

THIRD DIVISION

[A. M. No. MTJ-00-1241, January 20, 2000]

**ATTY. NAPOLEON S. VALENZUELA, COMPLAINANT VS. JUDGE
REYNALDO B. BELLOSILLO, RESPONDENT.**

D E C I S I O N

PURISIMA, J.:

The Affidavit-Complaint dated October 17, 1997 of Attorney Napoleon S. Valenzuela charged respondent Judge Reynaldo Blanco Bellosillo of Branch 34 of the Metropolitan Trial Court of Quezon City with gross violation of the constitutional right of subject accused to assistance by counsel of her own choice, gross misconduct, oppression, partiality and violation of the Code of Judicial Ethics; averring:

2. That on September 4, 1997, I was hired as counsel for the accused in Criminal Case No. 65382-86 entitled 'People of the Philippines vs. Ms. Meriam V. Colapo' for Violation of B.P. 22 which case is being heard before Quezon City Metropolitan Trial Court Branch 34, presided by Hon. Judge Reynaldo Blanco Bellosillo;
3. That subsequently, I then filed a Manifestation praying for the Honorable Court to allow the accused to post bail; a copy of the Manifestation is hereto attached as 'Annex A and A-1' and made as integral parts hereof;
4. That Judge Reynaldo Bellosillo as was his custom, talked to my client before granting bail for her provisional liberty inside his chambers and in my absence;
5. That the next day, September 5, 1997, my client Meriam Colapo informed me that Judge Reynaldo B. Bellosillo had angrily ordered her to remove me as counsel and even suggested one Atty. Puhawan of the PALAO QUEZON CITY as my replacement; xxx
6. That as a consequence thereof, the undersigned had no recourse but to file a Notice of Withdrawal with the conformity of my client Meriam V. Colapo xxx;
7. That although I was aghast and flabbergasted with the unfathomable actuation of Judge Bellosillo, I can think of no reason what impelled him with anger to order my client for my replacement;
7. [sic] That the actuation of Judge Reynaldo Blanco Bellosillo is certainly oppressive, arrogant, and a gross misconduct affecting his

integrity and efficiency which merits a dismissal from the service;

8. That such despotic act of Judge Bellosillo is likewise indicative of partiality and gross ignorance of the Constitution and the constitutional right of accused Meriam Colapo to choose her own counsel to defend her in court;
9. That such arrogant act of Judge Bellosillo would certainly violate and kill my right to earn and practice law;

xxx."^[1]

The Answer, dated February 16, 1998, of respondent Judge denied the allegations of the complaint, branded the same without any legal and factual basis; theorizing:

1. That when Complainant's Accused Client and Witness, Meriam J. [sic] Colapo, appeared before the undersigned respondent to post Bail she was unassisted by Complainant-Counsel and upon inquiry informed that she is allegedly changing him not having liked the idea of being referred by a Metro-TC Branch 34 Personnel to its PAO Lawyer Joseph B. Sia, who rejected her due to the Prohibitive policy of his office to represent an Accused in BP 22 Cases and instead referred her to the Complainant-Lawyer, Napoleon S. Valenzuela, a former PAO Employee, who allegedly changed [sic] her unreasonably for the preparation of a mere Manifestation To Post Bail;
2. That respondent could not have referred Complainant's Accused Client Witness to tha [sic] PALAO knowing its Prohibitive Policy to also represent Accused in BP 22 Cases as previously made clear by its Chief, Atty. Jose Puhawan;
3. That out of delicadeza and in recognition of Complainant's right to practice the law profession, respondent never talked to him about it;
4. That the Motion to Withdraw filed by Complainant with the Conformity of his Accused Client Witness, Meriam V. Colapo, is a matter strictly just between the two of them, to which respondent was never a privy;
5. That had Complainant been more prudent, he could have just verified from the respondent the veracity of his client's statements which for legal intents and purposes are inadmissible for being hearsay, thus, this unfounded time consuming Complaint could have been avoided;
6. That respondent discharges his functions with all integrity and good faith and without fear or favor knowing that justice must never be distorted as to do so would make even the wise blind and subvert tha [sic] cause of the innocent;

xxx"^[2]

In the Resolution^[3] issued on June 16, 1999, this Third Division referred the Complaint to the Executive Judge of the Regional Trial Court of Quezon City, for investigation, report and recommendation.

On September 22, 1999, Executive Judge Perlita J. Tria Tirona sent in the following Report and Recommendation, to wit:

"Complainant alleged that: on September 4, 1997, he filed a motion praying that his client Meriam V. Colapo accused in a BP 22 case then pending in Metropolitan Trial Court, Branch 34, Quezon City, presided over at that time by respondent, be allowed to post bail for her provisional liberty. Respondent before acting on the Motion allegedly talked to the accused and ordered her to replace her counsel, herein complainant, with Atty. Puhawan from PALAO, Quezon City. Accused Colapo informed him of this incident and told him she was terminating his services pursuant to the instructions of the respondent.

In deference to his client's wishes, complainant filed a Notice of Withdrawal of his appearance with his client's (Colapo's) conformity.

According to complainant, he could not think of any reason for respondent to order his client to replace him.

On cross examination, complainant stated that he worked with the Public Attorney's Office for seven (7) to eight (8) years. He resigned in 1995. Complainant's wife used to be an officemate of respondent at the Public Attorney's Office in Makati in 1988.

Complainant admitted that his client Colapo was referred to him by Atty. Sia, his friend, who is with the Public Attorney's Office (PAO) where he used to work. He is aware of the PAO/PALAO policy not to represent any person charged with BP 22. Complainant likewise admitted that he filed his notice of withdrawal on the basis of what his client Colapo told him. However, he did not confront the respondent about it. He believed his client because she was agitated. According to his client Colapo, respondent recommended Atty. Puhawan and he right away filed his withdrawal as counsel.

At first, complainant stated that the affidavit of his client Colapo was prepared by the Notary Public Lino Soriano. Then he stated that he assisted her in the preparation of the same.

Complainant further alleged that it was also on September 5, 1997 (when his client's bond was approved) that Colapo informed him that respondent wanted him changed as counsel.

However, in his Notice of Withdrawal as counsel which he filed in Court, he stated that he was informed by his client Colapo on September 7, 1997, which complainant again claims to be a typographical error.

Complainant further admitted that his Notice of Withdrawal was with the conformity of his client Colapo.