

THIRD DIVISION

[G.R. No. 178941, July 27, 2011]

JOSE ANSELMO I. CADIZ, LEONARD S. DE VERA, ROMULO A. RIVERA, DANTE G. ILAYA, PURA ANGELICA Y. SANTIAGO, ROSARIO T. SETIAS-REYES, JOSE VICENTE B. SALAZAR, MANUEL M. MONZON, IMMANUEL L. SODUSTA, CARLOS L. VALDEZ, JR., AND LYDIA A. NAVARRO, PETITIONERS, VS. THE HONORABLE PRESIDING JUDGE, BR. 48, RTC-PUERTO PRINCESA AND GLENN C. GACOTT, RESPONDENTS.

D E C I S I O N

ABAD, J.:

Can the members of the Board of Governors of the Integrated Bar of the Philippines be held liable in damages for prematurely recommending disbarment of a lawyer based on the position papers and affidavits of witnesses of the parties?

The Facts and the Case

On February 23, 2003 the Integrated Bar of the Philippines Board of Governors, then composed of petitioners Jose Anselmo I. Cadiz, Leonard S. De Vera, Romulo A. Rivera, Dante G. Ilaya, Pura Angelica Y. Santiago, Rosario T. Setias-Reyes, Jose Vicente B. Salazar, Manuel M. Monzon, Immanuel L. Sodusta, and Carlos L. Valdez, Jr. (the IBP Board), received an administrative complaint ^[1] filed by Lilia T. Ventura and Concepcion Tabang against respondent Atty. Glenn C. Gacott for gross misconduct, deceit, and gross dishonesty. The IBP Board designated petitioner Lydia A. Navarro (Navarro) as Commissioner to investigate the case.

Commissioner Navarro summoned the parties to a mandatory conference and required them afterwards to submit their position papers. Based on these, Navarro submitted her Report and Recommendation to the IBP Board for its approval. Commissioner Navarro was herself a member of the IBP Board. After deliberation, the IBP Board adopted Commissioner Navarro's findings but increased the recommended penalty of six months suspension from the practice of law to disbarment. The IBP Board then transmitted their report to this Court.

On September 29, 2004, however, the Court remanded the case to the IBP Board for further proceedings in order to give the parties the chance to fully present their case. ^[2] The Court said the investigating commissioner should have subpoenaed and examined the witnesses of the parties considering the gravity of the charge against Atty. Gacott. Navarro rendered her report based solely on the position papers and affidavits of the witnesses.

While the IBP Board was complying with the Court's directive, Atty. Gacott filed a complaint for damages against the board's sitting members before the Regional Trial

Court (RTC) of Puerto Princesa City, Palawan. [3] Answering the complaint, the IBP Board raised the affirmative defense of failure of the complaint to state a cause of action and filed a motion to dismiss the case on that ground. On March 9, 2006 the trial court denied the motion, [4] prompting the IBP Board to elevate the case to the Court of Appeals (CA) on special civil action for *certiorari*. [5]

On December 29, 2006 the CA denied the petition, pointing out that the RTC did not commit grave abuse of discretion. The IBP Board had other plain and speedy remedy, like proceeding to trial in the case and appealing in the event of failure of the RTC to dismiss the action. The CA denied in its Resolution dated July 12, 2007 the IBP Board's motion for reconsideration, thus causing them to file the present petition.

The Issue Presented

The key issue in this case is whether or not the CA erred in failing to rule that the Supreme Court's remand of the disbarment case to the IBP Board for examination of the witnesses, considering the gravity of the charge against Atty. Gacott, cannot serve as basis for the latter's complaint for damages against the members of that board.

Ruling of the Court

Atty. Gacott states in his complaint for damages before the RTC that Supreme Court's remand of his case to the IBP Board is an affirmation of the latter's arbitrary abuse of its investigatory power. The IBP Board recommended his disbarment based on the Commissioner's report rendered to it without the benefit of exhaustive hearing. This made its members personally liable for actual, moral, and corrective damages. Essentially, therefore, Atty. Gacott anchored his complaint for damages on the result of the Court's assessment of the IBP Board's report and recommendation and its remand of the case against him for further proceedings.

The petitioner IBP Board members are correct in claiming that Atty. Gacott's complaint states no cause of action. The IBP Commissioner and Board of Governors in this case merely exercised delegated powers to investigate the complaint against Atty. Gacott and submit their report and recommendation to the Court. They cannot be charged for honest errors committed in the performance of their quasi-judicial function. And that was what it was in the absence of any allegation of specific factual circumstances indicating that they acted maliciously or upon illicit consideration. If the rule were otherwise, a great number of lower court justices and judges whose acts the appellate courts have annulled on ground of grave abuse of discretion would be open targets for damage suits.

Parenthetically, Atty. Gacott submitted the disbarment case against him for resolution based on the position papers that he and the complainants presented, without reservation, to the IBP along with the affidavits of their witnesses. The IBP Board prepared its report and recommendation to the Court based on these papers and documents.

WHEREFORE, the Court **GRANTS** the petition, **SETS ASIDE** the decision dated December 29, 2006 and resolution dated July 12, 2007 of the Court of Appeals in