



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

OCA CIRCULAR NO. 138-2004

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
ATTORNEY'S OFFICE AND THE
INTEGRATED BAR OF THE PHILIPPINES

SUBJECT: SUSPENSION FROM THE PRACTICE OF
LAW FOR SIX (6) MONTHS OF ATTY.
ELERIZZA A. LIBIRAN-METEORO

For the information and guidance of all concerned, quoted hereunder is the Resolution of the Second Division dated August 31, 2004 in Administrative Case No. 6408, entitled "Isidra Barrientos vs. Atty. Elerizza A. Libiran-Meteoro", to wit:

"Before this Court is a complaint for disbarment filed against Atty. Elerizza A. Libiran-Meteoro for deceit and non-payment of debts.

A letter-complaint dated May 21, 2001 was filed with the Integrated Bar of the Philippines (IBP) under the names of Isidra Barrientos and Olivia C. Mercado, which was signed, however, by Isidra only. It states that: sometime in September 2000, respondent issued several Equitable PCIBank Checks in favor of both Isidra and Olivia, amounting to ₱67,000.00, and in favor of Olivia, totaling ₱234,000.00, for the payment of a pre-existing debt; the checks bounced due to insufficient funds thus charges for violation of B.P. 22 were filed by Isidra and Olivia with the City Prosecutor of Cabanatuan; respondent sent text messages to complainants asking for the deferment of the criminal charges with the promise that she will pay her debt; respondent however failed to fulfill said promise; on May 16, 2001, respondent, through her sister-in-law, tried to give complainants a title for a parcel of land in exchange for the bounced checks which were in

1. That I am one of the complainants for the Disbarment of Atty. Elerizza Libiran-Meteoro filed before the Integrated Bar of the Philippines National Office in Pasig City, Philippines docketed as CBD case no. 01-840;
2. That the filing of the said complaint before the Integrated Bar of the Philippines was brought about by some misunderstanding and error in the accounting of the records of the account of Atty. Elerizza L. Meteoro;
3. That I was the one who transacted with Atty. Elerizza L. Meteoro and not my co-complainant Isidra Barrientos;
4. That all the pieces of jewelry were taken from me by Atty. Elerizza L. Meteoro and the corresponding checks were given to Isidra Barrientos through me;
5. That my name was indicated as co-complainant in a letter-complaint filed by Ms. Isidra Barrientos against Atty. Elerizza L. Meteoro but I am not interested in pursuing the complaint against Atty. Elerizza L. Meteoro since the complaint was brought about by a case of some mistakes in the records;
6. That I, together with Isidra Barrientos had already signed an affidavit of desistance and submitted the same before the Municipal Trial Court Branch III of Cabanatuan City w(h)ere Criminal Case Nos. 77851 to 56 for violation of BP 22 were filed against Atty. Meteoro;
7. That with respect to I.S. nos. 03-01-1356 to 1361 the case was not filed in court and I have also executed an affidavit of desistance for said complaint;
8. That I am executing this affidavit to attest to the truth of all the foregoing and to prove that I have no cause of action against Atty. Elerizza L. Meteoro.⁶

On August 9, 2001, the IBP-CBD issued a Notice of Hearing requiring both parties to appear before it on September 6, 2001. On said date, both parties appeared and agreed to settle their misunderstanding.⁷

On November 27, 2001, the parties agreed that the balance of ₱134,000.00 which respondent acknowledged as her indebtedness to complainant will be settled on a staggered basis. Another hearing was then set for February 5, 2002. Respondent failed to appear in said hearing despite due notice. It was then reset to February 28, 2002 with the order that should respondent fail to appear, the case shall already be submitted for resolution.⁸

⁶ Rollo, p. 35.

⁷ *Id.*, pp. 36-38.

⁸ *Id.*, pp. 42-44.

Respondent appeared in the next two hearings. However, this time, it was complainant who was unavailable. In the hearing of July 31, 2002, respondent was absent and was warned again that should she fail to appear in the next hearing, the Commissioner shall resolve the case. On said date, respondent did not appear despite due notice.⁹

On August 1, 2002, respondent filed with the Commission a motion for reconsideration of the July 31 order stating that: she got sick a few days before the scheduled hearing; she had already paid complainant the amount of ₱64,000.00; in March of 2002, respondent's father was admitted to the Intensive Care Unit of the University of Santo Tomas Hospital thus she was not able to settle her remaining balance as planned; and because of said emergency, respondent was not able to fully settle the balance of her debt up to this date. Respondent prayed that she be given another 60 days from August 1, 2002 to finally settle her debt with complainant.¹⁰

On April 30, 2003, the IBP-CBD issued an order granting respondent's motion and setting aside the order dated July 31, 2002. It noted that while respondent claims that she already paid complainant ₱64,000.00, the photocopies of the receipts she submitted evidencing payment amount only to ₱45,000.00.¹¹ A hearing was then set for May 28, 2003 at which time respondent was directed to present proof of her payments to the complainant. The hearing was however reset several times until August 20, 2003 at which time, only complainant appeared. Respondent sent somebody to ask for a postponement which the commission denied. The commission gave respondent a last opportunity to settle her accounts with complainant. The hearing was set for October 7, 2003 which the commission said was "intransferrable."¹²

On October 7, 2003, only complainant appeared. The commission noted that respondent was duly notified and even personally received the notice for that day's hearing. The case was thereafter submitted for resolution.¹³

On October 24, 2003, the Investigating IBP Commissioner Renato G. Cunanan submitted his report pertinent portions of which read as follows:

The issue to be resolved is whether or not Atty. Elerizza A. Libiran-Meteoro has committed a violation

⁹ *Id.*, pp. 47, 51, 53, 56.

¹⁰ *Id.*, pp. 56-57.

¹¹ Should be ₱50,000.00, rollo, p. 59.

¹² *Id.*, pp. 62-64, 66.

¹³ *Id.*, p. 69.

of the Code of Professional Responsibility. This Office holds that she has. More particularly, the respondent, by initially and vehemently denying her indebtedness to herein complainant and then subsequently admitting liability by proposing a staggered settlement has displayed a glaring flaw in her integrity. She has shown herself to possess poor moral characters. In her motion for reconsideration, seeking the reopening of this case, the respondent made a false assertion that she had settled up to ₱64,000.00 of her indebtedness but the receipts she submitted total only ₱50,000.00. What is more disconcerting is that while she is aware and duly notified of the settings of this Office respondent has seemingly ignored the same deliberately. Finally, the respondent has not offered any satisfactory explanation for, nor has she controverted the complainant's charge that she (respondent) had tried to negotiate a transfer certificate of title (TCT) which had been entrusted by a certain Dra. Helen Garcia to her relative to a transaction which the former had with the Quedancor where respondent was formerly employed. Based on all the foregoing findings and the deliberate failure of the respondent to come forward and settle her accountabilities, in spite of several warnings given her by the undersigned, and her failure to attend the scheduled hearings despite due notice, this Office is convinced that Atty. Elerizza Libiran-Meteoro has committed a glaring violation not only of her oath as a lawyer but also the dictates of Canon 1, Rule 1.01 which mandates that worthy member of the Bar must constantly be of good moral character and unsullied honesty.¹⁴

He then recommended that Atty. Elerizza A. Libiran-Meteoro be suspended from the practice of law for two years and meted a fine of twenty thousand pesos.¹⁵

On October 29, 2003, respondent filed another motion for reconsideration stating that: she was not able to receive the notice for the October 7, hearing because she was in Bicol attending to pressing personal problems; she only arrived from the province on October 25, 2003 and it was only then that she got hold of the Order dated October 7; from the very beginning, respondent never intended to ignore the Commission's hearings; as much as she wanted to pay complainant in full, the financial crisis which hit her family since 2001 has gravely affected her ability to pay; until that day, the expenses incurred by respondent due to the hospitalization of her father has not been paid in full by her family; the family home of respondent in Cabanatuan has already been foreclosed by the bank; respondent's husband has been confined recently due to thyroid problems and respondent herself had sought medical help on several occasions due to her inability to conceive despite being married for more than five years; if not

¹⁴ *Id.*, pp. 78-79.

¹⁵ *Id.*, p. 79.

for said reasons, respondent could have already paid the complainant despite respondent's knowledge that the amount complainant wanted to collect from her is merely the interest of her debt since she already returned most of the pieces of jewelry she purchased and she already paid for those that she was not able to return. Respondent prays that the resolution of the case be deferred and that she be given another 90 days from said date or until January 19, 2003 to settle whatever balance remains after proper accounting and presentation of receipts.¹⁶

On February 27, 2004, the Board of Governors of the IBP passed a resolution as follows:

RESOLUTION NO. XVI-2003-67
CBD Case No. 01-840
Isidra Barrientos vs
Atty. Elerizza A. Libiran-Meteoro

RESOLVED to ADOPT and APPROVE, as it is hereby ADOPTED and APPROVED, the Report and Recommendation of the Investigating Commissioner of the above-entitled case, herein made part of this Resolution as Annex "A"; and, finding the recommendation fully supported by the evidence on record and the applicable laws and rules, **with modification**, and considering respondent's glaring violation not only of her oath as a lawyer but of Rule 1.01, Canon 1 of the Code of Professional Responsibility, Atty. Elerizza A. Libiran-Meteoro is hereby **SUSPENDED** from the practice of law for six (6) months and **Restitution** of P84,000.00 to complainant.¹⁷

We agree with the findings and recommendation of the IBP except as to the alleged matter of respondent offering a transfer certificate of title to complainants in exchange for the bounced checks that were in their possession.

We have held that deliberate failure to pay just debts and the issuance of worthless checks constitutes gross misconduct, for which a lawyer may be sanctioned with suspension from the practice of law.¹⁸ 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 dealings so that the people's faith and confidence in the judicial system is ensured.¹⁹ They must at all times faithfully perform their duties to society, to the

¹⁶ Rollo, pp. 70-71.

¹⁷ *Id.*, p. 75

¹⁸ Lao vs. Medel, A.C. No. 5916, July 1, 2003, 405 SCRA 227, 231.

¹⁹ *Ibid.*

bar, the courts and to their clients, which include prompt payment of financial obligations. They must conduct themselves in a manner that reflect the values and norms of the legal profession as embodied in the Code of Professional Responsibility.²⁰ Canon 1 and Rule 1.01 explicitly states that:

CANON 1 – A lawyer shall uphold the constitution, obey the laws of the land and promote respect for law and for legal processes.

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

In this case, respondent in her answer initially tried to deny having any obligation towards Isidra Barrientos. Upon appearing before the IBP-CBD, however, respondent eventually acknowledged her indebtedness to Isidra in the amount of ₱134,000.00, promising only to pay in a staggered basis. Her attempt to evade her financial obligation runs counter to the precepts of the Code of Professional Responsibility, above quoted, and violates the lawyer's oath which imposes upon every member of the bar the duty to delay no man for money or malice.²¹

After respondent acknowledged her debt to complainant, she committed herself to the payment thereof. Yet she failed many times to fulfill said promise. She did not appear in most of the hearings and merely submitted a motion for reconsideration on August 1, 2002 after the IBP-CBD Commissioner had already submitted the case for resolution. She claimed that she got sick days before the hearing and asked for sixty days to finally settle her account. Again, she failed to fulfill her promise and did not appear before the Commission in the succeeding hearings despite due notice. After the case was submitted anew for resolution on October 6, 2003, respondent filed another motion for reconsideration, this time saying that she was in the province attending to personal matters. Again she asked for another ninety days to settle her entire debt. This repeated failure on her part to fulfill her promise puts in question her integrity and moral character. Her failure to attend most of the hearings called by the commission and her belated pleas for reconsideration also manifest her propensity to delay the resolution of the case and to make full use of the mechanisms of administrative proceedings to her benefit.

She also could not deny that she issued several checks without sufficient funds, which prompted Isidra and Olivia to file complaints before the prosecutor's office in Cabanatuan City.

²⁰ *Id.*, p. 232.

²¹ See *Vitriolo vs. Dasig*, A.C. No. 4334, July 7, 2004.

Her only excuse is that she was able to replace said checks and make arrangements for the payment of her debt, which led to the dismissal of the criminal complaints against her.

We have held that the issuance of checks which 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.²² The issuance of a series of worthless checks also shows the remorseless attitude of respondent, unmindful to the deleterious effects of such act to the public interest and public order.²³ It also manifests a lawyer's low regard to her commitment to the oath she has taken when she joined her peers, seriously and irreparably tarnishing the image of the profession she should hold in high esteem.²⁴

Mere issuance of worthless checks by a lawyer, regardless of whether or not the same were issued in his professional capacity to a client, calls for appropriate disciplinary measures. As we explained in *Co vs. Bernardino*:²⁵

The general rule is that a lawyer may not be suspended or disbarred, and the court may not ordinarily assume jurisdiction to discipline him for misconduct in his non-professional or private capacity. Where, however, the misconduct outside of the lawyer's professional dealings is so gross a character as to show him morally unfit for the office and unworthy of the privilege which his licenses and the law confer on him, the court may be justified in suspending or removing him from the office of attorney.

The evidence on record clearly shows respondent's propensity to issue bad checks. This gross misconduct on his part, though not related to his professional duties as a member of the bar, puts his moral character in serious doubt...²⁶ (Citations omitted).

She also claims that her father was hospitalized in March 2002 and that she and her husband also had to seek medical help which greatly affected her ability to pay. She however did not present any proof to substantiate such claims. She also did not appear personally before the complainant and the commission, in spite of the many opportunities given her, to make arrangements

²² *Cuizon vs. Macalino*, A.C. No. 4334, July 7, 2004.

²³ *Lao vs. Medel*, see note 18, p. 232.

²⁴ *Sanchez vs. Somoso*, A.C. No. 6061, October 3, 2003.

²⁵ A.C. No. 3919, January 28, 1998, 285 SCRA 102.

²⁶ *Id.*, p. 106

for the payments of her debt considering the circumstances that befell her family. Instead, she waited until the case was submitted for resolution to allege such facts, without presenting any proof therefor.

We cannot uphold the IBP in finding that since respondent has not offered any explanation for, nor has she controverted the complainants' charge that she tried to negotiate with them a transfer certificate of title that had been entrusted to her by a client, she should be held liable therefor. Basic is the principle that if the complainant, upon whom rests the burden of proving her cause of action, fails to show in a satisfactory manner the facts upon which she bases her claim, the respondent is under no obligation to prove her exception or defense.²⁷ Simply put, the burden is not on the respondent to prove her innocence but on the complainants to prove her guilt. In this case, complainants submitted a photocopy of a TCT in the name of Victoria Villamar together with their letter-complaint, which according to complainants was the title respondent tried, through her sister-in-law, to negotiate with them in exchange for the bounced checks in their possession.²⁸ No other evidence or sworn statement was submitted in support of such allegation. Respondent in her answer, meanwhile, denied having any knowledge regarding such matter and no further discussion was made on the matter, not even in the hearings before the commission.²⁹ For this reason, we hold that respondent should not be held liable for the alleged negotiation of a TCT to complainants for lack of sufficient evidence, but only for the non-payment of debts and the issuance of worthless checks which were sufficiently proved and which respondent herself admitted.

We reiterate that membership in the legal profession is a privilege and demands a high degree of good moral character, not only as a condition precedent to admission, but also as a continuing requirement for the practice of law.³⁰

Accordingly, administrative sanction is warranted by respondent's misconduct. The IBP Board of Governors recommended that respondent be suspended from the practice of law for six months. In *Lao vs. Medel*,³¹ which also involved non-payment of debt and issuance of worthless checks, the Court held that suspension from the practice of law for one year was appropriate. Unlike in the *Lao* case however, respondent in this case paid a portion of her debt, as evidenced by receipts amounting to ₱50,000.00. Thus we deem that six months suspension from the practice of law and the restitution of

²⁷ Sps. Boyboy vs. Yabut, A.C. No. 5225, April 29, 2003.

²⁸ Rollo, pp. 3, 26.

²⁹ Rollo, p. 31.

³⁰ *Lao vs. Medel*, see note 18, p. 234.

³¹ *Id.*, p. 235.

₱84,000.00 to complainant Isidra Barrientos would be sufficient in this case.


WHEREFORE, Atty. Elerizza A. Libiran-Meteoro is found guilty of gross misconduct and is hereby **SUSPENDED** for six months from the practice of law, effective upon her receipt of this Decision, and is ordered to pay complainant Isidra Barrientos the amount of ₱84,000.00, as balance of her debt to the latter, plus 6% interest from date of finality of herein decision.

Let copies of this Resolution be entered in the record of respondent and served on the IBP as well as the court administrator who shall circulate herein Resolution to all courts for their information and guidance.

SO ORDERED.”

Copy of the decision was received by respondent on 4 October 2004.

19 November 2004.


PRESBITERO J. VELASCO, JR.
Court Administrator