

Title:

****Disbarment of Atty. Eduardo C. De Vera for Professional Malpractice and Gross Misconduct****

Facts:

Atty. Eduardo C. De Vera previously represented Rosario P. Mercado in legal matters. Subsequent to winning Rosario's case, De Vera, then her lawyer, garnished the defendant's bank deposits but failed to relay the proceeds to Rosario. This led Rosario to demand the turnover of the funds, which De Vera refused, claiming the money was partly paid to the judge and partly his as attorney's fees. This refusal spurred Rosario to initiate a disbarment case against him.

The IBP Board of Governors, on March 23, 1993, found De Vera guilty of infidelity regarding the custody and handling of a client's funds, recommending a year's suspension from law practice. Following this, De Vera filed multiple lawsuits against not only the Mercado family (excluding George Mercado) but also their corporation, the corporation's accountant, the trial judge, and members of the IBP Board who voted for his suspension. The Mercados alleged that De Vera's actions constituted barratry, forum shopping, exploitation of family problems, and use of intemperate language, proposing his disbarment for malpractice and gross misconduct under Section 27, Rule 138 of the Rules of Court.

Issues:

1. Whether Atty. Eduardo C. De Vera's filing of multiple lawsuits constitutes professional malpractice and gross misconduct warranting disbarment.
2. Whether De Vera engaged in barratry, forum shopping, and exploitation of familial issues.
3. Whether De Vera's language in legal filings was unprofessionally intemperate.

Court's Decision:

The Supreme Court concurred with the IBP Board of Governors' findings and recommendations, establishing that De Vera committed professional malpractice and gross misconduct. The Court highlighted that the practice of law is a privilege conditional upon good behavior and that De Vera's conduct—filing a multitude of cases against his former client and associated individuals following his suspension—constituted an abuse of this privilege. It was determined that De Vera's legal actions were not motivated by the pursuit of justice but rather by revenge, hence violating his professional responsibilities, including the duty to refrain from filing frivolous lawsuits and to maintain fidelity to a former client.

Doctrine:

The ruling reinforced the principle that the practice of law is a privilege, which can be revoked upon misconduct. It also underlined obligations under the Code of Professional Responsibility, especially Canon 12 on aiding the administration of justice, and Canon 21 regarding the preservation of client confidence post-termination of attorney-client relations.

Class Notes:

- **Practice of Law as a Privilege:** Law practice is conditional on upholding professional standards and behaviors. Misconduct can lead to suspension or disbarment.
- **Duty Against Frivolous Lawsuits:** Lawyers must refrain from filing baseless legal actions that obstruct the administration of justice (Canon 12, Code of Professional Responsibility).
- **Client Confidentiality:** Lawyers must protect client secrets even after the attorney-client relationship ends (Canon 21, Code of Professional Responsibility; Rule 21.02).

Relevant Provisions:

- **Section 27, Rule 138 of the Rules of Court:** Grounds for disbarment or suspension include deceit, malpractice, gross misconduct, or any act that lessens public confidence in the legal profession.
- **Canon 12, Code of Professional Responsibility:** Lawyers should assist in the efficient administration of justice, avoiding practices impeding its progress.
- **Canon 21 and Rule 21.02, Code of Professional Responsibility:** Obligation to preserve client confidentiality and not use acquired information to the client's disadvantage or for personal advantage.

Historical Background:

This case underscores the essential nature of ethical conduct within the Philippine legal profession, reflecting the judiciary's commitment to maintaining integrity and public confidence in legal practitioners.