

****Title:** In re: Atty. Romulo P. Atencia: Referral by the Court of Appeals of a Lawyer's Unethical Conduct - Administrative Complaint Dismissed Due to Respondent's Death******

****Facts:****

- On December 16, 2003, Judge Romulo P. Atencia presided over the arraignment of Aurora Tatac, Maria Gaela, and Maritess Cunanan for transporting dangerous drugs.
- Atencia ordered a joint trial, determining a commonality of evidence among the three cases.
- Atencia resigned from his position as RTC Judge on February 11, 2004, effective April 30, 2004, citing health reasons.
- On April 21, 2006, nearly two years post-resignation, Atencia entered his appearance as counsel for the same accused he had previously arraigned.
- The RTC convicted the accused, leading Tatac and Gaela to appeal to the Court of Appeals (CA), with Atencia as their counsel.
- The CA acquitted the accused but flagged Atencia's conduct as unethical and suggested referral to the Integrated Bar of the Philippines (IBP).
- The IBP referred the matter to the Office of the Bar Confidant (OBC), which recommended docketing the complaint and requiring Atencia to comment.
- Atencia commented, asserting there was no prohibition against a former judge representing an accused who appeared before him during his judgeship.
- The Supreme Court referred the case to the IBP for further investigation.
- The IBP's Investigating Commissioner recommended Atencia's suspension from the practice of law for one year due to violation of Rule 6.03 of the Code of Professional Responsibility (CPR). This recommendation was adopted by the IBP Board of Governors.
- During the case's pendency, Atencia passed away on July 6, 2017.

****Issues:****

1. Whether Atty. Romulo P. Atencia violated Rule 6.03 of the CPR by accepting as clients the accused who had appeared before him when he was still a judge.
2. Whether the death of the respondent necessitates the dismissal of the administrative complaint against him.

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

1. ****Violation of Rule 6.03 of CPR:****

- The Court ruled that Atencia violated Rule 6.03, which prohibits lawyers from accepting employment in matters they were involved in during their government service. Despite limited engagement, Atencia's significant actions during arraignment and decision to hold a

joint trial constituted a substantial influence on the proceedings, thus falling within the prohibition.

- The arraignment is a critical procedural stage in criminal prosecution, and ordering a joint trial necessitates a detailed examination of the case records, thus categorizing these actions as substantive interventions that should preclude taking the same cases in private practice.

2. **Effect of Respondent's Death on the Complaint:**

- The Court observed that while its jurisdiction over an administrative matter is not automatically negated by the respondent's cessation from office, the death of the respondent necessitates a holistic consideration of due process, equitable, and humanitarian grounds.

- Given that Atencia had already passed away and the penalty of reprimand would be ineffectual posthumously, the Court found it appropriate to dismiss the administrative complaint, invoking equitable and humanitarian considerations.

Doctrine:

- **Rule 6.03 of the CPR:** Prohibits acceptance of employment in matters where the lawyer had substantive influence during government service to avoid conflicts of interest and undue advantage.

- The ruling emphasizes the importance of maintaining the integrity of judicial impartiality even after transitioning from public office to private practice.

Class Notes:

1. **Rule 6.03, Code of Professional Responsibility:** Prevents ex-government lawyers from taking cases where they had prior influence to maintain fairness and avoid misuse of confidential information.

2. **Arraignment:** A critical stage informing the accused of the charges, integral to any subsequent criminal proceedings.

3. **Joint Trial:** Allows consolidation of cases with common evidence, influencing how evidence is presented and evaluated.

4. **Jurisdiction Post-resignation:** Court's jurisdiction persists despite the respondent leaving office, but special considerations such as death can lead to dismissal on equitable grounds.

Historical Background:

- The case underscores historical concerns regarding the "revolving door" phenomenon where government officials might exploit their prior governmental influence for personal

gain in private practice.

- Rooted in American Bar Association Canons of Professional Ethics adopted in part by the Philippine Bar, these ethical standards aimed to bolster public confidence in the legal profession by mitigating conflicts of interest.

****Summary:****

The Supreme Court addressed an ethical complaint against Atty. Romulo P. Atencia, a former judge, for accepting cases he had presided over, which is prohibited under Rule 6.03 of the Code of Professional Responsibility. Although the Court found Atencia violated ethical guidelines, the administrative case was dismissed posthumously on humanitarian grounds.