

SECOND DIVISION

[Adm. Case No. 4711, November 25, 2004]

**ROMEO H. SIBULO, COMPLAINANT, VS. FELICISIMO ILAGAN,
RESPONDENT.**

R E S O L U T I O N

TINGA, J,:

On February 25, 1997, complainant Romeo H. Sibulo filed a *Complaint* against respondent Atty. Felicisimo Ilagan with this Court. Complainant alleged that sometime in 1996, respondent filed with this Court a petition for certiorari and mandamus with prayer for a writ of preliminary injunction and/or temporary restraining order assailing the decision of the Regional Trial Court (RTC) of Pasay City, Branch 119, in a case for ejectment against his clients Armando Abapo, *et al.* The petition for certiorari was docketed as G.R. No. 126982.^[1]

On January 13, 1997, the Court issued a *Resolution* in G.R. No. 126982 dismissing the petition for certiorari. The dismissal was grounded on the failure to attach a verified statement of the date of receipt by respondent, as counsel for the petitioners, of copies of the assailed decision and resolution of the trial court, as well as to show that the RTC acted with grave abuse of discretion in issuing the assailed decision and resolution.^[2]

Subsequently, respondent sent a letter dated February 20, 1997 to complainant, claiming that his clients (Abapo, *et al.*) will not vacate the property subject of the case and insisting that their co-petitioner Flora Macorol owns the property. The letter states:

...

Mr. ROMEO SIBULO

...

**SUBJECT: YOUR LETTER 17 FEBRUARY 1997
TO MR. ARMANDO ABAPO, ET AL.**

G R E E T I N G S:

Your letter mentioned above is referred to undersigned for comments;

Suddenly, you are a part owner of the properties of EPIFANIA HERNANDEZ;

Our clients, do not fear for the alleged criminal cases you will file against

them. You are filing cases against practically anyone at Villaruel St. We do not intent (sic) to stop you;

Proceed at your risk. The clients are not vacating the subject premises, considering that you do not own the room/house thay (sic) stay, but Flora Macorol;

Anticipates, (sic) that the next thing to do, is at your choice, we are

Very truly yours,

(Sgd.) **F.C. ILAGAN**

Counsel [3]

Complainant avers that respondent was remiss in his duty as a lawyer to uphold the law in defiance of the Resolution of this Court in G.R. 126982. He allegedly should have prevented his clients from engaging in unlawful acts,

On June 18, 1997, the Court issued a *Resolution* requiring respondent to file his comment to the *Complaint* within ten (10) days from notice.[4] When respondent failed to comply with the order, the Court issued another

Resolution requiring him to show cause why he should not be disciplinarily dealt with for failure to submit his comment.[5] However, respondent still failed to file his comment and to explain the reason for his failure to do so. As a result, the Court resolved to dispense with the filing of the Comment and referred the matter to the Integrated Bar of the Philippines (IBP) for investigation, report and recommendation.[6]

In its *Report and Recommendation*, the IBP Commission on Bar Discipline (hereafter, the Commission) noted that despite being notified that the complaint against him had been set for hearing on September 13, 2002, respondent failed to appear before the Commission.[7] During the hearing on October 16, 2002, only respondent appeared. He was ordered by IBP Commissioner Wilfredo E.J. E. Reyes, a member of the investigating panel, on October 16, 2002 to submit his position paper in the case against him fifteen (15) days thereafter.[8] However, respondent failed to file his position paper.[9]

The Commission absolved respondent of the charge that he instigated his clients to defy the lawful orders of this Court and the lower court. According to the Commission, in his letter to complainant dated February 20, 1997, respondent raised legitimate issues which should be resolved in a case filed in court, not in the present case which only involves respondent's act of writing the February 20, 1997 letter.[10]

However, the Commission also recommended that respondent be suspended from the practice of law for six (6) months for his unjustified refusal to obey the lawful orders of this Court and the Commission requiring him to submit his comment and position paper, respectively, in response to the charge filed by complainant against

him.^[11]

On February 27, 2004, the Board of Governors of the IBP issued *Resolution No. XVI-2004-66*,^[12] adopting the findings of the Commission with modification. The Board of Governors recommended that respondent be suspended for one (1) year due to his defiance of the lawful orders of this Court and the IBP Commission on Bar Discipline.

After a careful consideration of the complaint as well as the report and recommendation of the IBP, the Court finds that there is no merit in the complainant's charge therein.

A reading of respondent's February 20, 1997 letter to complainant in its entirety gives rise to the conclusion that respondent merely replied to a letter sent by complainant to his clients, asking them to vacate the house which they were occupying. There is nothing in the record to indicate that respondent urged his clients to engage in unlawful acts, or to defy the Court's resolution in G.R. No. 126982. Indeed, the apparent dispute between complainant and respondent's clients should be resolved not in an administrative case against respondent, as counsel for complainant's adversaries, but in another case filed in the proper court.

However, the Court also agrees with the IBP that respondent should be sanctioned for his repeated failure to obey the lawful orders of this Court and of the IBP. Nevertheless, it finds the penalty imposed by the IBP excessive under the circumstances.

Respondent's propensity to ignore its lawful orders as well as those of the IBP Commission on Bar Discipline is manifest from the record. The Court issued two resolutions requiring respondent to comment on the complaint filed by complainant,^[13] but he simply ignored the Court's orders and did not file his comment. Consequently, the Court resolved to dispense with the filing of the comment but referred the matter to the IBP for investigation, report and recommendation so as not to deprive respondent of his right to due process.^[14]

Again, respondent was given several opportunities to express his side on the charge during the investigation thereof by the IBP. Although he appeared once for a scheduled hearing, he did not explain why he should not be found liable therefor. Neither did he file a position paper as required by the Commission on Bar Discipline. Again, he merely ignored the Commission's directives.

Respondent's unjustified disregard of the lawful orders of this Court and the IBP is not only irresponsible, but also constitutes utter disrespect for the judiciary and his fellow lawyers.^[15] His conduct is unbecoming of a lawyer, for lawyers are particularly called upon to obey court orders and processes and are expected to stand foremost in complying with court directives being themselves officers of the court.^[16]

As an officer of the court, respondent is expected to know that a resolution of this Court is not a mere request but an order which should be complied with promptly and completely.^[17] This is also true of the orders of the IBP as the investigating arm