

## EN BANC

[ A.C. No. 5580, July 31, 2018 ]

**SAN JOSE HOMEOWNERS ASSOCIATION, INC. AS REPRESENTED  
BY REBECCA V. LABRADOR, COMPLAINANT, VS. ATTY. ROBERTO  
B. ROMANILLOS, RESPONDENT.**

### RESOLUTION

#### PER CURIAM:

For resolution is the Letter<sup>[1]</sup> dated April 21, 2014, filed by respondent Atty. Roberto B. Romanillos who seeks judicial clemency in order to be reinstated in the Roll of Attorneys.

Records show that respondent was administratively charged by complainant San Jose Homeowners Association, Inc. for representing conflicting interests and for using the title "*Judge*"<sup>[2]</sup> despite having been found guilty of grave and serious misconduct in the consolidated cases of *Zarate v. Judge Romanillos*.<sup>[3]</sup>

The factual and legal antecedents are as follows:

In 1985, respondent represented San Jose Homeowners Association, Inc. (SJHAI) before the Human Settlements Regulation Commission (HSRC) in a case[, docketed as HSRC Case No. REM-021082-0822 (NHA-80-309),] against Durano and Corp., Inc. (DCI) for violation of the Subdivision and Condominium Buyer's Protection Act (P.D. No. 957). SJHAI alleged that Lot No. 224 was designated as a school site in the subdivision plan that DCI submitted to the Bureau of Lands in 1961 but was sold by DCI to spouses Ramon and Beatriz Durano without disclosing it as a school site.

While still the counsel for SJHAI, respondent represented Myrna and Antonio Montealegre in requesting for SJHAI's conformity to construct a school building on Lot No. 224 to be purchased from Durano.

When the request was denied, respondent applied for clearance before the Housing and Land Use Regulatory Board (HLURB) in behalf of Montealegre. Petitioner's Board of Directors terminated respondent's services as counsel and engaged another lawyer to represent the association.

Respondent also acted as counsel for Lydia Durano-Rodriguez who substituted for DCI in Civil Case No. 18014 entitled "*San Jose Homeowners, Inc. v. Durano and Corp., Inc.*" filed before the Regional Trial Court of Makati City, Branch 134. Thus, SJHAI filed a disbarment case against respondent for representing conflicting interests, docketed as Administrative Case No. 4783.

In her Report dated August 3, 1998, Investigating Commissioner Lydia A. Navarro of the Commission on Bar Discipline of the Integrated Bar of the Philippines (IBP) made the following findings:

... Respondent failed to observe [the] candor and fairness in dealing with his clients, knowing fully well that the Montealegre case was adverse to the Complainant wherein he had previously been not only an active board member but its corporate secretary having access to all its documents confidential or otherwise and its counsel in handling the implementation of the writ of execution against its developer and owner, Durano and Co.[,] Inc.

Moreso, when Respondent acted as counsel for the substituted defendant Durano and Co.[,] Inc., Lydia Durano-Rodriguez; the conflict of interest between the latter and the Complainant became so revealing and yet Respondent proceeded to represent the former.

...

For his defense of good faith in doing so; inasmuch as the same wasn't controverted by the Complainant which was his first offense; Respondent must be given the benefit of the doubt to rectify his error subject to the condition that should he commit the same in the future; severe penalty will be imposed upon him.<sup>[4]</sup>

The Investigating Commissioner recommended the dismissal of the complaint with the admonition that respondent should observe extra care and diligence in the practice of his profession to uphold the dignity and integrity beyond reproach.

The IBP Board of Governors adopted and approved the report and recommendation of the Investigating Commissioner, which [the Court] noted in [its] [R]esolution dated March 8, 1999.

Notwithstanding the admonition, respondent continued representing Lydia Durano-Rodriguez before the Court of Appeals<sup>[5]</sup> and the Court<sup>[6]</sup> and even moved for the execution of the decision.

Thus, a second disbarment case was filed against respondent for violation of the March 8, 1999 Resolution in A.C. No. 4783 and for his alleged deceitful conduct in using the title "*Judge*" although he was found guilty of grave and serious misconduct.

Respondent used the title "*Judge*" in his office letterhead, correspondences and billboards which was erected in several areas within the San Jose Subdivision sometime in October 2001.

In his Comment and Explanation,<sup>[7]</sup> respondent claimed that he

continued to represent Lydia Durano-Rodriguez against petitioner despite the March 8, 1999 Resolution because it was still pending when the second disbarment case was filed. He maintained that the instant petition is a rehash of the first disbarment case from which he was exonerated. Concerning the title "*Judge[,]*" respondent stated that since the filing of the instant petition, he had ceased to attach the title to his name.<sup>[8]</sup> (Italics supplied)

In a Decision<sup>[9]</sup> dated June 15, 2005, the Court found merit in the complaint, and thus, held respondent guilty of violating the lawyer's oath, as well as Rule 1.01, 3.01 and 15.03 of the Code of Professional Responsibility, resulting in his disbarment from the practice of law:

**WHEREFORE**, respondent Atty. Roberto B. Romanillos is **DISBARRED** and his name is **ORDERED STRICKEN** from the Roll of Attorneys. Let a copy of this Decision be entered in respondent's record as a member of the Bar, and notice of the same be served on the Integrated Bar of the Philippines, and on the Office of the Court Administrator for circulation to all courts in the country.

**SO ORDERED.**<sup>[10]</sup> (Emphasis in the original)

The Court *En Banc* ruled in this wise:

**It is inconsequential that petitioner never questioned the propriety of respondent's continued representation of Lydia Durano-Rodriguez. The lack of opposition does not mean tacit consent. As long as the lawyer represents inconsistent interests of two (2) or more opposing clients, he is guilty of violating his oath.** Rule 15.03 of the Code of Professional Responsibility specifically mandates that a lawyer shall not represent conflicting interests except by written consent of all concerned given after a full disclosure. Incidentally, it is also misleading for respondent to insist that he was exonerated in A.C. No. 4783.

We agree with the IBP that respondent's continued use of the title "*Judge*" violated Rules 1.01 and 3.01 of the Code of Professional Responsibility prohibiting a lawyer from engaging in deceitful conduct and from using any misleading statement or claim regarding qualifications or legal services. **The quasi-judicial notice he posted in the billboards referring to himself as a judge is deceiving. It was a clear attempt to mislead the public into believing that the order was issued in his capacity as a judge when he was dishonorably stripped of the privilege.**

Respondent did not honorably retire from the judiciary. He resigned from being a judge during the pendency of *Zarate v. Judge Romanillos*, where he was eventually found guilty of grave and serious misconduct and would have been dismissed from the service had he not resigned.

In that case, **respondent was found guilty of illegal solicitation and receipt of P10,000.00 from a party litigant.** We ruled thus:

Considering the foregoing, respondent Judge Roberto B. Rornanillos is hereby found guilty of grave and serious misconduct affecting his integrity and honesty. He deserves the supreme penalty of dismissal. However, respondent, in an obvious attempt to escape punishment for his misdeeds, tendered his resignation during the pendency of this case. ... Consequently, we are now precluded from dismissing respondent from the service. Nevertheless, the ruling in *People v. Valenzuela* (135 SCRA 712 [1985]), wherein the respondent judge likewise resigned before the case could be resolved, finds application in this case. Therein it was held that the rule that the resignation or retirement of a respondent judge in an administrative case renders the case moot and academic, is not a hard and fast rule. ...

**ACCORDINGLY**, in view of our aforestated finding that respondent Judge Romanillos is guilty of grave and serious misconduct which would have warranted his dismissal from the service had he not resigned during the pendency of this case, and it appearing that respondent has yet to apply for his retirement benefits and other privileges if any; the Court, consistent with the penalties imposed in *Valenzuela* (*supra*), hereby orders the FORFEITURE of all leave and retirement benefits and privileges to which herein respondent Judge Romanillos may be entitled WITH PREJUDICE to reinstatement and/or reemployment in any branch or instrumentality of government, including government-owned or controlled agencies or corporations.

SO ORDERED.<sup>[11]</sup>

The penalty imposed upon him in said case included forfeiture of all leave and retirement benefits and *privileges* to which he may be entitled with prejudice to reinstatement and/or reemployment in any branch or instrumentality of government, including government-owned or controlled agencies or corporations. Certainly, the use of the title "Judge" is one of such *privileges*.

x x x x

This is not respondent's first infraction as an officer of the court and a member of the legal profession. He was stripped of his retirement benefits and other privileges in *Zarate v. Judge Romanillos*.<sup>[12]</sup> In A.C. No. 4783, he got off lightly with just an admonition. Considering his previous infractions, respondent should have adhered to the tenets of his profession with extra fervor and vigilance. He did not. On the contrary, he manifested undue disrespect to our mandate and exhibited a propensity to violate the laws. He is thus unfit to discharge the duties of his office and unworthy of the trust and confidence reposed on him as an officer of the court. His disbarment is consequently warranted.<sup>[13]</sup> (Additional emphasis and italics supplied)

Aggrieved, respondent filed on July 16, 2005 a Motion for Reconsideration and/or Plea for Human Compassion,<sup>[14]</sup> praying that the penalty imposed be reduced from disbarment to suspension for three (3) to six (6) months. The Court denied the aforesaid Motion for Reconsideration in a Resolution<sup>[15]</sup> dated August 23, 2005.

On April 16, 2006, respondent wrote a letter<sup>[16]</sup> addressed to the Chief Justice and the Associate Justices of the Court, begging that compassion, mercy, and understanding be bestowed upon him by the Court and that his disbarment be lifted. The same was, however, denied in a Resolution<sup>[17]</sup> dated June 20, 2006.

Unperturbed, respondent wrote letters dated June 12, 2007<sup>[18]</sup> and January 17, 2010<sup>[19]</sup> addressed to the Court, praying for the Court's understanding, kindness and compassion to grant his reinstatement as a lawyer. The aforementioned letters were denied for lack of merit in Resolutions dated August 14, 2007<sup>[20]</sup> and May 31, 2011<sup>[21]</sup> respectively.

Almost nine (9) years from his disbarment, or on **April 21, 2014**, respondent filed the instant Letter once more praying for the Court to reinstate him in the Roll of Attorneys.

In a Resolution<sup>[22]</sup> dated June 25, 2014, the Court referred the aforementioned letter to the Office of the Bar Confidant (OBC) for evaluation, report and recommendation thereon within thirty (30) days from notice hereof.

Acting on the Report and Recommendation<sup>[23]</sup> dated November 18, 2016 submitted by the OBC, the Court, in a Resolution<sup>[24]</sup> dated January 10, 2017, directed respondent to show proof that he is worthy of being reinstated to the Philippine Bar by submitting pieces of documentary and/or testimonial evidence, including but not limited to letters and attestations from reputable members of the society, all vouching for his good moral character.

In compliance with the Court's Resolution dated January 10, 2017, respondent submitted forty (40) letters from people, all vouching for his good moral character:

<i>Name</i>	<i>Date of Letter</i>	<i>Relationship to respondent</i>	<i>Testimony/ies in favor of respondent</i>
1) Jaime B. Trinidad	March 7, 2017 <sup>[25]</sup>	Friend	Respondent is a person of good moral character since 1990.
2) Teodoro Adriatico Dominguez (Marketing Director, Philippines & Sea Ayerst Philippines, Ayerst International; Director, Senior Citizens Assn. of	March 9, 2017 <sup>[26]</sup>	Tennis buddy	Respondent is kind, friendly, very approachable, quick to help with free legal advice/counsel.