

EN BANC

[A.C. No. 12103, June 23, 2020]

JESUS DAVID, COMPLAINANT, VS. ATTY. DIOSDADO M. RONGCAL, ATTY. ILDEFONSO C. TARIO, ATTY. MARK JOHN M. SORIQUEZ, ATTY. EMILIANO S. POMER, ATTY. MARILET SANTOS-LAYUG, AND ATTY. DANNY F. VILLANUEVA, RESPONDENTS.

DECISION

PER CURIAM:

This is a verified complaint for disbarment against six lawyers who allegedly filed various motions so as to delay the execution of a judgment that has long been final and executory.

The Factual Antecedents

Respondents Atty. Diosdado M. Rongcal (**Atty. Rongcal**), Atty. Ildefonso C. Tario (**Atty. Tario**), Atty. Mark John M. Soriquez (**Atty. Soriquez**), Atty. Emiliano S. Pomer (**Atty. Pomer**), Atty. Marilet Santos-Layug (**Atty. Santos-Layug**), and Atty. Danny F. Villanueva (**Atty. Villanueva**) were lawyers of Danilo Cordova (Cordova).

On the other hand, complainant Jesus David (**David**) is the heir of Leonardo T. David (Leonardo) who was the plaintiff in a case for forcible entry, entitled "*Leonardo T. David v. Danny Cordova, et al.*," that was filed before the First Municipal Circuit Trial Court (MCTC) of Dinalupihan-Hermosa, Bataan docketed as Civil Case No. 1067. On January 20, 1998, the MCTC ruled in favor of Leonardo and ordered the defendants to vacate Lot No. 774 covered by Transfer Certificate of Title (TCT) No. T-206001. On July 28, 2005, the Supreme Court upheld the MCTC Decision. Accordingly, an Entry of Judgment was issued on December 16, 2005.^[2]

Subsequently, David moved for the issuance of a writ of execution before the MCTC. However, Atty. Rongcal, in behalf of Cordova, filed a Motion to Suspend Proceedings^[3] seeking to suspend the issuance of a writ in favor of David. He averred that on December 5, 2006, the Department of Agrarian Reform (DAR) issued an Order declaring his client Cordova the owner of the subject land. TCT-Certificate of Land Ownership Award (CLOA) Nos. 15412, 15413, and 15414 were thereafter issued in his name. As a result thereof, Cordova filed a complaint for nullity of TCT No. T-206001 against the late Leonardo before the Regional Trial Court (RTC) of Bataan. Hence, Atty. Rongcal sought the suspension of the issuance of a writ of execution while the RTC case is still pending.

The MCTC, in its twin Orders^[4] dated June 23, 2006, denied the motion to suspend proceedings but granted Leonardo's motion for issuance of a writ of execution and directed the issuance of the said writ. Atty. Rongcal then filed a Motion for Reconsideration^[5] but it was denied for lack of merit by the MCTC in its Order dated

September 21, 2006.^[6]

David subsequently filed a Motion for the Issuance of a Special Order of Demolition and Break Open. However, Atty. Rongcal filed a Motion for Inhibition^[7] dated December 4, 2006 alleging that Presiding Judge Erasto D. Tanciongco (Judge Tanciongco) acted with partiality in favor of Leonardo and his heirs: Judge Tanciongco then inhibited himself from the case.^[8] Judge Ma. Cristina M. Pizarro was appointed as acting presiding judge of the MCTC only on October 3, 2007.

Later on, Atty. Tario filed a Motion to Quash Writ of Execution^[9] dated December 17, 2007 and a Manifestation^[10] dated January 15, 2008. The MCTC, on May 15, 2008, denied the motion and ordered the issuance of a special order of demolition and break open.^[11]

Atty. Tario filed another motion, this time a Motion to Clarify Order and Writ^[12] dated July 9, 2008. In its Order^[13] dated May 4, 2009, the MCTC denied the motion stating that it was merely filed as a dilatory tactic.

It was only after seven years, or on December 4, 2012, that the MCTC was able to issue a writ of demolition. However, Atty. Soriquez, acting for Cordova, filed a Complaint for Injunction against David before the RTC of Bataan. On February 27, 2013, he filed an Amended Complaint for Injunction (with Prayer for the Issuance of a Writ of Preliminary Injunction and Temporary Restraining Order)^[14] seeking to enjoin the implementation of the writ of demolition against his client, Cordova.

David filed an Urgent Manifestation before the RTC informing the trial court that the MCTC Decision sought, to be enjoined has long been final and executory. In turn, Atty. Pomer filed an Urgent Counter-Manifestation (with Motion for Issuance of Subpoenas)^[15] dated March 8, 2013.

Acting on the motions of Cordova's counsels, the RTC initially issued a writ of preliminary injunction enjoining the execution of the MCTC Decision. However, it subsequently recalled its Order thereby allowing David to proceed with the execution.^[16]

Unfortunately, Cordova, this time through Atty. Santos-Layug, filed an Urgent Motion to Quash and/or Recall Writ of Demolition that was issued on December 4, 2012 with Entry of Appearance.^[17] Atty. Villanueva, also in Cordova's behalf, subsequently filed a Very Urgent *Ex Parte* Reiterative Manifestation and Motion^[18] which also prayed to defer and to hold in abeyance the enforcement of the writ until finality of the lifting and/or recall of the writ of preliminary injunction previously issued by the RTC of Bataan.

Atty. Villanueva likewise subsequently filed a Recusation^[19] seeking the inhibition of then MCTC Presiding Judge Franco Paulo Arago from resolving the two previous motions he and Atty. Santos-Layug filed in behalf of their client. He also filed a Comment/Opposition^[20] praying for the recall and lifting of the writ of demolition.

Based on the above backdrop, David filed the instant complaint against respondent

lawyers. He alleged that the respondent lawyers had conspired in filing frivolous motions thereby stalling the execution of the MCTC Decision for almost 16 years. David also averred that the respondent lawyers have consciously adopted Cordova's claim that the TCT-CLOA Nos. 15412, 15413, and 15414 were issued in his name despite knowing that these were fake and spurious.

Only Atty. Rongcal and Atty. Villanueva filed their separate answers. In his answer, Atty. Rongcal claimed that he represented Cordova because he sincerely believed that his client has a valid and legal title over the subject land. On the other hand, Atty. Villanueva asserted that he was merely protecting the interest of Cordova as the owner of the subject land pursuant to the TCT-CLOAs that were issued by the DAR after the MCTC Decision became final and executory.

Report and Recommendation of the Integrated Bar of the Philippines:

On December 19, 2013, Investigating Commissioner Erwin A. Aguilera (Aguilera) conducted a mandatory conference between the parties. Afterwards, the parties were directed to submit their respective position papers.

On January 20, 2014, Attys. Soriquez, Pomer and Santos-Layug filed their Position Paper^[21] alleging that the execution of the final and executory MCTC Decision can still be restrained because of a supervening event that is, the issuance of the TCT-CLOAs to Cordova as the owner of the subject land. Thus, the complaint against them should be dismissed for lack of factual or legal basis as it was only filed to strike fear in their hearts for defending Cordova.

Notably, Atty. Tario neither filed an answer nor a position paper in the case at bench.

In his Report and Recommendation^[22] dated April 30, 2014, Investigating Commissioner Aguilera recommended the dismissal of the complaint.

However, the Integrated Bar of the Philippines (IBP) Board of Governors issued Resolution No. XXI-2014-823^[23] on October 11, 2014 reversing the recommendation of the Investigating Commissioner. It recommended that Atty. Tario, Atty. Soriquez, Atty. Pomer, Atty. Santos-Layug and Atty. Villanueva be suspended from the practice of law for a period of one year and Atty. Rongcal for a period of three years, considering that he was previously sanctioned by the IBP in *Vitug v. Atty. Rongcal*^[24] docketed as A.C. No. 6313.

Aggrieved, respondent lawyers moved for reconsideration.

In the Resolution No. XXII-2017-809^[25] dated January 27, 2017, the IBP Board of Governors granted respondent lawyers' motion for reconsideration, viz.:

RESOLVED to GRANT the Motion for Reconsideration and REVERSE the earlier decision of suspension from the practice of law for one (1) year and three (3) years to DISMISSAL of the administrative complaint as recommended by the Investigating Commissioner.

RESOLVED FURTHER to direct the National Director of the Commission on

Bar Discipline IPG Ramon S. Esguerra to prepare an extended resolution explaining the Board's action.

The Issue

Ultimately, the sole issue for resolution in this case is whether respondent lawyers committed acts in violation of their Oath and the Code of Professional Responsibility (CPR).

The Court's Ruling

The Court disagrees with the findings and recommendation of the IBP Board of Governors and holds that respondent lawyers Attys. Rongcal, Tario, Soriquez, Pomer, Santos-Layug and Villanueva should be held administratively liable.

Procedural rules are designed to serve the ends of justice. The rules ensure that the substantive rights of the parties are protected; hence, they must not be trifled with to the prejudice of any person.

Concomitantly, lawyers, as vanguards of the justice system, must uphold the Constitution and promote respect for the legal processes.^[26] As officers of the Court, they must not abuse or misuse Court processes so as to frustrate and impede the execution of a judgment.^[27] Further, lawyers have the utmost duty to exert every effort to assist in the speedy and efficient administration of justice. These duties of the lawyers are embedded in the CPR under the following Canons and Rules:

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

CANON 10 - A LAWYER OWES CANDOR, FAIRNESS AND GOOD FAITH TO THE COURT.

Rule 10.03 - A lawyer shall observe the rules of procedure and shall not misuse them to defeat the ends of justice.

CANON 12 - A LAWYER SHALL EXERT EVERY EFFORT AND CONSIDER IT HIS DUTY TO ASSIST IN THE SPEEDY AND EFFICIENT ADMINISTRATION OF JUSTICE.

Rule 12.04 - A lawyer shall not unduly delay a case, impede the execution of a judgment or misuse Court processes.

A thorough evaluation of the case shows that the respondent lawyers have violated the abovementioned rules.

To recapitulate, the MCTC Decision in Civil Case No. 1067 became final and executory, on December 16, 2005 as evidenced by an Entry of Judgment issued by this Court. However, it took seven years for the MCTC to issue a writ of demolition on December 4, 2012 due to the following motions filed by respondent lawyers: