

**INVESTMENT AND MANAGEMENT SERVICES CORPORATION,
PETITIONER, VS. LEODEGARIO V. ROXAS, RESPONDENT.***A.C. No. 1417. April 17, 1996*

Ponente: VITUG, J.

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The administrative proceedings against Atty. Leodegario V. Roxas started way back in 1975 when a petition for "disbarment or suspension" was filed, on 03 January of that year, by the Investment and Management Services Corporation. The petition averred that the complainant managed three corporations in the Philippines, to wit: Worldwide Paper Mills, Inc., Prime Trading Corporation and Luzon Leather Industries, Inc. Respondent lawyer, while he was still petitioner's Administrative and Legal Officer, allegedly "misappropriated or appropriated for his own use and benefit certain sums of money or checks which he received in trust x x x from the Prime Trading Corporation and Luzon Leather Industries, Inc. amounting to P2,623.80, from the debtors of Luzon Leather Industries, Inc. amounting to P3,444.00, and from a number of employees of the Worldwide Paper Mills, Inc. amounting to P1,749.50 or a (grand) total of P7,817.30." [1] In addition, according to petitioner, respondent issued bouncing checks to pay for personal obligations.

In the Court's resolution of 13 January 1975, respondent was required to file an answer to the petition within ten (10) days from notice. The resolution was sent to his address at 647 John Glenn Street, Moonwalk Subdivision, Phase II, Parañaque, Rizal. There was no response. On 08 September 1977, or more than two and a half years later, respondent filed a "Motion for Substitution of Xerox Copy of the Petition" supposedly because the copy sent to him was not legible in certain portions that thereby prevented him from preparing an answer. He asked that the ten-day period within which to file his answer be counted from his receipt of a new copy of the petition. He listed his address at 566-B Pedro Gil Street, Malate, Manila.

In a manifestation, dated 23 September 1977, petitioner informed the Court that respondent was furnished with a legible copy of the petition per Registry Receipt No. 12212. On 20 December 1977, petitioner filed a second manifestation stating that the legible copy of the petition sent to respondent at his Malate address was returned "unclaimed."

The Court, on 16 January 1978, directed the Clerk of Court to mail the copy of the petition to respondent at 89 Igualdad (Equalidad) Street, Lemery, Batangas, which was respondent's permanent address shown in his petition to take the Bar Examinations. Respondent was given another ten (10) days within which to answer the petition. The Court further resolved to refer the matter to the Office of the Solicitor General ("OSG") for investigation, report and recommendation after the expiration of the ten-day period, with or without respondent's answer, in order to avoid a further delay in the proceedings.

On 27 April 1990, the OSG, through Assistant Solicitor General Edgardo L. Kilayko, transmitted to the Court its report, with the recommendation that respondent be suspended for five (5) years from the practice of law. A separate complaint was filed by the OSG with the Court.

In its resolution, dated 04 June 1990, the Court required respondent to file his answer to the administrative complaint filed by the OSG within fifteen (15) days from notice.

In his answer, filed on 20 July 1990, respondent denied the charges claiming that they were merely intended to harass or embarrass him. Respondent, this time, indicated his address at 2310-D San Anton Street, Sampaloc, Manila.

The OSG filed its reply on 17 January 1991, averring that respondent's general denial should be deemed an admission of the material allegations of the complaint.

In the resolution of 04 February 1991, the matter was referred by the Court to the Integrated Bar of the Philippines ("IBP").

On 08 November 1995, IBP Director for Bar Discipline Agustinus V. Gonzaga transmitted to the Court the records of the case, as well as the notice and copy of the decision, viz:

"Please take notice that on February 18, 1995 a resolution was passed by the Board of Governors of the Integrated Bar of the Philippines in the above-entitled case the original of which is now on file in this office, quote:

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RESOLVED to ADOPT and APPROVE, as it is hereby ADOPTED and APPROVED, the Report of the Investigating Commissioner in the above-entitled case, herein made part of this Resolution/Decision as Annex 'A'; and finding the recommendation therein to be fully supported by the evidence on record and the applicable law and rules, respondent is hereby SUSPENDED for One (1) month from the practice of law." [2]

From the Commissioner's Report, dated 30 January 1995, it would appear that the case had been set for hearing a number of times but both complainant and respondent failed to appear. While the notices sent to respondent at his Sampaloc address were at first received by him, later communication, however, remained "unclaimed." The report noted that for lack of evidence, the complaint should be dismissed; however, it added that respondent's "actuactions," supra, in the course of the proceedings deserved disciplinary sanctions. IBP, adopting the Commissioner's Report, ordered the suspension of respondent from the practice of law for a period of one (1) month.

Under Rule 139-B of the Rules of Court governing Disbarment and Discipline of Attorney's, if the IBP Board of Governors, by a majority vote of its total membership, determines that a lawyer should be suspended from the practice of law or disbarred, it shall issue a resolution setting forth its findings and recommendations. The resolution, together with the whole record of the case, shall then be transmitted to the Supreme Court for final action. [3] In its resolution of 25 February 1992, the Court also directed, thus:

"Re: Cases involving the imposition of the penalty of suspension or fine upon lawyers. - The Court En Banc RESOLVED that effective today, all cases involving the imposition of the penalty of suspension or fine upon lawyers shall be decided either by Division or En Banc conformably with the following rules:

"(1) If the penalty of suspension is imposed for a period of one (1) year or less, the resolution of a case shall be by the Division concerned; if the penalty exceeds one (1) year, resolution shall be by the Court En Banc;

"(2) If the penalty imposed is a fine of P 10,000 or less, the resolution shall be by the Division concerned; if more than P10,000 resolution will be by the Court En Banc;

"(3) In case both suspension and a fine are involved, resolution shall be by the Court En Banc if the suspension exceeds one (1) year or the fine exceeds P10,000;

"(4) In case of two or more suspensions of the lawyer, service of the same will be successive, not simultaneous."

Accordingly, we shall take the IBP decision ordering the one-month suspension of respondent to be merely recommendatory.

After a thorough review of the case, we find nothing to warrant a reversal of the findings of the IBP; indeed, the Court believes, given the circumstances, that a more severe penalty than that recommended needs to be imposed.

Respondent clearly had no intention to squarely face the charges against him. By repeatedly changing his address without informing the investigating officials or the Court he somehow managed to evade the administrative investigation for, after years of delay, no longer could complainant corporation be reached to substantiate its charges. The Court cannot take the matter lightly.

A lawyer must constantly conduct himself with great propriety. He is also an officer of the court, and he owes to it, as well as to his peers, utmost respect and fidelity. His relationship with others should no less be characterized than by the highest degree of good faith, fairness and candor.[4] When he took the oath as a member of the legal profession, he made a solemn promise to so stand by those pledges. In this covenant, respondent lawyer has miserably failed.

WHEREFORE, Atty. Leodegario V. Roxas is ordered SUSPENDED from the practice of law for a period of SIX (6) MONTHS effective upon his receipt of this decision.

Let a copy hereof be entered in respondent's personal record as attorney and member of the Bar, and furnished the Bar Confidant and the Integrated Bar of the Philippines. The Court Administrator is directed to circulate this order of suspension to all courts in the country.

SO ORDERED.

Padilla, Bellosillo, Kapunan, and Hermosisima, Jr., JJ., concur.

[1] Rollo, p. 1.

[2] Rollo, p. 69.

[3] Section 12(b), Rule 139-B.

[4] See Canon 10, Code of Professional Responsibility.

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