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SECOND DIVISION

[A.C. No. 11750, November 22, 2017]

REMEDIOS C. BALBIN, COMPLAINANT, VS. ATTY. WILFREDO R. CORTEZ, RESPONDENT.

D E C I S I O N

PERALTA, J.:

The present case is brought about by a disbarment complaint which Atty. Remedios M. Balbin filed against Atty. Wilfredo R. Cortez, for purportedly violating Rule 8.02 and Canon 9 of the Code of Professional Responsibility *(CPR).*

The factual antecedents of the case are as follows:

On December 20, 2013, Pedrito Leal Layco, *et al.* filed an action against Federico Florendo Layco, *et al.* for Partition, Reconveyance and Annulment of Sale and Damages with Temporary Restraining Order and/or Writ of Preliminary Injunction before the Municipal Circuit Trial Court of Tagudin-Suyo, Ilocos Sur. Respondent Atty. Wilfredo R. Cortez acted as counsel for the plaintiffs, while complainant Atty. Remedios M. Balbin was the defendants' counsel. Balbin claimed that during a scheduled hearing in court and while she was absent, Cortez took advantage of the same and discussed the settlement of the controversy with her clients, which resulted in the forging of an amicable settlement. Subsequently, Cortez submitted a copy of the compromise agreement to the court bearing his signature and those of the parties, but without the signature of Balbin as the counsel for the defendants. Balbin asserted that such acts constituted unethical conduct and gross ignorance of the law.

On the other hand, Cortez denied any transgression of the law on his part. He averred that the compromise agreement submitted to the court was the result of a tedious discussion among the parties and was sanctioned by the court. Balbin's clients made a commitment to bring the compromise agreement to her office in Manila to obtain her signature, and to submit said document to the court once her signature had been affixed. Without Balbin's signature, the compromise agreement was not acted upon.

On April 11, 2016, the Commission on Integrity and Bar Discipline of the Integrated Bar of the Philippines *(IBP)* recommended the dismissal of the administrative complaint against Cortez, to wit:[1]

> PREMISES CONSIDERED, [i]t is hereby recommended that the administrative charges against Respondent, **ATTY. WILFREDO R. CORTEZ** be **DISMISSED** for insufficiency of evidence.