

Title: Perez v. De la Torre, A.C. No. 6791

Facts:

Nestor Perez, the barangay captain of Binanuaanan, Calabanga, Camarines Sur, lodged a complaint against Atty. Danilo de la Torre for misconduct, alleging representation of conflicting interests. The incident arose in December 2001 when suspects Sonny Boy Ilo and Diego Avila were detained for murder and kidnapping for ransom. Respondent, Atty. De la Torre, allegedly visited them in detention and convinced them to sign prepared extrajudicial confessions, under the premise of securing their freedom. Unknown to the detained suspects, Atty. De la Torre was concurrently representing the heirs of the murder victim. These extrajudicial confessions implicated the complainant Perez as the mastermind. Claims were filed against Ilo, Avila, and Perez based on these confessions.

Atty. De la Torre denied these accusations, asserting that during Avila and Ilo's detention, they individually sought his aid to draft confessions. He allegedly advised them of their rights and assessed that they were not coerced. The complaint was escalated to the Integrated Bar of the Philippines (IBP) for investigation.

Procedure:

The IBP's Investigating Commissioner submitted a report on August 16, 2005, recommending a one-year suspension for Atty. De la Torre. The IBP Board of Governors increased the suspension to two years after finding him guilty of representing conflicting interests through substantial evidence, including testimony from the victim's daughter, Vicky de Chavez, who verified her family's retention of Atty. De la Torre for prosecuting the case.

Issues:

1. Whether Atty. Danilo de la Torre was guilty of representing conflicting interests contrary to Rule 15.03 of the Code of Professional Responsibility.
2. The appropriate disciplinary sanction for such misconduct.

Court's Decision:

The Supreme Court upheld the IBP's findings but adjusted the penalty from two years to three years suspension from law practice.

1. Representation of Conflicting Interests:

The Court acknowledged that representing conflicting interests occurs when a lawyer represents inconsistent interests requiring opposing advocacy. Atty. De la Torre

represented the accused, Ilo and Avila, while also serving the victim's family, constituting misconduct. His argument that the accused sought him out did not negate this violation since no written consent was obtained from both parties.

2. Appropriate Sanction:

Considering Atty. De la Torre's actions were his first offense, the Court found a three-year suspension appropriate instead of disbarment. He was warned against any recurrence of such conduct.

Doctrine:

1. Rule 15.03 of the Code of Professional Responsibility prohibits lawyers from representing conflicting interests without written consent after full disclosure.
2. The principle underlying this rule promotes public policy and ethical transparency by maintaining trust and avoiding conflicting advocacy that undermines the lawyer-client relationship.

Class Notes:

- Key Concepts: Conflict of Interest, Ethical Responsibilities, Lawyer-Client Confidentiality
- Statute: Rule 15.03 of the Code of Professional Responsibility
- > "A lawyer shall not represent conflicting interests except by written consent of all concerned given after full disclosure of the facts."
- Lawyers must avoid conflicts of interest to protect client confidences and maintain the legal profession's integrity.

Historical Background:

The case highlights ongoing vigilance against ethical breaches within the Philippine legal profession, reinforcing public trust through adherence to professional standards. It reflects the judiciary's commitment to balancing disciplinary measures while affording due process, geared towards advancing justice.