

Title: Atty. Herminio Harry L. Roque, Jr. vs. Atty. Rizal P. Balbin

Facts:

Atty. Herminio Harry L. Roque, Jr. (complainant) represented FELMAILEM Inc. in a civil case against Felma Mailem, where the complainant secured a favorable judgment. Following this, Atty. Rizal P. Balbin (respondent), counsel for the defendant and on appeal, engaged in conduct purportedly aimed at intimidating, harassing, and blackmailing the complainant. This included making threatening telephone calls, text messages, and emails to the complainant and his acquaintances threatening disbarment and/or criminal suits against him and potential public scandalization.

The Supreme Court, after the respondent's failure to comply with multiple directives to submit his comment on the matter—despite granting an extension and issuing fines and arrest orders—dispensed with his comment and referred the case to the Integrated Bar of the Philippines (IBP) for investigation, report, and recommendation.

Issues:

1. Whether respondent Atty. Rizal P. Balbin should be administratively sanctioned for his conduct towards complainant Atty. Herminio Harry L. Roque, Jr.

Court's Decision:

The Supreme Court found respondent guilty of violating Canons 8, 11, 12, and 19, and Rules 12.03, 12.04, and 19.01 of the Code of Professional Responsibility (CPR). His actions against the complainant were contrary to the respect and courtesy required among professional colleagues under Canon 8 of the CPR. Additionally, his failure to comply with court directives manifested a disregard for the judicial process, violating Canons 11 and 12, and Rules 12.03 and 12.04. By threatening the filing of baseless suits against the complainant, the respondent also contravened Canon 19 and Rule 19.01. The court decided to suspend the respondent from the practice of law for two years.

Doctrine:

The case reiterates several important doctrines under the Code of Professional Responsibility:

1. Lawyers must conduct themselves with courtesy and fairness towards colleagues, avoiding harassing tactics (Canon 8).
2. A lawyer's primary duty is to the administration of justice; their client's success is subordinate to this principle (Canon 19, Rule 19.01).

3. Lawyers must observe respect for the courts and judicial officers, and assist in the speedy and efficient administration of justice, respecting court processes and directives (Canons 11 and 12, Rules 12.03 and 12.04).

Class Notes:

- **Courtesy Among Lawyers**: Lawyers must treat each other with respect and courtesy, avoiding personal attacks or harassment.
- **Respect for Judicial Processes**: Lawyers should comply with court orders and not misuse legal processes to delay justice or gain undue advantage.
- **Administration of Justice**: A lawyer's conduct should always be observant of the law and ethical standards, prioritizing the administration of justice over client's success.
- **Prohibited Conduct**: Threatening to file baseless lawsuits to obtain an advantage in any case or proceeding is prohibited.

Historical Background:

This case falls within the broader context of legal ethics and professional responsibility in the Philippines, highlighting the judiciary's ongoing efforts to ensure that lawyers adhere to the highest standards of professionalism and integrity. It underscores the principle that the legal profession is not just about advocating for clients' interests but also about contributing positively to the justice system's functioning, promoting fairness, respect, and dignity in all legal proceedings.