



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

OCA CIRCULAR NO. 178-2003

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 DEFENDERS OFFICE  
AND THE INTEGRATED BAR OF THE  
PHILIPPINES

SUBJECT: DISBARMENT OF ATTY. FELINA S. DASIG

For information and guidance of all concerned, quoted hereunder is the Decision of the Court En Banc dated 1 April 2003 in Administrative Case No. 4984 entitled "Atty. Julito D. Vitriolo, et al. vs. Atty. Felina Dasig."

"This is an administrative case for disbarment filed against Atty. Felina S. Dasig,<sup>1</sup> an official of the Commission on Higher Education (CHED). The charge involves gross misconduct of respondent in violation of the Attorney's Oath for having used her public office to secure financial spoils to the detriment of the dignity and reputation of the CHED.

Almost all complainants in the instant case are high-ranking officers of the CHED. In their sworn Complaint-Affidavit filed with this Court on December 4, 1998, complainants allege that respondent, while she was OIC of Legal Affairs Service, CHED, committed acts that are grounds for disbarment under Section 27<sup>2</sup>, Rule 138 of the Rules of Court, to wit:

<sup>1</sup> Admitted to the Bar, May 30, 1986. Per 1998 Law LIST, p. 232

<sup>2</sup> SEC. 27, Disbarment or suspension of attorneys by the Supreme Court, grounds therefore.- A member of the bar may be disbarred or suspended from his office as attorney by the Supreme Court for any deceit, malpractice, or other gross misconduct in such office, grossly immoral conduct, or by reason of his conviction of a crime involving moral turpitude, or for any violation of the oath which he is required to take before admission to practice, or for a willful disobedient of any lawful order of

- a) Sometime in August 1998 and during the effectivity of Respondent's designation as Officer-in-Charge of Legal Affairs Service, CHED, she demanded from Betty C. Mangohon, a teacher of Our Lady of Mariazel Education Center in Novaliches, Quezon City, the amount of P20,000.00 and later reduced to P5,000.00 for the facilitation of her application for correction of name then pending before the Legal Affairs Service, CHED...
- b) Likewise, sometime in July to August 1998 and during the effectivity of Respondent's designation as Officer-In-Charge of Legal Affairs Service, CHED, she demanded from Rosalie B. Dela Torre, a student, the amount of P18,000.00 to P20,000.00 for facilitation of her application for correction of name then pending before the Legal Affairs Service, CHED...
- c) Likewise, sometime in September 1998 and during the effectivity of Respondent's designation as Officer-In-Charge of Legal Affairs Service, CHED, she demanded from Rocella G. Eje, a student, the amount of P5,000.00 for facilitation of her application for correction of name then pending before the Legal Affairs Service, CHED... In addition, Respondent even suggested to Ms. Eje to register her birth anew with full knowledge of the existence of a prior registration...
- d) Likewise, sometime in August to September 1998 and during the effectivity of Respondent's designation as Officer-in-Charge of Legal Affairs Service, CHED, she demanded from Jacqueline N. Ng, a student, a considerable amount which was subsequently confirmed to be P15,000.00 and initial fee of P5,000.00 more or less for facilitation of her application for correction of name then pending before the Legal Affairs Service, CHED... In addition, the Respondent even suggested to Ms. Ng to hire a lawyer who shall be chosen by Respondent Dasig to facilitate the application for correction of name.<sup>3</sup>

Complainants likewise aver that respondent violated her oath as attorney-at-law by filing eleven (11) baseless, groundless, and unfounded suits before the Office of the City Prosecutor of Quezon City, which were subsequently dismissed.<sup>4</sup>

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a superior court, or for corruptly or willfully appearing as an attorney for a party to a case without authority to do so. The practice of soliciting cases at law for the purpose of gain, either personally or through paid agents or brokers, constitutes malpractice.

<sup>3</sup> Rollo, p. 3

<sup>4</sup> These include: Felina S. Dasig and Victor Alba v. Celedonia R. Coronacion, Rodrigo R. Coronacion, Jr., and Jose R. Rabalo, I.S. No. 96-19974 for Perjury, False Testimony, Felina S. Dasig and Victor Alba v. Celedonia R. Coronacion and Rodrigo R. Coronacion, Jr., I.S. No. 96-25879 for Oral Defamation and Unjust Vexation; Felina S. Dasig and Victor Alba v. Francis Lacandazo, Mark Imperio and Michael Namoca, I.S. No. 96-27189 for Libel; Felina S. Dasig and Victor Alba v. Celedonia R. Coronacion, Rodrigo R. Coronacion, I.S. No. 97-3026 for Grave Oral Defamation,

Further, complainants charge respondent of transgressing subparagraph b (22), Section 36<sup>5</sup> of Presidential Decree No. 807, for her willful failure to pay just debts owing to "Boreta Tire Supply" and "Nova's Lining Brake & Clutch" as evidenced by the dishonored checks she issued,<sup>6</sup> the complaint sheet, and the subpoena issued to respondent.<sup>7</sup>

Complainants also allege that respondent instigated the commission of a crime against complainant Celedonia R. Coronacion and Rodrigo Coronacion, Jr., when she encouraged and ordered her son, Jonathan Dasig, a guard of the Bureau of Jail Management and Penology, to draw his gun and shoot the Coronacions on the evening of May 14, 1997. As a result of this incident, a complaint for grave threats against the respondent and her son, docketed as Criminal Case No. 86052, was lodged with the Metropolitan Trial Court of Quezon City, Branch 36.<sup>8</sup>

Finally, complainants allege that respondent authored and sent to then President Joseph Estrada a libelous and unfair report, which maligned the good names and reputation of no less than eleven (11) CHED Directors calculated to justify her ill motive of preventing their re-appointment and with the end view of securing an appointment for herself.<sup>9</sup>

In our resolution of February 3, 1999, we required respondent to file a Comment on the charges.<sup>10</sup> A copy of said resolution was sent to the respondent at her address at Blk. 4, Lot 12, Hobart II Subdivision, Novaliches, Quezon City, only to be returned to this Court with the notation "Unclaimed."<sup>11</sup>

On July 5, 1999, we directed that a copy of the resolution of February 3, 1999, be served by registered mail to respondent at her office address in CHED.

In a letter dated August 28, 2000, the Postmaster of the Ortigas Center Post Office informed the Court that the said

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Felina S. Dasig v. Celedonia Coronacion, Francis lacandazo, Mark Imperio and Michael Namoca, I.S. No. 96-27189, for violation of Art. 290, Rev. Penal Code; Felina S. Dasig v. Asuncion Lacandazo and Francis lacandazo, I.S. No. 96-27189 for Grave Oral Defamation; Felian S. Dasig and Victor Alba v. Ma. Teresa Galdon Lingal, I.S. 96-25870 for Oral Defamation, Threat; Felina S. Dasig and Victor Alba vs. Ruel Martin and Jean Martin, I.S. No. 97-348 for Libel; Felina S. Dasig v. Celedonia Coronacion, I.S. No. 97-7218 for Perjury. Libel; and Felina S. Dasig vs. Francis Lacandazo, Michael Namoca and Mark Imperio, I.S. No. 97-8864 for Perjury.

<sup>5</sup> SEC. 36. Disciplina General Provisions. x x x

<sup>6</sup> Rollo, pp. 22-24.

<sup>7</sup> Id. At 26-27.

<sup>8</sup> Id. At 28-30.

<sup>9</sup> Id. at 32-35.

<sup>10</sup> Id. At 36.

<sup>11</sup> Id. At 47.

mail matter had been delivered to, received by, and signed for by one Antonio Molon, an authorized agent of respondent on August 27, 1999.<sup>12</sup>

On November 22, 2000, we granted complainant's motion to refer the complaint to the Commission on Bar Discipline, Integrated Bar of the Philippines (IBP) for investigation, report and recommendation.

In its order dated February 6, 2001, the IBP Commission on Bar Discipline directed respondent to submit her Answer to the Complaint, failing which she would be considered in default and the case heard *ex parte*. Respondent failed to heed said order and on January 8, 2002, the Commission directed her anew to file her Answer, but again she failed to comply with the directive. As a result, the Commission ruled that she had waived her right to file her Comment or Answer to the Complaint and the case was mainly resolved on the basis of the documents submitted and on record.

In its report and recommendation, dated April 5, 2002, the IBP Commission on Bar Discipline stated as follows:

From the foregoing evidence on record, it can be concluded that respondent in violation of her oath as a government official and as a member of the Bar, indeed made unlawful demands or attempted to extort money from certain people who had pending applications/requests before her office in exchange for her promise to act favorably on said application/requests. Clearly, respondent unlawfully used her public office in order to secure financial spoils to the detriment of the dignity and reputation of the Commission on Higher Education.

For the foregoing reasons, it is recommended that respondent be suspended from the practice of law for the maximum period allowable of three (3) years with a further warning that similar action in the future will be a ground for disbarment of respondent.

On August 3, 2002, the IBP Board of Governors passed Resolution No. XV-2002-393, the full text of which reads as follows:

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/Decision as Annex "A"; and, finding the recommendation fully supported by the evidence on record and the applicable laws and rules, and considering

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<sup>12</sup> Id. At 57

that respondent unlawfully used her public office in order to secure financial spoils to the detriment of the dignity and reputation of the Commission on Higher Education. Respondent is hereby SUSPENDED from the practice of law for three (3) years.<sup>13</sup>

At the threshold is the query of whether respondent attorney-at-law, as Officer-In-Charge (OIC) of Legal Services, CHED, may be disciplined by this Court for her malfeasance, considering that her position, at the time of filing of the complaint, was "Chief Education Program Specialist, Standards Development Division, Office of Programs and Standards, CHED."

Generally speaking, a lawyer who holds a government office may not be disciplined as a member of the Bar for misconduct in the discharge of his duties as a government official.<sup>14</sup> However, if said misconduct as a government official also constitutes a violation of his oath as a lawyer, then he may be disciplined by this Court as a member of the Bar.<sup>15</sup>

In this case, the record shows that the respondent, on various occasions, during her tenure as OIC, Legal Services, CHED, attempted to extort from Betty C. Mangahon, Rosalie B. Dela Torre, Rocella G. Eje, and Jacqueline N. Ng sums of money as consideration for her favorable action on their pending applications or requests before her office. The evidence remains unrefuted, given the respondent's failure, despite the opportunities afforded her by this Court and the IBP Commission on Bar Discipline to comment on the charges. We find that respondent's misconduct as a lawyer of the CHED is of such a character as to affect her qualification as a member of the Bar, for as a lawyer, she ought to have known that it was patently unethical and illegal for her to demand sums of money as consideration for the approval of applications and requests awaiting action by her office.

The Attorney's Oath is the source of the obligations and duties of every lawyer and any violation thereof is a ground for disbarment, suspension, or other disciplinary action. The Attorney's Oath imposes upon every member of the bar the duty to delay no man for money or malice. Said duty is further stressed in Rule 1.03 of the Code of Professional Responsibility.<sup>16</sup> Respondent's demands for sums of money to facilitate the processing of pending applications or requests

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<sup>13</sup> Id at 61.

<sup>14</sup> *Gonzales-Austria v. Abaya*, A.M. No. R-705-RTJ, 23 August 1989, 176 SCRA 634, 649

<sup>15</sup> *Dinsay v. Cioco*, A.C. No. 2995, 27 November 1996, 264 SCRA 703, 706; *Collantes v. Renomeron*, A.C. No. 3056, 16 August 1991, 200 SCRA 584, 589

<sup>16</sup> Rule 1.03 – A lawyer shall not, for any corrupt motive or interest, encourage any suit or proceeding or delay any man's cause.

before her office violates such duty, and runs afoul of the oath she took when admitted to the Bar. Such actions likewise run contrary to Rule 1.03 of the Code of Professional Responsibility.

A member of the Bar who assumes public office does not shed his professional obligations. Hence, the Code of Professional Responsibility, promulgated on June 21, 1988, was not meant to govern the conduct of private practitioners alone, but of all lawyers including those in government service. This is clear from Canon 6<sup>17</sup> of said Code. Lawyers in government are public servants who owe the utmost fidelity to the public service. Thus, they should be more sensitive in the performance of their professional obligations, as their conduct is subject to the ever-constant scrutiny of the public.

Respondent's attempts to extort money from persons with applications or requests pending before her office are violative of Rule 1.01<sup>18</sup> of the Code of Professional Responsibility, which prohibits members of the Bar from engaging or participating in any unlawful, dishonest, or deceitful acts. Moreover, said acts constitute a breach of Rule 6.02<sup>19</sup> of the Code which bars lawyers in government service from promoting their private interests. Promotion of private interests includes soliciting gifts or anything of monetary value in any transaction requiring the approval of his office or which may be affected by the functions of his office. Respondent's conduct in office falls short of the integrity and good moral character required from all lawyers, specially from one occupying a high public office. For a lawyer in public office is expected not only to refrain from any act or omission which might tend to lessen the trust and confidence of the citizenry in government, she must also uphold the dignity of the legal profession at all times and observe a high standard of honesty and fair dealing. Otherwise said, a lawyer in government service is a keeper of the public faith and is burdened with high degree of social responsibility, perhaps higher than her brethren in private practice.

For her violation of the Attorney's Oath as well as of Rule 1.01 and Rule 1.03 of Canon 1<sup>20</sup> and Rule 6.02 and Canon 6 of the Code of Professional Responsibility, particularly for acts of dishonesty as well as gross misconduct as OIC, Legal Services, CHED, we find that respondent deserves not just the

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<sup>17</sup> CANON 6. – These Canons shall apply to lawyers in government service in the discharge of their official tasks.

<sup>18</sup> Rule 1.01. – A lawyer shall not engage in unlawful, dishonest, immoral, or deceitful conduct.

<sup>19</sup> Rule 6.02. – A lawyer in the government service shall not use his public position to promote or advance his private interests, nor allow the latter to interfere with his public duties.

<sup>20</sup> CANON 1 – A lawyer shall uphold the Constitution, obey the laws of the land and promote respect for law and legal processes.

penalty of three years' suspension from membership in the Bar as well as the practice of law, as recommended by the IBP Board of Governors, but outright disbarment. Her name shall be stricken off the list of attorneys upon finality of this decision.

WHEREFORE, respondent Atty. Felina S. Dasig is found liable for gross misconduct and dishonesty in violation of the Attorney's Oath as well as the Code of Professional Responsibility, and is hereby ordered **DISBARRED**.

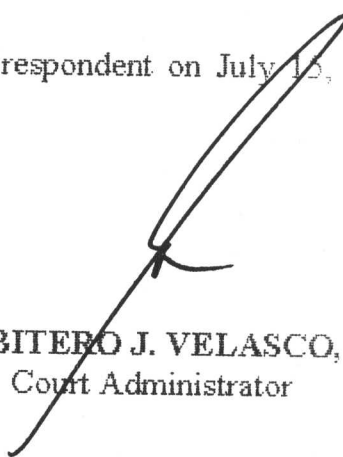
Let copies of this Resolution be furnished to the Bar Confidant to be spread on the records of the respondent, as well as to the Integrated Bar of the Philippines for distribution to all its chapters, and the Office of the Court Administrator for dissemination to all courts throughout the country.

x x x."

In a resolution dated 17 June 2003 in the same administrative case, the Court denied with finality the Motion for Reconsideration filed by respondent.

The Decision was served upon respondent on July 15, 2003.

17 December 2003.



**PRESBITERO J. VELASCO, JR.**  
Court Administrator

