# THIRD DIVISION

# [ A.C. No. 12826, February 01, 2021 ]

## ROMEO ADAN AND CIRILA ADAN, COMPLAINANTS, VS. ATTY. JEROME NORMAN L. TACORDA, RESPONDENT.

## D E C I S I O N

**DELOS SANTOS, J.:**

The Court resolves this Complaint[1] filed by Romeo Adan and Cirila Adan (collectively, complainants) against Atty. Jerome Norman L. Tacorda (respondent) for malpractice, gross misconduct, and violation of the Lawyer's Oath.

### Factual Antecedent

Respondent, whose law office is located in Intramuros, Manila, served as counsel for complainants in a criminal case for Perjury, entitled "*People of the Philippines v. Romeo Adan & Cirila Adan*," docketed as Criminal Case No. 16-14719 (perjury case) before the Municipal Trial Court in Cities of Calbayog City, Samar.[2] Complainants, as the accused in the said case, were scheduled to be arraigned on March 6, 2017. On two occasions prior, particularly on January 22, 2017 and March 4, 2017, complainants sent money to respondent in the amounts of P4,290.00 and P3,050.00, respectively, which were intended to pay for respondent's professional fees and transportation expenses from Manila to Calbayog City.[3]

On March 6, 2017, the scheduled arraignment of complainants was held in abeyance due to a Motion to Quash[4] filed earlier by respondent, and a hearing on the motion was set on March 13, 2017.[5] On said date, respondent, along with complainants, attended the hearing on the Motion to Quash, and the same was submitted for resolution.[6]

A few days after the hearing, complainants suddenly received a copy of a motion filed by respondent in the same case entitled "Motion to Issue Show Cause Order to Both of the Accused in Misleading the Court as to their Falsified Address,"[7] (Motion to Issue Show Cause Order) which was dated February 28, 2017. Respondent, through this Motion to Issue Show Cause Order, claimed that the address given by complainants for the purpose of posting bail was "false and misleading," and continued to state that:

> 3) [As] such [both] the accused mislead this Honorable Court by falsifying their given address in order for them to evade the processes and order of this court or perhaps [absconding] from some lawful debt or for whatever reasons;
>
> 4) That even this [representative] has a hard time [locating] and

> [contacting] their whereabouts, moreover frequently **evading the payments of attorney's fees and legal and legitimate expenses** in connection [with] their cases[.][8] (Emphasis supplied)

On March 17, 2017, complainants contacted respondent through text message as regards the said Motion, but he merely replied with "*MGA ESTAPADOR. MGA ULOL*" and "*SIRA ULO KAYO SI ROMY AT DIDANG*."[9]

In their Complaint dated March 30, 2017, complainants stated that although the Motion to Issue Show Cause Order was already drafted on February 28, 2017, respondent did not inform them of any problem relating to his compensation - even when both parties met during the March 13, 2017 hearing. Instead, respondent proceeded to file the Motion to Issue Show Cause Order, which was contrary to complainants' cause, without their knowledge or consent.[10]

Complainants also claimed that it was respondent who gave them the idea to use the address of Tarcisio Vibar (Vibar), another client of respondent who referred the complainants to him, as respondent knew of Vibar's residence and that they also reside in Catarman, Northern Samar.[11] Furthermore, complainants stated that respondent's allegation that they had been evading the payment of attorney's fees was incorrect, as respondent said, presumably in a text message, that there was "NO COST AND NO MONEY INVOLVED FOR HIS SERVICES AND IT IS ONLY FOR FREE." However, during times when complainants were unable to send money to respondent, the latter would send them insulting, degrading, and offensive text messages, such as "*DI AKO PAO NA LIBRE AND SERBISYO KO, MGA ULOL*."[12]

In his Verified Answer[13] dated June 13, 2017, respondent claimed that he engages his clients, mostly from Samar (including complainants), on a "modified *pro bono* basis," where only transportation expenses are charged. While respondent acknowledged having received the money sent by complainants on January 22 and March 4, 2017, he claimed that the same was "not commensurate to the efforts and traveling expenses" he incurred as counsel for complainants, and was actually paid for by Vibar. Moreover, respondent stated that the P3,050.00 he received on March 4, 2017 was insufficient to cover his P8,000.00 plane ticket from Manila to Calbayog City and that he had to shoulder the difference.[14]

Respondent admitted to having filed the Motion to Issue Show Cause Order against complainants sometime in February 2017, as he claimed that they provided the court with a false address in the perjury case (for which respondent was their counsel) for the purpose of posting bail.[15] Respondent further admitted to the text messages he sent to complainants and stated that these were "a product of disappointment" as complainants had allegedly made it public that he was the one who facilitated their arrest in the same case.[16]

## IBP Report and Recommendation

In a Report and Recommendation[17] dated January 11, 2019, the Integrated Bar of the Philippines (IBP) Investigating Commissioner Romualdo A. Din, Jr. (Commissioner Din, Jr.) found respondent liable for misconduct and recommended a penalty of suspension from the practice of law for three (3) months, taking into

consideration that this was respondent's "first infraction and no irreparable prejudice resulted to the complainants."[18]

Commissioner Din, Jr. found that the filing of the Motion to Issue Show Cause Order by respondent was unwarranted and in violation of the Lawyer's Oath. The contents of the Motion revealed that the same was filed primarily for the purpose of pressuring complainants to pay and belied his claim that their fee arrangement was on a "modified *pro bono* basis". He also found that the Motion prejudiced complainants and delayed them for money or malice - in violation of respondent's oath and duty as counsel.[19]

Respondent's conduct was also found to be in violation of Canon 15[20] of the Code of Professional Responsibility (CPR) for failing to observe his duty of fidelity to his clients, and to conduct himself with integrity in a manner beyond reproach.[21]

The IBP Board of Governors, in a Resolution[22] dated May 27, 2019, resolved to adopt the findings of fact of Commissioner Din, Jr., but modified the penalty recommended to three (3) months suspension from the practice of law and a fine of P10,000.00 for respondent's failure to attend the mandatory hearing and file the necessary pleadings before the IBP.

**Our Ruling**

After a careful review of the case, the Court finds that the acts of respondent constitute misconduct, in violation of his oath as a member of the Bar and several provisions of the CPR.

While acting as counsel for complainants in the perjury case, respondent filed the Motion to Issue Show Cause Order against his own clients without their knowledge and consent. Whatever justification respondent might have in filing the same, he had incontrovertibly shown his unwillingness to remain faithful to his clients' cause by failing to address or resolve the issue himself and unabashedly seeking to hold them in contempt for something he failed to address as their counsel. By his own admission, respondent knew that the address complainants gave for the purpose of posting bail in the perjury case was incorrect as it was actually the address of Vibar whom respondent was very familiar with. To protect his own interest, however, respondent had more or less acted in a manner that directly conflicted or opposed complainants' cause.

In filing the Motion to Issue Show Cause Order against his own clients - which if granted would have been prejudicial to their cause - respondent violated Canons 15 and 17 of the CPR, to wit:

> CANON 15 - A lawyer shall observe candor, fairness, and loyalty in all his dealings and transactions with his client.
>
> CANON 17 - A lawyer owes fidelity to the cause of his client and shall be mindful of the trust and confidence reposed in him.

Moreover, by alluding in the Motion to Issue Show Cause Order that complainants may be absconding from some debt and that they had been evading payments for