

# EN BANC

[ A.C. No. 10461, July 30, 2019 ]

**DR. VIRGILIO RODIL, COMPLAINANT, V. ATTY. ANDREW C. CORRO, SAMUEL ANCHETA, JR. AND IMELDA POSADAS, RESPONDENTS.**

## DECISION

### PER CURIAM:

This administrative case arose from a letter-complaint<sup>[1]</sup> dated June 2, 2014, filed by complainant Dr. Virgilio Rodil (Dr. Rodil) against respondent Atty. Andrew C. Corro (Atty. Corro) before the Office of the Bar Confidant (OBC) of the Supreme Court. In a nutshell, Dr. Rodil alleged that Atty. Corro received PhP 10 Million for drafting a decision intended for the acquittal of a litigant whose case was pending before the Supreme Court.

### The Antecedents:

The alleged incident occurred when Atty. Corro was formerly detailed as a Court Attorney at the Office of then Supreme Court Associate Justice Martin S. Villarama, Jr. In his letter-complaint, Dr. Rodil averred that his friend, Atty. Ramel Aguinaldo (Atty. Aguinaldo), asked him if he had any connection with the Supreme Court who could help his client who had a pending criminal case docketed as G.R. No. 205227, entitled *People of the Philippines v. Marco Alejandro*. In the said case, the trial court convicted accused-appellant Marco Alejandro (Alejandro) for illegal sale of dangerous drugs under Section 5, Article II of Republic Act No. 9165 and sentenced him to serve life imprisonment. Since the Court of Appeals affirmed the decision of the trial court, the case was elevated to the Supreme Court by ordinary appeal.<sup>[2]</sup>

In view of this, Dr. Rodil contracted the assistance of respondents Imelda Posadas (Posadas), Records Officer II of the Reporters Division in the Court of Appeals, and Samuel Ancheta, Jr. (Ancheta), Records Officer III, Third Division of the Supreme Court, who purportedly both facilitated the alleged transactions with Atty. Corro. Relevantly, Ancheta gave Dr. Rodil information about Atty. Corro after finding out that the case was raffled to then Associate Justice Villarama. Eventually, in exchange for a favorable decision acquitting Alejandro, Atty. Corro allegedly asked for a total of Ten Million Pesos (PhP 10,000,000.00). Atty. Corro supposedly received the said amount at Max's Restaurant along Maria Orosa Street, Manila in four payments or installments: 1) PhP 800,000.00 on April 22, 2013 given by Dr. Rodil to Posadas who turned over the cash to Ancheta for delivery to Atty. Corro; 2) PhP 700,000.00 on August 12, 2013, again given by Dr. Rodil through Posadas who passed it on to Ancheta for delivery to Atty. Corro; 3) PhP 5 Million on December 13, 2013, when Dr. Rodil personally met Atty. Corro and his friend Rico Alberto; and 4) PhP 3.5 Million on February 21, 2014, which Dr. Rodil also gave to Atty. Corro with Rico Alberto as witness.<sup>[3]</sup>

Afterwards, Atty. Corro supposedly gave Ancheta the advanced copy of the decision in G.R. No. 205227 and instructed them to open the envelope outside Max's Restaurant, since other court employees might be around the establishment. Dr. Rodil later on discovered that the advanced copy was actually a fake after he requested an official copy of the decision in the Reporters Office of the Supreme Court. Dismayed, Dr. Rodil tried to contact Atty. Corro but he completely ignored the former. Because of this, Dr. Rodil sent his representative to the Office of then Associate Justice Villarama to find Atty. Corro. He subsequently learned that Atty. Corro had already resigned from the Supreme Court. This prompted Dr. Rodil to file a complaint against Atty. Corro. Hearings were then conducted in order to clarify what had transpired.<sup>[4]</sup>

During the initial hearing of the case on November 7, 2017, Dr. Rodil, represented by his counsel, Atty. Ric Juan, Jr., appeared. Both Ancheta and Posadas were present as well. However, although represented by his counsel, Atty. Jovian Jubert Dumlao (Atty. Dumlao), Atty. Corro failed to appear despite notice. Dr. Rodil testified that Atty. Aguinaldo, counsel of Alejandro in G.R. No. 205227, appropriated for himself the 11,294-square meter property titled to Dr. Rodil's daughter. Dr. Rodil explained that he was compelled to surrender the title to Atty. Aguinaldo because the latter's group harassed and threatened him since the family of Alejandro were awaiting the return of the Php10 Million bribe. Hence, Dr. Rodil stated that he initiated the complaint against Atty. Corro in order to retrieve the title of the lot which he was forced to surrender to Atty. Aguinaldo for supposed safekeeping. In addition, Dr. Rodil asserted that he exchanged several text messages with Atty. Corro.<sup>[5]</sup>

Meanwhile, through a Comment,<sup>[6]</sup> Atty. Aguinaldo averred that his group paid Php 10 Million to Dr. Rodil who solely transacted with Atty. Corro, Ancheta and Posadas. Atty. Aguinaldo alleged that Dr. Rodil deceived them when he assured them that an acquittal will be granted to Alejandro.<sup>[7]</sup>

During the March 6, 2018 hearing,<sup>[8]</sup> Posadas testified that Dr. Rodil asked her if she knew anyone who could help his lawyer-friend, Atty. Aguinaldo, who was handling a criminal case pending before the Supreme Court. Posadas then contacted Ancheta to ask about the status of the case and later found out who the *ponente* was. Ancheta then transacted with Atty. Corro who supposedly asked for an initial billing of Php 800,000.00 to review the case. Posadas informed Dr. Rodil of the said condition. Thus, on April 22, 2013, Dr. Rodil met Posadas outside the gate of the Court of Appeals to deliver the Php 800,000.00. Posadas then turned the money over to Ancheta, who in turn gave it to Atty. Corro at Max's Restaurant. The same arrangement was followed on August 12, 2013, which involved the amount of Php700,000.00. Thereafter, on December 13, 2013, after Dr. Rodil gave Posadas a bag containing the amount of Php 5 Million, she handed it over to Ancheta to give to Atty. Corro. Since Posadas wanted to see Atty. Corro in person, she followed Ancheta to Max's Restaurant. She subsequently saw Ancheta turn over the money to Atty. Corro from a distance of approximately 10 meters. Posadas left the restaurant and waited at the gate of the Court of Appeals. Afterwards, Ancheta gave to Posadas an envelope containing the draft decision, which she turned over to Dr. Rodil. However, Dr. Rodil demanded that the draft be made in proper form since the document was unsigned and did not have the Supreme Court letterhead. Afterwards, on February 21, 2014, Posadas met Dr. Rodil outside the gate of the Court of Appeals so that he could hand over to her the amount of Php 3.5 Million. Thereafter, Posadas again gave the money to Ancheta to be given to Atty. Corro.

The said payment was intended for the draft decision to be printed with the Supreme Court letterhead, for it to be signed by then Associate Justice Villarama, and for it to be stamped with "original signed" by the other Supreme Court Associate Justices.<sup>[9]</sup>

After several months, Dr. Rodil called Posadas to tell her that Atty. Aguinaldo got furious since the draft decision that they "bought" from Atty. Corro was exposed to be a fake decision. Posadas then contacted Ancheta who assured her that Atty. Corro will handle the situation. Since then, Atty. Corro could no longer be contacted or located.<sup>[10]</sup>

For his part, Ancheta<sup>[11]</sup> testified on July 31, 2018 that since Posadas is his friend, he helped her in the case of Alejandro. He approached his friend, Atty. Corro, to review the case and gave the documents to him. Days later, Atty. Corro called Ancheta over the phone and set a meeting with him at Max's Restaurant with a certain Rico Alberto. Atty. Corro informed Ancheta that after reading the records, Alejandro could secure a favorable decision but at a huge price, specifically PhP 10 Million.<sup>[12]</sup> Ancheta informed Posadas of the terms, who in turn informed Dr. Rodil. The next day, Posadas told Ancheta that the family of Alejandro is amenable to the demands of Atty. Corro. Notably, Ancheta admitted that he handed over the cash to Atty. Corro and that he introduced Dr. Rodil to Atty. Corro in the latter part of the transactions. Ancheta confirmed that Atty. Corro even gave Dr. Rodil his calling card. Thus, after full payment of PhP 10 Million was made, Atty. Corro handed over to Ancheta the sealed envelope purportedly containing an advanced copy of the decision for Alejandro's acquittal. Though, when Dr. Rodil inquired about the official release of the said decision, Atty. Corro assured him that the decision will soon be promulgated. Thereafter, Dr. Rodil discovered that the draft decision given to him was fake.<sup>[13]</sup>

After the complaint was filed against Atty. Corro, he was given several opportunities<sup>[14]</sup> to present his side but he failed to personally appear. Instead, his counsel, Atty. Dumlao, stated that they will submit a memorandum within 20 days from May 7, 2019. All the same, since the OBC believed that Atty. Corro did not have any intention to personally appear in any of the proceedings, it deemed it best to submit a report on Atty. Corro's case.

### ***The Report and Recommendation of the Office of the Bar Confidant (OBC)***

The OBC, in its Report and Recommendation<sup>[15]</sup> dated June 27, 2019, found that Atty. Corro, Ancheta and Posadas, as court employees, committed grave misconduct as they were parties to a corrupt practice in the government in order to secure a favorable ruling. However, the OBC limited itself to Atty. Corro's case since the cases of the other two court personnel, Ancheta and Posadas, should be referred to the Office of Administrative Services of the Supreme Court and the Court of Appeals, respectively.

Significantly, the OBC found that Atty. Corro vehemently disrespected the lawful orders of the Court by ignoring its series of resolutions. Instead of filing a comment on Dr. Rodil's complaint and complying with the show cause order, Atty. Corro found time in filing manifestations and ways to question the Court's processes. He even employed delaying tactics and treated the process server of the Court with disrespect. Hence, the OBC stated that Atty. Corro's acts constitute as willful

disobedience tantamount to gross misconduct and insubordination to the lawful orders of the Court which rendered him morally unfit to continue to become a member of the Bar.

The OBC noted an occasion in which Atty. Corro filed a manifestation praying that an administrative investigation be conducted on his case when he found out that the Court issued an unsigned resolution dated October 18, 2016 which, among others, submitted his case for resolution. The Court referred the case to the OBC for investigation yet Atty. Corro repeatedly and consistently refused to cooperate by not appearing at the scheduled hearings despite notice. The OBC similarly noted that Atty. Corro neglected his duty to uphold the dignity and authority of the Court and utilized delaying tactics to prolong the resolution of the case. He even informed the OBC that he will not appear in the hearings and will instead be represented by his counsel as he is allegedly always out of town working as a consultant in a mining company at a different province.

In light of these, the OBC ruled that Atty. Corro violated the Lawyer's Oath as well as Canon 1, Rule 1.01 of the Code of Professional Responsibility (CPR) when he repeatedly ignored court directives despite notice. More importantly, it held that Atty. Corro violated the law against bribery, graft and corruption for demanding and accepting the amount of Php10 Million. He used his position as a court attorney and an officer of the court, and betrayed the confidentiality of the assigned cases in the office of an Associate Justice. Apart from this, he committed gross dishonesty, deceit and willful breach of ethical commitment as well as gross misconduct, which render him unfit to continue to enjoy being a member of the legal profession. Likewise, the OBC declared that Atty. Corro's acts, in refusing to comply with the Court's resolutions and in consistently being absent in the hearings, amount to gross misconduct and willful disobedience which are valid grounds for suspension or disbarment. Hence, the OBC recommended that Atty. Corro be disbarred from the practice of law.

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

As recommended by the OBC, the Court imposes the absolute penalty of disbarment upon Atty. Corro.

At the outset, it should be emphasized that "[d]isbarment proceedings are *sui generis*, they belong to a class of their own, and are distinct from that of civil or criminal actions. To be sure, a finding of liability in a civil case or a conviction in a criminal case is not necessary for finding a member of the bar guilty in an administrative proceeding."<sup>[16]</sup> Undeniably, this case is unique because it involves a lawyer who previously worked in the halls of the Supreme Court, and disrespected the institution by placing it in a bad light. Thus, the Court may consider the totality of circumstances and evidence presented in order to determine Atty. Corro's liability and appropriate penalty.

Section 27, Rule 138 of the Rules of Court provides that disbarment or suspension may be imposed upon a lawyer based on certain grounds, as follows:

*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 wilful 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. x x x.

Taking these grounds into account and juxtaposing it with the established factual circumstances of the case, there is no doubt that by demanding and accepting the bribe in the amount of PhP 10 Million, Atty. Corro, as found by the OBC, committed gross misconduct and grossly immoral conduct, and violated the laws against bribery, graft and corruption in the government service.

Based on the records, the hearings<sup>[17]</sup> conducted by the OBC strengthened the allegation that Atty. Corro provided the terms of payment and profited from the illegal transactions. Moreover, the purported text messages<sup>[18]</sup> between Dr. Rodil and Atty. Corro showed that the latter supposedly still attempted to fix the problem, that is, until he suddenly did not respond to the former anymore, which further displayed Atty. Corro's participation in the despicable transactions. Copies of the text messages<sup>[19]</sup> appended to the records showed Dr. Rodil's conversation with Atty. Aguinaldo regarding the return of the PhP 10 Million bribe to Alejandro's family, Dr. Rodil's conversation with the individual named Rico Alberto,<sup>[20]</sup> and Dr. Rodil's conversation with Posadas,<sup>[21]</sup> all of which pertain to the illegal transactions and the ensuing demands for the return of the money.

To reiterate, Atty. Corro received the full amount of Ten Million Pesos (PhP 10,000,00.00) from Dr. Rodil (which was supposedly funded by the family of Alejandro) in exchange for a favorable decision of acquittal for Alejandro in G.R. No. 205227. This undeniable fact warrants Atty. Corro's disbarment since he is guilty of gross misconduct as well as grossly immoral conduct for committing such reprehensible acts. His additional infractions in ignoring and disrespecting lawful issuances or orders from the Court only added to the long list of reasons why he should no longer be given the privilege to practice law or to be a member of the Bar. Indeed, in order to maintain membership in the law profession, "[a] lawyer at no time must be wanting in probity and moral fiber which not only are conditions precedent to his entrance to, but are likewise essential demands for his continued membership in, a great and noble profession."<sup>[22]</sup> Unfortunately, Atty. Corro displayed characteristics and committed contemptible acts contrary to what is expected of a lawyer.

In like manner, Atty. Corro definitely violated the Lawyer's Oath, as follows:

I, \_\_\_\_\_ do solemnly swear that I will maintain allegiance to the Republic of the Philippines; I will support its Constitution and obey the laws as well as the legal orders of the duly constituted authorities therein; I will do no falsehood, nor consent to the doing of any in court; I will not wittingly or willingly promote or sue any groundless, false, or unlawful suit, nor give aid nor consent to the same. I will delay no man for money or malice, and will conduct myself as a lawyer according to the best of my knowledge and discretion with all good fidelity as well to the courts as to my clients; and I impose upon myself this voluntary obligation without any mental reservation or purpose of evasion. So help me God.<sup>[23]</sup>