

FIRST DIVISION

[A.C. No. 9881 (Formerly CBD 10-2607), June 04, 2014]

ATTY. ALAN F. PAGUIA, PETITIONER, VS. ATTY. MANUEL T. MOLINA, RESPONDENT.

R E S O L U T I O N

SERENO, C.J.:

For resolution by this Court is the dismissal by the Integrated Bar of the Philippines (IBP) Board of Governors of the administrative Complaint for DISHONESTY against respondent, Atty. Manuel Molina. Atty. Molina allegedly advised his clients to enforce a contract on the complainant's client who had never been a party to the agreement.

The facts are as follows:

The case involves a conflict between neighbors in a four-unit compound named "Times Square" at Times Street, Quezon City. The neighbors are the following: 1) Mr. And Mrs. Gregorio M. Abreu, clients of Atty. Paguia; 2) Mr. And Mrs. Wilson Lim, clients of respondent Molina; 3) Dr. and Mrs. Eduardo Yap; and Dr. Belinda San Juan.

The clients of Atty. Molina entered into a contract with the other unit owners save for Mr. Abreu. The agreement, covered by a document titled "Times Square Preamble," establishes a set of internal rules for the neighbors on matters such as the use of the common right of way to the exit gate, assignment of parking areas, and security. Mr. Abreu, the client of complainant, Atty. Paguia, was not a party to the contract since the former did not agree with the terms concerning the parking arrangements.

On 4 February 2010, Atty. Paguia filed a Complaint for Dishonesty^[1] with the IBP Commission on Bar Discipline against Atty. Molina^[2] for allegedly giving legal advice to the latter's clients to the effect that the Times Square Preamble was binding on Mr. Abreu, who was never a party to the contract.

In his Answer,^[3] Atty. Molina downplayed the case as a petty quarrel among neighbors. He maintained that the Times Square Preamble^[4] was entered into for purposes of maintaining order in the residential compound. All homeowners, except Mr. Abreu, signed the document.^[5]

Respondent further stated in his Answer that Mr. and Mrs. Gregorio Abreu filed two cases against his clients, Mr. And Mrs. William Lim, on the belief that Mr. Abreu was not bound by the Times Square Preamble. The first case, was filed with the Housing

and Land Use Regulatory Board (HLURB), which was an action to declare the Times Square Preamble invalid. The second suit was an action for declaratory relief. Both cases, according to respondent, were dismissed.^[6]

Respondent further claimed that another case had been filed in court, this time by his client, the Lims. They were prompted to file a suit since Mr. Abreu had allegedly taken matters into his own hands by placing two vehicles directly in front of the gate of the Lims, thus blocking the latter's egress to Times Street. The Lims filed with the Regional Trial Court, Branch 96, Quezon City, a Complaint for Injunction and Damages, coupled with a prayer for the immediate issuance of a Temporary Restraining Order and/or Preliminary Injunction, which was docketed as Civil Case No. Q-08-63579. According to respondent, the RTC granted the relief prayed for in an Order dated 12 December 2008.^[7]

Atty. Molina concluded that the above facts sufficiently served as his answer to the Complaint.

On 3 August 2010, Investigating Commissioner Victor C. Fernandez rendered a Report and Recommendation. He recommended dismissal for lack of merit, based on the following grounds: 1) the complaint consisted only of bare allegations; and 2) even assuming that respondent Molina gave an erroneous legal advice, he could not be held accountable in the absence of proof of malice or bad faith.^[8]

On 14 May 2011, the IBP Board of Governors passed Resolution No. XIX-2011-210, adopting and approving the Report and Recommendation of the Investigating Commissioner.^[9]

Atty. Paguia filed a Motion for Reconsideration dated 2 August 2011, but was denied by the IBP Board of Governors on 29 December 2012.^[10] Notices of the denial were received by the parties on 21 March 2013.^[11]

No petition for review has been filed with this Court.

It is worth noting that a case is deemed terminated if the complainant does not file a petition with the Supreme Court within fifteen (15) days from notice of the Board's resolution. This rule is derived from Section 12(c) of Rule 139-B, which states:

(c) If the respondent is exonerated by the Board or the disciplinary sanction imposed by it is less than suspension or disbarment (such as admonition, reprimand, or fine) it shall issue a decision exonerating respondent or imposing such sanction. The case shall be deemed terminated unless upon petition of the complainant or other interested party filed with the Supreme Court within fifteen (15) days from notice of the Board's resolution, the Supreme Court orders otherwise.
(Underscoring supplied)

In this case, Atty. Paguia received notice of the Board's resolution on 21 March 2013, as evidenced by a registry return receipt. To this date, this Court has yet to receive a petition for review from Atty. Paguia. Thus, for his failure to file a petition