

FIRST DIVISION

[A.C. No. 12876 [Formerly CBD Case No. 15-4823], January 12, 2021]

PETER LANCE DILLON, COMPLAINANT, VS. ATTY. NAPOLEON C. DE QUIROZ, RESPONDENT.

D E C I S I O N

PERALTA, C.J.:

Before us is a Complaint for Disbarment^[1] filed by Lance Peter Dillon (Dillon) before the Integrated Bar of the Philippines-Commission on Bar Discipline (*IBP-CBD*) seeking to disbar the respondent Atty. Napoleon C. De Quiroz (*Atty. De Quiroz*), for allegedly violating the Lawyer's Oath and the Code of Professional Responsibility (*CPR*).

The facts are as follows.

Complainant maintains that in April 2014, he engaged the services of the respondent to represent him in Criminal Case No. 469594-CR for Falsification of a Public Document he filed against one Anna Maria Mapili (*Mapili*) before the Metropolitan Trial Court (*MeTC*) of Manila, Branch 9. The complainant made an initial payment upon engagement and additional payments for court appearances, but according to the latter, the respondent failed to issue a single receipt for moneys received. According to the complainant, respondent has committed several lapses in handling the aforementioned criminal case as the latter repeatedly failed to communicate with him regarding the status of the case. In addition, it was alleged that the respondent failed to answer the complainant's email and the respondent failed to attend a court hearing on November 6, 2014. Likewise, the complainant averred that the respondent falsified the Judicial Affidavit^[2] (*JA*) of the complainant which was submitted in the aforementioned case.

Subsequently, the complainant lost in the criminal case he filed against Mapili. As a result, he instituted the present case against the respondent for gross incompetence and extreme negligence.

Meanwhile, the respondent in his defense, denies the accusations of the complainant. He asserts that he never disregarded the rights of the complainant nor has he committed repeated and continued procedural failures. Further, he claimed that he exercised honesty, integrity and trustworthiness in all dealings with the complainant in relation to Criminal Case No. 469594-CR. Moreover, the respondent was the fourth (4th) law office to handle the said criminal case since the information was filed before the MeTC Branch 9 in Manila on November 12, 2012.

According to the respondent, on May 6, 2014, he, together with his fiancée, Ms. Debbie Saturno, met with the complainant for the first time at Horizon Plaza Hotel in

Madaluyong City, where he was introduced to him by Ms. Haidelisa Husmillo (*Ms. Husmillo*), Director of First Magellan Overseas Corporation. At that time, complainant needed a lawyer to attend a scheduled hearing on May 8, 2014 of his case against Mapili pending before the MeTC, Branch 9 in Manila. After the complainant gave a brief background of the said criminal case, the respondent appraised him of his rights and explained to him the court procedure, the causes of actions in relation to the case and the probable period of trial, among others. Thereafter, the parties entered and signed a Contract of Legal Services^[3] and complainant likewise signed the Entry of Appearance^[4] for the respondent. An acceptance fee of Forty Thousand Pesos (P40,000.00) was paid by the complainant thru Ms. Husmillo. The respondent gave the corresponding receipt to Ms. Husmillo.

Further, the respondent maintains that the complainant was present during the hearing on May 8, 2014 when the Presiding Judge, Hon. Yolanda M. Leonardo (*Judge Leonardo*), ordered the referral of the case to the Philippine Mediation Center and set the pre-trial/preliminary conference on July 24, 2014. A photocopy of the said Order^[5] was given to the complainant by the respondent. Also, the respondent sent an email dated June 11, 2014 to the complainant reminding him of the pre-trial/preliminary conference on July 24, 2014. However, despite notice, the complainant did not attend the hearing on July 24, 2014 and only the respondent was present. In an email dated August 13, 2014, respondent informed the complainant that during the hearing on July 24, 2014, Judge Leonardo set the case for Judicial Dispute Resolution (JDR) on August 5, 2014. Again, the complainant failed to attend the JDR on the said date. Thus, the same was reset to August 26, 2014.

Later on, respondent, thru email, informed the complainant of the scheduled JDR and requested that complainant send a Special Power of Attorney^[6] (SPA) authorizing the former to represent the latter in the case. For failure of the complainant to appear and to send the SPA to the respondent, the JDR on August 26, 2014 was terminated and the case was set for trial on November 6, 2014. On November 6, 2014, respondent admits that he failed to attend the scheduled hearing as he was not feeling well. However, the respondent sent his secretary to inform the court. The court then directed the prosecution to submit the JA of the complainant within fifteen (15) days. On November 8, 2016, complainant and respondent began discussing the contents of the JA. On November 24, 2014, respondent sent an email to the complainant for the latter to sign his JA. However, since complainant was no longer around and the JA had to be filed on November 24, 2014, respondent submitted the JA of the complainant which he signed on behalf of the complainant.

On the same day, respondent sent to the complainant, thru email, a copy of his JA as filed with the court. Complainant was unhappy with the JA filed by the respondent and so on December 16, 2014, thru an email, complainant terminated the services of the respondent. On January 15, 2015, complainant, thru another email, requested the respondent to file his formal withdrawal in the said criminal case. Likewise, the complainant extended his gratitude to the respondent for helping him with his case. On February 5, 2015, respondent filed with the MeTC, Branch 9 in Manila, his Withdrawal of Appearance which was noted by the court in an Order^[7] dated February 16, 2015. On September 28, 2015, respondent received an email from the complainant informing him that his case was dismissed and that he will file

a complaint against Judge Leonardo with the Ombudsman and will seek her dismissal together with the fiscal. Complainant also threatened to file a complaint for disbarment against the respondent and Atty. Agdon, the lawyer who took over the case. Lastly, complainant demanded that the respondent return all expenses he incurred totaling to One Hundred Ninety-Six Thousand Pesos (PI96,000.00), file an appeal immediately, and commence and prosecute a civil action against Mapili entirely at respondent's cost. For the respondent, the action of the complainant constitutes blackmail and extortion.

On June 28, 2016, respondent filed his Pre-Trial Brief.^[8] Later, on July 1, 2016, a Mandatory Conference was held attended only by the respondent. An Order was then issued giving the complainant an addition period of ten (10) days within which to submit his mandatory conference brief and, likewise, directed the parties to submit their verified position papers.

On August 1, 2016, the IBP-CBD received the complainant's Mandatory Conference Brief.^[9] On the other hand, the respondent filed his Verified Position Paper^[10] with supporting documents, while the complainant submitted his Position Paper^[11] on August 15, 2016. On October 12, 2016, an Order^[12] was issued directing the respondent to submit the missing annexes to his Position Paper and ordering him to furnish the complainant all annexes to his Position Paper. Later on, the respondent filed his compliance on December 22, 2016.

Upon a thorough evaluation of the evidence presented by the parties in their respective pleadings, the IBP-CBD submitted its Report and Recommendation^[13] dated January 30, 2017 finding Atty. De Quiroz to have fallen short of the standards required of him as private prosecutor in Criminal Case No. 469594. Thus, the IBP Investigating Commissioner found Atty. De Quiroz administratively liable for violating the basic rule of signing the JA for and in behalf of his client without the requisite authority to do so and recommended that he be meted the penalty of suspension from the practice of law for three (3) months.

In a Resolution^[14] dated November 29, 2017, the IBP Board of Governors (*IBP-BOG*) resolved to adopt the findings of fact and recommendation of the Investigating Commissioner, with modification, to reduce the recommended penalty of suspension from the practice of law to one (1) month, there being no bad faith on the part of the respondent and it being his first offense. Atty. De Quiroz moved for partial reconsideration stating that he was fully authorized by the complainant to sign the JA through an SPA the latter executed and signed in favor of the former. However, the reconsideration was denied by the IBP Board of Governors through a Notice of Resolution^[15] dated June 18, 2019.

On March 12, 2020, the IBP-CBD transmitted to the Court the Notices of Resolution and records of the case for appropriate action.

The Issue Before the Court

The essential issue in this case is whether or not respondent should be held administratively liable for violating the Code of Professional Responsibility when he