

****Title:**** Daria O. Daging vs. Atty. Riz Tingalon L. Davis, A.C. No. 746 PHIL. 545

****Facts:****

Daria O. Daging leased a property from Benjie Pinlac, which she used to operate the Nashville Country Music Lounge in Baguio City. She entered into a Retainer Agreement with the Davis & Sabling Law Office on March 7, 2005. The agreement was signed by respondent Atty. Riz Tingalon L. Davis and his partner Atty. Amos Saganib Sabling.

Subsequently, Daging became delinquent in paying the rent, which led Pinlac to terminate the lease. Pinlac, accompanied by Novie Balageo and respondent Davis, went to Daging's music bar, inventoried the equipment, and informed her that Balageo would take over the bar's operations. Later, the bar was renamed Amarillo Music Bar, with Balageo as the new operator.

Daging filed an ejectment case against Pinlac and Balageo in the MTCC, Baguio City, while she was still under the retainer of Davis & Sabling Law Office. Despite the subsisting retainer agreement, respondent Davis appeared as counsel for Balageo and filed an Answer with Opposition to the Prayer for the Issuance of a Writ of Preliminary Injunction on July 11, 2005. It was only on August 26, 2005, that Davis withdrew as counsel for Balageo.

****Procedural Posture:****

- ****Affidavit Complaint:**** Filed by Daging before the IBP, Benguet Chapter, against Davis for alleged misconduct.
- ****Investigation & Recommendation:**** Investigating Commissioner found Davis guilty and recommended a one-year suspension.
- ****IBP Board of Governors Decision:**** Adopted the Investigating Commissioner's recommendation but reduced the suspension to six months due to lack of proof that Davis handled previous legal matters for Daging.
- ****Supreme Court Decision:**** The case was elevated to the Philippine Supreme Court for final adjudication.

****Issues:****

1. Whether Atty. Riz Tingalon L. Davis represented conflicting interests by acting as counsel for Novie Balageo, the adversary of his firm's existing client Daria O. Daging, without consent.

2. Whether the representation of conflicting interests violates Rule 15.03 of Canon 15 of the Code of Professional Responsibility.

Court's Decision:

1. **Representation of Conflicting Interests:**

- The Supreme Court found that Davis violated Rule 15.03 of Canon 15 of the Code of Professional Responsibility. The Rule prohibits lawyers from representing conflicting interests without written consent from all concerned parties and after full disclosure.
- The Court emphasized that the prohibition is absolute and applies even if the lawyer acted in good faith. This principle is crucial to maintain the public's trust and avoids any appearance of treachery or double-dealing in lawyer-client relationships.

2. **Violation of Professional Conduct:**

- The fact that Daging was a client of the law firm Davis & Sabling made it obligatory for Davis to avoid representing an adversarial interest (i.e., Balageo).
- Davis's claim that he did not handle Daging's matters was dismissed by the Court as irrelevant. By taking up the cause of Balageo, he undermined the integrity of the legal profession and the justice system.

The Supreme Court affirmed the IBP Board of Governors' decision, suspending Atty. Riz Tingalon L. Davis from the practice of law for six months.

Doctrine:

- **Rule 15.03, Canon 15 of the Code of Professional Responsibility:** A lawyer shall not represent conflicting interests except by written consent of all concerned given after a full disclosure of the facts.
- The court emphasized the absolute nature of this prohibition in maintaining public trust and the administration of justice.

Class Notes:

- **Representation of Conflicting Interests:**
- Elements:
 - Existing client relationship.
 - New representation without consent.
 - Conflict of interest between the two parties.

- Citation: Rule 15.03 of Canon 15.
- Application: A lawyer must withdraw or refuse representation where conflicts arise, and consent has not been obtained in writing after full disclosure.
- **Professional Responsibility:** The integrity and ethics of the legal profession must be preserved by avoiding any conflicts of interest, regardless of good faith or actual knowledge of client matters.

Historical Background:

In this era, the judiciary in the Philippines has been stringent in maintaining the integrity of the legal profession. Cases like *Daging vs. Davis* reiterate the importance of professional ethics and clear boundaries for legal practitioners. The ruling underscores the necessity for lawyers to avoid conflicts of interest to uphold public confidence in the legal system.