

SERVILLANO BATAAC, JR. AND ANTONIO BONOAN, COMPLAINANTS, VS. ATTY. PONCIANO V. CRUZ, JR., RESPONDENT.

A.C. NO. 5809 (Formerly CBD-99-629). November 23, 2007

Ponente: CARPIO MORALES, J.

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CARPIO MORALES, J.:

Respondent filed a Motion for Reconsideration of the Court’s Decision of February 23, 2004,[1] the dispositive portion of which reads:

WHEREFORE, respondent, Atty. Ponciano V. Cruz, Jr., is hereby SUSPENDED from the practice of law for SIX (6) MONTHS, with WARNING that a repetition of the same or similar offense will be dealt with more severely.

Let a copy of this Decision, upon its finality, be furnished the Integrated Bar of the Philippines and all the courts in the Philippines, and entered in the personal records of Atty. Cruz in the Office of the Bar Confidant.

SO ORDERED.[2]

At two scheduled hearings in a Securities and Exchange Commission (SEC) case[3] after causing the cancellation and resetting of eight hearings[4] precisely to adjust to his unavailability, respondent failed to appear before the SEC Hearing Panel and comply with the subpoenas ad testificandum/duces tecum.

For his non-appearance at the October 28, 1998 hearing, respondent stated that he had to be prepared and ready to leave at a moment’s notice for he had every good faith and reason to believe that he would, in the final round, be part of the delegation to an international conference,[5] owing to the nature of his position.

With regard to the March 4, 1999 hearing, he begged the understanding of the Court in his decision to prioritize his client’s case[6] over the SEC case of which he was a party, while admitting that he may have committed an “error in semantics” in using the phrase “attending a hearing” instead of “filing a manifestation” at any time to urgently cause a stay in the execution of a judgment in Cebu City.

Respondent assured the Court that he had neither deliberate attempt nor malicious intent behind his failure to attend the hearings, as he could not have even remotely thought of deliberately avoiding attending the hearings or defying the orders of the hearing panel.

It must be emphasized that it was not so much for his non-attendance of the hearings that respondent was called upon to account in this disciplinary proceeding, but for his lack of respect for legal orders and his lack of candor in his explanations.

And so respondent was found to (1) have committed dishonesty concerning the excuses for his failure to attend the hearings, and (2) have exhibited a blatant disrespect for legal orders and processes by failing to submit the pertinent travel orders to substantiate his excuse or even an appropriate explanation for his inability to submit the same and, in either case, a manifestation[7] of available dates. The latter omission, coupled with his last-minute

tactics, speaks well of his indifferent and uncooperative attitude.

In their Comment,[8] complainants averred that respondent failed to raise any new or substantial matter that may warrant a reversal or modification of the Court's Decision as his grounds had already been previously raised by him and passed upon by the Court.

Complainants are correct, except with respect to the issue on the severity of the penalty imposed, a ground that was not, and could not have been raised previously by respondent.

Upon a second look at the circumstances of the case vis-à-vis the commensurate penalty imposed in parallel cases, this Court holds that a one-month suspension would suffice, considering further that this is respondent's first offense.

In *Maligaya v. Doronilla, Jr.*,^[9] the respondent faced two months of suspension from the practice of law for untruthfully stating to the court that complainant had agreed to withdraw his lawsuits. It was held that an effort to compromise does not justify the sacrifice of truthfulness in court.

In *Bantolo v. Castillon, Jr.*,^[10] the respondent defied a court order and issued misleading statements as to the pendency of a related case. In meting out a one-month suspension, this Court made a pronouncement that is equally true with respect to proceedings before quasi-judicial agencies, as in this case.

x x x [A]s an officer of the court and its indispensable partner in the sacred task of administering justice, graver responsibility is imposed upon a lawyer than any other to uphold the integrity of the courts and to show respect to their processes. Thus, any act on his part which tends visibly to obstruct, pervert or impede and degrade the administration of justice constitutes professional misconduct calling for the exercise of disciplinary action against him.^[11]

WHEREFORE, the Decision dated February 23, 2004 is MODIFIED. Respondent, Atty. Ponciano V. Cruz, Jr., is SUSPENDED from the practice of law for ONE (1) MONTH, with WARNING that a repetition of the same or similar offense will be dealt with more severely.

SO ORDERED.

Sandoval-Gutierrez, (Chairperson), and Corona, JJ., concur.

[1] Decided by the Court's Third Division, composed then of Vitug, Sandoval-Gutierrez, Corona, Carpio-Morales, JJ.

[2] 423 SCRA 309, 322.

[3] Docketed as SEC Case No. 07-97-5706 where complainants were among the petitioners and respondent was among the respondents.

[4] Hearings on February 19, April 22 and 29, June 10 and 17, July 21 and 28, and October 29, 1998.

[5] Then the Commissioner of the National Telecommunications Commission, respondent expected that he would be sent to the International Telecommunications Union's plenipotentiary conference.

[6] LRC Case No. 633 entitled "In re Application for Registration, Asociacion Benevola de Cebu, Applicant."

[7] Vide rollo, pp. 35-36.

[8] Id. at 207-210.

[9] A.C. No. 6198, September 15, 2006, 502 SCRA 1.

[10] A.C. No. 6589, December 19, 2005, 478 SCRA 443.

[11] Id. at 449.

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