Republic of the Philippines
Supreme Court
Baguio City

EN BANC

JUDGE JANICE R. YULO-ANTERO, Complainant,	**A.C. No. 13646**
	Present:
-versus-	GESMUNDO, *C.J.*, LEONEN, CAGUIOA, HERNANDO, LAZARO-JAVIER, INTING, ZALAMEDA, LOPEZ, M., GAERLAN, ROSARIO, LOPEZ, J., DIMAAMPAO, MARQUEZ, KHO, JR., and SINGH,* *JJ.*
ATTY. WILLIAM F. DELOS SANTOS, Respondent.	**Promulgated:** April 22, 2025

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DECISION

LOPEZ, M., *J.*:

Before the Court is a Complaint[1] charging Atty. William F. Delos Santos (Atty. Delos Santos) with gross misrepresentation.

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* On leave.

1 *Rollo*, pp. 2–5. Docketed as CBD Case No. 17-5431.

The Complaint

Judge Janice R. Yulo-Antero (Judge Antero) stated in her Complaint that on November 18, 2016, Atty. Delos Santos represented a certain Hadji Nabila Amatonding *y* Alimbaracat @ "Navila Alimbaracat *y* Marangit" (Amatonding) in a criminal case[2] for violation of Section 3[3] of Presidential Decree No. 1866,[4] as amended by Republic Act No. 9516,[5] raffled to her court, as Presiding Judge of Branch 16, Regional Trial Court (RTC), Branch 16, Manila. On the same date, Judge Antero issued an Order[6] of Judicial Determination of Probable Cause, setting the arraignment of Amatonding on December 6, 2016, and indicating "NO BAIL."

On November 28, 2016, Atty. Delos Santos filed an Urgent Motion for Application for Bail,[7] with a prayer to set the motion for hearing on December 2, 2016. Meanwhile, Judge Antero issued an Order[8] dated November 28, 2016 for consolidation of the case with another criminal case against Amatonding pending with Branch 14. Judge Felicitas Laron-Cacanindin (Judge Cacanindin), Presiding Judge of RTC, Manila, Branch 17, did not approve the consolidation of the cases, and on December 6, 2016, ordered the release of Amatonding.[9]

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2 *Id.* at 6–7. Docketed as Criminal Case No. 16-330341, entitled *People of the Philippines v. Hadji Nabila Amatonding y Alimbaracat @ Navila Alimbaracat y Marangit.*

3 Section 3. Unlawful Manufacture, Sales, Acquisition, Disposition, Importation or Possession of an Explosive or Incendiary Device. - The penalty of *reclusion perpetua* shall be imposed upon any person who shall willfully and unlawfully manufacture, assemble, deal in, acquire, dispose, import or possess any explosive or incendiary device, with knowledge of its existence and its explosive or incendiary character, where the explosive or incendiary device is capable of producing destructive effect on contiguous objects or causing injury or death to any person, including but not limited to, hand grenade(s), rifle grenade(s), 'pillbox bomb,' 'molotov cocktail bomb,' 'fire bomb,' and other similar explosive and incendiary devices.
Provided, That mere possession of any explosive or incendiary device shall be *prima facie* evidence that the person had knowledge of the existence and the explosive or incendiary character of the device.
Provided, however, That a temporary, incidental, casual, harmless, or transient possession or control of any explosive or incendiary device, without the knowledge of its existence or its explosive or incendiary character, shall not be a violation of this Section.
Provided, further, That the temporary, incidental, casual, harmless, or transient possession or control of any explosive or incendiary device for the sole purpose of surrendering it to the proper authorities shall not be a violation of this Section.
Provided, finally, That in addition to the instances provided in the two (2) immediately preceding paragraphs, the court may determine the absence of the intent to possess, otherwise referred to as '*animus possidendi*,' in accordance with the facts and circumstances of each case and the application of other pertinent laws, among other things, Articles 11 and 12 of the Revised Penal Code, as amended.

4 Codifying the Laws on Illegal/Unlawful Possession, Manufacture, Dealing in, Acquisition or Disposition of Firearms, Ammunition or Explosives or Instruments Used in the Manufacture of Firearms, Ammunition or Explosives, and Imposing Stiffer Penalties for Certain Violations Thereof and for Relevant Purposes.

5 An Act Further Amending the Provisions of Presidential Decree No. 1866, as Amended, Entitled Codifying the Laws on Illegal/Unlawful Possession, Manufacture, Dealing in, Acquisition or Disposition of Firearms, Ammunition or Explosives or Instruments Used in the Manufacture of Firearms, Ammunition or Explosives, and Imposing Stiffer Penalties for Certain Violations Thereof and for Relevant Purposes.

6 *Rollo*, p. 8.

7 *Id.* at 11–13.

8 *Id.* at 14–15. Docketed as Criminal Case No. 16-330341, entitled *People of the Philippines v. Hadji Nabila Amatonding y Alimbaracat y Marangit* for Violation of Section 3 of Presidential Decree [No.] 1866 as amended by Republic Act [No.] 9516..

9 *Id.* at 26–27.

During the hearing of Amatonding's motion for bail on January 30, 2017, Amatonding and Atty. Delos Santos failed to appear. Nonetheless, SPO2 Apolonio Ellao, one of the arresting officers, submitted the Orders issued by Judge Cacanindin, and informed Judge Antero that Amatonding was released on December 7, 2016. Consequently, Judge Antero directed the Manila City Jail Female Dormitory to explain why Amatonding was released despite the pendency of another non-bailable offense. Judge Antero likewise issued a warrant of arrest against Amatonding.[10]

On February 6, 2017, JSupt. Elena B. Rocamora, the jail warden, and JO2 Alvin M. Villena, the releasing officer, both from the Manila City Jail Female Dormitory, personally appeared before Branch 16, RTC, Manila to explain the early release of Amatonding. They stated that they relied on the Release Order of Judge Cacanindin, and did not verify with the Office of the Clerk of Court, RTC, Manila and the Office of the City Prosecutor if there were any other pending cases against Amatonding. They also disclosed that Atty. Delos Santos called them, questioning why Amatonding was not yet released. Atty. Delos Santos even went to the Manila City Jail Female Dormitory on December 7, 2016 to present documents and give assurance that there was no other case filed or pending against Amatonding.[11]

Appearing before Judge Antero, Atty. Delos Santos admitted his misrepresentation, and explained that he was forced to claim that there were no other cases against Amatonding to secure her release since her and her children's lives were under threat.[12]

Integrated Bar of the Philippines (IBP) Report and Recommendation

In a Report and Recommendation,[13] the Investigating Commissioner of the IBP's Commission on Bar Discipline (CBD) found Atty. Delos Santos guilty of violating Rule 1.01, Canon 1 of the Code of Professional Responsibility (CPR) and disobeying the orders of the IBP, and recommended the imposition of a fine of PHP 5,000.00 and that Atty. Delos Santos be reprimanded. The Investigating Commissioner concluded that the admission of Atty. Delos Santos of the misrepresentation he made before the Manila City Jail Female Dormitory constitutes a false statement tantamount to dishonest conduct in violation of the CPR. It was also pointed out that Atty. Delos Santos failed to appear in two scheduled mandatory conferences and to submit his position paper. Finally, the Investigating Commissioner also recommended that Judge Antero be required to pay a fine of PHP 3,000.00 for

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[10] *Id.* at 20–21.
[11] *Id.* at 26–27.
[12] *Id.* at 28.
[13] *Id.* at 42–47.

failing to submit her position paper and for disregarding the order to attend the scheduled mandatory conference.[14]

On August 28, 2021, the IBP Board of Governors modified the Investigating Commissioner's recommendation:

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> vs.
> Atty. William F. Delos Santos
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> RESOLVED to MODIFY, as it is hereby MODIFIED, the Report and Recommendation of the Investigating Commissioner in the instant case, and to recommend instead the imposition upon Respondent Atty. William F. Delos Santos the penalties of – 1) SUSPENSION from the practice of law for Two (2) Years, and 2) a FINE of Ten Thousand Pesos ([PHP] 10,000) for failure to comply with the orders of the Commission on Bar Discipline, i.e., non-attendance of the Mandatory Conference and failure to submit the required Position Paper.
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> RESOLVED FURTHER to recommend to set aside the Investigating Commissioner's recommendation to impose a FINE upon the Complainant Judge.[15]

Issue

The issue for this Court's resolution is whether Atty. Delos Santos should be suspended from the practice of law for two years and directed to pay a fine of PHP 10,000.00.

Ruling

Lawyers should always keep in mind that, although upholding the Constitution and obeying the law is an obligation imposed on every citizen, a lawyer's responsibilities mean more than just staying out of trouble with the law. "As servants of the law and officers of the court, lawyers are required to be at the forefront of observing and maintaining the rule of law. They are expected to make themselves exemplars worthy of emulation. This, in fact, is what a lawyer's obligation to promote respect for law and legal processes entails."[16]

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14 *Id.* at 45–47. The relevant portion of the Investigating Commissioner's Report and Recommendation reads:
In light of the foregoing, for failure to comply with the orders of the IBP-CBD, complainant and respondent are both ordered to PAY A FINE of P3,000 and P5,000 respectively. The respondent is hereby REPRIMANDED for the violation of Rule 1.01, Canon 1 of the Code of Professional Responsibility.

15 *Id.* at 40.

16 *Re: Report on the Financial Audit Conducted on the Books of Account of Atty. Kho*, 549 Phil. 539, 542 (2007) [Per J. Corona, First Division].

Canon II, Section 1 – Propriety of the Code of Professional Responsibility and Accountability (CPRA), similar to Rule 1.01, Canon 1[17] of the CPR, states that "[a] lawyer shall not engage in unlawful, dishonest, immoral, or deceitful conduct." Canon II, Section 11 of the CPRA likewise provides that "[a] lawyer shall not make false representations or statements[.]" Apropos to this, Section 12 makes it the lawyer's duty to report dishonest, deceitful, or misleading conduct.

While the CPRA took effect only on May 29, 2023, Section 1 of its General Provisions states that "[t]he CPRA shall be applied to all pending and future cases, except to the extent that in the opinion of the 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." We find the application of the CPRA to be feasible and just in the present case.

In this case, it is undisputed that respondent from hereon, committed an act of misrepresentation. He admitted before complainant from hereon, that he falsely claimed before the jail warden and releasing officer of the Manila City Jail Female Dormitory, and even gave an assurance, that there was no other case against his client, Amatonding, despite his knowledge that there was a pending case against his client for violation of Section 3 of Presidential Decree No. 1866, with Branch 16, RTC, Manila.[18] These acts of Atty. Delos Santos show dishonest or deceitful conduct warranting the imposition of the appropriate penalty.

Considering that respondent's misrepresentation was willfully and deliberately committed, and resulted in the disruption of the court's processes, his dishonest act is deemed as gross. "To be dishonest means the disposition to lie, cheat, deceive, defraud, or betray; be unworthy; lacking in integrity, honesty, probity, integrity in principle, fairness, and straightforwardness." Meanwhile, conduct that is deceitful means "the proclivity for fraudulent and deceptive misrepresentation, artifice or device that is used upon another who is ignorant of the true facts, to the prejudice and damage of the party imposed upon. In order to be deceitful, the person must either have knowledge of the falsity or acted in reckless and conscious ignorance" of the truth. Dishonest and deceitful conduct involves moral turpitude and includes anything done contrary to justice, modesty or good morals.[19] In *Yamon-Leach v. Atty. Astorga*,[20] Atty. Arturo B. Astorga's abuse of the trust and confidence of his client and the subsequent misappropriation of funds he received was deemed a deceitful conduct that justified his disbarment. The Court emphasized that good moral character, is not only a condition precedent to the admission into the practice of law, but is a continuing imposition to maintain membership in the Philippine Bar. As in this case, respondent's misrepresentation constitutes

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17 CANON 1 – A LAWYER SHALL UPHOLD THE CONSTITUTION, OBEY THE LAWS OF THE LAND AND PROMOTE RESPECT FOR LAW AND LEGAL PROCESSES.

18 *Rollo*, p. 28.

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

20 *Id.*

unacceptable, disgraceful, and dishonorable behavior. Inarguably, respondent committed serious dishonesty when he prodded the personnel of the Manila City Jail Female Dormitory to release Amatonding, based on his false statement that there was no other cause to hold Amatonding. Respondent even admitted this falsehood before complainant, and offered no other explanation but an alleged threat to Amatonding's and her children's lives. Verily, the CPRA considers making untruthful statements as serious dishonesty, a serious offense.

Moreover, this is not the first time that the Court found respondent administratively liable for violating the CPR.[21] In 2014, the Court, in *Ong v. Atty. Delos Santos*, found him guilty of violating the Lawyer's Oath, Rule 1.01, Canon 1, and Rule 7.03, Canon 7 of the CPR, and suspended him from the practice of law for a period of six months, with a warning that any similar infraction in the future will be dealt with more severely for assuring the complainant that he was in good financial standing and misleading the complainant into giving a substantial amount in exchange of a worthless check.[22] More recently, in *Flores v. Atty. Delos* Santos,[23] he was disbarred after it was proven that he violated Rules 1.01 and 1.02 of Canon 1, Rule 10.01 of Canon 10, Canon 13, and Rule 15.05, 15.06 and 15.07 of Canon 15 of the CPR for obtaining the amount of PHP 160,000.00 from therein complainant to bribe the Justices of the Court of Appeals, and deliberately misleading and deceiving the former that he can bribe and influence the Justices of the Court of Appeals to rule in her son's favor.[24]

It is likewise worthy to note that the records of this case show that respondent disobeyed several directives from the IBP-CBD when he failed to: (1) file his answer to the Complaint, (2) file his mandatory brief, (3) appear before two scheduled mandatory conferences, and (4) file his position paper.[25] This continued dereliction is tantamount to a willful and deliberate disobedience of the order of the IBP, classified as a less serious offense under Canon VI, Section 34 – Accountability of the CPRA. Here, the failure of respondent to comply with the orders of the IBP without justifiable reason manifests his disrespect of judicial authorities.[26] In *Robiñol v. Atty. Bassig*,[27] the Court imposed a fine of PHP 10,000.00 on a lawyer for his repeated and unjustified refusal to comply with the IBP's lawful directives.[28]

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21 See *Ong v. Atty. Delos Santos*, 728 Phil. 332 (2014) [Per J. Bersamin, *En Banc*].
22 *Id.* at 341.
23 936 Phil. 436 (2023) [Per J. Dimaampao, *En Banc*].
24 *Id.* at 444.
25 *Rollo*, pp. 42–43.
26 *Jacolbia v. Atty. Panganiban*, 871 Phil. 33, 42 (2020) [Per J. Perlas-Bernabe, *En Banc*]; *Domingo v. Atty. Sacdalan*, 850 Phil. 553, 566–567 (2019) [*Per Curiam, En Banc*].
27 821 Phil. 28 (2017) [Per J. Tijam, *En Banc*].
28 *Id.* at 35.

In the imposition of penalties against a disbarred lawyer, the Court's pronouncement in *Fernando v. Atty. Pallugna*,[29] citing *Valmonte v. Atty. Quesada, Jr.*,[30] is instructive:

> [C]onsidering that the Court had already imposed upon respondent the ultimate penalty of disbarment for his gross misconduct and willful disobedience of the lawful orders of the court in an earlier complaint for disbarment filed against him ... the [additional penalty of suspension from the practice of law] can no longer be imposed upon him. The reason is obvious: "[o]nce a lawyer is disbarred, there is no penalty that could be imposed regarding his privilege to practice law."
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> But while the Court can no longer impose the penalty upon the disbarred lawyer, it can still give the corresponding penalty only for the sole purpose of recording it in his personal file with the Office of the Bar Confidant (OBC), which should be taken into consideration in the event that the disbarred lawyer subsequently files a petition to lift his disbarment.
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> In addition, the Court may also impose a fine upon a disbarred lawyer[s] found to have committed an offense prior to [their] disbarment as the Court does not lose its exclusive jurisdiction over other offenses committed by [] disbarred lawyer[s] while [they were] still [] member[s] of the Law Profession. In fact, by imposing a fine, the Court is able "to assert its authority and competence to discipline all acts and actuation committed by the members of the Legal Profession."[31]

There is no double or multiple disbarment in our laws and jurisprudence. Once a lawyer is disbarred, there is no penalty that could be imposed regarding his privilege to practice law. The penalty of suspension or disbarment can no longer be imposed on a lawyer who had been disbarred except for recording purposes. Thus, the corresponding penalty should be adjudged for recording purposes on the lawyer's personal file with the Office of the Bar Confidant, which should be taken into consideration in the event that he subsequently files a petition for reinstatement.[32] This has also been incorporated into the provisions of the CPRA:

> **CANON VI**
> **ACCOUNTABILITY**
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> ....
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> Section 42. *Penalty when the respondent has been previously disbarred.* — When the respondent has been previously disbarred and is subsequently found guilty of a new charge, the Court may impose a fine or order the disbarred lawyer to return the money or property to the client, when proper. If the new charge deserves the penalty of a disbarment or suspension from the practice of law, it shall not be imposed but the penalty

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[29] 936 Phil. 338 (2023) [Per J. J. Lopez, Second Division].

[30] 867 Phil. 247 (2019) [Per J. Hernando, Second Division].

[31] *Id.* at 251–252.

[32] *In Re: Order dated October 27, 2016 Issued by Br. 137, RTC, Makati in Criminal Case. No. 14-765 v. Atty. Ramon*, 882 Phil. 45, 50 (2020) [Per J. Lopez, *En Banc*].

> shall be recorded in the personal file of the disbarred lawyer in the Office of the Bar Confidant or other office designated for the purpose. In the event that the disbarred lawyer applied for judicial clemency, the penalty so recorded shall be considered in the resolution of the same.

In this case, respondent committed acts constituting serious dishonesty and violation of the directives of the IBP. Under Section 33, in relation to Section 37 of Canon VI – Accountability of the CPRA, serious dishonesty is a serious offense punishable by: "(1) [d]isbarment; (2) [s]uspension from the practice of law for a period exceeding six months; (3) [r]evocation of notarial commission and disqualification as notary public for not less than two years; or (4) A fine exceeding [PHP] 100,000.00." While willful and deliberate disobedience of the orders of the IBP is classified as a less serious offenses punishable by: "(1) [s]uspension from the practice of law for a period within the range of one month to six (6) months, or revocation of notarial commission and disqualification as notary public for less than two (2) years, [or] (2) [a] fine within the range of [PHP] 35,000.00 to [PHP] 100,000.00.[33] In this case, considering respondent's present infractions for which he was already suspended and subsequently disbarred and pursuant to Canon VI, Section 42 of the CPRA and prevailing jurisprudence, the Court metes him the penalties of fine in the amounts of PHP 200,000.00 for gross dishonesty and PHP 100,000.00 for violation of the directives of the IBP, or a total of PHP 300,000.00. Notably, the Court may impose these penalties upon a disbarred lawyer who committed offenses prior to disbarment. The Court does not lose its exclusive jurisdiction over the other offenses of a disbarred lawyer committed while he was still a member of the legal profession.[34]

Owing to respondents's earlier disbarment and his proclivity to disregard and transgress the legal profession's professional and ethical standards, he is declared ineligible for judicial clemency.[35] We stress that possession of good moral character is not only a prerequisite to admission to the bar, but also a continuing requirement to the practice of law.[36] Despite his previous suspension and disbarment, respondent continued to show belligerent behavior which manifests a serious flaw in his character warranting further administrative sanction. Notably, this is the third time that respondent has been found guilty of an administrative offense; his numerous infractions show his lack of moral uprightness in the legal profession as member of the Bar and an officer of the court. Thus, in light of his disbarment and repeated wrongdoings, any attempt on the part of respondent to seek judicial clemency in the future ought to be rejected by the Court.[37]

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[33] Canon VI – Accountability, Code of Professional Responsibility and Accountability, sec. 37(a) and (b).

[34] *In Re: Order dated October 27, 2016 Issued by Br. 137, RTC, Makati in Crim. Case. No. 14-765 v. Atty. Roman*, 882 Phil. 45, 49 (2020) [Per J. Lopez, *En Banc*].

[35] *See Mamugay v. Atty. Dela Rosa*, 949 Phil. 415, 424 (2023) [*Per Curiam, En Banc*]; *Office of the Provincial Prosecutor of Cavite, v. Atty. Mas*, 946 Phil. 474, 484 (2023) [Per J. Dimaampao, *En Banc*].

[36] *AAA v. Atty. De Los Reyes*, 840 Phil. 212, 230 (2018) [*Per Curiam, En Banc*].

[37] See *Atty. Garrido, Jr. v. Atty. Gadon*, A.C. No. 13842 (Formerly CBD Case No. 18-5810), May 21, 2024 [Per Curiam, En Banc].

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We reiterate that the practice of law is a privilege bestowed by the State only on those who possess and continue to possess the legal qualifications of the profession. Thus, lawyers are expected to maintain, at all times, a high standard of legal proficiency, morality, honesty, integrity, and fair dealing, and must perform their four-fold duty to society, the legal profession, the courts, and their clients.[38] "Failure to live by the standards of the legal profession and to discharge the burden of the privilege conferred on one as a member of the bar warrant the suspension or revocation of that privilege."[39]

ACCORDINGLY, the Court finds Atty. William F. Delos Santos administratively liable for violating the Code of Professional Responsibility and Accountability. Considering that Atty. William F. Delos Santos is already disbarred pursuant to the Court's ruling in *Flores v. Atty. Delos Santos*,[40] the Court imposes the following fines in this case:

(1) PHP 200,000.00 for serious dishonesty; and

(2) PHP 100,000.00 for willful and deliberate disobedience of the orders of the Integrated Bar of the Philippines.

Moreover, in view of his earlier disbarment and being a repeat offender, Atty. William F. Delos Santos is adjudged **INELIGIBLE FOR JUDICIAL CLEMENCY**.

Let copies of this Decision be furnished to the Office of the Bar Confidant to be entered into the records of Atty. William F. Delos Santos, to the Integrated Bar of the Philippines for its information and guidance, and to the Office of the Court Administrator for dissemination to all courts throughout the country for their information and guidance.

SO ORDERED.

MARIO V. LOPEZ
Associate Justice

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38 *Hipolito v. Atty. Abbas*, 867 Phil. 684, (2019) [Per J. J. Reyes, Jr, First Division].
39 *Kare v. Atty. Tumaliuan*, 864 Phil. 791, 802 (2019) [Per J. Peralta, Third Division].
40 936 Phil. 436 (2023) [Per J. Dimaampao, *En Banc*].

WE CONCUR:

ALEXANDER G. GESMUNDO
Chief Justice

MARVIC M.V.F. LEONEN
Senior Associate Justice

ALFREDO BENJAMIN S. CAGUIOA
Associate Justice

RAMON PAUL L. HERNANDO
Associate Justice

AMY C. LAZARO-JAVIER
Associate Justice

HENRI JEAN PAUL B. INTING
Associate Justice

RODIL V. ZALAMEDA
Associate Justice

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

On leave
MARIA FILOMENA D. SINGH
Associate Justice