

## FIRST DIVISION

[ G.R. No. 132826, September 03, 2009 ]

**ROLANDO SAA, PETITIONER, VS. INTEGRATED BAR OF THE PHILIPPINES, COMMISSION ON BAR DISCIPLINE, BOARD OF GOVERNORS, PASIG CITY AND ATTY. FREDDIE A. VENIDA, RESPONDENTS.**

### R E S O L U T I O N

**CORONA, J.:**

Petitioner Rolanda Saa filed a complaint for disbarment against respondent Atty. Freddie A. Venida on December 27, 1991 in this Court. In his complaint, Saa stated that Atty. Venida's act of filing two cases<sup>[1]</sup> against him was oppressive and constituted unethical practice.<sup>[2]</sup>

In a resolution dated February 17, 1992,<sup>[3]</sup> Atty. Venida was required to comment on the complaint against him. In his belated and partial compliance<sup>[4]</sup> with the February 17, 1992 resolution, Atty. Venida averred that Saa did not specifically allege his supposed infractions. He asked to be furnished a copy of the complaint. He also prayed for the dismissal of the complaint.

Despite receipt of a copy of the complaint,<sup>[5]</sup> Atty. Venida still did not file his complete comment within 10 days as required in the February 17, 1992 resolution. Consequently, we issued the June 14, 1995 resolution<sup>[6]</sup> requiring Atty. Venida to show cause why he should not be disciplinarily dealt with or held in contempt for failure to comply with the February 17, 1992 resolution.

Finally, Atty. Venida filed his full comment<sup>[7]</sup> on September 4, 1995 which, without doubt, was a mere reiteration of his partial comment. Atty. Venida also added that he was merely performing his duty as counsel of Saa's adversaries.<sup>[8]</sup>

The matter was thereafter referred to the Integrated Bar of the Philippines (IBP) for investigation, report and recommendation. In a report dated August 14, 1997, Commissioner George S. Briones recommended the dismissal of the complaint for lack of merit.<sup>[9]</sup> It found no evidence that the two cases filed by Atty. Venida against Saa were acts of oppression or unethical practice.<sup>[10]</sup>

The Board of Governors of the IBP resolved to adopt and approve the investigating commissioner's report and dismissed the complaint.<sup>[11]</sup> Saa filed a motion for reconsideration but was denied.<sup>[12]</sup>

Saa now questions the resolution of the IBP in this petition for certiorari.<sup>[13]</sup> He ascribes grave abuse of discretion to the IBP when it adopted and affirmed the

report of the investigating commissioner dismissing his complaint. According to him, the investigating commissioner's report did not at all mention the dismissal of OMB 1-90-1118 and A.C. P-90-513, even if the existence of both cases was admitted by the parties. The dismissal of his complaint for disbarment was therefore grounded entirely on speculations, surmises and conjectures.

We disagree.

Grave abuse of discretion refers to a capricious, whimsical, arbitrary or despotic exercise of judgment by reason of passion or personal hostility as is equivalent to lack of jurisdiction.<sup>[14]</sup> It must be so patent and gross as to amount to an evasion or a virtual refusal to perform the duty enjoined or to act in contemplation of law.<sup>[15]</sup> A decision is not deemed tainted with grave abuse of discretion simply because a party affected disagrees with it.

There was no grave abuse of discretion in this case. There was in fact a dearth of evidence showing oppressive or unethical behavior on the part of Atty. Venida. Without convincing proof that Atty. Venida was motivated by a desire to file baseless legal actions, the findings of the IBP stand.

Nonetheless, we strongly disapprove of Atty. Venida's blatant refusal to comply with various court directives. As a lawyer, he had the responsibility to follow legal orders and processes.<sup>[16]</sup> Yet, he disregarded this very important canon of legal ethics when he filed only a partial comment on January 26, 1993 or 11 months after being directed to do so in the February 17, 1992 resolution. Worse, he filed his complete comment only on June 14, 1995 or a little over three years after due date. In both instances, he managed to delay the resolution of the case, a clear violation of Canon 12<sup>[17]</sup> and Rules 1.03<sup>[18]</sup> and 12.04<sup>[19]</sup> of the Code of Professional Responsibility.

Yet again, Atty. Venida failed to file a memorandum within the period required in our May 17, 2004 resolution.<sup>[20]</sup> Despite the 30-day deadline to file his memorandum,<sup>[21]</sup> he still did not comply. As if taunting authority, he continually ignored our directives for him to show cause and comply with the May 17, 2004 resolution.<sup>[22]</sup>

Atty. Venida apologized for the late filing of both his partial and full comments. But tried to exculpate himself by saying he inadvertently misplaced the complaint and had a heavy workload (for his partial comment). He even had the temerity to blame a strong typhoon for the loss of all his files, the complaint included (for his full comment). His excuses tax the imagination. Nevertheless, his apologies notwithstanding, we find his conduct utterly unacceptable for a member of the legal profession. He must not be allowed to evade accountability for his omissions.

A member of the bar may be disbarred or suspended from his office as an attorney for violation of the lawyer's oath and/or for breach of the ethics of the legal profession as embodied in the Code of Professional Responsibility.<sup>[23]</sup> We reiterate our ruling in *Catu v. Atty. Rellosa*:<sup>[24]</sup>

Indeed, a lawyer who disobeys the law disrespects it. In so doing, he disregards legal ethics and disgraces the dignity of the legal profession.