

EN BANC

[A.C. No. 12298, September 01, 2020]

**FELIPE D. LAUREL,^[*] COMPLAINANT, VS. REYMELIO M. DELUTE,
RESPONDENT.**

D E C I S I O N

PER CURIAM:

Before the Court is an Affidavit-Complaint^[1] filed by complainant Felipe D. Laurel (complainant) against respondent Reymelio M. Delute (respondent), seeking that the latter be disbarred for misleading and deceiving his own client.

The Facts

In the Affidavit-Complaint filed before the Integrated Bar of the Philippines (IBP), it was alleged that complainant engaged the services of respondent as counsel in a dispute against Azucena Laurel-Velez (Azucena) involving a parcel of land that complainant inherited from his father (subject land). Sometime in 2003, respondent fetched complainant and his wife from their home to sign certain documents. Due to his lack of educational background, complainant wanted to bring his daughter (who is a college graduate) during the meeting to assist them, but respondent refused.^[2]

Upon arriving at their destination, respondent represented to complainant and his wife that Azucena were to pay them partial rental payments for the land in the amount of P300,000.00, and in connection therewith, presented to them documents to sign. Initially, complainant refused to sign the documents as he did not understand its contents (which were written in English), but due to respondent's prodding, he eventually did. After signing the documents and before parting ways with complainant and his wife, respondent allegedly took P100,000.00 out of the P300,000.00 given by Azucena.^[3]

Later on, complainant found out that, contrary to respondent's earlier representations, the documents which he signed were: (a) a Compromise Agreement^[4] which effectively caused him to cede his rights over the land that he inherited from his father; and (b) a receipt stating that he received the amount of P300,000.00 in consideration therefor.^[5] Further, he also found out that through the Compromise Agreement, respondent was granted a three (3)-meter wide perpetual road right of way on the subject land. Aggrieved not only by the lack of instruction coming from his own legal counsel but also the latter's own active incitement for him to sign these documents and double-dealing, Laurel filed the instant administrative case, seeking that respondent be disbarred.^[6]

Respondent failed to file any responsive pleading despite due notice.^[7]

The IBP's Report and Recommendation

In a Report and Recommendation^[8] dated April 28, 2015, the IBP Investigating Commissioner recommended that respondent be found administratively liable and be meted with the supreme penalty of disbarment.^[9]

The Investigating Commissioner found that respondent failed to conduct himself as a lawyer "with all good fidelity" to his client when he failed to explain to complainant and his wife the true import of the documents that he made them sign. Worse, it appears that respondent willfully manipulated complainant and his wife into signing the Compromise Agreement, considering the benefit he will gain from it, *i.e.*, the grant of a right of way in his favor, not to mention the P100,000.00 that he took from the P300,000.00 given to complainant. In addition, the Investigating Commissioner opined that respondent's administrative liability is further aggravated when he ignored the processes of the IBP in connection with the instant administrative complaint.^[10]

In a Resolution^[11] dated November 29, 2017, the IBP Board of Governors modified the Investigating Commissioner's recommendations, lowering the recommended penalty to a five (5)-year suspension from the practice of law, and further imposing a fine in the amount of P5,000.00 for disobeying the orders of the IBP to file responsive pleadings in the instant proceedings.^[12]

Subsequent to the foregoing, respondent filed a Motion to Lift Suspension from the Practice of Law,^[13] which complainant opposed.^[14] In this Motion, respondent did not specifically deny the allegations in the complaint, and instead, invoked laches, contending that it took complainant nine (9) years before filing the instant administrative complaint. He likewise insisted on the validity of the Compromise Agreement, arguing, *inter alia*, that complainant' already sought the declaration of nullity of the Compromise Agreement through the filing of Civil Case No. T-2497 before the Regional Trial Court of Toledo City, Cebu, Branch 50 but the suit was dismissed, albeit on the ground of lack of jurisdiction.^[15]

The Issue Before the Court

The issue for the Court's resolution is whether or not respondent should be held administratively liable for the acts he committed against complainant.

The Court's Ruling

Preliminarily, the Court deems it appropriate to address respondent's invocation of laches due to the supposed delay in filing the instant administrative complaint. Suffice it to say that "[t]he Court's disciplinary authority cannot be defeated or frustrated by a mere delay in filing the complaint, or by the complainant's motivation to do so. The practice of law is so intimately affected with public interest that it is both a right and a duty of the State to control and regulate it in order to promote the public welfare."^[16] Hence, prescription^[17] or laches^[18] cannot be said to apply in disciplinary proceedings against erring lawyers, as in this case.

For another, respondent further insists that the Compromise Agreement remains to be valid, considering that the civil case filed by complainant for the declaration of its nullity, *i.e.*, Civil Case No. T-2497, had already been dismissed. Thus, it cannot be said that he manipulated and/or deceived complainant into signing the same.^[19]

In this, relation, the dissent^[20] advances the view that the Court should refrain from passing upon the allegation that respondent manipulated and/or deceived complainant into signing the Compromise Agreement as it would necessarily delve into the validity thereof. In support, the case of *Medina v. Lizardo (Medina)*^[21] was cited, viz.:

However, we refrain from passing upon the finding of the Investigating Commissioner that Atty. Lizardo was guilty of deceit in allegedly inducing Silvestra and the heirs of Alicia into selling their interest in all three lots covered by the subject TCTs in the Extrajudicial Settlement with Sale when their purported intention was to sell only the parcels covered by TCT No. 13866. **The matter of fraud in the execution of said agreement which will have implications on its validity and legal effects must be first threshed out by the parties in the appropriate proceedings.**^[22] (Emphasis and underscoring supplied)

Notably, *Medina* echoes a line of case law^[23] stating that when a resolution of an administrative disciplinary case against a lawyer would necessarily delve into issues which are proper subjects of judicial action, it is prudent for the Court to dismiss the administrative case without prejudice to the filing of another one, depending on the final outcome of the judicial action.^[24]

However, during the deliberations of this case, it was ruminated that the above-described doctrine of restraint as pronounced in the *Medina, et al.* rulings unduly fetters - and in fact, diminishes - the Court's exclusive and plenary power to discipline members of the Bar. In addition, it was highlighted that said rulings run counter to the overwhelming body of jurisprudence which consistently holds that administrative cases for the discipline of lawyers may proceed independently from civil and/or criminal cases despite involving the same set of facts and circumstances.^[25]

After a careful consideration of these conflicting rulings, the Court has now decided to abandon *Medina* and other cases wherein a similar doctrine of restraint was espoused. As will be discussed below, the Court is not precluded from examining respondent's actuations in this administrative case if only to determine his fitness to remain as a member of the Bar. This is regardless of the fact that this administrative case involves similar or overlapping factual circumstances with a separate civil case.

It is well-settled that "disciplinary proceedings against lawyers are *sui generis* in that they are neither purely civil nor purely criminal; they involve investigations by the Court into the conduct of one of its officers, not the trial of an action or a suit."^[26]

The Court's authority to discipline the members of the legal profession is derived from no other than its constitutional mandate to regulate the admission to the practice of law. Section 5 (5), Article VIII of the 1987 Constitution provides:

ARTICLE VIII JUDICIAL DEPARTMENT

x x x x

Section 5. The Supreme Court shall have the following powers:

x x x x

(5) Promulgate rules concerning the protection and enforcement of constitutional rights, pleading, practice, and procedure in all courts, *the admission to the practice of law*, the integrated bar, and legal assistance to the underprivileged.

x x x x

The Court's disciplinary authority over members of the Bar is in recognition of the fact that lawyers are not merely professionals, but are also considered *officers of the court*. As such, they are called upon to share in the responsibility of dispensing justice and resolving disputes in society. Hence, it cannot be denied that the Court has "**plenary disciplinary authority**" over members of the Bar.^[27] As earlier intimated, in the exercise of such disciplinary powers - through proceedings which are *sui generis* in nature - the Court merely calls upon a member of the Bar to account for his actuations as an officer of the Court with the end in view of preserving the **purity of the legal profession**. In so doing, the Court aims to ensure the proper and honest administration of justice by purging the profession of members who, by their misconduct, have proven themselves no longer worthy to be entrusted with the duties and responsibilities of an attorney.^[28]

In a catena of *en banc* and division cases spanning from 1928 up to 2018,^[29] **the Court has consistently held that a lawyer's administrative misconduct may proceed independently from criminal and civil cases, regardless of whether or not these cases involve similar or overlapping factual circumstances**. In these cases, the Court has been consistent in ruling that **the findings in one type of case will have no determinative bearing on the others**.

In *Gatchalian Promotions Talents Pool, Inc. v. Naldoza*,^[30] the Court elucidated that:

[A] finding of guilt in the criminal case will not necessarily result in a finding of liability in the administrative case. Conversely, respondent's acquittal does not necessarily exculpate him administratively. In the same vein, the trial court's finding of civil liability against the respondent will not inexorably lead to a similar finding in the administrative action before this Court. Neither will a favorable disposition in the civil action absolve the administrative liability of the lawyer. **The basic premise is that criminal and civil cases are altogether different from administrative matters, such that the disposition in the first two will not inevitably govern the third and vice versa**. x x x.^[31]
(Emphasis and underscoring supplied)

In this relation, the Court, in *Bayonla v. Reyes*,^[32] observed that "the simultaneous pendency of an administrative case and a judicial proceeding related to the cause of the administrative case, **even if the charges and the evidence to be adduced in such cases are similar, does not result into or occasion any unfairness, or prejudice, or deprivation of due process to the parties in either of the cases**."^[33]

Meanwhile, in *Esquivias v. Court of Appeals*,^[34] which involved a lawyer's act that was subject of both a disbarment proceeding and a related civil case for the nullity

of a deed of sale, the Court held:

[T]he judgment on the disbarment proceedings, **which incidentally touched on the issue of the validity of the deed of sale, cannot be considered conclusive** in another action where the validity of the same deed of sale is merely one of the main issues. At best, such judgment may only be given weight when introduced as evidence, **but in no case does it bind the court in the second action.**^[35] (Emphases and underscoring supplied)

Verily, the independency of criminal, civil, and administrative cases from one another – irrespective of the similarity or overlap of facts – stems from the **basic and fundamental differences of these types of proceedings** in terms of purpose, parties-litigants involved, and evidentiary thresholds. *These key foundational distinctions constitute the rationale as to why a disposition in one case would not affect the other.* To briefly recount:

(1) **As to purpose**, criminal actions are instituted to determine the penal liability of the accused for having outraged the State with his/her crime;^[36] civil actions are for the enforcement or protection of a right, or the prevention or redress of a wrong; ^[37] while administrative disciplinary cases against lawyers are instituted in order to determine whether or not the lawyer concerned is still fit to be entrusted with the duties and responsibilities pertaining to the office of an attorney.^[38]

(2) **As to the party-litigants involved**, criminal actions are instituted in the name of the State, *i.e.*, People of the Philippines, against the accused, and the private complainant, if any, is regarded merely as a witness for the State;^[39] in civil actions, the parties are the plaintiff, or the person/entity who seeks to have his right/s protected/enforced, and the defendant is the one alleged to have trampled upon the plaintiff's right/s; in administrative proceedings against lawyers, there is no private interest involved and there is likewise no redress for private grievance as it is undertaken and prosecuted solely for the public welfare and for preserving courts of justice from the official ministrations of person unfit to practice law,^[40] and the complainant is also deemed as a mere witness.^[41]

(3) **As to evidentiary thresholds**, criminal proceedings require proof beyond reasonable doubt; civil actions necessitate the lower threshold of preponderance of evidence;^[43] and administrative disciplinary proceedings against lawyers need only substantial evidence.^[44]

Again, owing to these basic and fundamental differences, a finding in one type of case should have **no binding determinative effect** in the disposition of another. *This is because a civil, criminal or administrative proceeding must be adjudged according to the case type's own peculiar and distinct parameters.* Accordingly, the dissent's fear that the findings in an administrative case would undermine the findings made in a separate civil or criminal case involving related facts is a mere impression that is more notional than conceptual.^[45]

In light of the foregoing, the fact that the validity of the Compromise Agreement has yet to be determined in a civil case will **not** — as it should not — preclude the Court from looking into respondent's acts in relation to the execution of the same agreement if only to determine if respondent is still worthy to remain as a member