

EN BANC

[A.C. No. 7472, March 30, 2010]

LIGAYA MANIAGO, COMPLAINANT, VS. ATTY. LOURDES I. DE DIOS, RESPONDENT.

R E S O L U T I O N

NACHURA, J.:

The instant case arose from an Affidavit-Complaint dated April 2, 2007 filed by Ligaya Maniago, seeking the disbarment of Atty. Lourdes I. de Dios for engaging in the practice of law despite having been suspended by the Court.

Complainant alleged that she filed a criminal case against Hiroshi Miyata, a Japanese national, before the Regional Trial Court (RTC), Olongapo City, Branch 73, for violation of Presidential Decree No. 603, docketed as Criminal Case No. 699-2002. The accused was represented by Atty. De Dios, with office address at 22 Magsaysay Drive, Olongapo City. Complainant then learned from the RTC staff that Atty. De Dios had an outstanding suspension order from the Supreme Court since 2001, and was, therefore, prohibited from appearing in court. Complainant further alleges that there is a civil case (Civil Case No. 355-0-2005) and another case (Special Proceeding No. M-6153) filed against Miyata before the RTC, Makati City, Branch 134, where Atty. De Dios appeared as his counsel. Complainant averred that Atty. De Dios ought to be disbarred from the practice of law for her flagrant violation and deliberate disobedience of a lawful order of the Supreme Court.

In her Comment, Atty. De Dios admitted that there were cases filed against her client, Miyata. She, however, denied that she was under suspension when she appeared as his counsel in the cases.

Respondent explained that an administrative case was indeed filed against her by Diana de Guzman, docketed as A.C. No. 4943, where she was meted the penalty of 6-month suspension. She served the suspension immediately upon receipt of the Court's Resolution on May 16, 2001 up to November 16, 2001. In a Manifestation filed on October 19, 2001, respondent formally informed the Court that she was resuming her practice of law on November 17, 2001, which she actually did.

A problem arose when Judge Josefina Farrales, in her capacity as Acting Executive Judge of the RTC, Olongapo City, erroneously issued a directive on March 15, 2007, ordering respondent to desist from practicing law and revoking her notarial commission for the years 2007 and 2008. Knowing that the directive was rather questionable, respondent, nonetheless, desisted from law practice in due deference to the court order. Thereafter, respondent filed a Motion for Clarification with the Supreme Court on account of Judge Farrales' letters to all courts in Olongapo City and to some municipalities in Zambales, which "gave the impression that Atty. De Dios is not yet allowed to resume her practice of law and that her notarial

commission for the years 2007 and 2008 is revoked." Acting on the said motion, the Court issued a resolution on April 23, 2007 in this wise:

A.C. No. 4943 (Diana de Guzman v. Atty. Lourdes I. De Dios) - Respondent's Urgent Motion for Clarification dated 14 March 2007 praying that the Court declare her to have served her six (6) months (sic) suspension and her resumption of law practice on 17 November 2001 onwards as proper is **NOTED**.

Considering the motion for clarification, the Court resolves to **DEEM** Atty. Lourdes I. De Dios to have **SERVED** her six (6) month suspension and her recommencement of law practice on 17 November 2001 as **PROPER** pursuant to the Resolution dated 30 January 2002.

Respondent averred that for the period stated in the affidavit of complainant Maniago, during which she allegedly practiced law, she was neither suspended nor in any way prohibited from practice. The complaint, she added, was baseless and malicious, and should be dismissed outright.

In the Resolution dated September 12, 2007, the Court referred the matter to the Office of the Bar Confidant (OBC) for evaluation, report and recommendation. Initially, the OBC directed the complainant to file a supplemental affidavit, stating therein the exact period of appearances of Atty. De Dios and the particular courts where respondent appeared as counsel in the following cases: (1) Criminal Case No. 699-2002; (2) Civil Case No. 355-0-2005; and (3) Sp. Proc. No. M-6153.

In compliance therewith, complainant submitted a Supplemental Affidavit in the vernacular, which reads:

2. Sa Criminal Case No. 699-2002 entitled People of the Philippines vs. Hiroshi Miyata ay [nagsimulang] mag[-]appear si Atty. Lourdes de Dios mula April 9, 2003, na [naka-]attach ang Certification mula sa Branch 73[,] Regional Trial Court[,] Olongapo City.

3. Sa Civil Case No. 355-0-2006 ay [nagsimulang] mag[-]appear si Atty. de Dios noong October 10, 2005, nakasaad din ito sa Certification mula sa Branch 73, Regional Trial Court of Olongapo City. At sa Sp. Proc. No. M-6153 ay ito ay na[-]ifile ni Atty. de Dios noong September 26, 2005 at hanggang ngayon ay pending pa sa Court of Appeals.

4. Bilang karagdagan po ay naka[-]attach ang Certified Xerox Copy ng Minutes of the Session ng Subic Municipal Trial Court na kung saan ay nag[-]appear si Atty. de Dios sa Civil Case No. 042-01 entitled Andrea Lorenzo, plaintiff, -versus- Simeon Pullido noong December 14, 2001.

5. At makikita rin po sa Annex A-5 ng Comment ni Atty. de Dios, x x x -

5.[a.] Nag file ng kaso si Atty. Lourdes de Dios noong May 17, 2001 entitled Shirley Pagaduan vs. Danilo Pagaduan[,] Civil Case No. 234-0-2001. Ito ay ginawa ni Atty. de Dios isang (1)