

Republic of the Philippines
Supreme Court
Manila

EN BANC

MARIA VICTORIA L. YAO,
GERARDO A. LEDONIO, AND
RAMON A. LEDONIO
Complainants,

A.C. No. 12354

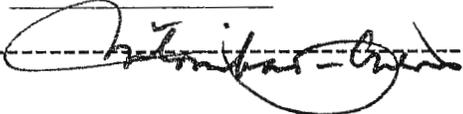
Present:

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. LEONARDO A. AURELIO,
Respondent.

Promulgated:
November 5, 2024

X----------X

DECISION

PER CURIAM:

Disbarment cases are not vehicles to assert private rights.¹ Gross immorality as a ground for disbarment requires a nuanced analysis of our

* On official business.

** On official leave.

collective notions of morality² and the use of secular, not religious standards,³ to avoid imposing arbitrary standards of morality.⁴

This Court resolves an administrative complaint filed by Maria Victoria L. Yao (Yao), Gerardo A. Ledonio (Ledonio), and Ramon A. Ledonio (Ramon; collectively, Yao et al.) against Atty. Leonardo A. Aurelio (Atty. Aurelio) for violation of Canon 1, Rule 1.01 of the Code of Professional Accountability.⁵

In their Verified Complaint,⁶ Yao et al. prayed for Atty. Aurelio's disbarment because he (a) had an illicit affair and sired a child out of wedlock during his marriage with their sibling, Ma. Esperanza A. Ledonio-Aurelio (Esperanza);⁷ and (b) filed for the probate of the last will and testament's of their mother, Emma Alo-Ledonio (Emma), before the Metropolitan Trial Court, 10 years after the Emma's death. The petition for probate was dismissed due to lack of jurisdiction.⁸

To support their claims, Yao et al. attached (1) Sophia Ann Marie Calixto's (Sophia) Birth Certificate⁹ with Atty. Aurelio's signature and paternity acknowledgement; and (2) the Petition¹⁰ for the probate of the Emma's last will and testament.

Yao et al. further alleged that prior to the institution of the probate proceedings, Atty. Aurelio informed them that Emma did not leave any property in their favor, while the latter left Atty. Aurelio a 5,000 square meter lot in Las Piñas (Ayala property).¹¹ The Ayala property was subjected to a quieting of title case (Ayala Case), in which Yao et al. were declared in default because Atty. Aurelio failed to notify them of the proceedings.¹²

Yao et al. also pointed out that Atty. Aurelio was previously suspended for six months from the practice of law by this Court after filing multiple suits

¹ J. Leonen, Dissenting Opinion in *Villarente v. Atty. Villarente, Jr.*, 884 Phil. 6, 14 (2020) [*Per Curiam, En Banc*].

² J. Leonen, Separate Concurring Opinion in *Hierro v. Atty. Nava II*, 868 Phil. 59, 68 (2020) [*Per Curiam, En Banc*].

³ *Perfecto v. Judge Esidera*, 764 Phil. 389, 398 (2015) [Per J. Leonen, Second Division].

⁴ J. Leonen, Dissenting Opinion in *Manuis-Taggug v. Atty. Taggug*, A.C. No. 13674, August 1, 2023 [*Per Curiam, En Banc*], citing J. Leonen, Dissenting Opinion in *Zerna v. Atty. Zerna*, 882 Phil. 21, 30 (2020) [*Per Curiam, En Banc*].

⁵ *Rollo*, pp. 2-3.

⁶ *Id.* at 2-8.

⁷ *Id.* at 3. During Atty. Aurelio's marriage to Esperanza, Atty. Aurelio had an illicit affair with a Sonio Anonuevo Calixto, with whom he sired a daughter named Sophia Ann Marie (Sophia).

⁸ *Id.* at 4-5.

⁹ *Id.* at 9-10.

¹⁰ *Id.* at 11-15.

¹¹ *Id.* at 4-5.

¹² *Id.* at 5.

on similar causes in different venues against complainant Yao's husband.¹³ They prayed that this Court take this incident into consideration in imposing the proper penalty.¹⁴

In his Answer with Affirmative Defenses,¹⁵ Atty. Aurelio asserted that Yao et al. have no cause of action because they were not damaged, injured, or prejudiced in any way; rather, they themselves caused dishonor, contempt, and public ridicule upon an innocent child and a woman.¹⁶ He also admitted that he committed a single mistake to which he immediately confessed and was forgiven by his wife and children. Atty. Aurelio added that his wife consented to his recognition of the child born out of wedlock.¹⁷

As to the alleged neglect of duty, Atty. Aurelio claimed that he was never engaged as Yao et al.'s counsel.¹⁸ And as the executor of the will, he asserted that he was not obliged to inform all the heirs regarding the will's existence during Emma's lifetime.¹⁹ Atty. Aurelio continued that it was improper for Yao et al. to pin responsibility for the filing for the probate of Emma's will solely upon him because they could have petitioned for its probate as interested parties.²⁰

Out of "*delicadeza*," Atty. Aurelio maintained that he deferred the filing of the probate case to give Emma's heirs the chance to file the petition themselves, thus, any delay in the filing was due to Yao et al.'s inaction.²¹ He added that he cannot be deemed to have neglected his duty because he did not handle the probate case as a lawyer.²² Further, Atty. Aurelio said Yao et al. failed to file an answer despite being informed of the Ayala Case's existence through summons served upon their counsel by the court process server.²³

Atty. Aurelio further averred that Yao et al.'s real motive in filing the case at bar is to harass him for "frustrating their evil design to cheat the other heirs," including himself as a devisee, by negotiating compromise agreements without his knowledge²⁴ and by pretending to have appointed Gerardo as the executor of Emma's will.²⁵

¹³ *Id.* at 6-7.

¹⁴ *Id.* at 7.

¹⁵ *Id.* at 25-39.

¹⁶ *Id.* at 37.

¹⁷ *Id.* at 27.

¹⁸ *Id.* at 36-37.

¹⁹ *Id.* at 29-30.

²⁰ *Id.* at 30.

²¹ *Id.* at 32.

²² *Id.* at 34.

²³ *Id.*

²⁴ *Id.* at 35-36.

²⁵ *Id.* at 36.

In their Reply to Answer,²⁶ Yao et al. argued that Atty. Aurelio's "single mistake" was willful, flagrant, and shameless,²⁷ adding that he was often seen visiting his paramour even after his supposed "single mistake."²⁸ As the executor of the will, Yao et al. said Atty. Aurelio had the duty to inform Emma's children regarding the status of the real properties involved. They also claimed that Atty. Aurelio initiated the probate proceedings before the Metropolitan Trial Court despite knowing that the estate's worth of the subject properties exceeds the jurisdictional threshold assigned to it.²⁹

On June 17, 2013, the investigating commissioner of the Commission on Bar Discipline of the Integrated Bar of the Philippines (IBP) issued a Report and Recommendation,³⁰ proposing that the complaint against Atty. Aurelio be dismissed for lack of merit.

The investigating commissioner held that Atty. Aurelio was not obligated to disclose the existence of Emma's will to the heirs during her lifetime.³¹ While Atty. Aurelio had the duty, within 20 days from Emma's death, to (1) present the will and (2) signify to the court in writing his acceptance of trust or refusal to accept, this omission merely merits the imposition of a fine because the heirs questioned Atty. Aurelio's designation by Emma as the executor of the will, and had in fact appointed their own executor without the approval of the probate court.³²

Further, no attorney-client relationship existed between Atty. Aurelio and Yao et al. in the cases mentioned. Thus, Atty. Aurelio could not be faulted for the erroneous filing of the petition for probate and for Yao et al.'s declaration of default in the Ayala Case.³³ The investigating commissioner also averred that Atty. Aurelio's act of siring an extramarital child does not constitute a grossly immoral act that warrants the imposition of an administrative sanction against him.³⁴

The Board of Governors (IBP Board) of the IBP, however, issued an Extended Resolution³⁵ on June 13, 2016 reversing the investigating commissioner's findings and stating that Atty. Aurelio violated Canon 1, Rule 1.01 of the Code of Professional Responsibility. The IBP Board

²⁶ *Id.* at 61–67.

²⁷ *Id.* at 63.

²⁸ *Id.* at 61.

²⁹ *Id.* at 63–64.

³⁰ *Id.* at 1142–1146. The Report and Recommendation of Commission on Bar Discipline of Integrated Bar of the Philippines was submitted by Investigating Commissioner Oliver A. Cachapero.

³¹ *Id.* at 1144.

³² *Id.* at 1145. *See also* RULES OF COURT, rule 92, sec. 2.

³³ *Id.*

³⁴ *Id.* at 1145–1146.

³⁵ *Id.* at 1147–1156. The Extended Resolution was submitted by Ramon S. Esguerra, Director of the Commission on Bar Discipline.

recommended that Atty. Aurelio be suspended from the practice of law for three months due to siring a child out of wedlock.

The IBP Board noted that Yao et al. admitted that Atty. Aurelio is not legally obliged to disclose the existence of the will to them during Emma's lifetime and only hoped that Atty. Aurelio informed them out of courtesy.³⁶ As to the Ayala Case, the IBP Board stated that Atty. Aurelio presented proof that Yao et al.'s default occurred prior to his entry of appearance as collaborating counsel.³⁷ Finally, it observed that Atty. Aurelio's wife said their relationship was harmonious and that Atty. Aurelio had served her and their family well, showed remorse, recognized his child, and regularly gave financial support.³⁸

Nonetheless, the IBP Board found Atty. Aurelio liable for gross immorality for having fathered a child with a woman not his wife.³⁹

Aggrieved, Atty. Aurelio and Yao et al. filed Motions for Reconsideration⁴⁰ and Oppositions to Motion for Reconsideration,⁴¹ respectively. For his part, Atty. Aurelio insisted that Esperanza did not lodge any complaint against him for having an illicit affair.⁴²

Through a Notice of Resolution,⁴³ the IBP Board denied the motions for being *pro forma*.

Atty. Aurelio then filed a Petition for Review⁴⁴ before this Court, arguing that the investigating commissioner's findings to the nonexistence of an attorney-client relationship between him and Yao et al. and his vindication for negligence, as alleged by the counsel for Yao et al., were sustained and affirmed by the IBP Board; thus, these findings should no longer be disturbed.⁴⁵

On the issue of immorality, Atty. Aurelio reiterates that his indiscretion leading to the birth of an extramarital child was a singular and secretive act borne out of human frailty.⁴⁶ He emphasizes that Esperanza had forgiven him

³⁶ *Id.* at 1151–1152.

³⁷ *Id.* at 1152.

³⁸ *Id.* at 1155.

³⁹ *Id.* at 1154.

⁴⁰ *Id.* at 1157–1160, 1167–1176.

⁴¹ *Id.* at 1181–1194.

⁴² *Id.* at 1159.

⁴³ *Id.* at 1198. The Notice of Resolution issued by the National Secretary Patricia-Ann T. Prodigalidad.

⁴⁴ *Id.* at 1222–1230.

⁴⁵ *Id.* at 1224–1225.

⁴⁶ *Id.* at 1226.

and urged Yao et al. to drop the charges against him; and that Sophia is content with her life.⁴⁷

Meanwhile, Yao et al. claim in their Comment⁴⁸ that Atty. Aurelio's act of siring a child out of wedlock is a violation of his vow of fidelity to his wife, making him guilty of an immoral act.⁴⁹ They stress that this blunder is aggravated by his two prior administrative infractions that resulted in his prior six-month suspension from the practice of law.⁵⁰

Thus, the issues before this Court are whether respondent Atty. Leonardo A. Aurelio is guilty of (1) committing a grossly immoral act for siring a nonmarital child; (2) negligence as counsel for complainants Maria Victoria L. Yao, Gerardo A. Ledonio, and Ramon A. Ledonio in the Ayala Case; and (3) negligence as the executor of Emma's will.

We note that this Court released the Code of Professional Responsibility and Accountability (CPRA) during the pendency of this case. Section 1 of the General Provisions states that the CPRA shall be applied to all pending cases.⁵¹ Accordingly, respondent's alleged transgressions will be scrutinized using the provisions of this Code.

Being *sui generis* and to protect public interest, disciplinary cases serve as avenues for this Court to determine whether a lawyer is still fit to be a member of the legal profession.⁵² The penalty imposed must be equivalent to the extent that the lawyer's transgression erodes the public's confidence in the legal profession and in the rule of law.⁵³

In the same vein, this Court should not allow disbarment cases to become a vehicle to assert private rights.⁵⁴ These cases "serve to curb misbehavior and promote excellent public service in the Judiciary."⁵⁵ Thus, "[a]s a ground for disbarment, gross immorality requires a nuanced analysis of our collective notions of morality, the prevailing reality of relationships and families, and the particular circumstances of each case."⁵⁶

⁴⁷ *Id.*

⁴⁸ *Id.* at 1283-1287.

⁴⁹ *Id.* at 1284.

⁵⁰ *Id.* at 1285.

⁵¹ CODE OF PROFESSIONAL RESPONSIBILITY AND ACCOUNTABILITY, General Provisions, sec. 1 provides: 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.

⁵² *In re: Almacen v. Yaptinchay*, 142 Phil. 353 (1970) [Per J. Castro, First Division].

⁵³ J. Leonen, Dissenting Opinion in *Manauis-Taggug v. Atty. Taggug*, A.C. No. 13674, August 1, 2023 [Per Curiam, *En Banc*].

⁵⁴ J. Leonen, Dissenting Opinion in *Villarente v. Atty. Villarente, Jr.*, 884 Phil. 1, 14 (2020) [Per Curiam, *En Banc*].

⁵⁵ J. Leonen, Separate Concurring Opinion in *Hierro v. Atty. Nava II*, 868 Phil. 56, 69 (2020) [Per Curiam, *En Banc*].

⁵⁶ *Id.* at 68.

In *Perfecto v. Judge Esidera*,⁵⁷ this Court stated that the standard for determining morality of conduct in disciplinary proceedings must be secular and not religious.⁵⁸ This Court must refrain from applying a religious definition of morality⁵⁹ and must “observe a clear, objective, and secular standard in handling disciplinary cases that involve imputations of gross immorality, so as to avoid imposing arbitrary standards of morality.”⁶⁰

In this connection, the State must not excessively intrude into the personal relationships of lawyers as it may unduly affect their professional standing.⁶¹ Thus, complaints for immorality must not be entertained unless initiated by the victims.⁶² These are “the betrayed spouse, the paramour who has been misled, or the children who have to live with the parent’s scandalous indiscretions.”⁶³

The essence of an administrative case involving gross immorality, in relation to marital relations, are allegations of illicit affairs and allegations that are undoubtedly and deeply private that only these victims “can credibly recount as borne from their own personal knowledge and firsthand experience.”⁶⁴ Further, these issues “. . . will put relationships and families in a vulnerable state.”⁶⁵ Unlike any other person whose concern may be relegated to a mere curiosity, academic, or sentimental desire, the interest of these victims is actual and material.⁶⁶

Thus, “in administrative cases that ostensibly implicate private familial and marital matters, the Court is called upon to take into consideration the very deep sensitivities attendant to such cases that bear down on the victims.”⁶⁷

In this connection, this Court has consistently defined immoral conduct as something that must be so corrupt that it amounts to a criminal act.

⁵⁷ 764 Phil. 384 (2015) [Per J. Leonen, Second Division].

⁵⁸ *Perfecto v. Judge Esidera*, 764 Phil. 384, 398–399 (2015) [Per J. Leonen, Second Division].

⁵⁹ J. Leonen, Dissenting Opinion in *Manauis-Taggug v. Atty. Taggug*, A.C. No. 13674, August 1, 2023 [Per Curiam, En Banc].

⁶⁰ *Id.*, citing J. Leonen, Dissenting Opinion in *Zerna v. Zerna*, 882 Phil. 19 (2020) [Per Curiam, En Banc].

⁶¹ J. Leonen, Separate Concurring Opinion in *Hierro v. Atty. Nava II*, 868 Phil. 56, 70 (2020) [Per Curiam, En Banc].

⁶² *Id.*

⁶³ J. Leonen, Concurring Opinion in *Anonymous Complaint v. Judge Dagala*, 814 Phil. 103, 154 (2017) [Per Curiam, En Banc].

⁶⁴ J. Cagouia, Reflections in *Yao v. Atty. Aurelio*, A.C. No. 12354 (2024), circulated on October 21, 2024, p. 3.

⁶⁵ *Id.*

⁶⁶ *Id.*

⁶⁷ *Id.* at 2.

To be the basis of disciplinary action, [a] lawyer's conduct must not only be immoral, but grossly immoral. That is, it must be so corrupt as to constitute a criminal act or so unprincipled as to be reprehensible to a high degree or committed under such scandalous or revolting circumstances as to shock the common sense of decency[.]⁶⁸

The offense of a respondent in an administrative case involving grossly immoral conduct may involve marital infidelity, concubinage, or adultery.⁶⁹ In this regard, the policy of affording the aggrieved spouse the decision to seek judicial redress under these circumstances is in recognition of and respect for familial and marital privacy.⁷⁰ This Court thus defers to the choice and wisdom of these victims in deciding whether to institute an administrative case against the respondents.⁷¹

Given that the complaint in the case at bar was not instituted by the victims, this Court will refrain from entertaining the charge of gross immorality and will proceed to rule on the other two grounds for disbarment.

To clarify, this Court does not condone marital infidelity. Further, our ruling in this case is not intended to apply generally to all administrative cases involving gross immorality. What we aim is to limit legal standing to file a complaint for gross immorality only to the aggrieved spouse and victims only in cases of grossly immoral conduct that involves marital infidelity, concubinage or adultery, as in this case where the respondent-spouse engaged in an extramarital affair but where the respondent-spouse appeared to be penitent and has been forgiven by his wife and children. We uphold the autonomy of spouses who have reconciled and moved beyond a spouse's extramarital affair and siring of a child out of wedlock.

This is without prejudice, however, to the inherent power of the Court to act motu proprio to discipline any lawyer, judge, or court employee.

It is settled that substantial evidence⁷² is required to establish guilt in administrative cases.⁷³ This quantum of evidence "is satisfied where there is reasonable ground to believe that [a person] is guilty of the act or omission

⁶⁸ *Ceniza v. Atty. Ceniza*, 851 Phil. 372 (2019) [*Per Curiam, En Banc*], as cited in J. Cagouia, Reflections in *Yao v. Atty Aurelio*, A.C. No. 12354 (2024), circulated on October 21, 2024, p. 3.

⁶⁹ J. Cagouia, Reflections in *Yao v. Atty Aurelio*, A.C. No. 12354 (2024), circulated on October 21, 2024, p. 3, citing J. Cagouia, Dissenting Opinion in *XXX v. People*, G.R. No. 252739 [*Per J. Hernando, En Banc*].

⁷⁰ *Id.*

⁷¹ *Id.*

⁷² *Navotas Industrial Corp. v. Guanzon*, 914 Phil. 647, 655 (2021) [*Per J. Leonen, Third Division*]. (Citation omitted)

⁷³ *Biado v. Judge Brawner-Cualing*, 805 Phil. 696, 706 [*Per J. Leonen, Second Division*]. (Citation omitted)

complained of, even if the evidence might not be overwhelming,⁷⁴ which means the burden of proof lies on the party making the allegation.⁷⁵

Upon reviewing the records, we find that respondent cannot be held liable for negligence as counsel in the Ayala Case because complainants' assertion is merely speculative. As noted by the IBP Board, complainants admitted during the hearings before the investigating commissioner that "they are not certain as to whether they engaged Atty. Aurelio's services in the Ayala Case."⁷⁶ Clearly, the complainants failed to prove the existence of an attorney-client relationship with respondent in this case.

However, this Court finds respondent liable for violating Canon III, Section 2⁷⁷ of the CPRA for his gross negligence in belatedly instituting the probate proceedings as the executor of the Emma's will.

Canon III, Section 1 of the Code states that "[t]he practice of law is the rendition of legal service or performance of acts or the application of law, legal principles, and judgment, in or out of court, with regard to circumstances or objectives of a person or a cause, and pursuant to a lawyer-client relationship or other engagement governed by the [CPRA]."

In this regard, like a lawyer in a lawyer-client relationship, an executor or administrator occupies a position of trust and confidence.⁷⁸ As such, an executor is "required to exercise reasonable diligence and act in entire good faith in the performance of that trust."⁷⁹

In *Ozaeta v. Pecson*,⁸⁰ this Court stated:

The choice of his executor is a precious prerogative of a testator, a necessary concomitant of his right to dispose of his property in the manner he wishes. It is natural that the testator should desire to appoint one of his confidence, one who can be trusted to carry out his wishes in the disposal of his estate. The curtailment of this right may be considered as a curtailment of the right to dispose. And as the rights granted by will take effect from the time of his death, the management of his estate by the administrator of his choice should be made as soon as practicable, when no

⁷⁴ *Navotas Industrial Corp. v. Guanzon*, 914 Phil. 647, 655 (2021) [Per J. Leonen, Third Division], citing *Office of the Ombudsman v. Agustino*, 758 Phil. 191, 201 (2015) [Per J. Mendoza, Second Division].

⁷⁵ *Buntag v. Atty. Toledo*, 846 Phil. 613, 623 (2019) [Per J. Leonen, Third Division].

⁷⁶ *Rollo*, p. 1150.

⁷⁷ CODE OF PROFESSIONAL RESPONSIBILITY AND ACCOUNTABILITY, Canon III, sec. 2 states:
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.

⁷⁸ *Ancheta v. Guersey-Dalaygon*, 523 Phil. 522, 531 [Per J. Austria-Martinez, First Division].

⁷⁹ *Id.*

⁸⁰ 93 Phil. 416 (1953) [Per J. Labrador, *En Banc*].

reasonable objection to his assumption of the trust can be interposed any longer. It has been held that when a will has been admitted to probate, it is the duty of the court to issue letters testamentary to the person named as executor upon his application. It is the testator that appoints his executor, as the question as to his peculiar fitness for such a position or his want of ability to manage the estate [cannot] be addressed to the discretion of the county judge[.]⁸¹ (Citations omitted)

Rule 75, Section 3 of the Rules of Court also requires a person named as executor in a will, within 20 days after knowing the death of the testator, or the fact that he is named executor, to (a) present such will to the court having jurisdiction; and (b) signify to the court in writing his acceptance of the trust or his refusal to accept it.

Pursuant to Canon III, Section 24 of the CPRA,⁸² respondent is duty-bound to be fully conversant of the provisions of the Rules of Court. Unfortunately, the records lack any basis to show that he complied with his duties. This omission constitutes a neglect of duty and disregard of established rules.

The Rules of Court granting the heirs' concurrent standing to petition the will's allowance does not negate respondent's duty to present it before the court. Thus, he cannot escape culpability for his 10-year delay in the presentation of the will to the probate court by arguing that he deferred filing of the probate case to give the heirs the chance to file said petition themselves.⁸³

However, the heirs cannot validly overturn respondent's designation as executor in the will and appoint their own executor without the approval of the probate court.⁸⁴

Jurisprudence has defined gross negligence in the performance of a duty "by acting or omitting to act in a situation where there is a duty to act, not inadvertently but willfully and intentionally, with a conscious indifference to the consequences, insofar as other persons may be affected."⁸⁵

This Court has consistently found that a lawyer's delay, which became detrimental to a client's cause, is gross negligence.

⁸¹ *Id.* at 620.

⁸² CODE OF PROFESSIONAL RESPONSIBILITY AND ACCOUNTABILITY, Canon III, sec 24 mandates that a lawyer keep abreast of legal developments and participate in continuing legal education programs. *See also Cuevas v. Bais Steel Corporation*, 439 Phil. 793 (2002) [Per J. Panganiban, Third Division].

⁸³ *Rollo*, pp. 29–30.

⁸⁴ *Id.* at 1144. *See also* Rules of Court, Rule 75, sec. 3; *Gonzales v. Aguinaldo*, 268 Phil. 114 (1990) [Per J. Padilla, Second Division].

⁸⁵ *Office of the Ombudsman v. De Guzman*, 819 Phil. 286, 306–307 (2017) [Per J. Leonen, Third Division].

In *Barbuco v. Atty. Beltran*,⁸⁶ this Court found Atty. Beltran guilty of inexcusable negligence for belatedly filing an appellant's brief.

Similarly, this Court in *Abiero v. Atty. Juanino*⁸⁷ held Atty. Juanino liable for negligence for his failure to file a comment.

Also, in *Sps. Villaluz v. Atty. Villaluz*,⁸⁸ this Court found Atty. Villaluz's failure to perfect an appeal as "inexcusable and persuasively demonstrative of negligence and malpractice[.]"⁸⁹

In this case, respondent's omission is tantamount to gross negligence in the performance of duty, which is considered a serious offense under Canon VI, Section 33 of the CPRA. Sanctions imposed on a respondent who is found guilty of committing a serious offense under Canon VI, Section 37(a) of the CPRA include any or a combination of the following:

- (a)
- (1) *Disbarment*;
 - (2) Suspension from the practice of law for a period exceeding six (6) months;
 - (4) Revocation of notarial commission and disqualification as notary public for not less than two (2) years; or
 - (5) a fine exceeding P100,000.00. (Emphasis supplied)

As regards the proper imposable penalty, Canon VI, Section 39 of the Code provides:

SECTION 39. *Manner of imposition.* – If one (1) or more aggravating circumstance and no mitigating circumstances are present, the Supreme Court may impose the penalties of suspension or fine for a period or amount not exceeding double of the maximum prescribed under this Rule. *The Supreme Court may, in its discretion, impose the penalty of disbarment depending on the number and gravity of the aggravating circumstances.*

If one (1) or more mitigating circumstances and no aggravating circumstances are present, the Supreme Court may impose the penalties of suspension or fine for a period or amount not less than half of the minimum prescribed under the CPRA.

If there are both aggravating and mitigating circumstances present, the Supreme Court may offset each other. (Emphasis supplied)

⁸⁶ 479 Phil. 694 (2004) [Per J. Ynares-Santiago, First Division].

⁸⁷ 492 Phil. 152 (2005) [Per J. Ynares-Santiago, First Division].

⁸⁸ 348 Phil. 777 (1998) [Per C. J. Navosa, Third Division].

⁸⁹ *Id.* at 783.

As pointed out by complainants, respondent was previously suspended for six months from the practice of law by this Court after being found guilty of forum shopping by filing multiple suits on similar causes in different venues against complainant Yao's husband, Bun Siong Yao.⁹⁰ Taking that into consideration, Yao and respondent had a disagreement which subsequently affected their professional relationship. Based on the records, it also became apparent that respondent had the propensity to exploit his legal knowledge to retaliate and exact vengeance against the complainant by filing several suits against the latter.⁹¹ Such act was considered as "a breach of [respondent's] duty to uphold good faith and fairness[.]"⁹²

Respondent's multiple infractions clearly show his utter disrespect for the mandate of the CPRA, law and legal processes, as well as for the trust and confidence reposed to him by the complainants. Thus, this Court deems it proper to disbar him.

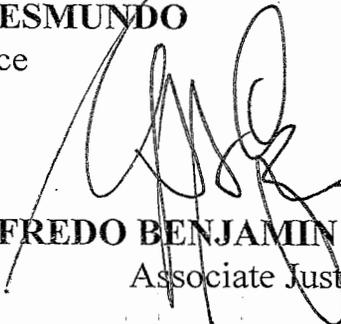
ACCORDINGLY, Respondent Atty. Leonardo A. Aurelio is found liable for violating Canon III, Sections 2 and 24 of the Code of Professional Responsibility and Accountability. He is **DISBARRED** from the practice of law and his name is ordered **STRICKEN OFF** from the Roll of Attorneys, effective immediately.

Let a copy of this Decision be furnished to the Office of the Bar Confidant to be appended to Atty. Leonardo A. Aurelio's personal record as an attorney, the Integrated Bar of the Philippines for its information and guidance, and the Office of the Court Administrator for circulation to all courts.

SO ORDERED.


ALEXANDER G. GESMUNDO
Chief Justice


MARVIC M.V.F. LEONEN
Associate Justice


ALFREDO BENJAMIN S. CAGUIOA
Associate Justice

⁹⁰ *Yao v. Atty. Aurelio*, 520 Phil. 427, 434 (2006) [Per J. Ynares-Santiago, First Division].

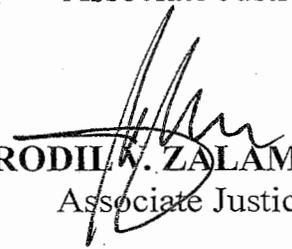
⁹¹ *Id.* at 432-433.

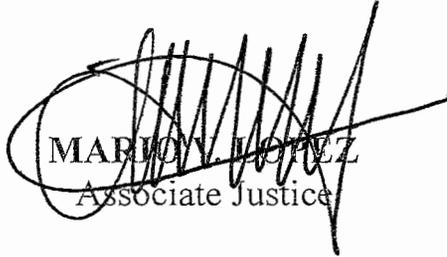
⁹² *Id.* at 434.

On Official Business
RAMON PAUL L. HERNANDO
Associate Justice


AMY C. LAZARO-JAVIER
Associate Justice


HENRI JEAN PAUL B. INTING
Associate Justice

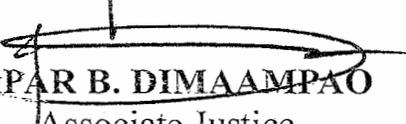

RODIL W. ZALAMEDA
Associate Justice

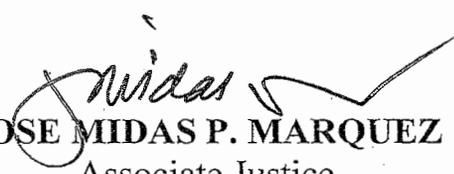

MARION LOPEZ
Associate Justice

On Official Leave
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


MARIA FILOMENA D. SINGH
Associate Justice