

BIENVENIDO SANCHEZ, COMPLAINANT, VS. ATTY. GALILEO P. BRION, RESPONDENT.

A.C. No. 4405. October 06, 1995

Ponente: PADILLA, J.

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PADILLA, J.:

Complainant filed the present administrative complaint seeking the disbarment of respondent Atty. Galileo P. Brion for alleged forum-shopping grounded on the following facts and circumstances:

1. Complainant and his spouse were plaintiffs in an ejectment case entitled "Florentina Sanchez, et al. v. Rolando de Guzman, et al." decided on 26 September 1985 by the Metropolitan Trial Court, Branch 33, Quezon City in complainant's favor.
2. The decision of the Metropolitan Trial Court, having become final and executory, a writ of execution was issued on 13 December 1985.
3. Enforcement of the writ of execution was, however, stayed when the parties to the case started negotiations for a compromise agreement.
4. The compromise agreement, eventually executed by the parties, provided that:
 - a. Plaintiffs Sanchez would execute a deed of absolute sale of the lot, subject of the ejectment suit, in favor of defendants de Guzman.
 - b. Defendants de Guzman would pay the plaintiffs the amount of P150,000.00.
5. When the defendants failed to comply with the terms of the agreement, plaintiffs sought to enforce the decision of the metropolitan trial court in the ejectment case.
6. Herein respondent Atty. Brion, as counsel for the defendants, opposed the motion to execute the judgment in the ejectment case.
7. On 9 March 1992, an alias writ of execution was issued by the metropolitan trial court.
8. Herein respondent then filed a petition for certiorari and prohibition with the Regional Trial Court of Quezon City assailing the issuance of the alias writ of execution in the ejectment case.
9. While the petition for certiorari and prohibition was pending, Brion also filed against the Sanchez spouses a complaint for breach of contract and specific performance, with the RTC of Quezon City, based on the terms of the compromise agreement previously adverted to.
10. On 4 May 1992, the RTC of Quezon City decided the petition for certiorari and prohibition, quashing the alias writ of execution issued by the metropolitan trial court but ordering that a hearing be conducted by the trial court on the motion for issuance of an alias writ of execution, determine the truth of the respective allegations raised by

the contending parties.

11. This order of the RTC in the certiorari and prohibition case was challenged by Atty. Brion through another petition for certiorari and prohibition, this time before the Court of Appeals which, however, dismissed the same.

12. Atty. Brion appealed to this Court the aforesaid dismissal by the Court of Appeals and on 31 March 1993, the Court, in G.R. No. 106894, denied the petition for review for lack of merit.

13. Notwithstanding the ruling of this Court, respondent Brion again filed with the RTC of Quezon City, where the breach of contract case was pending, a motion for issuance of a writ of preliminary injunction to restrain the enforcement of the alias writ of execution issued in the ejectment case.

14. Pending resolution of the last mentioned motion, respondent Brion again filed another petition for certiorari and prohibition with the Regional Trial Court, of Quezon City seeking to annul the order granting an alias writ of execution in the ejectment case.

15. Finally, on 2 March 1995, respondent Brion filed another petition for certiorari and prohibition with the Court of Appeals seeking once again to enjoin execution of the judgment in the ejectment case.

16. The Court of Appeals initially issued a temporary restraining order (TRO) but in a resolution dated 13 March 1995, the appellate court lifted the TRO earlier issued and denied the relief prayed for. Said court further stated:

"We cannot however write *finis* to the incident at bench without calling to task counsel for petitioners for his resort to what we perceive is forum-shopping, by renewing before us his plea for injunctive relief when the Supreme Court had already ruled in G.R. No. 106894 that the pendency of a complaint for specific performance, breach of contract and damages before a regional trial court does not abate the enforcement of a decision for ejectment of a metropolitan trial court. He should take heed in the admonition in *Ferinion v. Sta. Romana*, 16 SCRA 370, that while access to the courts is guaranteed, there must be a limit to it, and that a litigant does not have the unbridled license to revive an issue which had already been passed upon with finality."

In his comment on the present complaint for forum-shopping against him, respondent Brion contends that his honesty and good faith in pursuing what he believed to be a justifiable cause of his clients should not merit administrative sanction from this Court. He vigorously contends that the judgment in the ejectment case against his clients can no longer be executed in view of supervening events.

We are not fully convinced by respondent's arguments.

Lawyers should be reminded that their primary duty is to assist the courts in the administration of justice. Any conduct which tends to delay, impede or obstruct the administration of justice contravenes such lawyer's duty.

The Court has time and again warned counsel of litigants not to abuse court processes. Lawyers have been repeatedly warned by the Court not to resort to forum-shopping for this practice clogs the court dockets. Wilfull and deliberate forum-shopping has been made punishable either as direct or indirect contempt of court in SC Administrative Circular No. 04-94 dated 01 April 1994.

In this case, the Court of Appeals correctly observed that respondent Brion resorted to forum-shopping and should therefore be sanctioned.

However, the supreme penalty of disbarment is, in the light of all the circumstances of this case, too harsh.

ACCORDINGLY, the complaint for disbarment is hereby **DISMISSED**. Respondent Atty. Galileo P. Brion is however **CENSURED** for resorting to unbridled forum-shopping and is **WARNED** that any future violation of his

duties as a lawyer will be dealt with more severely.

SO ORDERED.

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

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