

## **FIRST DIVISION**

**[ A.C. No. 8210, August 08, 2016 ]**

**SPOUSES MANOLO AND MILINIA NUEZCA, COMPLAINANTS, VS.  
ATTY. ERNESTO V. VILLAGARCIA, RESPONDENT.**

### **D E C I S I O N**

**PERLAS-BERNABE, J.:**

The instant administrative case arose from a verified complaint<sup>[1]</sup> for disbarment filed by complainants Spouses Manolo and Milinia Nuezca (complainants) against respondent Atty. Ernesto V. Villagarcia (respondent) for grave misconduct, consisting of alleged unethical conduct in dealings with other persons.

#### **The Facts**

In their verified complaint, complainants averred that respondent sent them a demand letter<sup>[2]</sup> dated February 15, 2009, copy furnished to various offices and persons, which contained not only threatening but also libelous utterances. Allegedly, the demand letter seriously maligned and ridiculed complainants to its recipients. Complainants likewise posited that several news clippings<sup>[3]</sup> that were attached to the demand letter were intended to sow tear in them, and claimed that the circulation thereof caused them sleepless nights, wounded feelings, and besmirched reputation. <sup>[4]</sup> Thus, they maintained that respondent should be held administratively liable therefor.

In a Resolution<sup>[5]</sup> dated July 22, 2009, the Court directed respondent to file his comment to the verified complaint. However, for failure to serve the aforesaid Resolution at respondent's address given by the Integrated Bar of the Philippines (IBP), the complainants were then ordered<sup>[6]</sup> to furnish the Court the complete and correct address of respondent. Still, complainants failed to comply with the Court's directive; thus, the Court resolved,<sup>[7]</sup> among others, to refer the case to the IBP for investigation, report, and recommendation, which set the case for a mandatory conference/hearing.<sup>[8]</sup>

Unfortunately, despite notices,<sup>[9]</sup> complainants failed to appear for the scheduled mandatory hearings. Likewise, the notices sent to respondent were returned unserved with the notations "RTS Moved Out" and "RTS Unknown." Thus, in an Order<sup>[10]</sup> dated October 24, 2014, the IBP directed the parties to submit their respective verified position papers together with documentary exhibits, if any.

#### **The IBP's Report and Recommendation**

In its Report and Recommendation<sup>[11]</sup> dated May 29, 2015, the IBP -Commission on

Bar Discipline (CBD), through Commissioner Honesto A. Villamor, recommended that respondent be suspended from the practice of law for a period of three (3) months for violation of Rule 8.01 of the Code of Professional Responsibility (CPR). Likewise, for defying the lawful order of the IBP, the latter recommended that respondent be declared in contempt of court and fined the amount of P1,000.00, with a warning that repetition of the same or similar offense shall be dealt with more severely.<sup>[12]</sup>

The IBP found that respondent failed to rebut complainants' allegations in their verified complaint. Moreover, despite repeated notices and directives from the IBP to appear for the mandatory hearings, as well as to file his pleadings, respondent failed to do so, which was tantamount to defiance of the lawful orders of the IBP amounting to conduct unbecoming of a lawyer. Finding that respondent did not intend to file any comment and in the process, purposely delayed the resolution of the instant case, the IBP recommended that respondent be held in contempt of court.<sup>[13]</sup>

In a Resolution<sup>[14]</sup> dated June 20, 2015, the IBP Board of Governors resolved to adopt and approve with modification the May 29, 2015 Report and Recommendation of the IBP — CBD by suspending respondent from the practice of law for a period of six (6) months and deleting the fine imposed on him.

### **The Issue Before the Court**

The issue for the Court's resolution is whether or not respondent should be held administratively liable based on the allegations of the verified complaint.

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

The Court has examined the records of this case and partially concurs with the findings and recommendations of the IBP Board of Governors.

The practice of law is a privilege given to lawyers who meet the high standards of legal proficiency and morality. Any violation of these standards exposes the lawyer to administrative liability.<sup>[15]</sup> Rule 8.01, Canon 8 of the CPR provides:

Rule 8.01. - A lawyer shall not, in his professional dealings, use language which is abusive, offensive or otherwise improper.

In this case, the demand letter that respondent sent to complainants contained not merely a demand for them to settle their monetary obligations to respondent's client, but also used words that maligned their character. It also imputed crimes against them, *i.e.*, that they were criminally liable for worthless or bum checks and *estafa*. The relevant portion of the demand letter states:

An early check on the records of some courts, credit-reporting agencies and law enforcement offices revealed that the names 'MANOLO NUEZCA' and/or 'MANUELO NUEZCA' and 'MILINIA NUEZCA' responded to our search being involved, then and now, in some 'credit-related' cases and litigations. Other record check outcomes and results use we however opt to defer disclosure in the meantime and shall be put in issue in the proper forum as the need for them arise, [sic]