

780 Phil. 453

EN BANC

[A.C. No. 5325. February 09, 2016]

NEMESIO FLORAN AND CARIDAD FLORAN, COMPLAINANTS, VS. ATTY. ROY PRULE EDIZA, RESPONDENT.

D E C I S I O N

PER CURIAM:

In a Decision dated 19 October 2011, the Court found respondent Atty. Roy Prule Ediza (Atty. Ediza) administratively liable for violating Rule 1.01 of Canon 1, Canon 15, and Rule 18.03 of Canon 18 of the Code of Professional Responsibility. The Court upheld the findings of the Integrated Bar of the Philippines (IBP) and suspended Atty. Ediza from the practice of law for six months.

Atty. Ediza's liability stemmed from a Complaint/Affidavit^[1] dated 8 September 2000 filed by the spouses Nemesio and Caridad Floran (complainants). The subject of the complaint was a 3.5525 hectare parcel of unregistered land located in San Martin, Villanueva, Misamis Oriental, which was covered by a tax declaration in the name of Sartiga Epal, a relative, who gave the property to complainants.

From the records, the Court found that Atty. Ediza deceived complainants when he asked them to unknowingly sign a deed of sale transferring a portion of their land to him. When the sale of complainants' land pushed through, Atty. Ediza received half of the amount of the proceeds given by the buyer and falsely misled complainants into thinking that he would register, using the same proceeds, the remaining portion of their land. These actions, which deprived complainants of their property, showed Atty. Ediza's behavior as unbecoming a member of the legal profession.

The Court, in its Decision dated 19 October 2011, (1) suspended Atty. Ediza from the practice of law for six months, effective upon receipt of the Decision; (2) directed him to return to complainants the two sets of documents that he misled them and Sartiga Epal into

signing; and (3) ordered Atty. Ediza to pay complainants the amount of P125,463.38, representing the amount he deceived them into paying him, with legal interest from 8 September 2000 until fully paid. The Court further warned Atty. Ediza that a repetition of the same or similar acts in the future shall be dealt with more severely.

Thereafter, Atty. Ediza filed a Motion for Reconsideration^[2] dated 18 November 2011 which was denied by the Court in a Resolution^[3] dated 8 February 2012 for lack of substantial merit.

Atty. Ediza then filed a Manifestation of Compliance (On the Order of Suspension)^[4] dated 29 May 2012 through the Office of the Bar Confidant. He also attached a sworn statement^[5] attesting that he desisted from the practice of law for six months from receipt of the decision on 18 November 2011 until 29 May 2012.

In a Resolution^[6] dated 3 September 2012, the Court deferred action on the Manifestation of Compliance and adopted the recommendations of the Office of the Bar Confidant that Atty. Ediza be required to (1) submit certifications from the IBP Local Chapter where he is a member and the Office of the Executive Judge where he practices his profession, both stating that he had desisted from the practice of law from 18 November 2011 to 29 May 2012; and (2) show proof of payment to complainants of P125,463.38 plus legal interest, and the return of the two sets of documents that Atty. Ediza misled complainants and Sartiga Epal to sign. The Court also required complainants to manifest whether Atty. Ediza had already paid the said amount and returned the said documents.

In an undated letter written in the vernacular, complainants wrote the Court that Atty. Ediza had yet to comply with the Court's Decision and asked the Court's assistance in implementing the same. Later, in a Verified Compliance with Manifestation executed with the assistance of the Public Attorney's Office, complainants informed the Court that as of 17 October 2012, Atty. Ediza had not paid any single centavo and neither had he returned the required documents.

In a Resolution^[7] dated 25 February 2013, the Court noted the manifestations and further ordered Atty. Ediza to show cause why he should not be disciplinarily dealt with or be held in contempt and to comply with the Decision.

In a Manifestation Showing Cause^[8] dated 22 April 2013, Atty. Ediza claimed that he had no intention to defy the Court's authority or challenge its orders and that he had served his suspension, but asked the Court to consider that the two sets of documents were merely

fictional. He also claimed that he was at a loss as to which ‘documents’ the Decision was referring to because the same were supposedly not alleged with particularity and he had been barred by the Rules of Procedure of the IBP Committee on Bar Discipline from requesting a bill of particulars. Atty. Ediza alleged that due to the ambiguity about the ‘documents,’ the judgment was incomplete and unenforceable. Moreover, Atty. Ediza claimed that the alleged lack of due process in the administrative case rendered the entire proceedings void; and consequently, even the order to pay the sum should be stricken off.

The Court, in its 15 July 2013 Resolution,^[9] found this last explanation unsatisfactory and further required Atty. Ediza to comply with the 19 October 2011 Decision within ten days from notice, warning him of a more severe penalty in the event of his continued failure to do so.

On 22 November 2013, the Office of the Chief Justice received a handwritten letter, in the vernacular, from complainants requesting information on the status of the administrative case. Again, complainants wrote the Court two letters in February 2014, one dated 5 February and another an undated letter received by the Court on 18 February, requesting for the immediate resolution and information on the status of the administrative case.

The Court, in its 4 June 2014 Resolution,^[10] noted this last letter from complainants and required Atty. Ediza to show cause why he should not be disciplinary dealt with or be held in contempt for failure to comply with the 19 October 2011 Decision, and again ordered him to conform to the same.

Meanwhile, on 13 July 2014, complainants again wrote the Office of the Chief Justice reiterating Atty. Ediza’s failure to comply with the Court’s directives, and noted that it had been 17 years since the dispute with Atty. Ediza began.

Atty. Ediza then filed a Compliance with a Motion to Reopen/Reinvestigate the Case dated 2 August 2014, claiming that he had discovered new evidence which would prove that complainants had been engaging in fraudulent schemes that resulted in him being victimized. Briefly, Atty. Ediza claimed that complainants never had ownership over the subject property, and that when they initially sought his services in preparing the document that would effect the sale and conveyance of the land in their favor, they employed the aid of a poseur to misrepresent the real Sartiga Epal, the supposed transferor of the property. Atty. Ediza attached the affidavits of allegedly the surviving spouse and sons of Sartiga Epal to substantiate said averments.

In its 12 November 2014 Resolution, the Court denied the motion to reopen/reinvestigate the case for lack of merit and again required Atty. Ediza to comply with the 19 October 2011 Decision within five days from notice.

On 5 January 2015, the Office of the Chief Justice received another letter from complainants, requesting the issuance of a writ of execution. In the meantime, Atty. Ediza filed on 7 February 2015 a Manifestation and Motion, asking the Court to stay the execution of the 19 October 2011 Decision insofar as it required the return of money and documents to complainants, and to note his service of the suspension and lift the same.

More than four years since the Court promulgated its Decision dated 19 October 2011, Atty. Ediza has yet to comply with the Court's directives to (1) submit certifications from the IBP Local Chapter where he is a member and the Office of the Executive Judge where he practices his profession both stating that he has desisted from the practice of law from 18 November 2011 to 29 May 2012; (2) pay complainants the amount of P125,463.38 plus legal interest; and (3) return the two sets of documents that Atty. Ediza misled complainants and Sartiga Epal to sign.

The Court issued numerous Resolutions dated 3 September 2012, 25 February 2013, 15 July 2013, 4 June 2014, and 12 November 2014, requiring Atty. Ediza to comply with the 19 October 2011 Decision and show cause why he should not be disciplinary dealt with or be held in contempt for his failure to abide by the Court's orders. However, Atty. Ediza repeatedly and blatantly disregarded and obstinately defied these orders from the Court. Instead, Atty. Ediza responded by (1) claiming ignorance over the documents stated in the Decision, and worse, adjudged that the documents were fictional; (2) alleging newly discovered evidence; (3) demanding to stay the execution of the Decision; and (4) reporting that he has complied with the order of suspension without submitting any required certifications from the IBP and the Office of the Executive Judge.

The intentional delay and utter refusal to abide with the Court's orders is a great disrespect to the Court which cannot be tolerated. Atty. Ediza willfully left unheeded all the warnings imposed upon him, despite the earlier six-month suspension that was meted out to him for his administrative liability. In *Tugot v. Judge Coliflores*,^[11] the Court held that its resolutions should not be construed as mere requests from the Court. They should be complied with promptly and completely. The failure of Atty. Ediza to comply betrays not only a recalcitrant streak in his character, but also disrespect for the Court's lawful orders and directives.

As a member of the legal profession, Atty. Ediza has the duty to obey the orders and processes of this Court without delay and resistance. Rule 12.04 of Canon 12 of the Code of Professional Responsibility states:

CANON 12

A LAWYER SHALL EXERT EVERY EFFORT AND CONSIDER IT HIS DUTY TO ASSIST IN THE SPEEDY AND EFFICIENT ADMINISTRATION OF JUSTICE.

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Rule 12.04 – A lawyer shall not unduly delay a case, impede the execution of a judgment or misuse Court processes.

In the present case, Atty. Ediza had previously been found guilty of violating the Code of Professional Responsibility and was suspended from the practice of law for six months. Despite the suspension, Atty. Ediza is once again demonstrating to this Court that not only is he unfit to stay in the legal profession for failing to protect the interests of his clients but is also remiss in following the dictates of the Court, which has administrative supervision over him. In *Martinez v. Zoleta*,^[12] we held that the Court should not and will not tolerate future indifference to administrative complaints and to resolutions requiring comment on such administrative complaints. It bears stressing that a disregard of Court directives constitutes grave or serious misconduct^[13] and gross or willful insubordination^[14] which warrant disciplinary sanction by this Court.^[15]

Section 5(5), Article VIII of the Constitution recognizes the disciplinary authority of the Court over members of the Bar. Reinforcing the execution of this constitutional authority is Section 27, Rule 138 of the Rules of Court which gives this Court the power to remove or suspend a lawyer from the practice of law. The provision states:

Section 27. Disbarment or suspension of attorneys by Supreme Court; grounds therefor. — A member of the bar may be disbarred or suspended from his office as attorney by the Supreme Court for any deceit, malpractice, or other gross misconduct in such office, grossly immoral conduct, or by reason of his conviction of a crime involving moral turpitude, or for any violation of the oath which he is

required to take before admission to practice, or **for a willful disobedience of any lawful order of a superior court**, or for corruptly or willfully appearing as an attorney for a party to a case without authority so to do. The practice of soliciting cases at law for the purpose of gain, either personally or through paid agents or brokers, constitutes malpractice. (Emphasis supplied)

In imposing the penalty of disbarment upon Atty. Ediza, we are aware that the power to disbar is one to be exercised with great caution and only in clear cases of misconduct that seriously affect the standing and character of the lawyer as a legal professional and as an officer of the Court.^[16] However, Atty. Ediza's stubborn attitude and unwillingness to comply with the Court's directives, which we deem to be an affront to the Court's authority over members of the Bar, warrant an utmost disciplinary sanction from this Court.

The practice of law is not a vested right but a privilege, a privilege clothed with public interest because a lawyer owes substantial duties not only to his client, but also to his brethren in the profession, to the courts, and to the nation, and takes part in one of the most important functions of the State – the administration of justice – as an officer of the court.^[17] To enjoy the privileges of practicing law, lawyers must adhere to the rigid standards of mental fitness, maintain the highest degree of morality, and faithfully comply with the rules of the legal profession.^[18] Clearly, Atty. Ediza's conduct has made him unfit to remain in the legal profession.

WHEREFORE, respondent Atty. Roy Prule Ediza, having violated the Code of Professional Responsibility by committing grave misconduct and willful insubordination, is **DISBARRED** and his name ordered STRICKEN OFF the Roll of Attorneys effective immediately.

Let a copy of this Decision be entered in the records of respondent. Further, let other copies be served on the Integrated Bar of the Philippines and on the Office of the Court Administrator, which is directed to circulate them to all the courts in the country for their information and guidance.

This Decision is immediately executory.

SO ORDERED.

Sereno, C.J., Carpio, Velasco, Jr., Leonardo-De Castro, Peralta, Bersamin, Del Castillo, Perez, Mendoza, Reyes, Perlas-Bernabe, Leonen, and Jardeleza, JJ., concur.

Brion, J., on leave.

Caguioa, J., on official leave.

NOTICE OF JUDGMENT

Sirs/Mesdames:

Please take notice that on February 9, 2016 a Decision/Resolution, copy attached herewith, was rendered by the Supreme Court in the above-entitled case, the original of which was received by this Office on March 4, 2016 at 10:45 a.m.

Very truly yours,

(SGD)

FELIPA G. BORLONGAN-ANAMA

Clerk of Court

^[1] *Rollo*, pp. 2-5.

^[2] *Id.* at 318-337.

^[3] *Id.* at 340.

^[4] *Id.* at 353-354.

^[5] *Id.* at 355.

^[6] *Id.* at 365-366.

^[7] *Id.* at 380-381.

^[8] *Id.* at 383-386.

^[9] *Id.* at 389-390.

^[10] *Id.* at 396.

^[11] 467 Phil. 391, 402(2004).

^[12] 374 Phil. 35, 47 (1999).

^[13] Supra note 11, at 402.

^[14] *Judge Necesario v. Dinglasa*, 556 Phil. 47, 51 (2007).

^[15] See also *Palon, Jr. v. Judge Vallarta*, 546 Phil. 453 (2007).

^[16] *Tapucar v. Tapucar*, 355 Phil. 66, 74 (1998).

^[17] *In the Matter of the IBP Membership Dues Delinquency of Atty. Marcial A. Edillon*, 174 Phil. 55, 62(1978).

^[18] *Foronda v. Atty. Guerrero*, 516 Phil. 1, 3 (2006).

Date created: January 18, 2018