

ARSENIO REYES, COMPLAINANT, VS. ATTY. DANTE TINGA, RESPONDENT.

Adm. Case No. 3091. May 05, 1989

Ponente: MELENCIO-HERRERA, J.

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MELENCIO-HERRERA, J.:

Before us now is Complainant Arsenio Reyes' letter of 10 February 1989 addressed to the "Office of the Chief Justice" complaining that "whatever FACTS AND CIRCUMSTANCES THAT TRANSPIRED after the RESOLUTION of December 9, 1987 is simply NOTED WITHOUT ACTION;" that the "HONORABLE SECOND DIVISION REFU(SES) TO LIFT THE RESOLUTION OF FEBRUARY 3, 1988;" and that in simply noting annexes "A" and "B" in his letter dated 25 October 1988 to the Chief Justice "the HONORABLE SECOND DIVISION VIOLATED PRESIDENTIAL DECREE NO. 27 dated October 21, 1972 and implementing CIRCULAR NO. 31 dated August 22, 1973 of HONORABLE CATALINO MACARAEG JR. Acting Secretary of Justice, now PRESIDENTIAL SECRETARY."

In his aforementioned letter of 25 October 1988, Complainant also stated that "this pleading together with ANNEXES "A" and "B" is submitted to the Honorable Chief Justice to apprise him of the scandalous disposition and bias of Administrative Matter No. 3091 (Arsenio Reyes vs. Atty. Dante Tinga)."

For a backgrounder - this administrative Complaint is an offshoot of Civil Case No. 808-R of the then Court of First Instance of Rizal (Pasay City Branch), entitled "Hilarion Bautista, et al., vs. Arsenio Reyes, et al.," where respondent Atty. Dante Tinga appeared as counsel for some of the plaintiffs therein.

On 16 September 1970 a Decision in that case was rendered, the pertinent portion of which:

"(f) x x x order(ed) defendants jointly and severally to pay all the plaintiffs the following:

1. P5,000.00 as reasonable attorney's fees.
2. P2,000.00 as reasonable expenses of litigation, x x x."

Complainant, as defendant in that case, appealed to the Court of Appeals, which affirmed the aforequoted portion of the Decision. Entry of judgment was made by that Court on 15 January 1979.

In an Order dated 3 October 1979 the Trial Court granted execution as follows:

"Judgment in this case having been final and executory, as prayed for by plaintiffs through counsel let a writ of execution issue for the satisfaction of the same.

"Plaintiffs through counsel are hereby granted leave to withdraw the supersedeas bond of defendants in the amount of P6,900 as payment of attorney's fees and expenses of litigation.

"The Clerk of Court is hereby ordered to effect the same."

The Trial Court then appointed Alfredo San Miguel as Special Sheriff, to execute the Writ. His Return stated inter

alia:

"x x x

"that on July 13, 1981, Atty. Dante O. Tinga counsel for herein plaintiffs withdrawn (sic) the amount of FOUR THOUSAND ONE HUNDRED (4,100.00) PESOS from the office of the Clerk of Court, CFI-Pasay City plus the amount of TWO THOUSAND EIGHT HUNDRED (P2,800.00) PESOS which was garnished by the undersigned from the Bank of the Philippine Islands, Mandaluyong Branch on July 17, 1981.

"x x x"

On 11 August 1987 Complainant filed a Petition for suspension of respondent Atty. Dante Tinga from the practice of law for:

"(1) Collecting attorney's fees and expenses for litigation in violation of Article 2208 (1) and (10)

"(2) Being a private person acted as sheriff conniving and confederating illegally and feloniously with Alfredo San Miguel and Judge Manuel Romillo Jr. (already dismissed) violating the preceding paragraph (1) and ADMINISTRATIVE CIRCULAR No. 12 SUPREME COURT October 10, 1985.

"(3) Pocketing the legal fees of P6,900.00 instead of depositing same to the Clerk of Court."

It being obvious that the collection by Respondent of attorney's fees and expenses of litigation was but in implementation of the Decision of the Trial Court, dated 16 September 1970, as affirmed by the Court of Appeals on 15 January 1979; that said collection was authorized in the Trial Court's Writ of Execution dated 8 July 1981; and that Complainant's contention, that Respondent should have deposited his legal fees with the Clerk of Court of the Trial Court, was absolutely without basis, this Court dismissed the Administrative Complaint for lack of merit on 9 December 1987.

On 3 February 1988 Complainant's Motion for Reconsideration of the Resolution of 9 December 1987 was denied, likewise for lack of merit. Additionally, upon Complainant's Motion, said Resolution required Respondent to furnish Complainant with copy of the Comment and to submit proof of service, both within five (5) days from notice.

Then followed the filing by Complainant of a series of pleadings, thus:

1. January 25, 1988 - Complainant's Motion to include the law firm of Pimentel, Tinga, Fuentes, Tagle and Malate and other associates as additional respondent.

This was NOTED in the Resolution of the Court of 14 March 1988, "the complainant's motion for reconsideration of the resolution of December 9, 1987 which dismissed the administrative complaint having been already denied x x x."

2. March 29, 1988 - Complainant's Manifestation that the alleged compliance by Respondent with this Court's Resolution of 3 February 1988 "is a fraud."

This was NOTED by the Court in its Resolution of 2 May 1988, Complainant's "motion for reconsideration of the resolution of December 9, 1987 which dismissed the administrative complaint having been already denied in the resolution of February 3, 1988." Besides, the records disclosed that Complainant's receipt of Respondent's Comment was established by the Certification of Wilfredo R. Ulibarri, Postmaster at the Central Post office, Manila.

3. May 18, 1988 - Complainant's letter submitting the factual background of the case and reiterating that Respondent had not complied at all with the Resolution of 3 February 1988.

This was NOTED by the Court in its Resolution of 15 June 1988 "Complainant's motion for reconsideration of the resolution of December 9, 1987 which dismissed the administrative complaint having been already denied in the foresaid resolution of February 3, 1988."

4. August 29, 1988 - Complainant's letter requesting that the therein enclosed affidavit stating that he has read the complaint and that the allegations therein are true of his own knowledge be attached to the complaint.

On 10 October 1988, the Court NOTED the same without action, complainant's "motion for reconsideration of the resolution of December 9, 1987 dismissing the aforesaid complaint having been already denied in the resolution of February 3, 1988."

5. October 25, 1988 - Complainant's letter submitting the therein Annexes "A" and "B" consisting of letters-complaint against Hon. Teodoro C. Bonifacio, Administrator of the "National Land Titles and Deeds Registration Administration" addressed to the Ministry of Justice.

On 23 January 1989 the Court NOTED the said letter Complainant's "motion for reconsideration of the resolution of December 9, 1987 dismissing the administrative complaint having been already denied in the resolution of February 3, 1988." Furthermore, the complaint was directed to the Ministry of Justice and had no appreciable bearing to the instant case.

6. February 10, 1989 - Complainant's letter under consideration initially set forth in this Resolution.

The fact that this Division NOTED the series of pleadings that Complainant had filed is by no means a "scandalous disposition" nor a showing of "bias" in this Administrative Case. No other proper action could have been possible considering, as explicitly stated in the various Resolutions, that the Administrative Complaint had been dismissed for lack of merit and that the Motion for Reconsideration of the said Resolution had been denied for the same reason. In fact, the dismissal of this Administrative Complaint having become final, no further pleadings need have been entertained, and had the Court so opted, it could have ordered them expunged.

In "simply noting" the Annexes "A" and "B" mentioned in Complainant's letter of 25 October 1988, this Division did not thereby, as Complainant wildly alleges, violate Presidential Decree No. 27 dated 21 October 1972, nor its Implementing Circular No. 31, those enactments being clearly irrelevant and immaterial to this Administrative Complaint, besides the fact that said Annexes "A" and "B" refer to letters-complaint against the Administrator of the "National Land Titles and Deeds Registration Administration" and are addressed to the Ministry of Justice, and not to this Court.

Just because a litigant does not succeed in his cause is no justification for crying out "scandal" or "bias." Decisions of this Court are always rendered with strict objectivity and impartiality and with no guiding criteria except truth and justice.

ACCORDINGLY, considering that the dismissal of this Administrative Complaint by virtue of this Court's Resolutions of 9 December 1987 and 3 February 1988 had long become final, no further pleadings/letters will be entertained.

SO ORDERED.

Paras, Padilla, Sarmiento, and Regalado, JJ., concur.

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