

## THIRD DIVISION

[ A.C. No. 2995, November 27, 1996 ]

**ROMULO G. DINSAY, PETITIONER, VS. ATTY. LEOPOLDO D. CIOCO, RESPONDENT.**

### R E S O L U T I O N

**FRANCISCO, J.:**

Sometime in 1980, Planters Machinery Corporation (PLAMACO) mortgaged to Traders Royal Bank (the Bank) certain properties as security for the payment of its loan. PLAMACO defaulted in the payment of the loan for which reason the Bank extrajudicially foreclosed the mortgage. At the foreclosure sale held on March 8, 1994 and conducted by Deputy Sheriff Renato M. Belleza, the mortgaged properties were sold to the bank, the sole bidder. Thereafter, a Certificate of Sheriff's Sale<sup>[1]</sup> was executed by respondent Atty. Leopoldo D. Cioco, then Clerk of Court and Ex-Officio Sheriff,<sup>[2]</sup> which document was notarized by Judge Vivencio T. Ibrado, Sr.<sup>[3]</sup> on the same day.<sup>[4]</sup>

In April of 1984,<sup>[5]</sup> records disclose that Page Four (4) of the said Certificate was surreptitiously substituted. The new page lowered the bid price from the original amount of P3,263,182.67<sup>[6]</sup> to only P730,000.00.<sup>[7]</sup> Consequent to such anomaly, respondent and Deputy Sheriff Renato M. Belleza, were administratively charged. In the first *Dinsay case*, a *per curiam* resolution promulgated on December 12, 1986, we decreed their dismissal for "grave misconduct highly prejudicial to the service".<sup>[8]</sup>

In the instant complaint, respondent Atty. Leopoldo D. Cioco is now sought to be disbarred on the basis of the aforementioned incident that triggered his untimely dismissal.

Respondent, interposing *res adjudicata*, maintains that he may no longer be charged with disbarment as this was deemed adjudicated in the first *Dinsay case*.

We find this contention to be without merit. "The doctrine of *res adjudicata* applies only to judicial or quasi-judicial proceedings and not to the exercise of the [Court's] administrative powers,"<sup>[9]</sup> as in this case. Neither can it be successfully argued that the instant disbarment case has been already adjudicated in the first *Dinsay case*. Therein, respondent was administratively proceeded against as an erring court personnel under the supervisory authority of the Court.<sup>[10]</sup> Herein, respondent is sought to be disciplined as a lawyer under the Court's plenary authority over members of the legal profession. While respondent is in effect being indicted twice for the same misconduct, it does not amount to double jeopardy as both proceedings are admittedly administrative in nature.