

MANUEL N. CAMACHO, COMPLAINANT, VS. ATTYS. LUIS MEINRADO C. PANGULAYAN, REGINA D. BALMORES, CATHERINE V. LAUREL AND HUBERT JOAQUIN P. BUSTOS OF PANGULAYAN AND ASSOCIATES LAW OFF...

A.C. No. 4807. March 22, 2000

Ponente: VITUG, J.

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VITUG, J.:

Respondent lawyers stand indicted for a violation of the Code of Professional Ethics, specifically Canon 9 thereof, viz:

"A lawyer should not in any way communicate upon the subject of controversy with a party represented by counsel, much less should he undertake to negotiate or compromise the matter with him, but should only deal with his counsel. It is incumbent upon the lawyer most particularly to avoid everything that may tend to mislead a party not represented by counsel and he should not undertake to advise him as to law."

Atty. Manuel N. Camacho filed a complaint against the lawyers comprising the Pangulayan and Associates Law Offices, namely, Attorneys Luis Meinrado C. Pangulayan, Regina D. Balmares, Catherine V. Laurel, and Herbert Joaquin P. Bustos. Complainant, the hired counsel of some expelled students from the AMA Computer College ("AMACC"), in an action for the Issuance of a Writ of Preliminary Mandatory Injunction and for Damages, docketed Civil Case No. Q-97-30549 of the Regional Trial Court, Branch 78, of Quezon City, charged that respondents, then counsel for the defendants, procured and effected on separate occasions, without his knowledge, compromise agreements ("Re-Admission Agreements") with four of his clients in the aforementioned civil case which, in effect, required them to waive all kinds of claims they might have had against AMACC, the principal defendant, and to terminate all civil, criminal and administrative proceedings filed against it. Complainant averred that such an act of respondents was unbecoming of any member of the legal profession warranting either disbarment or suspension from the practice of law.

In his comment, Attorney Pangulayan acknowledged that not one of his co-respondents had taken part in the negotiation, discussion, formulation, or execution of the various Re-Admission Agreements complained of and were, in fact, no longer connected at the time with the Pangulayan and Associates Law Offices. The Re-Admission Agreements, he claimed, had nothing to do with the dismissal of Civil Case Q-97-30549 and were executed for the sole purpose of effecting the settlement of an administrative case involving nine students of AMACC who were expelled therefrom upon the recommendation of the Student Disciplinary Tribunal. The students, namely, Ian Dexter Marquez, Almira O. Basalo, Neil Jason R. Salcedo, Melissa F. Domondon, Melyda B. De Leon, Leila D. Joven, Signorelli A. Santiago, Michael Ejercito, and Cleo B. Villareiz, were all members of the Editorial Board of DATALINE, who apparently had caused to be published some objectionable features or articles in the paper. The 3-member Student Disciplinary Tribunal was immediately convened, and after a series of hearings, it found the students guilty of the use of indecent language and unauthorized use of the student

publication funds. The body recommended the penalty of expulsion against the erring students.

The denial of the appeal made by the students to Dr. Amable R. Aguiluz V, AMACC President, gave rise to the commencement of Civil Case No. Q-97-30549 on 14th March 1997 before the Regional Trial Court, Branch 78, of Quezon City. While the civil case was still pending, letters of apology and Re-Admission Agreements were separately executed by and/or in behalf of some of the expelled students, to wit: Letter of Apology, dated 27 May 1997, of Neil Jason Salcedo, assisted by his mother, and Re-Admission Agreement of 22 June 1997 with the AMACC President; letter of apology, dated 31 March 1997, of Mrs. Veronica B. De Leon for her daughter Melyda B. De Leon and Re-Admission Agreement of 09 May 1997 with the AMACC President; letter of apology, dated 22 May 1997, of Leila Joven, assisted by her mother, and Re-Admission Agreement of 22 May 1997 with the AMACC President; letter of apology, dated 22 September 1997, of Cleo Villareiz and Re-Admission Agreement of 10 October 1997 with the AMACC President; and letter of apology, dated 20 January 1997, of Michael Ejercito, assisted by his parents, and Re-Admission Agreement of 23 January 1997 with the AMACC President.

Following the execution of the letters of apology and Re-Admission Agreements, a Manifestation, dated 06 June 1997, was filed with the trial court where the civil case was pending by Attorney Regina D. Balmores of the Pangulayan and Associates Law Offices for defendant AMACC. A copy of the manifestation was furnished complainant. In his Resolution, dated 14 June 1997, Judge Lopez of the Quezon City Regional Trial Court thereupon dismissed Civil Case No. Q-97-30549.

On 19 June 1999, the Board of Governors of the Integrated Bar of the Philippines ("IBP") passed Resolution No. XIII-99-163, thus:

"RESOLVED to ADOPT and APPROVE, as it is hereby ADOPTED and APPROVED, the Report and Recommendation of the Investigating Commissioner in 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, with an amendment Atty. Meinrado Pangulayan is suspended from the practice of law for SIX (6) MONTHS for being remiss in his duty and DISMISSAL of the case against the other Respondents for they did not take part in the negotiation of the case."

It would appear that when the individual letters of apology and Re-Admission Agreements were formalized, complainant was by then already the retained counsel for plaintiff students in the civil case. Respondent Pangulayan had full knowledge of this fact. Although aware that the students were represented by counsel, respondent attorney proceeded, nonetheless, to negotiate with them and their parents without at the very least communicating the matter to their lawyer, herein complainant, who was counsel of record in Civil Case No. Q-97-30549. This failure of respondent, whether by design or because of oversight, is an inexcusable violation of the canons of professional ethics and in utter disregard of a duty owing to a colleague. Respondent fell short of the demands required of him as a lawyer and as a member of the Bar.

The allegation that the context of the Re-Admission Agreements centers only on the administrative aspect of the controversy is belied by the Manifestation[1] which, among other things, explicitly contained the following stipulation; viz:

"1.....Among the nine (9) signatories to the complaint, four (4) of whom assisted by their parents/guardian already executed a Re-Admission Agreement with AMACC President, AMABLE R. AGUILUZ V acknowledging guilt for violating the AMA COMPUTER COLLEGE MANUAL FOR DISCIPLINARY ACTIONS and agreed among others to terminate all civil, criminal and administrative proceedings which they may have against the AMACC arising from their previous dismissal.

"x x x.....x x x.....x x x

"3. Consequently, as soon as possible, an Urgent Motion to Withdraw from Civil Case No. Q-97-30549 will by filed them."

The Court can only thus concur with the IBP Investigating Commission and the IBP Board of Governors in their findings; nevertheless, the recommended six-month suspension would appear to be somewhat too harsh a penalty given the circumstances and the explanation of respondent.

WHEREFORE, respondent Atty. Luis Meinrado C. Pangulayan is ordered SUSPENDED from the practice of law for a period of THREE (3) MONTHS effective immediately upon his receipt of this decision. The case against the other respondents is DISMISSED for insufficiency of evidence.

Let a copy of this decision be entered in the personal record of respondent as an attorney and as a member of the Bar, and furnished the Bar Confidant, the Integrated Bar of the Philippines and the Court Administrator for circulation to all courts in the country.

SO ORDERED.

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

[1] Rollo, p. 21.

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