

ATTY. ZENAIDA ONGKIKO- ACORDA, PETITIONER, VS. COMMISSION ON BAR DISCIPLINE, THE BOARD OF GOVERNORS OF THE INTEGRATED BAR OF THE PHILIPPINES AND ROBERTO V. ONGPIN, RESPONDENTS.

Ponente: DIAMANTE, FRANCHITO N., J.

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DIAMANTE, FRANCHITO N., J.:

Petitioner Atty. Zenaida Ongkiko-Acorda (“petitioner” for brevity) filed a Motion for Reconsideration dated January 6, 2014[1] of Our December 12, 2013 Decision[2] which denied the Petition for Certiorari with Prayer for Writ of Preliminary Injunction and/or Temporary Restraining Order (TRO) she earlier filed against the Order dated September 20, 2012[3] of Commissioner Eldrid C. Antiquiera (“Antiquiera” for brevity) of public respondent Commission on Bar Discipline (“Commission” for brevity), in CBD Case No. 11-3161, and which denied her prayer to enjoin the respondents Commission on Bar Discipline and Board of Governors of the Integrated Bar of the Philippines (“Board” for brevity) from resolving said case until after she shall have been afforded the full opportunity to complete the presentation of evidence in her defense and, thereafter, to submit her Position Paper.

Private respondent Roberto V. Ongpin filed his Opposition to the motion dated March 10, 2014[4] and a Reply to Opposition dated April 28, 2014[5] was subsequently filed by the petitioner. Petitioner then filed a “Motion to Refer the Case for Mediation” dated July 3, 2014[6] but the same was denied in Our Resolution dated January 8, 2015.[7]

Consequently, We now resolve the Motion for Reconsideration filed by the petitioner.

After a careful review of petitioner's arguments in seeking a reconsideration of this Court's December 12, 2013 Decision, We find no compelling or justifiable reason to grant the same. The core issues raised by the petitioner are but a mere rehash of the issues already dissected, analyzed and passed upon adequately by this Court.

Furthermore, anent the contention of the petitioner that the Judicial Affidavit Rule bolstered her position that CBD Case No. 11-3161 cannot yet be submitted for decision,[8] We hold that said argument is of no moment. Section 1 of A.M. No. 12-8-8-SC provides that the Judicial Affidavit Rule shall apply to all actions, proceedings, and incidents requiring the reception of evidence. With the reception of evidence having been concluded even before the effectivity of the Judicial Affidavit Rule or on January 1, 2013, the same rendered moot and academic the position taken by the petitioner. In fact, and as correctly raised by the private respondent, petitioner herself had acknowledged the termination of the proceedings a quo when petitioner filed before Us an Amended Petition for Certiorari and Prohibition dated November 29, 2012.[9] With that, We adopt petitioner's stance that the “existing cases” contemplated by Section 12 of the Judicial Affidavit Rule pertains to those cases as of January 1, 2013 where the reception of evidence have yet to be terminated,[10] for otherwise, it would be illogical and absurd to reopen the proceedings for the exclusive purpose of retaking evidence by way of judicial affidavits.[11] To Us, it would ultimately render nugatory the very purpose of the adoption of the Judicial Affidavit Rule which

is speeding up the hearing and adjudication of cases. This, We cannot sanction.

WHEREFORE, in light of the foregoing, the Motion for Reconsideration is hereby DENIED for lack of merit.

SO ORDERED.

Librea-Leagogo, C.C., Chairperson, and [*]Reyes-Carpio, A. JJ., concur.

[*] Vice J. M.Q.C. Sadang per Office Order No. 468-13-RSF dated December 6, 2013.

[1] Rollo, pp. 1242-1269.

[2] Rollo, pp. 1222-1231.

[3] Id. at 617.

[4] Id. at 1281-1298.

[5] Id. at 1338-1357.

[6] Id. at 1366-1370.

[7] Id. at 1380-1383.

[8] Id. at 1264.

[9] Id. at 561-612.

[10] Id. at 1292.

[11] Id. at 1293.

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