

OCA CIRCULARS NO. 55-2002, September 24, 2002

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TO:

THE COURT OF TAX APPEALS, SANDIGANBAYAN, COURT OF TAX APPEALS, REGIONAL TRIAL COURTS, SHARI' A DISTRICT COURTS, METROPOLITAN TRIAL COURTS, MUNICIPAL TRIAL COURTS IN CITIES, MUNICIPAL TRIAL COURTS, MUNICIPAL CIRCUIT TRIAL COURTS, SHARI' A CIRCUIT COURTS, THE OFFICE OF THE STATE PROSECUTOR, PUBLIC DEFENDER'S OFFICE AND THE INTEGRATED BAR OF THE PHILIPPINES

SUBJECT:

SUSPENSION OF ATTY. MAXIMO G. RODRIGUEZ FOR SIX (6) MONTHS

For the information and guidance of all concerned, quoted hereunder is the decision of the Third Division of the Supreme Court in Administrative Case No. 4346 entitled "Erlinda Abragan, et al., vs. Atty. Maximo G. Redriguez" dated 3 April 2002, to wit:

"Lawyers violated their oath of office when they represent conflicting interest. They own professional practice, but he entire legal professional itself.

xxx

In the present case, respondent clearly violated Rule 15.03 of Canon 15 of the Code of Professional Responsibility, which provides that a lawyer shall not represent conflicting interest except by written consent of all concerned given full disclosure of facts.

xxx

In the case at bar, petitioners were the same complainants in the indirect contempt case and in the Complaint for forcible entry in Civil Case No 11204.[10] Respondent should have evaluated the situation first before agreeing to be counsel for the defendants in the indirect contempt proceedings. Attorneys owe undivided allegiance to their clients, and should at all times weigh their actions, especially in their dealings with the latter and the public at large. They must conduct themselves beyond reproach at all times.

The Court will not tolerate any departure from the "straight and narrow" path demanded by the ethics of the legal profession.

xxx

Because of his divided allegiance, respondent has eroded, rather than enhanced, the public perception of the legal profession. His divided loyalty constitutes malpractice for which he may be suspended, following Section 27 Rule 138 of the Rules of Court, which provides:

"SEC. 27. Disbarment or suspension of Attorneys by Supreme Court, grounds therefor. - Any member of the

bar may be disbarred or suspended from his office as attorney by. the Supreme Court for any deceit, malpractice, or other gross misconduct in such office, grossly immoral conduct, or by reason of his conviction of a crime involving moral turpitude, or for any violation of the oath which he required to take before admission to practice, or for a willful disobedience appearing as an attorney for a party to a case without authority so to do. xxx."

xxx

A survey of cases involving conflicting interests on the part of counsel reveals that the Court has imposed on erring attorneys either a reprimand, or a suspension from the practice of law from five (5) months to as high as two (2) years.¹⁴

WHEREFORE, Maximo G. Rodriguez is found guilty of violating Rule 15.03 of Canon 15 of the Code of Professional Responsibility and is hereby **SUSPENDED** for six (6) months from the practice of law, effective upon his receipt of this Decision. He is warned that a repetition of the same or similar acts will be dealt with more severely."

Copy of the decision was received by Atty. Rodriguez on 29 April 2002 as per Registry Return Receipt. No. 34572.

24 September 2002

PRESBITERO J. VELASCO, JR.

Court Administrator

[10] Rollo, p. 9.

[14] See Vda. Alisbo V. Jalandoon Sr., 199 SCRA 321, July 31, 1991; Bautista v. Barrios, 9 SCRA 695, December 21, 1963; Natan v. Capule, 91 Phil. 640, July 23, 1952; Cantorne v. Ducosin, 57 Phil. 24, August 9, 1932.

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