

SPECIAL FIRST DIVISION

[A.C. No. 9259, March 13, 2013]

JASPER JUNNO F. RODICA, COMPLAINANT, VS. ATTY. MANUEL "LOLONG" M. ACTING CHAIRPERSON, LAZARO, ATTY. EDWIN M. ESPEJO, ATTY. ABEL M. ALMARIO, ATTY. MICHELLE B. LAZARO, ATTY. JOSEPH C. TAN, AND JOHN DOES, RESPONDENTS.

R E S O L U T I O N

DEL CASTILLO, J.:

For resolution is the Motion for Reconsideration & Motion for Inhibition^[1] filed by complainant Jasper Junno F. Rodica of our August 23, 2012 Resolution,^[2] the dispositive portion of which reads:

WHEREFORE, premises considered, the instant Complaint for disbarment against respondents Atty. Manuel "Lolong" M. Lazaro, Atty. Edwin M. Espejo, Atty. Abel M. Almario, Atty. Michelle B. Lazaro and Atty. Joseph C. Tan is **DISMISSED**. Atty. Edwin M. Espejo is **WARNED** to be more circumspect and prudent in his actuaciones.

SO ORDERED.^[3]

In her Motion for Reconsideration & Motion for Inhibition, complainant argues that this Court unfairly ignored the supporting affidavits attached to the Complaint and that this Court should expressly declare whether it is lending credence to said affidavits or not and why.^[4]

Complainant next claims that this Court deviated from usual practice and procedure when it proceeded to resolve the disbarment Complaint after the separate Comments of the respondents have been filed without giving her the opportunity to file a Reply. She also faults the Court for deciding the case without first declaring the same to have already been submitted for resolution. To her, this constitutes denial of due process.^[5]

Lastly, complainant asserts that this Court's reference to her Affidavit supposedly executed on July 21, 2011 as 'un-notarized' was misplaced. She also insists that the Court's observation that the withdrawal of pending cases should not have been limited "to the RTC case,"^[6] is erroneous considering that there were no other pending cases to speak of at that time. She also maintains that the Court erroneously gave the impression that the decision of the Regional Trial Court in Kalibo had already become final.^[7]

Complainant also prays for the inhibition of the justices who participated in this case in the belief that they have been biased against her.

Complainant's Motion for Reconsideration & Motion for Inhibition are totally bereft of merit.

The Court considered the affidavits of Brimar F. Rodica, Timothy F. Rodica and Atty. Ramon S. Diño in resolving the case.

Contrary to complainant's contention, this Court considered the afore-mentioned affidavits as corroborative evidence of the allegations in the Complaint. Nonetheless, in the proper exercise of its discretion, the Court deemed it unnecessary to restate in its August 23, 2012 Resolution the material facts contained in each affidavit as the same would only be mere reiterations of the summarized allegations in the Complaint. In other words, this Court found no necessity to mention the allegations in each affidavit because they were already spelled out in the Complaint. Besides, this Court is under no obligation to specifically mention in its Decision or Resolution each and every piece of evidence of the parties. It would suffice if the Court's factual findings are distinctly stated and the bases for its conclusions clearly spelled out. The Court can validly determine which among the pieces of evidence it will accord credence and which it will ignore for being irrelevant and immaterial.

Complainant was not denied due process.

Complainant's contention that she was denied due process because she was not allowed to file a Reply deserves scant consideration. This is equally true of complainant's argument that this Court deviated from usual procedure when it resolved the disbarment Complaint without first declaring the case to have been submitted for resolution. The Court will outrightly dismiss a Complaint for disbarment when on its face, it is clearly wanting in merit. Thus, in *International Militia of People Against Corruption & Terrorism v. Chief Justice Davide, Jr. (Ret.)*^[8] the Court, after finding the Complaint insufficient in form and substance, dismissed the same outright for utter lack of merit. It took the same stand in *Battad v. Senator Defensor-Santiago*,^[9] where the disbarment Complaint against respondent therein was *motu proprio* dismissed by this Court after finding "no sufficient justification for the exercise of [its] disciplinary power."^[10] In this case, the Court did not dismiss outright the disbarment Complaint. In fact, it even required the respondents to file their respective Answers. Then, after a judicious study of the records, it proceeded to resolve the same although not in complainant's favor. Based on the Complaint and the supporting affidavits attached thereto, and the respective Comments of the respondents, the Court found that the presumption of innocence accorded to respondents was not overcome. Moreover, the Court no longer required complainant to file a Reply since it has the discretion not to require the filing of the same when it can already judiciously resolve the case based on the pleadings thus far submitted. And contrary to complainant's mistaken notion, not all petitions or complaints reach reply or memorandum stage. Depending on the merits of the case, the Court has the discretion either to proceed with the case by first requiring the parties to file their respective responsive pleadings or to dismiss the