

**EN BANC**

**[ A.C. NO. 6697, July 25, 2006 ]**

**ZOILO ANTONIO VELEZ, COMPLAINANT, VS. ATTY. LEONARD S. DE VERA, RESPONDENT.**

**[BAR MATTER NO. 1227]**

**RE: OATH-TAKING OF ATTY. LEONARD S. DE VERA, INCOMING  
PRESIDENT OF THE INTEGRATED BAR OF THE PHILIPPINES**

**IN THE MATTER OF THE REMOVAL OF ATTY. LEONARD S. DE  
VERA FROM THE IBP BOARD OF GOVERNORS AS EXECUTIVE  
VICE PRESIDENT AND GOVERNOR**

**[A.M. NO. 05-5-15-SC]**

**IN THE MATTER OF THE LETTER-COMPLAINT OF ATTY. LEONARD  
S. DE VERA DATED MAY 18, 2005 TO FORTHWITH  
DENY/DISAPPROVE THE IBP RESOLUTION UNJUSTLY,  
ILLEGALLY, ARBITRARILY, AND ABRUPTLY REMOVING HIM  
FROM THE BOARD OF GOVERNORS OF THE IBP FOR ABSOLUTE  
LACK OF BASIS AND FOR FLAGRANT DENIAL OF DUE PROCESS.**

**D E C I S I O N**

**PER CURIAM:**

Before Us are three consolidated cases revolving around Integrated Bar of the Philippines (IBP) Governor and Executive Vice-President (EVP) Atty. Leonard de Vera. The first pertains to a disbarment case questioning Atty. de Vera's moral fitness to remain as a member of the Philippine Bar, the second refers to Atty. de Vera's letter-request to schedule his oath taking as IBP National President, and the third case concerns the validity of his removal as Governor and EVP of the IBP by the IBP Board. The resolution of these cases will determine the national presidency of the IBP for the term 2005-2007.

**A.C. No. 6697**

The Office of the Bar Confidant, which this Court tasked to make an investigation, report and recommendation on subject case,<sup>[1]</sup> summarized the antecedents thereof as follows:

In a Complaint dated 11 April 2005, complainant Zoilo Antonio Velez moved for the suspension and/or disbarment of respondent Atty. Leonard de Vera based on the following grounds:

- 1) respondent's alleged misrepresentation in concealing the suspension order rendered against him by the State Bar of California; and
- 2) respondent's alleged violation of the so-called "rotation rule" enunciated in Administrative Matter No. 491 dated 06 October 1989 (in the Matter: 1989 IBP Elections).

Complainant averred that the respondent, in appropriating for his own benefit funds due his client, was found to have performed an act constituting moral turpitude by the Hearing Referee Bill Dozier, Hearing Department - San Francisco, State Bar of California in Administrative Case No. 86-0-18429. Complainant alleged that the respondent was then forced to resign or surrender his license to practice law in the said state in order to evade the recommended three (3) year suspension. Complainant asserted that the respondent lacks the moral competence necessary to lead the country's most noble profession.

Complainant, likewise, contended that the respondent violated the so-called "rotation rule" provided for in Administrative Matter No. 491 when he transferred to IBP Agusan del Sur Chapter. He claimed that the respondent failed to meet the requirements outlined in the IBP By-Laws pertaining to transfer of Chapter Membership. He surmised that the respondent's transfer was intended only for the purpose of becoming the next IBP National President. Complainant prayed that the respondent be enjoined from assuming office as IBP National President.

Meanwhile, in his Comment dated 2 May 2005, respondent stated that the issues raised in above-mentioned Complaint were the very issues raised in an earlier administrative case filed by the same complainant against him. In fact, according to him, the said issues were already extensively discussed and categorically ruled upon by this Court in its Decision dated 11 December 2005 in Administrative Case No. 6052 (In Re: Petition to Disqualify Atty. Leonard De Vera). Respondent prayed that the instant administrative complaint be dismissed following the principle of *res judicata*.

On 15 June 2005, both parties appeared before the Office of the Bar Confidant for presentation of evidence in support of their respective allegations.

Subsequently, in a Memorandum dated 20 June 2005, complainant maintained that there is substantial evidence showing respondent's moral baseness, vileness and depravity, which could be used as a basis for his disbarment. Complainant stressed that the respondent never denied that he used his client's money. Complainant argued that the respondent failed to present evidence that the Supreme Court of California accepted the latter's resignation and even if such was accepted, complainant posited that this should not absolve the respondent from liability.

Moreover, complainant added that the principle of *res judicata* would not

apply in the case at bar. He asserted that the first administrative case filed against the respondent was one for his disqualification. x x x.

**Bar Matter No. 1227**  
**A.M. No. 05-5-15-SC**

As earlier adverted to, Bar Matter No. 1227 refers to Atty. de Vera's letter-request to this Court to schedule his oath taking as IBP National President. A.M. No. 05-5-15-SC, on the other hand, is a letter-report dated 19 May 2005 of IBP National President Jose Anselmo I. Cadiz (IBP President Cadiz) furnishing this Court with the IBP's Resolution, dated 13 May 2005, removing Atty. De Vera as member of the IBP Board and as IBP EVP, for committing acts inimical to the IBP Board and the IBP in general.<sup>[2]</sup>

The controversy in Bar Matter No. 1227 and A.M. No. 05-5-15-SC arose from the regular meeting of the IBP Board of Governors held on 14 January 2005. In said meeting, by 2/3 vote (6 voting in favor and 2 against), the IBP Board approved the withdrawal of the Petition filed before this Court docketed as "*Integrated Bar of the Philippines, Jose Anselmo I. Cadiz, et al. vs. Senate of the Philippines, et al. - Petition for Certiorari and Prohibition with Prayer for the Issuance of Temporary Restraining Order or Writ of Preliminary Injunction, SC-R165108.*" The Petition was intended to question the legality and/or constitutionality of Republic Act No. 9227, authorizing the increase in the salaries of judges and justices, and to increase filing fees.<sup>[3]</sup>

The two IBP Governors who opposed the said Resolution approving the withdrawal of the above-described Petition were herein respondent Governor and EVP de Vera and Governor Carlos L. Valdez.<sup>[4]</sup>

On 19 January 2005, IBP President Cadiz informed this Court of the decision taken by the IBP Board to withdraw the afore-mentioned Petition. Attached to his letter was a copy of the IBP Board's 14 January 2005 Resolution.<sup>[5]</sup>

On 15 April 2005, Bar Matter No. 1227, pertaining to Atty. de Vera's request for oath-taking as National President, was filed. The same was subsequently consolidated with A.C. No. 6697, the disbarment case filed against Atty. de Vera.<sup>[6]</sup>

On 22 April 2005, a plenary session was held at the 10th National IBP Convention at the CAP-Camp John Hay Convention Center, Baguio City. It was at this forum where Atty. de Vera allegedly made some untruthful statements, innuendos and blatant lies in connection with the IBP Board's Resolution to withdraw the Petition questioning the legality of Republic Act No. 9227.<sup>[7]</sup>

On 10 May 2005, this Court issued a Temporary Restraining Order (TRO) enjoining Atty. de Vera from assuming office as IBP National President.<sup>[8]</sup>

On 12 May 2005, IBP Gov. Romulo A. Rivera wrote IBP National President Cadiz a letter wherein he prayed for the removal of Atty. de Vera as member of the IBP Board for having committed acts which were inimical to the IBP Board and the IBP.<sup>[9]</sup>

On 13 May 2005, in the 20th Regular Meeting of the Board held at the Waterfront Hotel, Cebu City, the IBP Board, by 2/3 vote, resolved to remove Atty. de Vera as member of the IBP Board of Governors and as IBP Executive Vice President.<sup>[10]</sup> Quoted hereunder is the dispositive portion of said Resolution:

NOW THEREFORE, BE IT RESOLVED, AS IT IS HEREBY RESOLVED, that Governor Leonard S. de Vera is REMOVED as a member of the IBP Board of Governors and Executive Vice President for committing acts inimical to the IBP Board of Governors and the IBP, to wit:

1. For making untruthful statements, innuendos and blatant lies in public about the Supreme Court and members of the IBP Board of Governors, during the Plenary Session of the IBP 10th National Convention of Lawyers, held at CAP-Camp John Hay Convention Center on 22 April 2005, making it appear that the decision of the IBP Board of Governors to withdraw the PETITION docketed as "Integrated Bar of the Philippines, Jose Anselmo I. Cadiz, et al. vs. The Senate of the Philippines, et al., Petition for Certiorari and Prohibition With Prayer for the Issuance of A Temporary Restraining Order or Writ of Preliminary Injunction, S.C.-R. 165108", was due to influence and pressure from the Supreme Court of the Philippines;
2. For making said untruthful statements, innuendos and blatant lies that brought the IBP Board of Governors and the IBP as a whole in public contempt and disrepute;
3. For violating Canon 11 of the Code of Professional Responsibility for Lawyers which mandates that "A lawyer shall observe and maintain the respect due to the courts and to judicial officers and should insist on similar conduct by others", by making untruthful statements, innuendos and blatant lies during the Plenary Session of the IBP 10th National Convention of Lawyers in Baguio City;
4. For instigating and provoking some IBP chapters to embarrass and humiliate the IBP Board of Governors in order to coerce and compel the latter to pursue the aforesaid *PETITION*;
5. For falsely accusing the IBP National President, Jose Anselmo I. Cadiz, during the Plenary Session of the 10th National Convention in Baguio City of withholding from him a copy of Supreme Court Resolution, dated 25 January 2005, granting the withdrawal of the *PETITION*, thereby creating the wrong impression that the IBP National President deliberately prevented him from taking the appropriate remedies with respect thereto, thus compromising the reputation and integrity of the IBP National President and the IBP as a whole.<sup>[11]</sup>

On 18 May 2005, Atty. de Vera aired his sentiments to this Court by writing the then Hon. Chief Justice Hilario G. Davide, Jr. a letter captioned as "Urgent Plea to Correct a Glaring Injustice of the IBP Board of Governors; Vehement Protest to the Board Resolution Abruptly Removing Atty. Leonard de Vera from the Board of Governors in Patent Violation of Due Process; Petition to Deny/Disapprove the Completely

Unjustified and Highly Arbitrary Resolution Precipitately Ousting Atty. de Vera from the Board of Governors in Less Than Twenty Four (24) Hours from Notice and Judgment Without Formal Investigation."<sup>[12]</sup>

In the said letter, Atty. de Vera strongly and categorically denied having committed acts inimical to the IBP and its Board. He alleged that on the basis of an unverified letter-complaint filed by IBP Governor Rivera, the IBP Board voted to expel him posthaste, without just cause and in complete disregard of even the minimum standards of due process. Pertinent portions of his letter read:

It is evident that the Board of Governors has committed a grave and serious injustice against me especially when, as the incumbent Executive Vice President of the IBP, I am scheduled to assume my position as National President of the IBP on July 1, 2005. x x x

I was denied the very basic rights of due process recognized by the Supreme Court even in administrative cases:

1. The denial of the ***right to answer*** the charges ***formally*** or *in writing*. The complaint against me was in writing.
2. The denial of the right to ***answer*** the charges within a ***reasonable period of time*** after receipt of the complaint.
3. The denial of the ***right to a fair hearing***.
4. The denial of the ***right to confront the accuser*** and the witnesses against me. I challenged Gov. Rivera to testify under oath so I could question him. He refused. I offered to testify under oath so I could be questioned. My request was denied.
5. The denial of my ***right to present witnesses on my behalf***.
6. The denial of my ***right to an impartial judge***. Governor Rivera was my accuser, prosecutor, and judge ***all*** at the same time.
7. Gov. Rivera's prejudgment of my case becomes even more evident because when his motion to expel me was lost in a 5-3 votes (due to his inhibition to vote), Gov. Rivera asked for ***another round of voting*** so he can vote to support his own complaint and motion to expel me.<sup>[13]</sup> (Emphasis and underscoring in original.)

On 27 May 2005, the IBP Board responded to the 18 May 2005 letter of Atty. de Vera.<sup>[14]</sup> In their Reply, the IBP Board explained to this Court that their decision to remove Atty. de Vera was based on valid grounds and was intended to protect itself from a recalcitrant member. Among the grounds cited and elucidated by the IBP Board were the following:

- (i) Atty. de Vera engaged himself in a negative media campaign and solicited resolutions from IBP Chapters to condemn the IBP Board of Governors for its decision to withdraw the *PETITION, all with the end in view of compelling or coercing*