

****Title:****

Fernando Martin O. Pena vs. Atty. Lolito G. Aparicio

****Facts:****

The case centers around an administrative complaint filed against Atty. Lolito G. Aparicio by Fernando Martin O. Pena, accusing Aparicio of violating Rule 19.01 of Canon 19 of the Code of Professional Responsibility. This accusation stemmed from a demand letter Aparicio, representing Grace C. Hufana in an illegal dismissal case, sent to Pena which threatened the filing of criminal cases for tax evasion and falsification of documents against Pena's company, MOF Company, Inc. (Subic), should their conditions not be met.

After rejecting a claim for separation pay submitted by Aparicio on behalf of Hufana at a mediation/conciliation conference before the NLRC, Pena received a threatening letter from Aparicio. The letter not only reiterated the demand for separation pay but also threatened to file various charges against the company should the payment not be made by a specified date.

Pena filed an administrative complaint with the Commission on Bar Discipline of the Integrated Bar of the Philippines (IBP), which was initially dismissed due to Pena's failure to file a position paper and to comply with Administrative Circular No. 04-94 requiring a certificate against forum shopping. Aparicio, in his counterclaim, sought damages and the disbarment of Pena's legal counsel, Atty. Emmanuel A. Jocson, alleging various infractions.

The IBP Board of Governors adopted the recommendation to dismiss the complaint, which prompted Pena to file a Petition for Review with the Supreme Court, arguing that his position paper had indeed been submitted and his right to due process was violated by the IBP's dismissal of the complaint without considering the merits thereof.

****Issues:****

1. Whether the failure to attach a certification against forum shopping in administrative complaints for disbarment is a ground for dismissal.
2. Whether Atty. Aparicio's actions constituted a violation of Rule 19.01 of Canon 19 of the Code of Professional Responsibility.

****Court's Decision:****

The Supreme Court granted Pena's petition, reversing the IBP Board of Governors' dismissal of the complaint. It held that disbarment proceedings are sui generis, and the failure to attach a certification against forum shopping should not automatically result in

dismissal. In disciplinary proceedings for lawyers, public interest is the ^(Case Brief / Digest) primary objective, seeking to preserve the integrity of the legal profession.

The Court found Atty. Aparicio in violation of Rule 19.01 of Canon 19 for employing threats to obtain an improper advantage in representing his client. The letter he sent was considered blackmail, intending to pressure Pena into settling Hufana's claims for separation pay. However, the Court ruled that disbarment was too severe a penalty for Aparicio, considering his intent to zealously represent his client, and instead reprimanded him with a stern warning against future misconduct.

****Doctrine:****

1. ****Sui Generis Nature of Disciplinary Proceedings:**** Disciplinary proceedings against lawyers are unique and neither purely civil nor purely criminal, primarily serving the public's interest by maintaining the legal profession's integrity.
2. ****Rule 19.01 of Canon 19 - Ethical Representation:**** A lawyer must represent his client with zeal within the bounds of the law and employ only fair and honest means without resorting to unfounded criminal charges to gain an advantage in any case or proceeding.

****Class Notes:****

- ****Sui Generis Nature of Disbarment Proceedings:**** Demonstrates disciplinary actions against lawyers are in a category of their own, focusing on preserving the legal profession's integrity over punitive measures.
- ****Rule 19.01 of Canon 19:**** Underlines that a lawyer's actions in representing a client must always adhere to legal and ethical standards, prohibiting unfair means such as threatening unfounded legal action for leverage.
- ****Certification Against Forum Shopping:**** Initially established under Circular No. 28-91 and later incorporated into the 1997 Rules of Civil Procedure, emphasizing the need to prevent duplicate litigation and ensure transparent legal proceedings.

****Historical Background:****

This case highlights the evolving nature of administrative law related to the legal profession in the Philippines, particularly in ensuring ethical conduct. It underscores the necessity of balancing zealous representation with ethical standards and the judiciary's role in maintaining professional integrity within the legal framework.