

SECOND DIVISION

[A.C. No. 9186, April 11, 2018]

ATTY. JUAN PAULO VILLONCO, COMPLAINANT, V. ATTY. ROMEO G. ROXAS, RESPONDENT.

DECISION

PERALTA, J.:

The present case stemmed from the complaint of Atty. Juan Paolo T. Villonco against respondent Atty. Romeo G. Roxas for gross misconduct and for violating the Code of Professional Responsibility (*CPR*).

The factual and procedural antecedents of the case are as follows:

Republic Real Estate Corporation (*RREC*), with complainant Atty. Juan Paolo T. Villonco as its president, hired respondent Atty. Romeo G. Roxas as its counsel on a contingent basis in its case against the Republic of the Philippines with respect to a reclaimed land which is now the Cultural Center of the Philippines (*CCP*) complex. Subsequently, *RREC* was awarded around P10,926,071.29 representing the sum spent in the reclamation of the *CCP* complex.

The case was later remanded to the Regional Trial Court (*RTC*) of Pasay City for the execution of the decision. *RREC*'s Board of Directors enjoined Atty. Roxas to defer the filing of the motion for the issuance of a Writ of Execution until further instruction, but he still filed the same. Thereafter, the Republic filed a Petition for *Certiorari* against the Writ of Execution eventually issued by the trial court. On February 27, 2009, the Court of Appeals (*CA*) issued an Order granting said petition and declared the Writ of Execution null and void. Aggrieved, Atty. Roxas, without first securing *RREC*'s consent and authority, filed a Motion for Reconsideration and a Motion for Inhibition with the *CA*.

Without being approved or authorized by the *RREC*'s Board of Directors, he likewise filed a complaint for serious misconduct against *CA* Justices Sesonando E. Villon, Andres B. Reyes, Jr. and Jose Catral Mendoza, and a petition assailing the constitutionality of Presidential Decree No. 774, both on *RREC*'s behalf. For his foregoing unauthorized acts, *RREC*'s Board requested Atty. Roxas to voluntarily withdraw as counsel for the corporation. When Atty. Roxas refused, *RREC* terminated its retainer agreement with Atty. Roxas and engaged the services of another lawyer to replace him in the representation of the company.

However, despite his termination, Atty. Roxas still appeared for *RREC* and continued to argue for the corporation in the case. He also threatened to sue the members of the *RREC* Board unless they reinstated him as counsel. Thus, Atty. Villonco was compelled to file the instant administrative complaint against Atty. Roxas.

For his part, Atty. Roxas denied the accusations and claimed that from August 1992 up to the time of the filing of the complaint, or a period of twenty-one (21) years,

his law firm had been competently rendering legal services for RREC. Through those years, he singlehandedly advanced the necessary expenses to sustain and pursue the case. He claimed that he could not be removed as counsel for RREC since they had a contract for a contingency fee coupled with interest. He argued that his appearance before the CA was proper since his removal by the RREC Board was illegal and unfair. Securing the Board's approval before he could file pleadings on RREC's behalf was unnecessary since he had been explicitly given the blanket authority to exercise his sound discretion in the pursuit of the case. He pointed out that he filed the administrative complaint against the CA Justices only to further RREC's case.

On May 17, 2013, the Commission on Bar Discipline of the Integrated Bar of the Philippines (*IBP*) recommended the penalty of censure: ^[1]

Foregoing premises considered, the undersigned believes and so holds that the Respondent had violated Sec. 27 of Rule 138 of the Rules of Court and Canon 15 of the CPR. Accordingly, he recommends that he be meted with the penalty of CENSURE with a warning that a repetition of the same would invite a stiffer penalty.

On September 27, 2014, the IBP Board of Governors issued Resolution No. XXI-2014-660,^[2] adopting the foregoing recommendation but with modification, thus:

*RESOLVED to ADOPT and APPROVE, as it is hereby ADOPTED and APPROVED, **with modification**, the Report and Recommendation of the Investigating Commissioner in the above-entitled case, herein made part of this Resolution as Annex "A ", and for Respondent's blatant violation of Section 27 of Rule 138 of the Rules of Court and Canon 15 of the Code of Professional Responsibility, instead of Censure Atty. Romeo G. Roxas is hereby **SUSPENDED from the practice of law for six (6) months.***

The Court's Ruling

The Court finds no cogent reason to depart from the findings and recommendation of the IBP that Atty. Roxas must be held administratively liable.

It is settled that the relationship between a lawyer and his client is one imbued with utmost trust and confidence. In this regard, clients are led to expect that lawyers would be ever-mindful of their cause, and accordingly, exercise the required degree of diligence in handling their affairs.^[3]

Here, RREC's Board of Directors specifically instructed Atty. Roxas to postpone the filing of the motion for the issuance of a Writ of Execution until further notice, but he defied the same and still filed the motion. He then filed a Motion for Reconsideration and a Motion for Inhibition with the CA without first securing RREC's consent and authority. Again, without being authorized, he likewise filed an administrative complaint against several CA Justices and a petition assailing the constitutionality of Presidential Decree No. 774, both on RREC's behalf. Said unauthorized acts caused RREC's Board to request Atty. Roxas to voluntarily withdraw as counsel for the corporation and to finally terminate its retainer agreement with him when he refused. Even after he was terminated, Atty. Roxas still continued to appear and argue for RREC. Worse, he also threatened to sue the members of the RREC Board unless they reinstated him as the company's counsel.