

## EN BANC

[ A.C. No. 12701 (C.B.D. 12-3626), February 26, 2020 ]

**FRANCISCO PAGDANGANAN, COMPLAINANT, VS. ATTY. ROMEO C. PLATA, RESPONDENT.**

### DECISION

**Hernando, J.:**

This administrative case for disbarment arose from a verified Complaint<sup>[1]</sup> dated November 12, 2012 filed by Francisco Pagdanganan (Pagdanganan) against respondent, Atty. Romeo C. Plata (Atty. Plata), before the Integrated Bar of the Philippines (IBP).

#### The Antecedents

The history of the two opposing parties go way back. Atty. Plata is the legal counsel of Jose F. Eustaquio (Eustaquio), the legitimate owner of a land in Taytay, Rizal with Original Certificate of Title No. 1921.<sup>[2]</sup> Pagdanganan is a member of the Samahang Maralita ng Sitio Bato-Bato Neighborhood Association, Inc. (SAMANAI). Other members of the organization include Yolanda Morales (Morales), the President; Rodolfo Rigor (Rigor); Merly de Loyola (Loyola), Pagdanganan's common-law wife; Rufina Francisco (Francisco); Amavilla Baylon (Baylon); and Salome Rotaquio (Rotaquio). SAMANAI is represented by their legal counsel, Atty. Clifford Equila (Atty. Equila), and attorney-in-fact, Liza Santiago.

On May 5, 2009, SAMANAI, through its members and representatives, entered into a contract to sell<sup>[3]</sup> with Eustaquio to buy and occupy a portion of said land. When SAMANAI failed to pay the remaining balance in monthly installments of the agreed contract terms, Eustaquio filed a complaint for unlawful detainer docketed as Civil Case No. 2087-11 against Spouses Nestor and Yolanda Morales and all persons claiming rights under the land, including herein complainant, Pagdanganan.

On April 16, 2012, the Municipal Trial Court of Taytay, Rizal rendered a Decision<sup>[4]</sup> in Civil Case No. 2087-11 in favor of Eustaquio, ordering the representatives of SAMANAI to, among others, vacate the property, demolish the houses built thereon, and pay Eustaquio rent money until the portion of the land is completely vacated.<sup>[5]</sup>

Atty. Plata admitted that various civil, criminal and administrative cases were also filed by Eustaquio against Atty. Equila and Morales, such as Grave Threats, Qualified Theft, Disbarment and Revocation of Notarial Commission, all of which are still pending in their respective jurisdictions.<sup>[6]</sup>

In the Grave Threats case filed against him, Atty. Equila submitted his counter-affidavit together with the *Sinumpaang Salaysay*<sup>[7]</sup> dated July 31, 2012 executed and signed by the different members of SAMANAI, except herein complainant,

Pagdanganan. Instead of Pagdanganan's own signature, Loyola signed her name above Pagdanganan's printed name in the *Sinumpaang Salaysay*.<sup>[8]</sup>

For the alleged unfair and untruthful statements made in the *Sinumpaang Salaysay* against him and his client, Atty. Plata filed a case<sup>[9]</sup> for Perjury with Damages on September 11, 2012 against Atty. Equila, Morales, Rigor, Loyola, Francisco, Baylon, Rotaquio and herein complainant, Pagdanganan. In his Complaint-Affidavit,<sup>[10]</sup> Atty. Plata prayed for the following: Ten Million Pesos (P10,000,000.00) as moral damages; Ten Million Pesos (P10,000,000.00) as exemplary damages; and Five Hundred Thousand Pesos (P500,000.00) as litigation expenses.<sup>[11]</sup>

Thus, Pagdanganan filed this Complaint<sup>[12]</sup> against Atty. Plata with the Commission on Bar Discipline (CBD) of the IBP. Pagdanganan alleged, both in his Complaint and Position Paper,<sup>[13]</sup> that he was not a signatory to the *Sinumpaang Salaysay*, hence, his inclusion as defendant in the perjury case was "not candid nor fair."<sup>[14]</sup> He also alleged that the staggering amount of damages being prayed for was "a mockery of [the] legal system."<sup>[15]</sup> The pertinent portions of the Complaint read:

6. Respondent alleged that he is a reputable practitioner but complainant's inclusion to the perjury case contradicts such claim. Likewise, complainant's inclusion in the perjury with damages and the case itself filed by respondent is to intimidate complainant and others in order not to testify in several cases connected to the fraudulent sale between Jose Eustaquio and occupants of a parcel of land located in Sitio Malamok, Brgy. Dolores, Taytay, Rizal;

7. It is not candid nor fair for the respondent knowingly to include complainant in the perjury case when the latter is not signatory to the *sinumpaang salaysay*. The perjury case with P20,000,000.00 damages filed by respondent against herein complainant is an act done contrary to justice, honesty, modesty and good morals. The filing of perjury case with P20,000,000.00 damages against respondent is intended merely to harass, to injure, and oppress the complainant;

8. These practices committed by respondent are unprofessional and unworthy of an officer of the law charged with the duty of aiding in the administration of justice. Respondent committed serious misconduct and a willful violation of the lawyer's oath.

#### PRAYER

WHEREFORE, it is respectfully prayed that the respondent be disbarred from the practice of law. In the meantime, respondent should be suspended while investigation and hearing are conducted and likewise, respondent be restrained from visiting in the house of complainant for the former's possibility of threat against the latter.<sup>[16]</sup>

In his Answer<sup>[17]</sup> and Position Paper,<sup>[18]</sup> Atty. Plata averred that the disbarment case filed by Pagdanganan "is absolutely a nuisance suit devoid of any merit that is cleverly designed to harass a reputable member of the legal profession."<sup>[19]</sup> Furthermore, Atty. Plata justified the amount of damages prayed for, stating that the damages are "a necessary consequence for tarnishing [his] good name and

reputation."<sup>[20]</sup> Lastly, Atty. Plata emphasized his intent to file, commence and/or institute another perjury case with damages, *et al.*, against Pagdanganan.<sup>[21]</sup>

### ***The Report and Recommendation of the IBP CBD***

In his Report and Recommendation<sup>[22]</sup> dated February 5, 2016, Investigating Commissioner Eduardo R. Robles (Commissioner Robles) of the CBD recommended that Atty. Plata be suspended from the practice of law for a period of two years. The Report and Recommendation reads in part:

The respondent, although already confronted with the dilemma of having unjustifiably criminally sued Francisco Pagdanganan for Perjury with Damages [even as Pagdanganan did not sign the supposedly untruthful Sinumpaang Salaysay], did not express remorse. The respondent even went ahead to find/offer silly excuses for having sued Francisco Pagdanganan as well. Arrogance in the face of a lost cause is what it is.

There is some point in herein complainant's thesis that the respondent meant to intimidate him (complainant).

It is bothersome that the respondent did not retreat from his mistaken legal position of suing for perjury with damages one who did not sign the allegedly-offending Sinumpaang Salaysay. It is more bothersome that the respondent would even justify his cruel legal position by indicating in the Answer that he filed in this administrative case that he was expressly reserving "that he will institute, commence and file another perjury case with damages, *et al.* against herein complainant, Francisco Pagdanganan."

There is no question here that the respondent is guilty of misconduct. He abused his prerogatives as a lawyer to intimidate those who displease him. He ill-treats the lowly.

UPON THE FOREGOING, it is recommended that the respondent Atty. Romeo C. Plata be suspended from the practice of law for a period of two (2) years.<sup>[23]</sup>

### ***The Resolutions of the IBP Board of Governors (BOG)***

On February 22, 2018, the BOG of the IBP passed a Resolution<sup>[24]</sup> adopting the findings of fact and recommendation of the Investigating Commissioner of the CBD.

On June 17, 2019, the BOG passed another Resolution,<sup>[25]</sup> denying Atty. Plata's Motion for Reconsideration, "there being no new reasons or arguments adduced to justify the reversal of the previous decision of the Board of Governors."<sup>[26]</sup>

Thus, this Appeal,<sup>[27]</sup> questioning the said Resolution before the Court on the ground that the Resolution was not "in accordance with law, evidence adduced and applicable jurisprudence."<sup>[28]</sup>

### **The Issue**

Whether Atty. Plata is guilty of misconduct meriting his suspension from the practice of law for two years.

### **The Court's Ruling**

The Court adopts the findings and the recommendation of the IBP.

It has been consistently emphasized by the Court that "membership in the bar is a privilege burdened with conditions. It is bestowed upon individuals who are not only learned in law, but also known to possess good moral character, x x x honesty, and integrity, x x x in order to promote the public's faith in the legal profession."<sup>[29]</sup>

However, when lawyers, in the performance of their duties, act in a manner that prejudices not only the rights of their clients, but also of their colleagues and their colleagues' clients, appropriate disciplinary measures under the law, such as suspension and disbarment, must apply to rectify their wrongful acts.<sup>[30]</sup> Section 27, Rule 138 of the Rules of Court, as amended, provides:

*SEC. 27. Disbarment or suspension of attorneys by Supreme Court; grounds therefor.* - 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 disobedience of any lawful order of a superior court, or for corruptly or willfully appearing as an attorney for a party to a case without authority so to do. The practice of soliciting cases at law for the purpose of gain, either personally or through paid agents or brokers, constitutes malpractice.

Applying the above provision, a perusal of the records of the case would show that Atty. Plata's acts against Pagdanganan constitute gross misconduct and a violation of the Lawyer's Oath, which are clear grounds for his suspension.

Gross misconduct has been defined as any inexcusable, shameful or flagrantly unlawful conduct on the part of the person involved in the administration of justice, conduct that is prejudicial to the rights of the parties or to the right determination of the cause. Such conduct is generally motivated by a premeditated, obstinate or intentional purpose, but does not necessarily imply corruption or criminal intent.<sup>[31]</sup>

The Court, in this administrative case, cannot resolve whether it is fair to include Pagdanganan in the perjury case, considering that he did not sign the *Sinumpaang Salaysay*, since this is a matter best resolved by the office where the perjury case is pending. However, the following acts by Atty. Plata clearly constitute gross misconduct as contemplated in the law:

- (1) Atty. Plata's act of filing yet another case against Pagdanganan, after admitting that there are various criminal and administrative cases still pending against him and the other members of SAMANAI; and
- (2) Atty. Plata's act of reserving in his Answer to the administrative case that he will file, commence and/or institute another perjury case with damages against Pagdanganan specifically.