines.

SO ORDERED.

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⁵⁰ 871 Phil. 33 (2020) [Per J. Perlas-Bernabe, En Banc].

⁵¹ *Id.* at 42.

A.C. No. 13955 [Formerly CBD Case No. 19-6114]

WE CONCUR:

GEŠMUNDO Chief Justice

MARVIQ M.V.F. LEONEN

Senior Associate Justice

LFREDO BENJAMIN S. CAGUIOA Associate Justice

RAMON PAUL E. HERNANDO Associate Justice

AMY'C -JAVIER

Associate Justice

HENRIJEAN PAUL B. INTING

Associate Justice

RODII ĔDA sociate Justice

ssociate Justice

SAMUEL H. GAERLAN Associate Justice

L RICARDON **OSARIO** Associate Justice

JHOSEI PEZ Associate Justice

JAP R B. DIMAAMPAO Associate Justice

MIDAS P. MARQUEZ JÓSE

Associate Justice

ANTONIO T. KHO, JR. Associate Justice

MARIA FILOMENA D. SINGH Associate Justice

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