

**\*\*Title:\*\***

**\*\*Antonio X. Genato vs. Atty. Eligio P. Mallari\*\***

**\*\*Facts:\*\***

1. **\*\*Claim of Ownership and Inducement:\*\*** Respondent Atty. Eligio Mallari and his wife claimed ownership of a 133-hectare property in San Fernando, Pampanga, purportedly acquired through a judgment award.

2. **\*\*Investment Proposal:\*\*** Respondent induced complainant Antonio X. Genato to invest P18 million in the property, promising Genato the exclusive right to sell 33 hectares of it and retain all proceeds.

3. **\*\*Discovery of True Ownership:\*\*** Genato later discovered that the property was actually owned by the Philippine National Bank (PNB) and earmarked for land reform beneficiaries, prompting him to file a criminal complaint for estafa against Mallari, docketed as I.S. No. XV-03-INV-13D-04135. This criminal complaint was dismissed and pending appeal at the Department of Justice.

4. **\*\*Additional Misconduct:\*\*** Genato highlighted other instances of Mallari's unethical behavior, such as:

- Delaying the execution of a final decision regarding his GSIS debt.
- Publicly challenging Court of Appeals Associate Justice Apolinario D. Bruselas, Jr. to a debate via newspaper advertisements.
- Employing dilatory tactics in preventing the enforcement of a writ of possession against Banco Filipino Savings and Mortgage Bank.
- Filing baseless harassment cases against PNB lawyers and the Register of Deeds of Pampanga.

**\*\*Respondent's Defense:\*\***

- Atty. Mallari asserted that he was defending his proprietary rights in all the aforementioned cases.
- He justified the public debate challenge as his right as an officer of the court.
- He claimed that Genato's disbarment complaint was a form of harassment against him and his wife.

**\*\*Investigating Commissioner's Findings:\*\***

1. **Public Challenge to Justice:** Mallari's challenge showed his disregard for court officers' respect. He violated Section 20, Rule 138 of the Rules of Court and specific provisions of the Code of Professional Responsibility (Canons 1, 10, and 11).
2. **Disregard for Writ of Possession:** Mallari unlawfully impeded the execution of a writ of possession issued in favor of Banco Filipino.
3. **Dilatory Tactics in GSIS Case:** Mallari engaged in misconduct by delaying the GSIS case's resolution further, violating Rule 10.03 of Canon 10 of the Code of Professional Responsibility.
4. **Insufficient Grounds for Whimsical Cases:** No further investigation required for alleged whimsical case filings against PNB lawyers and others.

**IBP Board of Governors' Recommendation:**

- The IBP Board of Governors agreed with the Investigating Commissioner's findings but modified the penalty, recommending a combined suspension from the practice of law for a total period of 12 months.

**Court's Decision:**

- The Supreme Court adopted the factual findings and legal conclusions of the IBP but imposed a more severe penalty of disbarment.

**Legal Issues:**

1. **Violation of the Code of Professional Responsibility:**
  - Whether Mallari's actions violated specific canons and rules of the Code of Professional Responsibility.
2. **Disobedience of Court Orders:**
  - Whether Mallari's refusal to comply with final and executory court decisions warranted severe disciplinary action.
3. **Misuse of Legal Procedures:**
  - Whether Mallari's actions in filing frivolous and harassing petitions constituted abuse of court processes.

**Court's Ruling:**

1. **Violation of Professional Responsibility Canons:**

- The Court found Mallari in violation of Rules 10.03, 11.05, and 12.04 of the Code of Professional Responsibility for abuses including misusing procedural rules to defeat justice, defying lawful court orders, and misusing court processes.

2. **Disobedience of Court Orders:**

- Mallari's persistent defiance of court orders and issuance of writs of possession, compounded with employing dilatory tactics, exhibited gross misconduct justifying disbarment.

3. **Misuse of Legal Procedures:**

- The misuse of legal procedures by continuously filing frivolous cases displayed a lack of respect for judicial processes and warranted his removal from the profession.

**Doctrine:**

- **Lawyer's Oath and Professional Responsibility:** The ruling underscores the necessity of adherence to the Lawyer's Oath and the Code of Professional Responsibility, emphasizing the imperative of respect for judicial processes and court orders.

- **Supreme Court Discretion:** The ruling also highlights the Supreme Court's wide discretion in disciplinary cases, wherein repeated misconduct and abuse of court procedures can lead to disbarment to protect the integrity of the legal profession.

**Class Notes:**

1. **Canon 1:** A lawyer shall uphold the constitution, obey the laws, and promote respect for law and legal processes.

- **Application:** Mallari failed to uphold the laws and legal processes.

2. **Canon 10, Rule 10.03:** A lawyer shall not misuse procedural rules to defeat the ends of justice.

- **Application:** Mallari's dilatory tactics in various cases.

3. **Canon 11, Rule 11.05:** A lawyer shall respect court officers and submit grievances properly.

- **Application:** Mallari's public debate challenge to a Justice.

4. **Canon 12, Rule 12.04:** A lawyer shall not unduly delay cases or misuse court processes.

- **Application:** Mallari's actions to impede the execution of judgments.

5. **Section 20, Rule 138:** Lawyers must maintain respect for courts and judicial officers.

- **Application:** Mallari's actions against court orders and officers.

**Historical Background:**

- This case illustrates the Court's proactive role in maintaining the legal profession's integrity. Historically, cases like this discourage abusive practices among lawyers and reaffirm the judicial system's authority.

- The judiciary's emphasis on ethical behavior among lawyers reflects the broader societal expectation of professionalism and morality, critical for maintaining public trust in legal institutions.