

ATTY. PABLO B. FRANCISCO, COMPLAINANT, VS. ATTY. ROMEO M. FLORES, RESPONDENT.

A.C. No. 10753 (Formerly CBD Case No. 10-2703). January 26, 2016

Ponente: LEONEN, J.

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LEONEN, J.:

Failure of counsel to act upon a client's case resulting in the prescription of available remedies is negligence in violation of Canon 18 of the Code of Professional Responsibility. The general rule is that notice to counsel is notice to client. This rule remains until counsel notifies the court that he or she is withdrawing his or her appearance, or client informs the court of change of counsel. Untruthful statements made in pleadings filed before courts, to make it appear that the pleadings are filed on time, are contrary to a lawyer's duty of committing no falsehood.

Atty. Pablo B. Francisco (Atty. Francisco) filed an administrative Complaint^[1] for violation of Canons 10 and 18 of the Code of Professional Responsibility against Atty. Romeo M. Flores (Atty. Flores) before the Integrated Bar of the Philippines, alleging dishonesty and negligence on the part of Atty. Flores.

Atty. Francisco alleged that he filed a Complaint for forcible entry against Rainier Fineza and his mother, Teodora Fineza, (Finezas) before the Municipal Trial Court of Binangonan, Rizal.^[2] The Finezas were represented by Atty. Flores.^[3]

The Municipal Trial Court ruled in favor of the Finezas.^[4] Atty. Francisco filed an appeal before the Regional Trial Court of Binangonan, Rizal.^[5] However, the appeal was denied.^[6]

Atty. Francisco filed a Motion for Reconsideration,^[7] which was granted by the Regional Trial Court in an Order dated January 23, 2009. The Finezas were then ordered to vacate the property and to pay rentals.^[9]

Atty. Flores filed a Motion for Reconsideration^[10] of the trial court's Order granting Atty. Francisco's Motion for Reconsideration. Atty. Francisco filed an Opposition to the Motion for Reconsideration.^[11] In an Order^[12] dated March 26, 2009, Judge Dennis Patrick Z. Perez denied the Motion for Reconsideration filed by Atty. Flores.

The registry return receipt shows that Atty. Flores received a copy of the Regional Trial Court's Order denying the Motion for Reconsideration on April 3, 2009, while the Finezas received their copy of the Order on April 7, 2009.^[13]

On April 7, 2009, Atty. Francisco filed an Ex-Parte Motion to Remand Records of the case to the Municipal Trial Court for Execution of Judgment. He alleges that a copy of the Ex-Parte Motion was served on Atty. Flores through registered mail.^[14]

On May 20, 2009, Analiza P. Santos, Officer-in-Charge of Branch 67, Regional Trial Court of Binangonan, Rizal, issued a Certification^[15] stating that:

This is to certify that the Order of this Court dated January 23, 2009 relative to the above-entitled case

[referring to Pablo B. Francisco v. Rainier Fineza and Teddy Fineza] has never been amended, appealed or modified; hence, this Order is now considered final and executory.[16]

Atty. Francisco filed a Motion for Issuance of Writ of Execution[17] on June 3, 2009. Atty. Francisco alleges that a copy of the Motion was personally served on Atty. Flores on the same day.[18]

Atty. Francisco also alleges that hearings on the Motion for Issuance of Writ of Execution were scheduled on June 17 and 24, 2009, which were attended by Atty. Flores and the Finezas. Atty. Francisco's Motion was granted on June 30, 2009, and a writ of execution was issued.[19]

On July 8, 2009, the Finezas filed a Petition[20] for Relief from Judgment with application for temporary restraining order and injunction. They also attached a Joint Affidavit of Merit[21] to the Petition. The Petition was signed by the Finezas and not by Atty. Flores.[22] Atty. Francisco claims that the Petition, while not signed by counsel, "was ostensibly prepared by respondent Atty. Romeo M. Flores[.]"[23] The Petition for Relief from Judgment was docketed as SCA 09-015.[24]

The allegations in the Petition for Relief from Judgment stated:

3. Defendants did not receive a copy or have no knowledge of the Order dated 26 March 2009 denying their motion for reconsideration, hence, was not able to hire the services of other lawyer to seek relief from the adverse consequences of the said Order;

4. It was only on June 29, 2009 that defendants through their lawyer came to know of the Order dated March 26, 2009[,] denying their "Motion for Reconsideration" of the decision/Order dated January 15, 2009 reversing the Order of Dismissal by the Municipal Trial Court, Branch 2, Binangonan, Rizal;

5. This petition is being filed within sixty days after the petitioners obtained knowledge on June 29, 2009 of the Order/decision dated March 26, 2009 denying the motion for reconsideration and not more than six (6) months after judgment was entered on May 20, 2009[.][25] (Emphasis supplied)

Atty. Francisco filed a Motion to Dismiss on July 13, 2009, alleging that the Petition for Relief from Judgment was filed out of time.[26] He also alleged that:

2. The petition was filed in SCA No. 09-015, not in SCA No. 08-018 of the same Regional Trial Court, in violation of Section 1, Rule 38 of the Rules of Court;

....

4. It can not be that petitioners came to know through their lawyer of the Order, dated March 26, 2009 only on June 29, 2009. That allegation is a travesty of facts because on June 3, 2009, respondent [referring to Atty. Francisco] filed his motion for issuance of writ of execution of the RTC decision with the Municipal Trial Court of Binangonan and furnished a copy of said motion to petitioners' counsel [referring to Atty. Flores] on the same day of June 3, 2009. Said motion was heard on June 17, 2009, with Atty. Romeo M. Flores in attendance and manifesting before the court that petitioners have vacated the parcel of land in question[.][27]

Atty. Flores entered his appearance in SCA Case No. 09-015 on August 20, 2009. Atty. Francisco claims that Atty. Flores knew about the untruthful allegations and frivolous character of the Petition for Relief from Judgment, yet he sought to pursue the Petition through the filing of a Motion to Admit Supplemental Pleading.[28]

The Petition for Relief from Judgment was dismissed by the Regional Trial Court in an Order[29] dated August 28, 2009.

On February 8, 2010, the Finezas were evicted.[30] Their "personal properties were levied upon, then sold on execution to settle their judgment debt[.]"[31]

Atty. Francisco alleges that Atty. Flores thereafter "induced Rainier Fineza and Teodora Fineza to file a complaint against [Atty. Francisco] [before] the Supreme Court[.]"[32] The case was docketed as Administrative Case No. 8563.[33]

Atty. Francisco contends that Atty. Flores was negligent when he "did not make himself available"[34] during that period when his clients could still question the trial court's denial of the Motion for Reconsideration by filing a Petition for Review before the Court of Appeals.[35]

Atty. Francisco prays that Atty. Flores "be found guilty of violation of Canons 10 and 18 of the Code of Professional Responsibility and be meted the corresponding penalty."[36]

On the other hand, Atty. Flores alleges that he was on vacation from February 9, 2009 until May 2009.[37] The copy of the trial court's Order sent to the Finezas was received by Glen Fineza on April 7, 2009, but allegedly, Glen Fineza did not inform Teodora Fineza and Rainier Fineza that he received the trial court's Order.[38] Atty. Flores claims that he only learned about the Order denying the Motion for Reconsideration when he received a copy of Atty. Francisco's Motion for Issuance of a Writ of Execution.[39]

Regarding the Finezas' Petition for Relief from Judgment, Atty. Flores alleges that he only assisted in the filing of the Petition.[40] He could not act as counsel because he had "no personal knowledge as to when the [Finezas] learned . . . of the denial of the Motion for Reconsideration."[41]

Atty. Flores also argues that he did not violate Canon 18 because in another case, docketed as Civil Case 384-B for Quieting of Title with Prayer for Restraining Order/Injunction,[42] which also involved Atty. Francisco and the Finezas, he was able to prevent the demolition of the Finezas' family home.[43]

In the Report and Recommendation[44] of the Commission on Bar Discipline dated April 15, 2011, the Commission found that the allegations in the Petition for Relief from Judgment were "false and frivolous"[45] because when the Petition for Relief from Judgment was filed, more than 60 days elapsed from the time that Atty. Flores and the Finezas had received copies of the trial court's Order.[46] Atty. Flores received a copy of the trial court's Order dated March 26, 2009, on April 3, 2009, while the Finezas received their copy on April 7, 2009.[47] Glen Fineza, who acknowledged receipt of the trial court's Order, is the son of Teodora Fineza and the brother of Rainier Fineza.[48] When the Petition for Relief from Judgment was filed on July 8, 2009, it was beyond the 60-day period.[49]

The Commission on Bar Discipline recommended that Atty. Flores be found guilty of violating Rules 10.01 and 10.03 of Canon 10, and that the penalty of suspension from the practice of law for three (3) months "with stern warning that a repetition of the same offense shall be dealt with more severely"[50] be imposed.[51] No pronouncement was made on the issue of whether Atty. Flores violated Canon 18.

The Board of Governors of the Integrated Bar of the Philippines adopted and approved the Report and Recommendation of the Commission on Bar Discipline in a Resolution[52] dated June 20, 2013. However, the Board of Governors Resolution is also silent on the issue of whether Atty. Flores violated Canon 18 of the Code of Professional Responsibility.

Atty. Flores filed an Ex-Parte Motion to Admit Motion for Reconsideration[53] and a Motion for Reconsideration,[54] arguing that he was on vacation from February 11, 2009 up to "June __, 2009[.]"[55] During that period, his staff received the trial court's Order dated March 26, 2009[56] on April 3, 2009.[57] Hence, Atty. Francisco's allegation that he received the trial court's Order on April 31, 2009 is not true.[58] In addition, Glen Fineza did not give a copy of the trial court's Order to Rainier Fineza or Teodora Fineza.[59] Further, the charge of perjury against him, Atty. Flores, was dismissed by the prosecutor.[60] Atty. Flores also argues that he properly

observed the rules of procedure in the forcible entry case, thus, he should not be found guilty of violating Canon 10.03 of the Code of Professional Responsibility.[61]

Atty. Flores reiterated that this administrative Complaint originated from a civil case filed before the Regional Trial Court of Binangonan, Rizal, involving Atty. Francisco and the Finezas.[62] While the Finezas lost their property in that case, he, as counsel of the Finezas, was able to prevent Atty. Francisco "from implementing the demolition of the Fineza's family home." [63]

The Board of Governors, through Dominic CM. Solis, Director for Bar Discipline, required Atty. Francisco to submit a Comment on Atty. Flores' Motion for Reconsideration.[64]

Atty. Francisco reiterated in his Comment[65] that the Finezas knew about the trial court's dismissal of their Motion for Reconsideration because they received a copy of the trial court's Order on April 7, 2009.[66] Also, Atty. Flores received a copy of the same Order on April 3, 2009 and not April 31, 2009.[67] Further, when Atty. Francisco sought to execute the trial court's Decision, Atty. Flores and the Finezas attended "the hearing on the motion for execution of the final judgment"[68] on June 17 and 24, 2007.[69]

Atty. Francisco prayed in his Comment that Atty. Flores "be suspended from the practice of law for at least six (6) months." [70]

In a Resolution[71] dated August 9, 2014, the Board of Governors denied Atty. Flores' Motion for Reconsideration but increased the penalty recommended from three (3) months to six (6) months suspension from the practice of law.[72]

The issue in this case is whether respondent Atty. Romeo M. Flores violated Canons 10 and 18 of the Code of Professional Responsibility.

This court accepts the findings of fact of the Integrated Bar of the Philippines. Based on the records of this administrative Complaint, respondent is guilty of violating Canon 10, Rules 10.01 and 10.03, and Canon 18, Rule 18.03.

Canon 10, Rule 10.01 of the Code of Professional Responsibility provides:

Canon 10 — A lawyer owes candor, fairness and good faith to the court.

Rule 10.01 — A lawyer shall not do any falsehood, nor consent to the doing of any in Court; nor shall he mislead or allow the Court to be misled by any artifice.

Respondent was not entirely truthful. He alleged in his Position Paper that:

4. Herein respondent himself only came to blow of the denial of their Motion for Reconsideration in June, 2009 when he received a copy of the motion of complainant for issuance of a writ of execution against the FINEZA[S]. This fact was immediately relayed to the FINEZA[S].

....

6. FINEZAS in filing the petition for relief from judgment believe in good faith that they have complied with the requirement of the rule. They learned only of the judgment on June 29, 2009.

Herein RESPONDENT only assisted the FINEZA[S] in filing the petition for relief from judgment. He could not personally act as counsel considering that he has no personal knowledge as to when the FINEZA[S] learned or had knowledge of the denial of the Motion for Reconsideration.

Although the denial of the Motion for Reconsideration was received in his office on April 3, 2009, respondent was in the United States of America (U.S.A.) for a 3-month vacation from February 9, 2009 to May, 2009. He had given instructions to his staff to furnish copies of all court processes to his clients and to refer all legal

matters to either Atty. Leonardo C. Aseoche or Atty. Baltazar O. Abasolo as collaborating counsels, both practicing lawyers in Binangonan, Rizal.[73] (Emphasis supplied)

Respondent did not state the exact date when he received a copy of the Motion for Issuance of a Writ of Execution. The record shows that he received it on June 3, 2009.[74] Respondent then alleges that he immediately informed the Finezas about the matter, but later on contradicted himself when he stated "that he has no personal knowledge as to when the Fineza[s] learned or had knowledge of the denial of the Motion for Reconsideration." [75]

Respondent's statement that he had no knowledge when the Finezas learned about the denial of their Motion for Reconsideration is also contradicted by the Finezas' allegations in their Petition for Relief from Judgment that:

4. It was only on June 29, 2009 that defendants through their lawyer came to know of the Order dated March 26, 2009[,] denying their "Motion for Reconsideration" of the decision/Order dated January 15, 2009 reversing the Order of Dismissal by the Municipal Trial Court, Branch 2, Binangonan, Rizal[.][76] (Emphasis supplied)

Further, respondent does not deny complainant's allegation that he and the Finezas were present when the Motion for Issuance of a Writ of Execution was heard by the trial court on June 17 and 24, 2009.[77]

From the foregoing, it is clear that respondent and the Finezas knew about the trial court's Order denying their Motion for Reconsideration before June 29, 2009.

While the Complaint is limited to the allegations in the Petition for Relief from Judgment, this court notes that respondent was also not truthful in his Motion for Reconsideration filed before the Integrated Bar of the Philippines. In his Motion for Reconsideration, he alleged that:

The allegation of complainant that respondent received on April 31, 2009 the Order of March 26, 2009 denying his motion for reconsideration is not correct. It was the law office through his staff that received on 26 March 2009 the Order of Denial, per Reg. Receipt No. 190. Herein respondent was on vacation in U.S.A. from February 11, 2009 up to June_ , 2009.[78] (Emphasis supplied)

Respondent's allegations are conflicting. He initially claimed that he was on vacation from February 9, 2009 to May 2009.[79] He subsequently claimed that his vacation was from February 11, 2009 to June 2009.[80]

The glaring inconsistencies in respondent's statements are sufficient to show that he is guilty of violating Canon 10, Rule 10.01.

The importance of Canon 10, Rule 10.01 was extensively discussed in *Spouses Umaguing v. De Vera*,[81] which involved the submission of a falsified affidavit in an electoral protest. This court discussed that:

Fundamental is the rule that in his dealings with his client and with the courts, every lawyer is expected to be honest, imbued with integrity, and trustworthy. These expectations, though high and demanding, are the professional and ethical burdens of every member of the Philippine Bar, for they have been given full expression in the Lawyer's Oath that every lawyer of this country has taken upon admission as a bonafide member of the Law Profession, thus:

I, _____ , do solemnly swear that I will maintain allegiance to the Republic of the Philippines; I will support its Constitution and obey the laws as well as the legal orders of the duly constituted authorities therein; I will do no falsehood, nor consent to the doing of any in court; I will not wittingly or willingly promote or sue any groundless, false or unlawful suit, nor give aid nor consent to the same. I will delay no man for money or malice, and will conduct myself as a lawyer according to the best of my knowledge and discretion with all good fidelity as well to the courts as to my clients; and I impose upon myself this voluntary obligation without any mental reservation or purpose of evasion. So help me God.

The Lawyer's Oath enjoins every lawyer not only to obey the laws of the land but also to refrain from doing any falsehood in or out of court or from consenting to the doing of any in court, and to conduct himself according to the best of his knowledge and discretion with all good fidelity to the courts as well as to his clients. Every lawyer is a servant of the law, and has to observe and maintain the rule of law as well as be an exemplar worthy of emulation by others. It is by no means a coincidence, therefore, that the core values of honesty, integrity, and trustworthiness are emphatically reiterated by the Code of Professional Responsibility. In this light, Rule 10.01, Canon 10 of the Code of Professional Responsibility provides that "[a] lawyer shall not do any falsehood, nor consent to the doing of any in Court; nor shall he mislead, or allow the Court to be misled by any artifice." [82] (Emphasis and underscoring in the original, citations omitted)

This court also finds that respondent violated Rule 10.03 of Canon 10, which provides:

Rule 10.03 — A lawyer shall observe the rules of procedure and shall not misuse them to defeat the ends of justice.

Respondent admitted that he assisted the Finezas "in filing the petition for relief from judgment." [83] Subsequently, respondent moved to withdraw the Petition for Relief from Judgment after recognizing that it was filed erroneously. [84] As stated in the trial court's Order:

Nevertheless, the court interposed clarificatory questions to the petitioners and as a result of the discussion this morning, petitioners' counsel moved for the withdrawal of his Petition for Relieffrom Judgment after realizing that he erroneously filed the petition before another court and in another case in violation of Section 1 of Rule 38 of the Revised Rules of Court.

WHEREFORE, on motion of the petitioners through counsel, the Court resolved to consider the instant petition for Relief from Judgment docketed as SCA Case No. 09-015 entitled Ranier [sic] B. Fineza and Teodora B. Fineza versus Pablo B. Francisco filed on July 8, 2009 and raffled to this court on July 13, 2009 as WITHDRAWN, and this case is hereby DISMISSED. [85] (Emphasis supplied)

Respondent's attempts to rectify are further evidence that what he did—file a Petition for Relief docketed as a different case before a different trial court—was wrong in the first place. [86]

Furthermore, this court finds respondent guilty of violating Canon 18, Rule 18.03 of the Code of Professional Responsibility.

Canon 18 of the Code of Professional Responsibility provides:

Canon 18 — A lawyer shall serve his client with competence and diligence.

Rule 18.03 — A lawyer shall not neglect a legal matter entrusted to him, and his negligence in connection therewith shall render him liable.

Respondent's explanation that he was on vacation is not sufficient. Being the lawyer who filed the Motion for Reconsideration, he should have been prepared for the possibility that his Motion would be acted upon by the trial court during the time that he was on vacation. In addition, he does not deny that his office, through his staff, received by registered mail a copy of the trial court's Order on April 3, 2009.

Respondent argues that he instructed his staff to inform his clients of court processes and to refer legal matters to Atty. Leonardo C. Aseoche or Atty. Baltazar O. Abasolo. [87] However, respondent did not present evidence to support his argument.

Respondent further argues that he was not negligent and explained that in the case docketed as Civil Case 384-B for Quieting of Title with Prayer for Restraining Order/Injunction, he successfully prevented the demolition of the

Finezas' family home.[88]

Respondent may not have been negligent in handling Civil Case No. 384-B, but he was negligent in handling SCA No. 08-018. When he allegedly informed the Finezas of the trial court's Order, he should have immediately discussed the matter with his clients. The records of this case show that he did not consult his clients on what legal remedies they would like to avail themselves of after the denial of the Motion for Reconsideration.

Respondent attended the hearing on the Motion for Issuance of a Writ of Execution, and that it was allegedly the Finezas, on their own, who filed the Petition for Relief from Judgment. Respondent claims that he merely assisted the Finezas in filing the Petition for Relief, but was not representing them.[89] He argues that he could not represent the Finezas because "he has no personal knowledge as to when the Fineza[s] learned or had knowledge of the denial of the Motion for Reconsideration." [90]

Respondent also seems to have forgotten the general rule that notice to counsel is also notice to client. Thus, when his office received a copy of the trial court's Order on April 3, 2009, his clients are also deemed as having been notified on the same date.

Manaya v. Alabang Country Club, Inc.[91] involved the dismissal of an appeal before the National Labor Relations Commission due to its late filing.[92] Respondent Alabang Country Club filed a Petition for Certiorari before the Court of Appeals and argued that its lawyer abandoned it, thus, it was "not effectively represented by a competent counsel." [93] The Court of Appeals granted the Petition for Certiorari.[94] Petitioner Fernando G. Manaya then filed a Petition for Review on Certiorari before this court, which was granted.[95] This court explained that:

It is axiomatic that when a client is represented by counsel, notice to counsel is notice to client. In the absence of a notice of withdrawal or substitution of counsel, the Court will rightly assume that the counsel of record continues to represent his client and receipt of notice by the former is the reckoning point of the reglementary period. As heretofore adverted, the original counsel did not file any notice of withdrawal. Neither was there any intimation by respondent at that time that it was terminating the services of its counsel.[96] (Emphasis supplied, citation omitted)

In Ramirez v. Buhayang-Margallo,[97] this court found Atty. Mercedes Buhayang-Margallo guilty of violating Rule 18.03 of the Code of Professional Responsibility because she failed to file the appellant's brief within the reglementary period that resulted in the loss of available remedies for her client.[98]

Assuming that the Finezas learned about the denial of the Motion for Reconsideration only on June 29, 2009, this would further support the allegations in the Complaint that respondent violated Canon 18. Respondent alleges that he learned about the denial of the Motion for Reconsideration when he received a copy of the Motion for Issuance of Writ of Execution. While he did not state the exact date when he received a copy of the Motion, the record shows that he received it on June 3, 2009. If it were true that the Finezas learned about the denial of the Motion for Reconsideration on June 29, 2009, then it shows that respondent did not immediately inform his clients about the status of the forcible entry case. It took him more than 20 days to inform his clients on the matter. Respondent's failure to immediately update his clients and act upon the denial of the Motion for Reconsideration, which resulted in the expiration of the period for filing a Petition for Relief from Judgment, clearly points to negligence on his part.

This court takes judicial notice that respondent was previously suspended from the practice of law for two years in Serzo v. Atty. Flores[99] because he notarized a Deed of Absolute Sale when the vendor was already deceased.[100] His notarial commission was also revoked, and this court disqualified him from being reappointed as notary public for two years.[101]

It is deplorable that respondent, despite having been sanctioned by this court, once again violated his oath as a lawyer.

WHEREFORE, the findings of fact of the Board of Governors of the Integrated Bar of the Philippines dated June 20, 2013 and August 9, 2014 are ACCEPTED and APPROVED. Respondent Atty. Romeo M. Flores is found guilty of violating Canon 10, Rules 10.01 and 10.03, and Canon 18, Rule 18.03 of the Code of Professional Responsibility.

Respondent Atty. Romeo M. Flores is suspended from the practice of law for two (2) years. He is warned that a repetition of the same or similar act shall be dealt with more severely.

Let a copy of this Resolution be furnished the Office of the Bar Confidant, to be appended to respondent Atty. Romeo M. Flores' personal record as attorney, to the Integrated Bar of the Philippines, and to the Office of the Court Administrator for dissemination to all courts throughout the country for their information and guidance.

SO ORDERED.

Serenio, C.J., Carpio, Velasco, Jr., Leonardo-De Castro, Brion, Peralta, Bersamin, Del Castillo, Perez, Mendoza, Reyes, Perlas-Bernabe, and Jardeleza, JJ., concur.

NOTICE OF JUDGMENT

Sirs/Mesdames:

Please take notice that on January 26, 2016 a Decision/Resolution, copy attached herewith, was rendered by the Supreme Court in the above-entitled case, the original of which was received by this Office on February 9, 2016 at 2:07 p.m.

Very truly yours,

(SGD)

FELIPA G. BORLONGAN-ANAMA

Clerk of Court

[1] Rollo, pp. 2-8.

[2] Id. at 2. The Complaint for forcible entry was docketed as Civil Case No. 08-001 and was raffled to Branch 2, Municipal Trial Court of Binangonan, Rizal.

[3] Id. at 3.

[4] Id. at 9-12, Municipal Trial Court Decision. The Decision, promulgated on June 4, 2008, was penned by Presiding Judge Lillian G. Dinulos-Panontongan of Branch 2, Municipal Trial Court of Binangonan, Rizal.

[5] Id. at 13, Regional Trial Court's Decision. The appeal was docketed as SCA No. 08-018.

[6] Id. The Decision, promulgated on August 30, 2008, was penned by Presiding Judge Dennis Patrick Z. Perez of Branch 67, Regional Trial Court of Binangonan, Rizal.

[7] Id. at 14-20.

[8] Id. at 29. The Order, promulgated on January 23, 2009, was penned by Presiding Judge Dennis Patrick Z.

Perez of Branch 67, Regional Trial Court of Binangonan, Rizal

[9] Id.

[10] Id. at 30-33.

[11] Id. at 34-35.

[12] Id. at 52.

[13] Id., back page.

[14] Id. at 168, Atty. Pablo B. Francisco's Position Paper.

[15] Id. at 53.

[16] Id.

[17] Id. at 56-58.

[18] Id. at 168, Atty. Pablo B. Francisco's Position Paper.

[19] Id.

[20] Id. at 61-64.

[21] Id. at 65-67.

[22] Id. at 63, Rainier Fineza and Teodora Fineza's Petition.

[23] Id. at 4, Complaint.

[24] Id.

[25] Id. at 62.

[26] Id. at 169, Atty. Pablo B. Francisco's Position Paper.

[27] Id. at 68-69, Motion to Dismiss.

[28] Id. at 169-170, Atty. Pablo B. Francisco's Position Paper.

[29] Id. at 85. The Order was penned by Presiding Judge Ma. Conchita O. Lucero-De Mesa of Branch 70, Regional Trial Court of Binangonan, Rizal.

[30] Id. at 6, Complaint.

[31] Id. at 7.

[32] Id.

[33] Id.

[34] Id. at 170, Atty. Pablo B. Francisco's Position Paper.

[35] Id.

[36] Id. at 7, Complaint.

[37] Id. at 179, Atty. Romeo M. Flores' Position Paper.

[38] Id. at 177.

[39] Id. at 178.

[40] Id. at 178-179.

[41] Id. at 179.

[42] Id. at 182, Regional Trial Court Resolution in Civil Case No. 384-B.

[43] Id. at 179, Atty. Romeo M. Flores' Position Paper.

[44] Id. at 199-201. The Report and Recommendation, dated April 15, 2011, was penned by Atty. Salvador B. Hababag, Investigating Commissioner of the Commission on Bar Discipline.

[45] Id. at 201, Commission on Bar Discipline's Report and Recommendation

[46] Id.

[47] Id.

[48] Id.

[49] Id.

[50] Id.

[51] Id.

[52] Id. at 198. The Resolution is docketed as Resolution No. XX-2013-695.

[53] Id. at 202-203.

[54] Id. at 204-207.

[55] Id. at 205. The date was left blank in the Motion for Reconsideration.

[56] Id.

[57] Id. at 52, back page of the Regional Trial Court's Order.

[58] Id. at 205, Atty. Romeo M. Flores' Motion for Reconsideration.

[59] Id.

[60] Id. at 206.

[61] Id. at 205.

[62] Id. at 206. Atty. Francisco filed a civil case for forcible entry against the Finezas before the Regional Trial Court of Binangonan, Rizal. A copy of the Decision in the forcible entry case is attached to the rollo (Id. at 9-12).

[63] Id., Atty. Romeo M. Flores' Motion for Reconsideration.

[64] Id. at 216. The Order was dated November 15, 2013.

[65] Id. at 217-219.

[66] Id. at 217.

[67] Id. at 218.

[68] Id. at 219.

[69] Id. at 218-219,

[70] Id. at 219.

[71] Id. at 224. The Resolution was docketed as Resolution No. XXI-2014-466.

[72] Id.

[73] Id. at 178-179, Atty. Romeo M. Flores' Position Paper.

[74] Id. at 58, Motion for Issuance of Writ of Execution.

[75] Id. at 179, Atty. Romeo M. Flores' Position Paper.

[76] Id. at 62, Rainier Fineza and Teodora Fineza's Petition.

[77] Id. at 168, Atty. Pablo B. Francisco's Position Paper.

[78] Id. at 212, Atty. Romeo M. Flores' Motion for Reconsideration.

[79] Id. at 179, Atty. Romeo M. Flores' Position Paper.

[80] Id. at 205, Atty. Romeo M. Flores' Motion for Reconsideration.

[81] A.C. No. 10451, February 4, 2015 [Per J. Perlas-Bernabe, First Division].

[82] Id. at 5-6. See also Bernardino v. Santos, A.C. No. 10583, February 18, 2015

12-13 [Per J. Leonen, Second Division] and Villahermosa, Sr. v. Caracol, A.C. No. 7325 January 21 2015 5-6 [Per J. Villarama, Jr., Third Division].

[83] Rollo, pp. 178-179, Atty. Romeo M. Flores' Position Paper.

[84] Id. at 85, Regional Trial Court's Order.

[85] Id.

[86] RULES OF COURT, Rule 38, sec. 1 provides:

RULE 38. Relief from Judgments, Orders, or Other Proceedings

SECTION. 1. Petition for Relief from Judgment, Order, or Other Proceedings. — When a judgment or final order is entered, or any other proceeding is thereafter taken against a party in any court through fraud, accident, mistake, or excusable negligence, he may file a petition in such court and in the same case praying that the judgment, order or proceeding be set aside.

[87] Rollo, p. 179, Atty. Romeo M. Flores' Position Paper

[88] Id.

[89] Id. at 178-179.

[90] Id. at 179.

[91] 552 Phil. 226 (2007) [Per J. Chico-Nazario, Third Division].

[92] Id. at 230-231.

[93] Id. at 232.

[94] Id.

[95] Id. at 244.

[96] Id. at 233.

[97] Ramirez v. Buhayang-Margallo, A.C. No. 10537, February 3, 2015

[Per J. Leonen, En Banc].

[98] Id. at 7.

[99] 479 Phil. 316 (2004) [Per J. Carpio Morales, Third Division!]

[100] Id. at 318.

[101] Id. at 321.

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