

EN BANC

[A.C. NO. 7055, July 31, 2006]

**NORIEL MICHAEL J. RAMIENTAS, PETITIONER, VS. ATTY.
JOCELYN P. REYALA, RESPONDENT.**

R E S O L U T I O N

CHICO-NAZARIO, J.:

Before Us are Manifestations^[1] filed by the abovequoted parties in response to Supreme Court (SC) *En Banc* Resolution^[2] dated 7 March 2006, wherein we resolved to require them to manifest, within ten (10) days from notice, whether they are willing to submit the case at bar for decision/resolution on the basis of the pleadings already on record.

The present controversy stemmed from an Administrative Complaint^[3] filed by Noriel Michael J. Ramientas on 16 February 2004 before the Integrated Bar of the Philippines (IBP), Commission on Bar Discipline, seeking the disbarment of respondent Atty. Jocelyn P. Reyala. The complaint was anchored on respondent Reyala's alleged violative acts: (1) submitting a pleading before the Court of Appeals bearing the forged signature of another lawyer; and (2) her continuous handling of a case while working in the Court of Appeals; both contrary to a) Articles 171,^[4] 182,^[5] 184^[6] and 355^[7] of the Revised Penal Code (RPC); b) the Code of Professional Responsibility for Lawyers; and c) conduct unbecoming of a lawyer.

Hearing on the merits thereafter ensued.

In its Resolution No. XVII-2005-171 passed on 17 December 2005, the IBP Board of Governors resolved to adopt the recommendation of Atty. Edmund T. Espina, Investigating Commissioner, finding respondent Reyala guilty of the abovementioned violative acts. It, however, modified the recommended penalty to be imposed from six (6) months suspension (from the practice of law) to two (2) years, with the corresponding warning that a repetition of any breach of her professional duties will be dealt with more severely.^[8]

On 13 February 2006, the Office of the Bar Confidant, SC, received a letter dated 30 January 2006, from Atty. Rogelio A. Vinluan, Director for Bar Discipline of the IBP Commission on Bar Discipline, addressed to SC Chief Justice Artemio V. Panganiban, stating therein that:

We are transmitting herewith the following documents pertaining to the above^[9] case pursuant to Rule 139-B:

1. Notice of the Resolution;

2. Records of the case consisting of Volume I 1-185 pages.

In the *interregnum*, however, respondent Reyala submitted^[10] to the IBP an *Urgent Motion for Reconsideration* of the resolution suspending her.

On 7 March 2006, the SC *En Banc*, acting on the letter and transmittal, resolved to require complainant Ramientas and respondent Reyala to manifest whether they are willing to submit the case for decision/resolution based on the pleadings and documents already on record.

Both parties submitted their compliance thereto.

In his Manifestation,^[11] complainant Ramientas acceded to the submission of the case for decision/resolution based on the pleadings already on record.

Respondent Reyala, on the other hand, demurred^[12] to such submission for the meantime considering that the *Motion for Reconsideration* she earlier filed before the IBP remained unresolved to date. Further, she stated that when she scheduled said motion for hearing, she was informed^[13] by the IBP that it was precluded from acting on the aforesaid motion as it had already transmitted to this Court the whole records of the particular case together with Resolution No. XVII-2005-171, which recommended that she be suspended from the practice of law for two (2) years. Thus, she prayed that her motion for reconsideration be decided first by the IBP Board of Governors before submitting the case for decision/resolution to this Court.

Prefatorily, a reading of the By-Laws of the IBP will reveal that a motion for reconsideration of its resolution or order is a prohibited pleading. § 2 of Rule III of the Rules of Procedure of the Commission on Bar Discipline of the IBP provides that:

SEC. 2. **Prohibited Pleadings.** The following pleadings shall not be allowed, to wit:

x x x x

c. Motion for new trial, or for reconsideration of resolution or order.

x x x x

Parenthetically, at first glance, Rule 139-B of the Rules of Court, the rules governing the disbarment and discipline of attorneys, shows that there is no provision regarding motions for reconsideration of resolutions of the IBP Board of Governors suspending respondent lawyers. However, worth noting is the fact that neither does it particularly proscribe the filing of such motions. §12 (b) of Rule 139-B of the Rules of Court reads:

SEC. 12. *Review and decision by the Board of Governors.* - x x x

x x x x

(b) If the Board, by the vote of a majority of its total membership, determines that the respondent should be suspended from the practice of law or disbarred, it shall issue a resolution setting forth its findings and

recommendations which, together with the whole record of the case, shall forthwith be transmitted to the Supreme Court for final action. (Emphasis supplied.)

x x x x

Hence, this impasse.

A judicious review of our current jurisprudence will reveal that said impasse is more ostensible than real. Our pronouncement in the case of *Halimao v. Villanueva*,^[14] promulgated close to two decades after the effectivity of the IBP By-Laws,^[15] effectively amended the latter in so far as motions for reconsideration of IBP resolutions in disciplinary cases against lawyers are concerned.

In the *Halimao* case, we took the occasion to articulate our stance respecting motions for reconsideration of resolutions of the IBP Board of Governors in disciplinary cases against lawyers. This Court was confronted therein with somewhat the same set of circumstance as the case at bar in that after the IBP Board of Governors transmitted to us its resolution adopting the recommendation of the investigating commissioner dismissing the disbarment complaint against respondent Villanueva for being barred by *res judicata*, complainant Halimao filed a motion for reconsideration. The latter opposed such motion on the ground that Rule 139-B of the Rules of Court does not provide for such a possibility of review. In resolving the issue, this Court, through Mr. Justice Mendoza, held that:

Although Rule 139-B, §12 (c) makes no mention of a motion for reconsideration, nothing in its text or in its history suggests that such motion is prohibited. **It may therefore be filed within 15 days from notice to a party. Indeed, the filing of such motion should be encouraged before resort is made to this Court as a matter of exhaustion of administrative remedies,** to afford the agency rendering the judgment an opportunity to correct any error it may have committed through a misapprehension of facts or misappreciation of the evidence.^[16] (Emphasis supplied.)

Clearly, the aforementioned ruling amended the IBP By-Laws in that it effectively removed a motion for reconsideration from the roster of proscribed pleadings in the level of the IBP. It must be remembered that it is well within the Court's power to amend the By-Laws of the IBP - § 77 of the same vests in this Court the power to amend, modify or repeal it, either *motu proprio* or upon recommendation of the IBP Board of Governors.

Prescinding from the above, though the aforementioned ruling involves §12 (c)^[17] of Rule 139-B, nothing in the decision contradicts its application to §12 (b) of the same rule, thus, it *now* stands that a motion for reconsideration of IBP resolutions may be filed by an aggrieved party within the period stated.

A point of clarification, however, is in order. While in the *Halimao* ruling we nevertheless treated the motion for reconsideration filed by Atty. Villanueva as his *Petition for Review* before this Court within the contemplation of Rule 139-B, § 12 (c), such action on our part was necessitated by "expediency." In the case at bar, acknowledging the *raison d'être* for the allowance of motions for reconsideration of