

## THIRD DIVISION

[ A.C. No. 6560, September 16, 2019 ]

**MIKE A. FERMIN, COMPLAINANT, VS. ATTY. LINTANG H. BEDOL,  
RESPONDENT.**

### R E S O L U T I O N

**PERALTA, J.:**

Before the Court is an administrative complaint for disbarment filed by complainant Mike A. Fermin against respondent Atty. Lintang H. Bedol for violation of Canon 1 of the Code of Professional Responsibility.

Complainant averred that one of his opponents and defeated candidate for the mayoralty post of Kabuntalan, Maguindanao, Bai Susan Samad, filed with the COMELEC *en banc* a petition to declare a failure of election in Precinct No. 25A/26A of Barangay Guiawa, and the subsequent holding of a special election, which was docketed as Case No. 04-403; and that the COMELEC issued its Resolution dated July 27, 2004 declaring a failure of election and the holding of the special election on July 28, 2004. However, before the issuance of the COMELEC Resolution, the respondent, in his capacity as the Provincial Election Supervisor III of Maguindanao, had already issued a Notice<sup>[1]</sup> dated July 23, 2004 to all candidates, which included him, political parties and registered voters of Barangay Guiawa, Kabuntalan, Maguindanao, informing them of the scheduled special election for Barangay Guiawa on July 28, 2004; that he issued another notice<sup>[2]</sup> informing the candidates and political parties of a conference on July 25, 2004 to be held in his office; and that on July 26, 2004, he again issued a notice<sup>[3]</sup> that the canvassing of votes shall be held in Shariff Aguak Maguindanao.

Complainant alleged that respondent, without basis in law and in fact, issued the above-mentioned premature notices of special election which highlighted his shameless disregard of the truth and brazen disrespect for the rule of law which is his foremost duty as a member of the Bar; and that those false and illegal notices showed his dishonest ways and predilection to wrongdoings and his natural susceptibility to the culture of corruption and deception which renders him totally unfit to remain as an honorable member of the Bar.<sup>[4]</sup> Complainant prays for respondent's disbarment to protect future clients from falling prey to his corrupt and evil deeds.<sup>[5]</sup>

In his Comment,<sup>[6]</sup> respondent argued that the notice dated July 23, 2004 was to apprise, alert and notify all candidates concerned that, in a short period of time, a special election would be conducted on July 28, 2004; that election personnel in the province cannot afford to have only a day before election to notify the parties and to prepare for the election the next day. As to the conference held, it was done to do away with violation of the Fair Elections Act and the parties' duties respecting the special election. He claimed that all the cases filed by complainant against him with

the COMELEC were dismissed on the ground of complete absence of cause of actions.

The Court referred the case to the Integrated Bar of the Philippines (*IBP*) for investigation, report and recommendation/decision within 90 days from receipt of the record.<sup>[7]</sup>

After due proceedings, Commissioner Wilfredo E.J.E. Reyes of the IBP Commission on Bar Discipline (*CBD-IBP*) issued a Report and Recommendation<sup>[8]</sup> dated February 2, 2009, finding respondent guilty of violation of Canon 1 of the Code of Professional Responsibility, to wit:

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

and recommended that he be penalized with reprimand, with a stern warning that a repetition of the same shall be dealt with more severely.<sup>[9]</sup> In so ruling, the Commissioner found that respondent started issuing notices of special election and invitation to prepare for the special election even before the COMELEC had issued its Resolution on the need for a special election which was highly irregular if not totally wrong.

In Resolution No. XIX-2010-313<sup>[10]</sup> dated April 16, 2010, the IBP Board of Governors unanimously adopted and approved with modification the Report and Recommendations of the Investigating Commissioner, thus:

RESOLVED to ADOPT and APPROVE, as it is hereby unanimously ADOPTED and APPROVED, with modification, the Report and Recommendation of the Investigating Commissioner of the above-entitled case, herein made part of this Resolution as Annex "A" and finding the recommendation fully supported by the evidence on record and the applicable laws and rules, and considering Respondent's issuance of Notice of Special Election even before the Comelec had decided on the need for one, is highly irregular and in violation of Canon 1 of the Code of Professional Responsibility, Atty. Lintang H. Bedol is hereby SUSPENDED from the practice of law for a period of one year.

Both parties did not file any motion for reconsideration.

In a Resolution<sup>[11]</sup> dated February 9, 2011, the Court took note of the IBP's Resolution and required respondent to inform the Court when he started serving his suspension, within five (5) days from notice. As respondent failed to comply, we reiterated our Resolution dated February 9, 2011.<sup>[12]</sup> However, per Deputy Clerk of Court and Bar Confidant, Atty. Ma. Cristina B. Layusa, respondent has yet to comply with the Resolution.<sup>[13]</sup>

We concur with the findings and conclusions of the IBP that respondent should be held administratively liable in this case.

Section 4 of Republic Act No. 7166,<sup>[14]</sup> provides: