CARLOS REYES, COMPLAINANT, VS. ATTY. JEREMIAS R. VITAN, RESPONDENT.

A.C. NO. 5835. August 18, 2010

Ponente: NACHURA, J.

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NACHURA, J.:

This refers to the undated Petition filed with the Office of the Bar Confidant (OBC) on July 28, 2009 by Atty. Jeremias R. Vitan, praying that he be reinstated as member in good standing of the Philippine Bar and be allowed to resume the practice of law, claiming that he had already served the penalty of suspension imposed on him, and that he is now reformed.

As background, four (4) administrative cases were filed against Atty. Jeremias R. Vitan, in each of which he was found guilty and meted the penalty of suspension from the practice of law.

In the first case, A.C. No. 6441, (Violeta R. Tahaw v. Atty. Jeremias R. Vitan), promulgated on October 21, 2004,[1] Atty. Vitan was suspended for

six (6)months, effective immediately upon receipt of the Decision. He was further ordered to return the amount of P30,000 to complainant for legal services he did not render. The records disclose that respondent received the Decision on November 12, 2004 and the period of suspension would have ended on May 12, 2005.

In A.C. No. 5835, (Carlos B. Reyes v. Atty. Jeremias R. Vitan), promulgated on April 15, 2005,[2] Atty. Vitan was suspended for six (6) months; and ordered to pay complainant P17,000.00 with interest of 12% per annum from the date of the promulgation of the Decision until the full amount shall have been returned. Per records, the Court's decision was received by him on May 13, 2005, and his suspension would have ended on November 13, 2005.

In A.C. No. 6955 (Mar Yuson v. Atty. Jeremias R. Vitan), promulgated on July 27, 2006,[3] respondent was found liable for his failure to pay a just debt in the amount of P100,000.00. Upon investigation, the Integrated Bar of the Philippines (IBP) imposed the penalty of Suspension for two (2) years. This was modified by the Court after finding that there was partial payment of the loan, and the penalty was reduced to six (6) months suspension with warning, effective upon receipt of the Decision. In a Motion to Lift Order of Suspension, respondent moved for the reconsideration of the decision, asserting that there was full payment of the loan. The motion was denied in the Resolution dated March 6, 2007.

In this connection, the OBC noted respondent's shrewdness by moving out of his given address to evade receipt of the copy of the decision/resolutions of the Court. After diligent efforts at searching for respondent's correct address proved unavailing, the Court in its Resolution dated July 17, 2007, considered the March 6, 2007 Resolution as having been served on respondent.

In the decision in the fourth case, A.C. No. 6051, (Celia Arroyo-Pesidio v. Atty. Jeremias R. Vitan), promulgated on April 2, 2007,[4] respondent was found to have failed to render the legal services sought after he had received

the amount of P100,000, and was once again, suspended for one (1) year, with stern warning. The Decision was received on April 18, 2007, so the suspension period should have lapsed on April 18, 2008.

Upon the recommendation of the OBC, the four administrative cases were consolidated.[5]

In a Report dated February 23, 2010, the OBC noted that respondent has been repeatedly suspended from the practice of law, for an aggregate period of 30 months or 2 ½ years. Accordingly, respondent should have served the orders of suspension successively pursuant to the Court's resolution in A.M. No. RTJ-04-1857, entitled "Gabriel de la Paz v. Judge Santos B. Adiong," where the Court clearly stated that "in case of two or more suspensions, the same shall be served successively by the erring respondent."[6] It is, therefore, incumbent upon respondent to show to the Court that he has desisted from the practice of law for a period of at least 2 ½ years.

The Court, in the recent case of Ligaya Maniago v. Atty. Lourdes I. De Dios,[7] issued the guidelines on the lifting of orders of suspension, and has advised strict observance thereof. However, the Court will not hesitate to withhold the privilege of the practice of law if it is shown that respondent, as an officer of the Court, is still not worthy of the trust and confidence of his clients and of the public.

Thus, applying the guidelines in Maniago, the Court Resolved to GRANT Respondent's Petition for Reinstatement, effective upon his submission to the Court of a Sworn Statement attesting to the fact:

1) that he has completely served the four (4) suspensions imposed on him successively;

2) that he had desisted from the practice of law, and has not appeared as counsel in any court during the periods of suspension, as follows:

(a) Six (6) months suspension in A.C. No. 5835 from May 13, 2005 to November 13, 2005;

(b) One (1) year suspension in A.C. No. 6051 from April 18, 2007 to April 18, 2008;

(c) Six (6) months suspension in A.C. No. 6441 from November 12, 2004 to May 12, 2005; and

(d) Six (6) months suspension in A.C. No. 6955 from date of receipt of the Resolution dated March 6, 2007 denying the Motion for Reconsideration of the Decision dated July 27, 2006.

3) that he has returned the sums of money to the complainants as ordered by the Court in the following cases, attaching proofs thereof:

(a) In A.C. No. 5835 - the sum of P17,000 with interest of 12% per annum from the date of promulgation of the Decision until the full amount shall have been returned; and

(b) In A.C. No. 6441 - the amount of P30,000.

Atty. Jeremias R. Vitan is further directed to FURNISH copies of the Sworn Statement to the Integrated Bar of the Philippines and Executive Judge(s), as mandated in Maniago.

Any finding or report contrary to the statements made by the Respondent under oath shall be a ground for the imposition of a more severe punishment, or disbarment, as may be warranted.

SO ORDERED.

Corona, C.J., Carpio, Carpio-Morales, Leonardo-De Castro, Brion, Peralta, Bersamin, Del Castillo, Abad, Villarama, Jr., Perez, and Mendoza, JJ., concur.
Velasco, Jr., J., on official leave.

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[1] Second Division; 484 Phil. 1, 9 (2004).

[2] Third Division; 496 Phil. 1, 6 (2005).

[3] En Banc; 496 SCRA 540.

[4] Third Division; 520 SCRA 1-12.

[5] Resolution of the Special Third Division, dated June 21, 2010.

[6] En Banc Resolution dated July 29, 2005.

[7] A.C. No. 7472, March 10, 2010

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