

SECOND DIVISION

[A.C. No. 5442, January 26, 2004]

MERCEDES NAVA, COMPLAINANT, VS. ATTY. BENJAMIN P. SORONGON, RESPONDENT.

R E S O L U T I O N

CALLEJO, SR., J.:

Mercedes Nava has charged Atty. Benjamin P. Sorongon with dishonest conduct and representing clients with conflicting interest, in violation of the Code of Professional Responsibility. In a Letter^[1] dated June 23, 1999, she alleged that the respondent had been her counsel for many years and had represented her in various cases. The respondent informed her of his intention to withdraw as her counsel in two of her cases: Civil Case No. 21417^[2] and CA-G.R. SP No. 37002.^[3] In his Letter dated November 27, 1996, the respondent explained, thus:

Due to my recent stroke which resulted in the paralysis of my right body, I was advised by my doctor not to handle civil cases which are complicated in nature and which entailed paper works because it will aggravate my illness.^[4]

As a postscript, the respondent proposed to be retained as the complainant's counsel in Criminal Cases Nos. 44181^[5] and 79688,^[6] considering that the said cases did not involve too much paper work. Thus, on December 4, 1996, Atty. Sorongon filed his withdrawal as counsel in Civil Case No. 21417 and in Criminal Cases Nos. 76986-89. The trial court granted the same.^[7]

The complainant further alleged that albeit the fact that she continuously paid for the services of the respondent, the latter represented other clients with hostile interests and filed cases against her on their behalf.^[8]

It appears that the complainant had issued several checks which were dishonored on the ground that her account with the bank had been closed, and that the respondent assisted one Francisco Atas in collecting the amounts due thereon. The respondent sent a Demand Letter^[9] dated September 18, 1998 to the complainant. Upon her failure to settle the obligation, the respondent himself assisted Atas in filing a formal complaint against the complainant before the city prosecutor's office for seventeen (17) counts of violation of Batas Pambansa Blg. 22.^[10]

The complainant thereafter sent a Letter to the respondent dated November 23, 1998,^[11] expressing her disbelief at the cases he filed against her and reminding the respondent of his ethical and moral responsibility as her lawyer.

The complainant prayed that an investigation be conducted regarding "this

unfortunate actuation and deplorable behavior as well as the respondent's double standard attitude."^[12]

In his Comment, the respondent admitted that the complainant was one of his clients and that it was one of his friends, Tubin Nava, who asked him to represent her. Initially, he handled only one case for the complainant, but later acceded to represent her in other cases, with or without attorney's fees. The respondent further made a litany of the progress and successes on the cases he handled for the complainant, including lack of compensation for services rendered.

The respondent also admitted having represented Francisco Atas in the case against the complainant, but he asserted that he had not violated any of the canons of professional ethics. He insisted that his attorney-client relationship with the complainant had ceased as early as 1996, and assuming that it had not been terminated, the "supervening event" incapacitated him from further performing his obligations. He averred that no conflict of interest existed, since his retainer with the complainant had been limited to only two estafa cases and that his client Atas did not know anything that would prejudice the complainant. The fact that the complaint was filed only after he handled the cases for Atas against the complainant shows that the instant case was filed in retaliation, to force the respondent into withdrawing as Atas' counsel.^[13]

In her reply, the complainant pointed out that the respondent admitted being the complainant's counsel from the years 1993 to 1995; and that he did not withdraw as her counsel in the other cases before the respondent filed the complaint for estafa in behalf of Atas. The complainant averred that even assuming that the respondent had withdrawn as her counsel, he should still not have accepted cases against her as to do so would be to violate Rule 15.03 of the Code of Professional Responsibility.^[14]

The respondent maintained his position that he did not violate any rule or canon, and reiterated his defense that the cases he had handled in behalf of the complainant had nothing to do whatsoever with the case filed by him in behalf of Atas. He insisted that their attorney-client relationship had long been terminated. The respondent also asserted that as an officer of the court, it is his solemn duty and obligation to bring to justice anyone committing a crime.^[15]

The respondent also claimed that the complainant and her counsel Atty. Althea Tugado announced in open court, during the hearing of Criminal Cases Nos. 51472-73 and 52266-69 that a disbarment case had been filed against him. Because of this, the complainant and her counsel are guilty of violating the confidential nature of this case.^[16]

In her Report and Recommendation dated May 26, 2003, Commissioner Milagros V. San Juan found that the certifications submitted by the complainant to prove that the respondent was still her counsel on record as of June 1999 in Criminal Case No. 44181,^[17] Criminal Case No. 79688^[18] and Civil Case No. 42707^[19] belied the respondent's assertion that his attorney-client relationship with the complainant had long been terminated. According to the Commissioner, at the time the respondent accepted his engagement as Francisco Atas' counsel and filed a case against the complainant, he was still acting as counsel for the latter in a number of cases. It