

FIRST DIVISION

[A.C. No. 10135, January 15, 2014]

EDGARDO AREOLA, COMPLAINANT, VS. ATTY. MARIA VILMA MENDOZA, RESPONDENT.

R E S O L U T I O N

REYES, J.:

This refers to the administrative complaint^[1] filed by Edgardo D. Areola (Areola) a.k.a. Muhammad Khadafy against Atty. Maria Vilma Mendoza (Atty. Mendoza), from the Public Attorney's Office (PAO) for violation of her attorney's oath of office, deceit, malpractice or other gross misconduct in office under Section 27, Rule 138 of the Revised Rules of Court, and for violation of the Code of Professional Responsibility.

In the letter-complaint dated November 13, 2006 addressed to the Honorable Commissioners, Commission on Bar Discipline of the Integrated Bar of the Philippines (IBP), Areola stated that he was filing the complaint in behalf of his co-detainees Allan Seronda, Aaron Arca, Joselito Mirador, Spouses Danilo Perez and Elizabeth Perez. He alleged that on October 23, 2006, during Prisoners' Week, Atty. Mendoza, visited the Antipolo City Jail and called all detainees with pending cases before the Regional Trial Court (RTC), Branch 73, Antipolo City where she was assigned, to attend her speech/lecture.^[2] Areola claimed that Atty. Mendoza stated the following during her speech:

"O kayong may mga kasong drugs na may pangpiyansa o pang-areglo ay maging praktikal sana kayo kung gusto ninyong makalaya agad. Upang makatiyak kayo na hindi masasayang ang pera ninyo ay sa akin ninyo ibigay o ng kamag-anak ninyo ang pera at ako na ang bahalang maglagay kay Judge Martin at Fiscal banqui; at kayong mga detenidong mga babae na no bail ang kaso sa drugs, iyak-iyakan lang ninyo si Judge Martin at palalayain na kayo. Malambot ang puso noon."^[3]

Atty. Mendoza allegedly said that as she is handling more than 100 cases, all detainees should prepare and furnish her with their *Sinumpaang Salaysay* so that she may know the facts of their cases and their defenses and also to give her the necessary payment for their transcript of stenographic notes.^[4]

Areola furthermore stated that when he helped his co-inmates in drafting their pleadings and filing motions before the RTC Branch 73, Antipolo City, Atty. Mendoza undermined his capability, to wit:

(1) Atty. Mendoza purportedly scolded detainee Seronda when she learned that the latter was assisted by Areola in filing a Motion to Dismiss for Violation of Republic Act No. 8942 (Speedy Trial Act of 1998) in the latter's criminal case for rape, which

was pending before the RTC, Branch 73, Antipolo City. She got angrier when Seronda retorted that he allowed Areola to file the motion for him since there was nobody to help him.

(2) Areola assisted Spouses Danilo and Elizabeth Perez in filing their Joint Motion for Consolidation of Trial of Consolidated Offenses and Joint Motion to Plead Guilty to a Lesser Offense. The spouses were likewise scolded for relying on the Complainant and alleged that the respondent asked for P2,000.00 to represent them.

(3) Areola helped another co-detainee, Mirador in filing an "Ex-parte Motion to Plead Guilty to a Lesser Offense". When Atty. Mendoza learned of it, she allegedly scolded Mirador and discredited Areola.^[5]

In her unverified Answer^[6] dated January 5, 2007, Atty. Mendoza asseverated that the filing of the administrative complaint against her is a harassment tactic by Areola as the latter had also filed several administrative cases against judges in the courts of Antipolo City including the jail warden of Taytay, Rizal where Areola was previously detained. These actuations show that Areola has a penchant for filing various charges against anybody who does not accede to his demand.^[7] Atty. Mendoza contended that Areola is not a lawyer but represented himself to his co-detainees as one.^[8] She alleged that the motions/pleadings prepared and/or filed by Areola were not proper.

After both parties failed to appear in the Mandatory Conference set by the IBP on August 15, 2008, the Investigating Commissioner considered the non-appearance as a waiver on their part. Nonetheless, in the interest of justice, both parties were required to submit their respective position papers.^[9]

On December 29, 2009, the Investigating Commissioner issued his Report and Recommendation.^[10] The Investigating Commissioner stated that the Complainant is knowledgeable in the field of law. While he may be of service to his fellow detainees, he must, however, be subservient to the skills and knowledge of a full fledged lawyer. He however found no convincing evidence to prove that Atty. Mendoza received money from Areola's co-detainees as alleged. The charges against Atty. Mendoza were also uncorroborated, viz:

There is no convincing evidence that will prove that the respondent received money from the inmates since the charges are uncorroborated. In fact, the complainant is not the proper party to file the instant case since he was not directly affected or injured by the act/s being complained of. No single affidavits of the affected persons were attached to prove the said charges. Hence, it is simply hearsay in nature.^[11]

Nonetheless, Atty. Mendoza admitted in her Answer that she advised her clients and their relatives to approach the judge and the fiscal "to beg and cry" so that their motions would be granted and their cases against them would be dismissed. To the Investigating Commissioner, this is highly unethical and improper as the act of Atty. Mendoza degrades the image of and lessens the confidence of the public in the judiciary.^[12] The Investigating Commissioner recommended that Atty. Mendoza be suspended from the practice of law for a period of two (2) months.^[13]

In a Notice of Resolution^[14] dated November 19, 2011, the Board of Governors resolved to adopt and approve the Report and Recommendation of the Investigating Commissioner.

Atty. Mendoza sought to reconsider the Resolution^[15] dated November 19, 2011 but the IBP Board of Governors denied her motion in its Resolution^[16] dated May 10, 2013. The Resolution of the IBP Board of Governors was transmitted to the Court for final action pursuant to Rule 139-B, Section 12, Paragraph b^[17] of the Revised Rules of Court.

The Court's Ruling

After a judicious examination of the records, the Court finds that the instant Complaint against Atty. Mendoza profoundly lacks evidence to support the allegations contained therein. All Areola has are empty assertions against Atty. Mendoza that she demanded money from his co-detainees.

The Court agrees with the IBP that Areola is not the proper party to file the Complaint against Atty. Mendoza. He is not even a client of Atty. Mendoza. He claims that he filed the Complaint on behalf of his co-detainees Seronda, Arca, Mirador and Spouses Perez, but it is apparent that no document was submitted which would show that they authorized Areola to file a Complaint. They did not sign the Complaint he prepared. No affidavit was even executed by the said co-detainees to substantiate the matters Areola raised. Consequently, the Court rejects Areola's statements, especially as regards Atty. Mendoza's alleged demands of money.

The Court agrees with the observations of the Investigating Commissioner that Areola initiated this complaint when he felt insulted because Atty. Mendoza refused to acknowledge the pleadings and motions he prepared for his co-detainees who are PAO clients of Atty. Mendoza.^[18] It appears that Areola is quite knowledgeable with Philippine laws. However, no matter how good he thinks he is, he is still not a lawyer. He is not authorized to give legal advice and file pleadings by himself before the courts. His familiarity with Philippine laws should be put to good use by cooperating with the PAO instead of filing baseless complaints against lawyers and other government authorities. It seems to the Court that Areola thinks of himself as more intelligent and better than Atty. Mendoza, based on his criticisms against her. In his Reply^[19], he made fun of her grammatical errors and tagged her as using *carabao english*^[20]. He also called the PAO as "Pa-Amin Office"^[21] which seriously undermines the reputation of the PAO. While Areola may have been frustrated with the way the PAO is managing the significant number of cases it deals with, all the more should he exert efforts to utilize his knowledge to work with the PAO instead of maligning it.

Interestingly, Atty. Mendoza admitted that she advised her clients to approach the judge and plead for compassion so that their motions would be granted. This admission corresponds to one of Areola's charges against Atty. Mendoza—that she told her clients "*Iyak-iyakan lang ninyo si Judge Martin at palalayain na kayo. Malambot ang puso noon.*" Atty. Mendoza made it appear that the judge is easily moved if a party resorts to dramatic antics such as begging and crying in order for their cases to be dismissed.