

ROMEO H. SIBULO, COMPLAINANT, VS. ATTY. STANLEY R. CABRERA, RESPONDENT.

A.C. No. 4218. July 20, 2000

Ponente: PURISIMA, J.

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PURISIMA, J.:

At bar is an administrative complaint against the respondent, Atty. Stanley Cabrera, for unethical practice/conduct.

The facts that matter are as follows:

In a case, entitled "Brenda Sucaldito[1] versus Reynaldo Marcelo, et al.", docketed as Civil Case No. 90-55209 before Branch 53 of the Regional Trial Court of Manila, defendant Reynaldo Marcelo retained the services of the herein respondent as his lawyer. Subsequently, however, the respondent also entered his appearance as counsel for plaintiff Brenda Sucaldito in the same case, without withdrawing his appearance as counsel for defendant Reynaldo Marcelo. In view of such development Atty. Reyes Geromo, former counsel of Brenda Sucaldito, filed with the Manila Regional Trial Court a motion to disqualify the respondent on the ground of unethical conduct.[2] Finding merit in the said motion, the trial court ordered the disqualification of respondent in the case.[3]

Complainant Romeo Sibulo, an intervenor in the aforementioned Civil Case No. 90-55209, brought the present administrative complaint against respondent, praying for the latter's removal from or suspension in the practice of law, on the ground of unethical practice/conduct.

In his Answer[4] to the Complaint, respondent denied the wrongdoing alluded to him; theorizing that "xxx I merely accepted a case from a plaintiff and at the same time I was the counsel as intervenor of one of the defendants xxx."

This case was referred to the Integrated Bar of the Philippines (IBP) for investigation, report and recommendation.[5]

Acting thereupon on April 7, 2000, the IBP came out with its Resolution No. XIV-000-163, which reads:

"RESOLUTION NO. XIV-000-163

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Stanly Cabrera

RESOLVED to ADOPT and APPROVE, as it is hereby ADOPTED and APPROVED, the Report and Recommendation of the Investigating Commissioner of the above-entitled case, herein made part of this Resolution/Decision as annex `A'; and, finding the recommendation fully supported by the evidence on record and the applicable laws and rules, said recommendation is with modification that Respondent be CENSURED and FINED One Thousand Pesos (P1,000.00)." [6]

The IBP Report,[7] in part, found:

"The respondent's answer is quite revealing. While he denies any unethical conduct on his part, respondent seeks to justify what he did and of which he is charged by tongue-in-cheek declaring that he did no wrong `considering that I merely accepted a case from a plaintiff and at the same time I was the counsel as intervenor of one of the defendants.'

Nothing further need be said. For all his disclaimers and the affidavits of two (2) witnesses in his favor, it is beyond cavil that Atty. Cabrera has violated Canon 15 and the subsequent Rules of Code of Professional Responsibility. The complainant's motives are not of paramount interest. To our mind, Atty. Cabrera has lain himself open to the specifications against him. Remarkably, he admits the same by his lame explanation.

From all the foregoing, we recommend that Atty. Stanley R. Cabrera be CENSURED by the Honorable Supreme Court and ordered to fine a pay (sic) in such amount as the Honorable Court may see fit."

Respondent has all but admitted the wrongdoing complained of, when he stated in his Answer that he "merely accepted a case from a plaintiff and at the same time I [he] was the counsel as intervenor of one of the defendants." Such a revelation is a categorical admission that he (respondent) represented two conflicting interests, which representations or appearances are prohibited by Rule 15.03 of Canon 15 of the Code of Professional Responsibility, which provides:

"CANON 15 - A LAWYER SHALL OBSERVE CANDOR, FAIRNESS, AND LOYALTY IN ALL HIS DEALINGS AND TRANSACTIONS WITH HIS CLIENT.

xxx xxx xxx

Rule 15.03 - A lawyer shall not represent conflicting interests except by written consent of all concerned given after a full disclosure of the facts."

Respondent was bound to faithfully represent his client in all aspects of subject civil case. When he agreed to represent the defendant and later on, also the plaintiff in the same case, he could no longer serve either of his said clients faithfully, as his duty to the plaintiff did necessarily conflict with his duty to the defendant. The relation of attorney and client is based on trust, so that double dealing which could sometimes lead to treachery, should be avoided.[8]

Considering the attendant facts and circumstances, the Court is of the sense that the amount of fine recommended below is not commensurate with the wrong done by the respondent.

WHEREFORE, respondent is found GUILTY of unethical conduct for representing two conflicting interests and is hereby FINED in the amount of TEN THOUSAND (P10,000.00) Pesos, with a warning that a repetition of the same or similar acts will be dealt with more severely.

SO ORDERED.

Melo, (Chairman), Vitug, Panganiban, and Gonzaga-Reyes, JJ., concur.

[1] Sometimes spelled in Rollo as Socaldito.

[2] Rollo, pp. 7-10.

[3] Rollo, p. 11.

[4] Rollo, p. 13.

[5] Resolution, Rollo, p. 19.

[6] Rollo, p. 24.

[7] Rollo, pp. 25-26.

[8] Hilado vs. David, 84 Phil. 571.

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