

## EN BANC

[ A.C. NO. 5580, June 15, 2005 ]

**SAN JOSE HOMEOWNERS ASSOCIATION INC., AS REPRESENTED  
BY REBECCA V. LABRADOR, COMPLAINANT, VS. ATTY. ROBERTO  
B. ROMANILLOS, RESPONDENT.**

### D E C I S I O N

#### PER CURIAM:

This is a Petition<sup>[1]</sup> for disbarment against Atty. Roberto B. Romanillos for allegedly representing conflicting interests and for using the title "Judge" despite having been found guilty of grave and serious misconduct in *Zarate v. Judge Romanillos*.<sup>[2]</sup>

The facts are as follows:

In 1985, respondent represented San Jose Homeowners Association, Inc. (SJHAI) before the Human Settlements Regulation Commission (HSRC) in a case<sup>[3]</sup> against Durano and Corp., Inc. (DCI) for violation of the Subdivision and Condominium Buyer's Protection Act (P.D. No. 957). SJHAI alleged that Lot No. 224 was designated as a school site in the subdivision plan that DCI submitted to the Bureau of Lands in 1961 but was sold by DCI to spouses Ramon and Beatriz Durano without disclosing it as a school site.

While still the counsel for SJHAI, respondent represented Myrna and Antonio Montealegre in requesting for SJHAI's conformity to construct a school building on Lot No. 224 to be purchased from Durano.

When the request was denied, respondent applied for clearance before the Housing and Land Use Regulatory Board (HLURB) in behalf of Montealegre. Petitioner's Board of Directors terminated respondent's services as counsel and engaged another lawyer to represent the association.

Respondent also acted as counsel for Lydia Durano-Rodriguez who substituted for DCI in Civil Case No. 18014 entitled "*San Jose Homeowners, Inc. v. Durano and Corp., Inc.*" filed before the Regional Trial Court of Makati City, Branch 134. Thus, SJHAI filed a disbarment case against respondent for representing conflicting interests, docketed as Administrative Case No. 4783.

In her Report<sup>[4]</sup> dated August 3, 1998, Investigating Commissioner Lydia A. Navarro of the Commission on Bar Discipline of the Integrated Bar of the Philippines (IBP) made the following findings:

... Respondent failed to observe candor and fairness in dealing with his clients, knowing fully well that the Montealegre case was adverse to the Complainant wherein he had previously been not only an active board

member but its corporate secretary having access to all its documents confidential or otherwise and its counsel in handling the implementation of the writ of execution against its developer and owner, Durano and Co. Inc.

Moreso, when Respondent acted as counsel for the substituted defendant Durano and Co. Inc., Lydia Durano-Rodriguez; the conflict of interest between the latter and the Complainant became so revealing and yet Respondent proceeded to represent the former.

...

For his defense of good faith in doing so; inasmuch as the same wasn't controverted by the Complainant which was his first offense; Respondent must be given the benefit of the doubt to rectify his error subject to the condition that should he commit the same in the future; severe penalty will be imposed upon him.<sup>[5]</sup>

The Investigating Commissioner recommended dismissal of the complaint with the admonition that respondent should observe extra care and diligence in the practice of his profession to uphold its dignity and integrity beyond reproach.

The IBP Board of Governors adopted and approved the report and recommendation of the Investigating Commissioner, which we noted in a resolution dated March 8, 1999.

Notwithstanding the admonition, respondent continued representing Lydia Durano-Rodriguez before the Court of Appeals<sup>[6]</sup> and this Court<sup>[7]</sup> and even moved for the execution of the decision.

Thus, a second disbarment case was filed against respondent for violation of the March 8, 1999 Resolution in A.C. No. 4783 and for his alleged deceitful conduct in using the title "Judge" although he was found guilty of grave and serious misconduct.

Respondent used the title "Judge" in his office letterhead, correspondences and billboards which was erected in several areas within the San Jose Subdivision sometime in October 2001.

In his Comment and Explanation,<sup>[8]</sup> respondent claimed that he continued to represent Lydia Durano-Rodriguez against petitioner despite the March 8, 1999 Resolution because it was still pending when the second disbarment case was filed. He maintained that the instant petition is a rehash of the first disbarment case from which he was exonerated. Concerning the title "Judge", respondent stated that since the filing of the instant petition he had ceased to attach the title to his name.

On July 7, 2003, the matter was referred to the IBP for investigation, report and recommendation.<sup>[9]</sup>

Investigating Commissioner Leland R. Villadolid, Jr. reported that respondent did not violate the admonition because it referred to future cases only and not to cases

subject of A.C. No. 4783. Besides, petitioner never questioned the propriety of respondent's continued representation of Lydia Durano-Rodriguez on appeal until the case was terminated.

The Investigating Commissioner, however, believed that respondent was deceitful when he used the title "Judge", thus creating a false impression that he was an incumbent.

The Investigating Commissioner recommended thus:

In view of the foregoing considerations, this Commissioner respectfully recommends the following penalty range to be deliberated upon by the Board for imposition on Respondent: minimum penalty of reprimand to a maximum penalty of four (4) months suspension. It is further recommended that in addition to the penalty to be imposed, a stern warning be given to Respondent in that should he violate his undertaking/promise not to handle any case in the future where the Complainant would be the adverse party and/or should he again use the title of "Judge" which would create an impression that he is still connected to the judiciary, a more severe penalty shall be imposed on him by the Commission.

RESPECTFULLY SUBMITTED.

The IBP Board of Governors approved with modification the report and recommendation of the Investigating Commissioner, thus:

RESOLVED to ADOPT and APPROVE, as it is hereby ADOPTED and APPROVED, **with modification**, the Report and Recommendation of the Investigating Commissioner of the above-entitled case, herein made part of this Resolution as Annex "A", and, finding the recommendation fully supported by the evidence on record and the applicable laws and rules, and considering Respondent's violation of Rule 1.01 and Rule 3.01 of the Code of Professional Responsibility, Atty. Roberto Romanillos is hereby SUSPENDED from the practice of law for six (6) months with a WARNING that should he violate his undertaking/promise a more severe penalty shall be imposed against him.

Undoubtedly, respondent represented the inconsistent interests of SJHAI, DCI as substituted by Lydia Durano-Rodriguez and the Montealegres. Respondent was admonished yet he continued to represent Durano-Rodriguez against SJHAI.

It is inconsequential that petitioner never questioned the propriety of respondent's continued representation of Lydia Durano-Rodriguez. The lack of opposition does not mean tacit consent. As long as the lawyer represents inconsistent interests of two (2) or more opposing clients, he is guilty of violating his oath. Rule 15.03 of the Code of Professional Responsibility specifically mandates that a lawyer shall not represent conflicting interests except by written consent of all concerned given after a full disclosure. Incidentally, it is also misleading for respondent to insist that he was exonerated in A.C. No. 4783.

We agree with the IBP that respondent's continued use of the title "Judge" violated Rules 1.01 and 3.01 of the Code of Professional Responsibility prohibiting a lawyer