



Republic of the Philippines
Supreme Court
Office of the Court Administrator
Manila

CIRCULAR NO. 74-2001

TO: THE COURT OF APPEALS, SANDIGANBAYAN, COURT OF TAX APPEALS, REGIONAL TRIAL COURTS, SHARI'A DISTRICT COURTS, METROPOLITAN TRIAL COURTS, MUNICIPAL TRIAL COURTS IN CITIES, MUNICIPAL TRIAL COURTS, MUNICIPAL CIRCUIT TRIAL COURTS, SHARI'A CIRCUIT COURTS, THE OFFICE OF THE STATE PROSECUTOR, PUBLIC DEFENDER'S OFFICE AND THE INTEGRATED BAR OF THE PHILIPPINES

SUBJECT: DISMISSAL FROM SERVICE AND SUSPENSION FROM THE PRACTICE OF LAW OF ATTY. GILBERT SORIANO

For the information and guidance of all concerned, quoted hereunder is the resolution of the Court En Banc dated 11 October 2001 in Administrative Case No. 2001-9-SC entitled "Doroteo Igoy vs. Atty. Gilbert Soriano", to wit:

"As an officer of the court, it is the duty of a lawyer to uphold the dignity and authority of the court to which he owes fidelity according to the oath he has taken. It is his foremost responsibility 'to observe and maintain the respect due to the courts of justice and judicial officers.'¹ Arrogating unto oneself, as in this case, the mantle of a Justice of the Highest Court of the land for the purpose of extorting money from a party-litigant is an ultimate betrayal of this duty which can not and should never be countenanced, because '[i]t is this kind of gross and flaunting misconduct on the part of those who are charged with the responsibility of administering the law and rendering justice that so quickly and surely corrodes the respect for the law and the courts without which government cannot continue and that tears apart the very bonds of our polity.'²

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¹Villafior v. Sarita, 308 SCRA 129, 136 [1999], citing Rule 138, Section 20 (b) of the Rules of Court.

²NBI v. Judge Ramon B. Reyes, 326 SCRA 109, 120 [2000], citing Haw Tay v. Singayao, 154 SCRA 107, 111-112 [1987]

Settled is the rule that in administrative cases of this nature, the Court may proceed with its investigation and mete the appropriate penalty against erring officers of the court.¹⁵ Resignation should not be used either as an escape or as an easy way out to evade administrative liability by court personnel facing administrative sanction.¹⁶

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Respondent's acts seriously undermined the trust and confidence of the public in the entire judicial system. What makes his infraction worse is the fact that he is not a mere employee, but a senior attorney employed in the Highest Court of the Land. He has indelibly sullied his record of government service spanning twenty-eight years, and in so doing he has prejudiced the integrity of the Court as a whole. Once more, this Court is called upon to apply disciplinary sanction on an errant member, and again it will not shirk from its responsibility. Thus, this Court imposes on respondent the only penalty that he deserves --- that of dismissal from the service.

ACCORDINGLY, respondent Atty. Gilbert Soriano is hereby **DISMISSED** from the service, with forfeiture of all retirement benefits and leave credits and with prejudice to reemployment in any branch or instrumentality of the government including government-owned or controlled corporations. This dismissal shall be immediately executory.

Further, respondent Atty. Gilbert Soriano is **DIRECTED** to **SHOW CAUSE** within ten (10) days from notice hereof why he should not be **DISBARRED**. In the meantime, respondent is **SUSPENDED** from the practice of law.

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18 October 2001

PRESBITERO J. VELASCO, JR.
Court Administrator

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¹⁵Agulan, Jr. v. Judge Fernandez, A.M. No. MTJ-01-1354, 4 April 2001, citing Cabilao v. Sardido, 246 SCRA 94 [1995]; Marcelino v. Singson, 243 SCRA 685 [1995]

¹⁶Cajot v. Cledera, 286 SCRA 238, 243 [1998]