

## SECOND DIVISION

**[ A.C. No. 6174, November 16, 2011 ]**

**LYDIA CASTRO-JUSTO, COMPLAINANT, VS. ATTY. RODOLFO T. GALING, RESPONDENT.**

### DECISION

**PEREZ, J.:**

Before us for consideration is Resolution No. XVIII-2007-196<sup>[1]</sup> of the Board of Governors, Integrated Bar of the Philippines (IBP), relative to the complaint<sup>[2]</sup> for disbarment filed by Lydia Castro-Justo against Atty. Rodolfo T. Galing.

Complainant Justo alleged that sometime in April 2003, she engaged the services of respondent Atty. Galing in connection with dishonored checks issued by Manila City Councilor Arlene W. Koa (Ms. Koa). After she paid his professional fees, the respondent drafted and sent a letter to Ms. Koa demanding payment of the checks.<sup>[3]</sup> Respondent advised complainant to wait for the lapse of the period indicated in the demand letter before filing her complaint.

On 10 July 2003, complainant filed a criminal complaint against Ms. Koa for estafa and violation of Batas Pambansa Blg. 22 before the Office of the City Prosecutor of Manila.<sup>[4]</sup>

On 27 July 2003, she received a copy of a Motion for Consolidation<sup>[5]</sup> filed by respondent for and on behalf of Ms. Koa, the accused in the criminal cases, and the latter's daughter Karen Torralba (Ms. Torralba). Further, on 8 August 2003, respondent appeared as counsel for Ms. Koa before the prosecutor of Manila.

Complainant submits that by representing conflicting interests, respondent violated the Code of Professional Responsibility.

In his Comment,<sup>[6]</sup> respondent denied the allegations against him. He admitted that he drafted a demand letter for complainant but argued that it was made only in deference to their long standing friendship and not by reason of a professional engagement as professed by complainant. He denied receiving any professional fee for the services he rendered. It was allegedly their understanding that complainant would have to retain the services of another lawyer. He alleged that complainant, based on that agreement, engaged the services of Atty. Manuel A. Año.

To bolster this claim, respondent pointed out that the complaint filed by complainant against Ms. Koa for estafa and violation of B.P. Blg. 22 was based not on the demand letter he drafted but on the demand letter prepared by Atty. Manuel A. Año.

Respondent contended that he is a close friend of the opposing parties in the

criminal cases. He further contended that complainant Justo and Ms. Koa are likewise long time friends, as in fact, they are "comares" for more than 30 years since complainant is the godmother of Ms. Torralba.<sup>[7]</sup> Respondent claimed that it is in this light that he accommodated Ms. Koa and her daughter's request that they be represented by him in the cases filed against them by complainant and complainant's daughter. He maintained that the filing of the Motion for Consolidation which is a non-adversarial pleading does not evidence the existence of a lawyer-client relationship between him and Ms. Koa and Ms. Torralba. Likewise, his appearance in the joint proceedings should only be construed as an effort on his part to assume the role of a moderator or arbiter of the parties.

He insisted that his actions were merely motivated by an intention to help the parties achieve an out of court settlement and possible reconciliation. He reported that his efforts proved fruitful insofar as he had caused Ms. Koa to pay complainant the amount of P50,000.00 in settlement of one of the two checks subject of I.S. No. 03G-19484-86.

Respondent averred that the failure of Ms. Koa and Ms. Torralba to make good the other checks caused a lot of consternation on the part of complainant. This allegedly led her to vent her ire on respondent and file the instant administrative case for conflict of interest.

In a resolution dated 19 October 2007, the Board of Governors of the IBP adopted and approved with modification the findings of its Investigating Commissioner. They found respondent guilty of violating Canon 15, Rule 15.03 of the Code of Professional Responsibility by representing conflicting interests and for his daring audacity and for the pronounced malignancy of his act. It was recommended that he be suspended from the practice of law for one (1) year with a warning that a repetition of the same or similar acts will be dealt with more severely.<sup>[8]</sup>

We agree with the Report and Recommendation of the Investigating Commissioner,<sup>[9]</sup> as adopted by the Board of Governors of the IBP.

It was established that in April 2003, respondent was approached by complainant regarding the dishonored checks issued by Manila City Councilor Koa.

It was also established that on 25 July 2003, a Motion for Consolidation was filed by respondent in I.S. No. 03G-19484-86 entitled "Lydia Justo vs. Arlene Koa" and I.S. No. 03G-19582-84 entitled "Lani C. Justo vs. Karen Torralba". Respondent stated that the movants in these cases are mother and daughter while complainants are likewise mother and daughter and that these cases arose out from the same transaction. Thus, movants and complainants will be adducing the same sets of evidence and witnesses.

Respondent argued that no lawyer-client relationship existed between him and complainant because there was no professional fee paid for the services he rendered. Moreover, he argued that he drafted the demand letter only as a personal favor to complainant who is a close friend.

We are not persuaded. A lawyer-client relationship can exist notwithstanding the close friendship between complainant and respondent. The relationship was