MR. AND MRS. VENUSTIANO G. SABURNIDO, COMPLAINANTS, VS.ATTY. FLORANTE E. MADROÑO, RESPONDENT.

A.C. No. 4497. September 26, 2001

Ponente: QUISUMBING, J.

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QUISUMBING, J.:

For our resolution is the administrative complaint[2] for disbarment of respondent, Atty. Florante E. Madroño, filed by spouses Venustiano and Rosalia Saburnido. Complainants allege that respondent has been harassing them by filing numerous complaints against them, in addition to committing acts of dishonesty.

Complainant Venustiano Saburnido is a member of the Philippine National Police stationed at Balingasag, Misamis Oriental, while his wife Rosalia is a public school teacher. Respondent is a former judge of the Municipal Circuit Trial Court, Balingasag-Lagonglong, Misamis Oriental.

Previous to this administrative case, complainants also filed three separate administrative cases against respondent.

In A. M. No. MTJ-90-383,[3] complainant Venustiano Saburnido filed charges of grave threats and acts unbecoming a member of the judiciary against respondent. Respondent was therein found guilty of pointing a high-powered firearm at complainant, who was unarmed at the time, during a heated altercation. Respondent was accordingly dismissed from the service with prejudice to reemployment in government but without forfeiture of retirement benefits.

Respondent was again administratively charged in the consolidated cases of Sealana-Abbu v. Judge Madrono, A.M. No. 92-1-084-RTC and Sps. Saburnido v. Judge Madrono, A.M. No. MTJ-90-486.[4] In the first case, Assistant Provincial Prosecutor Florencia Sealana-Abbu charged that respondent granted and reduced bail in a criminal case without prior notice to the prosecution. In the second case, the spouses Saburnido charged that respondent, in whose court certain confiscated smuggled goods were deposited, allowed other persons to take the goods but did not issue the corresponding memorandum receipts. Some of the goods were lost while others were substituted with damaged goods. Respondent was found guilty of both charges and his retirement benefits were forfeited.

In the present case, the spouses Saburnido allege that respondent has been harassing them by filing numerous complaints against them, namely:

1. Adm. Case No. 90-0755,[5] for serious irregularity, filed by respondent against Venustiano Saburnido. Respondent claimed that Venustiano lent his service firearm to an acquaintance who thereafter extorted money from public jeepney drivers while posing as a member of the then Constabulary Highway Patrol Group.

2. Adm. Case No. 90-0758,[6] for falsification, filed by respondent against Venustiano Saburnido and two others. Respondent averred that Venustiano, with the help of his co-respondents in the case, inserted an entry in the police blotter regarding the loss of Venustiano's firearm.

3. Crim. Case No. 93-67,[7] for evasion through negligence under Article 224 of the Revised Penal Code, filed by respondent against Venustiano Saburnido. Respondent alleged that Venustiano Saburnido, without permission from his superior, took into custody a prisoner by final judgment who thereafter escaped.

4. Adm. Case No. 95-33,[8] filed by respondent against Rosalia Saburnido for violation of the Omnibus Election Code. Respondent alleged that Rosalia Saburnido served as chairperson of the Board of Election Inspectors during the 1995 elections despite being related to a candidate for barangay councilor.

At the time the present complaint was filed, the three actions filed against Venustiano Saburnido had been dismissed while the case against Rosalia Saburnido was still pending.

Complainants allege that respondent filed those cases against them in retaliation, since they had earlier filed administrative cases against him that resulted in his dismissal from the judiciary. Complainants assert that due to the complaints filed against them, they suffered much moral, mental, physical, and financial damage. They claim that their children had to stop going to school since the family funds were used up in attending to their cases.

For his part, respondent contends that the grounds mentioned in the administrative cases in which he was dismissed and his benefits forfeited did not constitute moral turpitude. Hence, he could not be disbarred therefor. He then argues that none of the complaints he filed against complainants was manufactured. He adds that he "was so unlucky that Saburnido was not convicted."[9] He claims that the complaint for serious irregularity against Venustiano Saburnido was dismissed only because the latter was able to antedate an entry in the police blotter stating that his service firearm was lost. He also points out that Venustiano was suspended when a prisoner escaped during his watch. As for his complaint against Rosalia Saburnido, respondent contends that by mentioning this case in the present complaint, Rosalia wants to deprive him of his right to call the attention of the proper authorities to a violation of the Election Code.

In their reply, complainants reiterate their charge that the cases against them were meant only to harass them. In addition, Rosalia Saburnido stressed that she served in the BEI in 1995 only because the supposed chairperson was indisposed. She stated that she told the other BEI members and the pollwatchers that she was related to one candidate and that she would desist from serving if anyone objected. Since nobody objected, she proceeded to dispense her duties as BEI chairperson. She added that her relative lost in that election while respondent's son won.

In a resolution dated May 22, 1996,[10] we referred this matter to the Integrated Bar of the Philippines (IBP) for investigation, report, and recommendation.

In its report submitted to this Court on October 16, 2000, the IBP noted that respondent and his counsel failed to appear and present evidence in the hearing of the case set for January 26, 2000, despite notice. Thus, respondent was considered to have waived his right to present evidence in his behalf during said hearing. Neither did respondent submit his memorandum as directed by the IBP.

After evaluating the evidence before it, the IBP concluded that complainants submitted convincing proof that respondent indeed committed acts constituting gross misconduct that warrant the imposition of administrative sanction. The IBP recommends that respondent be suspended from the practice of law for one year.

We have examined the records of this case and find no reason to disagree with the findings and recommendation of the IBP.

A lawyer may be disciplined for any conduct, in his professional or private capacity, that renders him unfit to continue to be an officer of the court.[11] Canon 7 of the Code of Professional Responsibility commands all

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lawyers to at all times uphold the dignity and integrity of the legal profession. Specifically, in Rule 7.03, the Code provides:

Rule 7.03. -- A lawyer shall not engage in conduct that adversely reflects on his fitness to practice law, nor shall he whether in public or private life, behave in a scandalous manner to the discredit of the legal profession.

Clearly, respondent's act of filing multiple complaints against herein complainants reflects on his fitness to be a member of the legal profession. His act evinces vindictiveness, a decidedly undesirable trait whether in a lawyer or another individual, as complainants were instrumental in respondent's dismissal from the judiciary. We see in respondent's tenacity in pursuing several cases against complainants not the persistence of one who has been grievously wronged but the obstinacy of one who is trying to exact revenge.

Respondent's action erodes rather than enhances public perception of the legal profession. It constitutes gross misconduct 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. -- A 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 is required to take before admission to practice, or for a wilful disobedience appearing as an attorney for a party to a case without authority so to do. xxx

Complainants ask that respondent be disbarred. However, we find that suspension from the practice of law is sufficient to discipline respondent.

The supreme penalty of disbarment is meted out only in clear cases of misconduct that seriously affect the standing and character of the lawyer as an officer of the court.[12] While we will not hesitate to remove an erring attorney from the esteemed brotherhood of lawyers, where the evidence calls for it, we will also not disbar him where a lesser penalty will suffice to accomplish the desired end.[13] In this case, we find suspension to be a sufficient sanction against respondent. Suspension, we may add, is not primarily intended as a punishment, but as a means to protect the public and the legal profession.[14]

WHEREFORE, respondent Atty. Florante E. Madroño is found GUILTY of gross misconduct and is SUSPENDED from the practice of law for one year with a WARNING that a repetition of the same or similar act will be dealt with more severely. Respondent's suspension is effective upon his receipt of notice of this decision. Let notice of this decision be spread in respondent's record as an attorney in this Court, and notice of the same served on the Integrated Bar of the Philippines and on the Office of the Court Administrator for circulation to all the courts concerned.

SO ORDERED.

Bellosillo, (Chairman), Mendoza, Buena, and De Leon, Jr., JJ., concur.

[1] Also spelled as "Madrono".

[2] Rollo, pp. 2-5.

[3] 209 SCRA 755-762 (1992). Rollo, pp. 19-27. Respondent was convicted for light threats for the same offense, in Criminal Case No. 90-30, lodged before the Municipal Circuit Trial Court, Balingasag-Lagonglong, Misamis Oriental, decided on April 16, 1991. See Rollo, pp. 6-16.

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[4] 214 SCRA 740-747 (1992). Rollo, pp. 29-38.

[5] Rollo, pp. 41-48.

[6] Id. at 52-53.

[7] Id. at 54-65.

[8] Id. at 66, 124-125.

[9] Id. at 124.

[10] Id. at 179.

[11] Ducat Jr. v. Villalon Jr., et al., A.C. No. 3910, August 14, 2000, p. 7.

[12] Tapucar v. Tapucar, A.C. No. 4148, 293 SCRA 331, 339-340 (1998).

[13] See Ducat v. Villalon, A.C. No. 3910, August 14, 2000, p. 7; Castillo v. Taguines, A.C. No. 2024, 254 SCRA 554, 563-564 (1996); Igual v. Javier, A.C. No. CBD-174, 254 SCRA 416, 424 (1996); Mendoza v. Mala, A.C. No. 1129, 211 SCRA 839, 841 (1992).

[14] Magat v. Santiago, et al., G.R. No. L-43301-45662, 97 SCRA 1, 3 (1980).

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