OFFICE OF THE COURT ADMINISTRATOR, PETITIONER, VS. ATTY. DANIEL B. LIANGCO, RESPONDENT.

A.C. No. 5355. December 13, 2011

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PER CURIAM:

The Case

This is an administrative Complaint for Disbarment filed by the Office of the Court Administrator (OCA) against respondent Atty. Daniel B. Liangco.

In a per curiam En Banc Resolution in Gozun v. Hon. Liangco, [1] dated 30 August 2000, this Court ordered the dismissal from service of respondent as judge of the Municipal Trial Court (MTC) of San Fernando, Pampanga and as acting judge of the Municipal Circuit Trial Court (MCTC) of Mexico-San Luis, Pampanga. His dismissal was with forfeiture of all his retirement benefits and accumulated leave credits; and with prejudice to his reinstatement or reemployment in any branch, instrumentality or agency of the government, including government-owned or -controlled corporations. The Court further directed the OCA to initiate disbarment proceedings against him for misconduct as a member of the bar. Hence, this present case for resolution by the Court.

The Facts

We quote the facts as stated in A. M. No. MTJ-97-1136, [2] as follows:

> Complainant Hermogenes T. Gozun (hereinafter referred to as "Gozun") was in open and adverse possession of subject land for a period of more than thirty years. His family's house was erected on the land. The house was made of old vintage lumber, cement, hollow blocks, G. I. sheet roofing and other strong materials. Gozun inherited the house and lot from his parents.
>
> The municipality of San Luis, Pampanga claimed to own the same lot.
>
> On January 12, 1996, the Sangguniang Bayan of San Luis, Pampanga issued Resolution No. 26-96, stating:
>
> "RESOLVED AS IT IS HEREBY RESOLVED that the Sangguniang Bayan of San Luis, Pampanga do hereby consider (sic) the lot under Tax Dec. No. 114 owned by the Municipal Government of San Luis, Pampanga, specifically the lot where Mr. Hermogenes Gozun and family were squatting (sic) as the new site of the Rural Health Center will rise (sic).

On May 17, 1996, the Sangguniang Bayan issued Resolution No. 34-96 to amend the correct Resolution No. 26-96.

On May 24, 1996, Romulo M. Batu, Vice Mayor, on behalf of the Sangguniang Bayan, filed with the MTC, San Luis, Pampanga, a petition for declaratory relief. We quote the petition:

> "PETITION FOR DECLARATORY RELIEF

> "THE HONORABLE
>
> JUDGE DANIEL LIANGCO
>
> "In behalf of the Sangguniang Bayan of San Luis, Pampanga, We would like to petition your good office to render legal opinion on the following matters, to wit:
>
> "1. The validity of the attached Resolution.
>
> "2. The powers of the Municipal Mayor to enforce said Resolution.
>
> "3. To issue an order to the PNP to assist the Municipal Mayor in implementing said Resolution.
>
> "These request are (sic) in connection with our plan to construct a new site for the Rural Health Center of San Luis, Pampanga. However, the designated place thereof is presently being squatted (sic) by a certain Mr. Hermogenes Gozun and inspite of the official notice of Atty. Benlfre S. Galang, our Provincial Legal Officer, and personal request of our Municipal Mayor Jovito C. Bondoc to Mr. Gozun to vacate his (sic) premises, he continues to defy such notices and request to the detriment of the proposed project.
>
> "WHEREFORE, it is respectfully prayed that this petition will merit your favorable consideration and appropriate action for the sake of public interest."

On the very same day, May 24, 1996, respondent judge issued a resolution, reasoning: First, the municipality of San Luis, Pampanga through its Sangguniang Bayan may enact resolutions and ordinances to regulate the use of property within its jurisdiction. Second, Resolution No. 34-96 is not contrary to law, morals and public policy. Third, the municipal mayor through an executive order may order the Philippine National Police or any government law enforcement agency to enforce or implement the resolution, using reasonable force if necessary and justified. Fourth, squatting in government property is considered a "nuisance per se". Respondent judge ruled:

> "With the issuance by the Municipal Mayor of an executive order, the municipality of San Luis may order the Philippine National Police (PNP) stationed in San Luis, Pampanga to effect the eviction of Hermogenes Gozun and all other persons who may be claiming any right under him from Lot No. 114 covered by tax Declaration No. 6030 (underscoring ours)."

Again, on the same day, March 24, 1996, the municipal mayor, Jovito C. Bondoc, pursuant to the aforequoted resolution, issued Executive Order No. 1, series of 1996, ordering the PNP to implement Resolution No. 34-96.

Note that complainant Gozun was not served with summons or given notice of the petition for declaratory relief.

On June 2, 1996, complainant Gozun learned about the resolution.

On June 3, 1996, complainant Gozun's wife together with other public school teachers went to the office of the respondent judge. When asked about the resolution, respondent judge answered, "Ing Apung Guinu yu y Mayor Bondoc at kaya ko makisabi" ("Your God is Mayor Bondoc and you should talk to him").

On August 8, 1996, agents of the municipal government demolished complainant Gozun's house, using respondent judge's resolution and the mayor's executive order as basis.

On December 18, 1996, complainant Gozun filed this administrative complaint with the Office of the Court Administrator. He averred that respondent judge's issuance of the resolution amounts to "gross misconduct, gross inefficiency and incompetence." Complainant Gozun further accused the municipal mayor of having bribed respondent judge. Mayor Bondoc told complainant Gozun that "the respondent judge is in his pocket...because he (Mayor Bondoc) has given him (respondent judge) a lot of things ("dacal naku a regalo kaya").

On January 20, 1997, the Office of the Court Administrator submitted the petition to this Court for its

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consideration, recommending that the complaint be given due course.

On March 21, 1997, the Court resolved to require respondent judge to comment thereon, within ten (10) days from notice.

On May 15, 1997, respondent judge submitted his comment, denying the charges and urging that the case be dismissed.

On June 23, 1997, we referred the case back to the Office of the Court Administrator for evaluation, report and recommendation.

On April 13, 2000, after investigation, Court Administrator Alfredo L. Benipayo submitted a memorandum, recommending the dismissal from office of respondent judge. [3]

A.M. No. MTJ-97-1136
Dismissal of Respondent from the Bench

The OCA Resolution was forwarded to this Court for evaluation and action and docketed as A.M. No. MTJ-97-1136. On 30 August, 2000, the Court En Banc promulgated a per curiam Resolution adopting the report and recommendation of the Court Administrator. It ruled that respondent had blatantly ignored the basic rules of fair play, in addition to acting without jurisdiction in entertaining a Petition for Declaratory Relief despite his being a judge of a first-level court. [4] The Court also pointed out that his ruling on the said Petition resulted in the demolition of the house of complainant Gozun, thus rendering his family homeless. [5] It described respondent's acts as biased and "maleficent" and ruled that those acts merited the punishment of dismissal from the service, [6] viz:

> IN VIEW WHEREOF, the Court hereby orders the DISMISSAL of respondent Judge Daniel B. Liangco, Municipal Trial Judge, Municipal Trial Court, San Fernando, Pampanga, and Acting Judge Municipal Circuit Trial Court (MCTC), Mexico-San Luis, Pampanga, from the service, with forfeiture of all retirement benefits and accumulated leave credits, if any, and with prejudice to reinstatement or reemployment in any branch, instrumentality or agency of the Government, including government-owned or controlled corporations.
>
> The Court directs the Court Administrator to initiate disbarment proceedings against respondent Judge for misconduct as a member of the bar within thirty (30) days from finality of his decision.
>
> This decision is immediately executory.
>
> SO ORDERED. [7]

A.C. No. 5355
Disbarment

On 10 November 2000, the OCA filed a Complaint for Disbarment against respondent. [8] In its Complaint dated 06 November 2000, docketed as Administrative Case No. (A.C.) 5355, the OCA charged him with gross misconduct for acting with manifest bias and partiality towards a party, as well as for inexcusable ignorance of well-established rules of procedure that challenged his competence to remain a member of the legal profession. Thus, it prayed that he be disbarred, and that his name be stricken off the Roll of Attorneys. [9]

On 28 November 2000, the Court En Banc promulgated a Resolution requiring respondent to file his Comment on the Complaint for Disbarment against him. [10] On 01 June 2001, he filed his Comment on/Answer to Complaint for Disbarment, [11] appealing for understanding and asking that the Court allow him to continue practicing as a lawyer. He reasoned that when he acted on the Petition for Declaratory Relief filed by the Sangguniang Bayan of the Municipality of San Luis, Pampanga, he was merely rendering a legal opinion "honestly and in good faith";

[12] and that his actions were not attended by malice, bad faith or any other ulterior motive. [13] He further pleads for compassion from this Court and for permission to remain a member of the bar, because the practice of law is his only means of livelihood to support his family. [14]

On 07 August 2001, the Court En Banc noted the submission of respondent and referred the case to the Integrated Bar of the Philippines (IBP) for investigation, report and recommendation within ninety (90) days from receipt of the records of the case. [15]

IBP's Report and Recommendation

The IBP held a series of hearings on the disbarment case with respondent's participation. On 03 October 2003, the investigating commissioner issued her Report and Recommendation [16] finding justification for the disbarment of respondent and recommending that his name be struck off the Roll of Attorneys. The investigating commissioner found that, based on the facts of the case, there was clear, convincing and satisfactory evidence to warrant the disbarment of respondent. [17] She observed that he had exhibited lapses, as well as ignorance of well-established rules and procedures. She also observed that the present Complaint was not the first of its kind to be filed against him. She further noted that before his dismissal from the judiciary, respondent was suspended for six (6) months when he assigned to his court, without a raffle, fifty-four (54) cases for violation of Presidential Decree No. 1602 – a violation of Supreme Court Circular No. 7 dated 23 September 1974. Also, pending with the Supreme Court were three (3) administrative cases filed against him for dishonesty, gross ignorance of the law, and direct bribery. In the bribery case, he was caught by the National Bureau of Investigation in an entrapment operation. [18]

On 30 January 2009, respondent filed a Motion for Reconsideration [19] of the Report and Recommendation of the IBP. He alleged that the evidence presented in the proceedings for his dismissal as judge was the same as that which was used in the disbarment case against him. Thus, because he did not have the chance to cross-examine the witnesses, he claimed to have been deprived of due process. [20] In addition, respondent emphasized the submission by Gozun of an Affidavit of Desistance from the Complaint the latter had originally filed against him and contended that the case should have been dismissed. [21] Lastly, respondent averred that he had endeavored to improve himself as a devout Catholic by joining religious organizations. He also impressed upon the IBP his effort to improve on his knowledge of the law by attending Mandatory Continuing Legal Education (MCLE). [22]

> On 12 May 2009, respondent filed a Supplemental Motion for Reconsideration [23] wherein he implored the IBP to take a second look at his case. He emphasized the submission by Gozun of an Affidavit of Desistance and the fact that the former had already suffered the supreme penalty of dismissal as MTC judge. [24] Respondent also reiterated the grounds already stated in his first Motion for Reconsideration.
>
> On 09 October 2008, the IBP board of governors passed Resolution No. XVIII-2008-525, [25] which adopted the Report and Recommendation of the investigating commissioner, who found that respondent had acted with manifest bias and partiality in favor of a party-litigant and shown inexcusable ignorance of the Rules of Procedure. The Resolution likewise adopted the recommendation to disbar respondent.
>
> On 30 June 2011, the IBP Commission on Bar Discipline transmitted the case records of A. C. No. 5355 to this Court, which noted it on 16 August 2011. [26]

The Court's Ruling

The Court affirms in toto the findings and recommendations of the IBP.

The evidence on record overwhelmingly supports the finding that respondent is guilty of gross misconduct and inexcusable ignorance of well-established rules of procedures.

Gross Misconduct

In Sps. Donato v. Atty. Asuncion, Jr. [27] citing Yap v. Judge Aquilino A. Inopiquez, Jr., [28] this Court explained the concept of gross misconduct as any inexcusable, shameful or flagrant unlawful conduct on the part of a person concerned with the administration of justice; i.e., conduct prejudicial to the rights of the parties or to the right determination of the cause. The motive behind this conduct is generally a premeditated, obstinate or intentional purpose.

In the case at bar, respondent acted upon the Petition for Declaratory Relief filed by the Sangguniang Bayan of San Luis, Pampanga, without the mandatory notice to Gozun who would be affected by the action. The records show that respondent, upon receipt of the Petition, had it docketed in his court, designated Gozun as respondent in the case title, and quickly disposed of the matter by issuing a Resolution – all on the same day that the Petition was filed without notice and hearing. Respondent admitted that, to his mind, he was merely rendering a legal opinion at the local government's behest, which he gladly and expeditiously obliged. Without denying this fact in his Comment, he admitted that he had erred in acting upon the Petition, but emphasized that his actions were not attended by malice or bad faith. [29]

We find his statements hard to believe.

The undue haste with which respondent acted on the Petition negates good faith on his part. Moreover, the testimonial evidence on record indicates that he maintained close relations with the municipal vice-mayor of San Luis, Pampanga, a party-litigant who had an obvious interest in the outcome of the case. The testimony of Romulo A. Batu, former vice-mayor of San Luis, Pampanga, showed that respondent denigrated his impartiality as a judge is as follows:

> COMM. SANSANO:
>
> You don't remember therefore that at any time at all you were with the mayor in going to see the respondent?
>
> WITNESS: (Mr. Batu)
>
> I do not know any instance that the mayor visited the respondent, Your Honor. I do not know any instance that I was with him.
>
> COMM. SANSANO:
>
> But other than the occasion of the filing of this request there were times when you went to see the respondent also in his office?
>
> WITNESS:
>
> There was no other visit, Your Honor.
>
> COMM. SANSANO:
>
> So May 24, 1996 was the first time you went to see him in his office?
>
> WITNESS:
>
> Before that, Your Honor, nagpupunta na kami doon kung minsan may nagpapatulong na mga may kaso.
>
> COMM. SANSANO:
>
> Yon ang tanong ko kanina sa iyo kung bago May 24 pumupunta ka na sa opisina niyang datihan?
>
> WITNESS:

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> Yes, Your Honor. [30]

The testimony of respondent's own witness clearly showed his wanton disregard of Canon 1, Sections 4 and 5 of the New Code of Judicial Conduct for the Philippine Judiciary, which requires the observance of judicial independence and its protection from undue influence, whether from private or from public interests. [31]

In Edaño v. Judge Asdala, [32] we explained the rationale behind this imposition:

> As the visible representation of the law and justice, judges, such as the respondent, are expected to conduct themselves in a manner that would enhance the respect and confidence of the people in the judicial system. The New Code of Judicial Conduct for the Philippine Judiciary mandates that judges must not only maintain their independence, integrity and impartiality; but they must also avoid any appearance of impropriety or partiality, which may erode the people's faith in the judiciary. Integrity and impartiality, as well as the appearance thereof, are deemed essential not just in the proper discharge of judicial office, but also to the personal demeanor of judges. This standard applies not only to the decision itself, but also to the process by which the decision is made. Section 1, Canon 2, specifically mandates judges to "ensure that not only is their conduct above reproach, but that it is perceived to be so in the view of reasonable observers." Clearly, it is of vital importance not only that independence, integrity and impartiality have been observed by judges and reflected in their decisions, but that these must also appear to have been so observed in the eyes of the people, so as to avoid any erosion of faith in the justice system. Thus, judges must be circumspect in their actions in order to avoid doubt and suspicion in the dispensation of justice. To further emphasize its importance, Section 2, Canon 2 states:
>
> Sec. 2. The behavior and conduct of judges must reaffirm the people's faith in the integrity of the judiciary. Justice must not merely be done but must also be seen to be done.

As early as June 6, 2003, OCA Circular No. 70-2003 has directed judges as follows:

> In view of the increasing number of reports reaching the Office of the Court Administrator that judges have been meeting with party litigants inside their chambers, judges are hereby cautioned to avoid in-chambers sessions without the other party and his counsel present, and to observe prudence at all times in their conduct to the end that they only act impartially and with propriety but are also perceived to be impartial and proper.

Impartiality is essential to the proper discharge of the judicial office. It applies not only to "the decision itself but also to the process by which the decision is made." As such, judges must ensure that their "conduct, both in and out of the court, maintains and enhances the confidence of the public, the legal profession and litigants in the impartiality of the judge and of the judiciary." In the same vein, the Code of Judicial Conduct behooves all judges to avoid impropriety and the appearance of impropriety in all their activities, as such is essential to the performance of all the activities of a judge in order to maintain the trust and respect of the people in the judiciary.

Also relevant is Canon 3, particularly Section 2 of the new code, which exhorts judges not only to be impartial in deciding the cases before them, but also to project the image of impartiality. [33] Unfortunately, as shown by the facts of the case, these rules were not properly observed by respondent as a judge of a first-level court.

Inexcusable Ignorance of the Law

We are appalled by respondent's ignorance of the basic rules of procedure. His wanton use of court processes in this case without regard for the repercussions on the rights and property of others clearly shows his unfitness to remain a member of the bar.

A cursory look at the Resolution dated 24 May 1996 issued by respondent would prompt an ordinary person to conclude that an action in the form of a Petition for Declaratory Relief was indeed filed, because it bears the name and the branch of the court of law that issued it. It had a docket number and the names of the parties involved. The

Resolution even states the justiciable question to be resolved and accordingly makes a judicial determination thereof. In reality, though, there was no notice sent to Gozun, the named respondent in the Petition; nor was a hearing held to thresh out the issues involved. As far as respondent was concerned, he simply issued a "legal opinion," but one with all the hallmarks of a valid issuance by a court of law, despite the absence of mandatory processes such as notice – especially to Gozun – and hearing. Even this excuse is unacceptable. Judges do not, and are not allowed, to issue legal opinions. Their opinions are always in the context of judicial decisions, or concurring and dissenting opinions in the case of collegiate courts, and always in the context of contested proceedings.

What is most unfortunate is that the Sanguniang Bayan, relying on the Resolution respondent issued, caused the demolition of the house of Gozun and his family, who were thus ejected from the property they had been occupying for decades. In effect, Gozun was deprived of his property without due process. To us, this is precisely the injustice that members of the bench and the bar are sworn to guard against. Regrettably, respondent as judge was even instrumental in its commission. When his liability for his act was invoked, he casually justifies them as honest mistakes not attended by malice or bad faith. His justification is unacceptable to us.

As a member of the bar and former judge, respondent is expected to be well-versed in the Rules of Procedure. This expectation is imposed upon members of the legal profession, because membership in the bar is in the category of a mandate for public service of the highest order. Lawyers are oath-bound servants of society whose conduct is clearly circumscribed by inflexible norms of law and ethics, and whose primary duty is the advancement of the quest for truth and justice, for which they have sworn to be fearless crusaders. [34]

As judge of a first-level court, respondent is expected to know that he has no jurisdiction to entertain a petition for declaratory relief. Moreover, he is presumed to know that in his capacity as judge, he cannot render a legal opinion in the absence of a justiciable question. Displaying an utter lack of familiarity with the rules, he in effect erodes the public's confidence in the competence of our courts. Moreover, he demonstrates his ignorance of the power and responsibility that attach to the processes and issuances of a judge, and that he as a member of the bar should know.

Canon 1 of the Code of Professional Responsibility mandates that a lawyer must uphold the Constitution and promote respect for the legal processes. [35] Contrary to this edict, respondent malevolently violated the basic constitutional right of Gozun not to be deprived of a right or property without due process of law.

Under Canon 10, Rule 10.03, respondent as lawyer is mandated to observe the Rules of Procedure and not to misuse them to defeat the ends of justice. [36] In this case, however, the opposite happened. Respondent recklessly used the powers of the court to inflict injustice.

Should the misconduct of respondent as judge also warrant his disbarment from the legal profession? We answer in the affirmative.

In Collantes v. Renomeron, [37] we ruled therein that the misconduct of the respondent therein as a public official also constituted a violation of his oath as a lawyer:

> As the late Chief Justice Fred Ruiz Castro said:
> "A person takes an oath when he is admitted to the Bar which is designed to impress upon him his responsibilities. He thereby becomes an 'officer of the court' on whose shoulders rest the grave responsibility of assisting the courts in the proper, fair, speedy and efficient administration of justice. As an officer of the court he is subject to a rigid discipline that demands that in his every exertion the only criterion be that truth and justice triumph. This discipline is what has given the law profession its nobility, its prestige, its exalted place. From a lawyer, to paraphrase Justice Felix Frankfurter, are expected those qualities of truth-speaking, a

> high sense of honor, full candor, intellectual honesty, and the strictest observance of fiduciary responsibility - all of which, throughout the centuries, have been compendiously described as 'moral character.'
>
> xxx xxx xxx

"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." (Rule 7.03, Code of Professional Responsibility.)

This Court has ordered that only those who are "competent, honorable, and reliable" may practice the profession of law (Noriega vs. Sison, 125 SCRA 293) for every lawyer must pursue "only the highest standards in the practice of his calling" (Court Administrator vs. Hermoso, 150 SCRA 269, 278).

Recently, in Samson v. Judge Caballero, [38] we ruled that because membership in the bar is an integral qualification for membership in the bench, the moral fitness of a judge also reflects the latter's moral fitness as a lawyer. A judge who disobeys the basic rules of judicial conduct also violates the lawyer's oath.

We note that on 25 August 2011, respondent filed a Petition for Review on Certiorari assailing Resolution No. XVIII-2008-525 dated 09 October 2008 promulgated by the IBP board of governors, which adopted and approved the findings of the investigating commissioner recommending his disbarment. Respondent alleged therein that he had served as assistant provincial prosecutor in the Office of the Provincial Prosecutor of Pampanga for thirteen (13) years prior to his dismissal as MTC judge of San Luis, Pampanga and as acting MCTC judge of Mexico-San Luis, Pampanga. He also complains that he was deprived of due process by the IBP board of governors when it approved and adopted the findings of the investigating commissioner recommending his disbarment; and he prays for a second look at his case, considering the withdrawal of the Complaint originally filed by Gozun.

In the light of our ruling in this case, we can no longer consider the undocketed Petition for Review on Certiorari filed by respondent. In the first place, such kind of petition is not available to assail the resolution of the IBP in an administrative case. His remedies from an adverse resolution is to seek a reconsideration of the same, and when denied, to raise the same defenses against administrative liability before this Court. He has availed of both remedies in this case.

Disbarment proceedings are sui generis. As such, they render the underlying motives of complainant unimportant and of little relevance. The purpose of disbarment proceedings is mainly to determine the fitness of a lawyer to continue acting as an officer of the court and as participant in the dispensation of justice – an issue which the complainant's personal motives have little relevance. For this reason, upon information of an alleged wrongdoing, the Court may initiate the disbarment proceedings motu proprio. [39]

Recently in Garrido v. Atty. Garrido, [40] we reiterated the unique characteristic of disbarment proceedings and their purpose in this wise:

> Laws dealing with double jeopardy or with procedure – such as the verification of pleadings and prejudicial questions, or in this case, prescription of offenses or the filing of affidavits of desistance by the complainant – do not apply in the determination of a lawyer's qualifications and fitness for membership in the Bar. We have so ruled in the past and we see no reason to depart from this ruling. First, admission to the practice of law is a component of the administration of justice and is a matter of public interest because it involves service to the public. The admission qualifications are also qualifications for the continued enjoyment of the privilege to practice law. Second, lack of qualifications or the violation of the standards for the practice of law, like criminal cases, is a matter of public concern that the State may inquire into through this Court. In this sense, the complainant in a disbarment case is not a direct party whose interest in the outcome of the charge is wholly his or her own; effectively, his or her participation is that of a witness who brought the matter to the attention

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of the Court.

Thus, despite Gozun's desistance in A.M. No. MTJ-97-1136, from whence this case originated, respondent is not exonerated.

WHEREFORE, this Court resolves to DISBAR Atty. Daniel B. Liangco for the following offenses:

- GROSS MISCONDUCT in violation of Canon 1, Sections 4 and 5 of the New Code of Judicial Conduct for the Philippine Judiciary

- INEXCUSABLE IGNORANCE OF THE LAW in violation of Canons 1 and 10, Rule 10.03 of the Code of Professional Responsibility

Let a copy of this Decision be attached to the personal records of Atty. Daniel B. Liangco in the Office of the Bar Confidant and another copy furnished the Integrated Bar of the Philippines.

The Bar Confidant is hereby directed to strike out the name of Daniel B. Liangco from the Roll of Attorneys.

SO ORDERED.

Corona, C.J., no part.
Carpio, Leonardo-De Castro, Peralta, Bersamin, Del Castillo, Abad, Villarama, Jr., Perez, Mendoza, Sereno, Reyes, and Perlas-Bernabe, JJ., concur.
Velasco, Jr., J., please see concurring opinion.
Brion, J., no part due to past realtionship with respondent.

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[1] A. M. No. MTJ-97-1136, 30 August 2000, 339 SCRA 253.

[2] Rollo, pp. 142-147.

[3] Rollo, p. 136.

[4] Rollo, p. 147.

[5] Id. at 148.

[6] Id. at 152.

[7] Id. at 152.

[8] Id. at 154.

[9] Rollo, p. 159.

[10] Id. at 172.

[11] Id. at 198.

[12] Id. at 200.

[13] Id.

[14] Id. at 207.

[15] Id. at 212.

[16] The Report and Recommendation dated 03 October 2003 promulgated by the IBP Commission on Bar Discipline in OCA v. Atty. Daniel B. Liangco docketed as Adm. Case No. 5355 was penned by Commissioner Rebecca Villanueva-Maala.

[17] IBP Commission on Bar Discipline Records, Vol. IV, p. 3.

[18] Id. at 4.

[19] Id. at 14.

[20] Id. at 15.

[21] Id.

[22] Id. at 24.

[23] IBP Commission on Bar Discipline Records, Vol. IV, p. 34.

[24] Id. at 37.

[25] Resolution No. XVIII-2008-525 was signed by Tomas N. Prado, National Secretary of the IBP Board of Governors, id. at 1.

[26] Letter dated 30 June 2011 by Alicia A. Risos-Vidal, IBP Director for Bar Discipline addressed to Chief Justice Renato C. Corona.

[27] A.C. No. 4914, 03 March 2004, 424 SCRA 199.

[28] A.M. No. MTJ-02-1431, 09 May 2003, 403 SCRA 141.

[29] Rollo, p. 203.

[30] IBP Commission on Bar Discipline Records, Vol. III, TSN, 26 June 2002, pp. 46-47.

[31] New Code of Judicial Conduct for the Philippine Judiciary:

CANON 1
INDEPENDENCE

> Judicial independence is a pre-requisite to the rule of law and a fundamental guarantee of a fair trial. A judge shall therefore uphold and exemplify judicial independence in both its individual and institutional aspects.
>
> xxx xxx xxx
>
> SEC. 4. Judges shall not allow family, social, or other relationships to influence judicial conduct or judgment. The prestige of judicial office shall not be used or lent to advance the private interests of others, nor convey or permit others to convey the impression that they are in a special position to influence the judge.
>
> SEC. 5. Judges shall not only be free from inappropriate connections with, and influence by, the executive and legislative branches of government, but must also appear to be free therefrom to a reasonable observer.
>
> [32] A.M. No. RTJ-06-1974, 26 July 2007, 528 SCRA 212.
>
> [33] New Code of Judicial Conduct for the Philippine Judiciary:
>
> Canon 3
>
> Impartiality is essential to the proper discharge of the judicial office. It applies not only to the decision itself,

> but also to the process by which the decision is made.
>
> xxx xxx xxx
>
> SEC. 2. Judges shall ensure that his or her conduct, both in and out of court, maintains and enhances the confidence of the public, the legal profession and litigants in the impartiality of the judge and of the Judiciary.

[34] Apostacy in the Legal Profession, 64 SCRA 784.

[35]Code of Professional Responsibility: Canon 1 - A LAW YER SHALL UPHOLD THE CONSTITUTION, OBEY THE LAWS OF THE LAND AND PROMOTE RESPECT FOR LAW AND LEGAL PROCESSES.

[36] Id., Canon 10 - A LAWYER OWES CANDOR, FAIRNESS AND GOOD FAITH TO THE COURT.

> xxx xxx xxx
>
> Rule 10.03 - A lawyer shall observe the rules of procedure and shall not misuse to defeat the ends of justice.

[37] A.C. No. 3056, 16 August 1991, 200 SCRA 584.

[38] A.M. No. RTC-08-2138, 05 August 2009, 595 SCRA 42 .

[39] Que v. Atty. Revilla, Jr., A.C. No. 7054, 04 December 2009, 607 SCRA 1.

[40] A.C. No. 6593, 04 February 2010, 611 SCRA 508.

CONCURRING OPINION

VELASCO, JR., J.:

I concur with the ponencia of Justice Maria Lourdes P.A. Sereno. However, I would like to elucidate on the petition filed by respondent Atty. Daniel B. Liangco.

When respondent was dismissed by the Court in Gozun v. Liangco,[1] We directed the OCA to initiate disbarment proceedings against him. The OCA filed the instant disbarment case on the grounds of gross misconduct for acting with manifest bias and partiality and for inexcusable ignorance of well-established rules of procedure. After respondent filed his Comment on the complaint, the Court issued a Resolution on August 7, 2001 referring the instant case to the IBP for investigation, report and recommendation.

Eventually, on October 23, 2003, the IBP Commission on Bar Discipline filed its Report with the IBP Board of Governors with a recommendation for the disbarment of respondent, which was approved by the IBP Board of Governors through the issuance of Resolution No. XVIII-2008-525 on October 9, 2008. On January 30, 2009, respondent filed his motion for reconsideration, and on May 12, 2009, a supplemental motion for reconsideration.

On June 30, 2011, the IBP Commission on Bar Discipline transmitted the records of the instant case to the Court, which duly noted it on August 16, 2011.

However, on August 25, 2011, respondent filed a Petition for Review on Certiorari assailing Resolution No. XVIII-2008-525 dated October 9, 2008. It must be emphasized that the filing of a Petition for Review on Certiorari assailing the IBP Board of Governors' Resolution adopting and approving the recommendation of the IBP Commission on Bar Discipline to disbar him is not available to respondent. In fact, it is not necessary under the Rules.

Sec. 12 of Rule 139-B, of the Rules of Court pertinently provide:

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> SEC. 12. Review and decision by the Board of Governors. – (a) Every case heard by an investigator shall be reviewed by the IBP Board of Governors upon the record and evidence transmitted to it by the Investigator with his report. The decision of the Board upon such review shall be in writing and shall clearly and distinctly state the facts and the reasons on which it is based. It shall be promulgated within a period not exceeding thirty (30) days from the next meeting of the Board following the submittal of the Investigator's report.
>
> (b) If the Board, by the vote of a majority of its total membership, determines that the respondent should be suspended from the practice of law or disbarred, it shall issue a resolution setting forth its findings and recommendations which, together with the whole record of the case, shall forthwith be transmitted to the Supreme Court for final action.
>
> (c) If the respondent is exonerated by the Board or the disciplinary sanction imposed by it is less than suspension or disbarment (such as admonition, reprimand, or fine) it shall issue a decision exonerating respondent or imposing such sanction. The case shall be deemed terminated unless upon petition of the complainant or other interested party filed with the Supreme Court within fifteen (15) days from notice of the Board's resolution, the Supreme Court orders otherwise.
>
> (d) Notice of the resolution or decision of the Board shall be given to all parties through their counsel. A copy of the same shall be transmitted to the Supreme Court.

Under the Resolution issued on June 17, 2008 in B.M. No. 1755, the Court emphasized the application of the above-quoted Sec. 12 of Rule 139-B, thus:

> In case a decision is rendered by the BOG [Board of Governors] that exonerates the respondent or imposes a sanction less than suspension or disbarment, the aggrieved party can file a motion for reconsideration within the 15-day period from notice. If the motion is denied, said party can file a petition for review under Rule 45 of the Rules of Court with this Court within fifteen (15) days from notice of the resolution resolving the motion. If no motion for reconsideration is filed, the decision shall become final and executory and a copy of said decision shall be furnished this Court.
>
> If the imposable penalty is suspension from practice of law or disbarment, the BOG shall issue a resolution setting forth its findings and recommendations. The aggrieved party can file a motion for reconsideration of said resolution with the BOG within fifteen (15) days from notice. The BOG shall first resolve the incident and shall thereafter elevate the assailed resolution with the entire case records to this Court for final action. If the 15-day period lapses without any motion for reconsideration having been filed, then the BOG shall likewise transmit to this Court the resolution with the entire case records for appropriate action. (Emphasis supplied)

From the foregoing, it is clear that if the IBP Board of Governors—from the report and recommendation of the IBP CBD—exonerates the respondent or metes a penalty other than suspension or disbarment, the exoneration of respondent or imposition of minor penalties becomes final and executory when no motion for reconsideration is filed by a party. And when a motion for reconsideration is filed and then resolved by the IBP Board of Governors, the aggrieved party may file a petition for review under Rule 45 to further assail the IBP Board of Governors' disposition.

In case the imposable penalty is suspension from the practice of law or disbarment, the approval by the IBP Board of Governors for such sanctions is merely recommendatory, regardless of whether a party files a motion for reconsideration or not, and the entire case records of the administrative case is transmitted to the Court for appropriate action on such recommendation.

In the instant case, the IBP Board of Governors recommended respondent's disbarment through its issuance of Resolution No. XVIII-2008-525 on October 9, 2008. Thus, there is no need for respondent to file a petition for review under Rule 45 to assail said IBP resolution as such is only recommendatory and is subject to immediate

appropriate review and disposition by this Court. The Rules clearly do not grant respondent the remedy of a petition for review under Rule 45 since such is not necessary for the Court immediately reviews for appropriate action all resolutions from the IBP Board of Governors recommending suspension from the practice of law or disbarment.

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[1] A.M. No. MTJ-97-1136, August 30, 2000, 339 SCRA 253.

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