NORIEL MICHAEL J. RAMIENTAS, PETITIONER, VS. ATTY. JOCELYN P. REYALA, RESPONDENT.

A.C. NO. 7055. July 31, 2006

Ponente: CHICO-NAZARIO, J.

Read online (full-text search, related cases, audio case brief): https://batas.org/library/a-c-no-7055/

CHICO-NAZARIO, J.:

Before Us are Manifestations[1] filed by the abovequoted parties in response to Supreme Court (SC) En Banc Resolution[2] dated 7 March 2006, wherein we resolved to require them to manifest, within ten (10) days from notice, whether they are willing to submit the case at bar for decision/resolution on the basis of the pleadings already on record.

The present controversy stemmed from an Administrative Complaint[3] filed by Noriel Michael J. Ramientas on 16 February 2004 before the Integrated Bar of the Philippines (IBP), Commission on Bar Discipline, seeking the disbarment of respondent Atty. Jocelyn P. Reyala. The complaint was anchored on respondent Reyala's alleged violative acts: (1) submitting a pleading before the Court of Appeals bearing the forged signature of another lawyer; and (2) her continuous handling of a case while working in the Court of Appeals; both contrary to a) Articles 171,[4] 182,[5] 184[6] and 355[7] of the Revised Penal Code (RPC); b) the Code of Professional Responsibility for Lawyers; and c) conduct unbecoming of a lawyer.

Hearing on the merits thereafter ensued.

In its Resolution No. XVII-2005-171 passed on 17 December 2005, the IBP Board of Governors resolved to adopt the recommendation of Atty. Edmund T. Espina, Investigating Commissioner, finding respondent Reyala guilty of the abovementioned violative acts. It, however, modified the recommended penalty to be imposed from six (6) months suspension (from the practice of law) to two (2) years, with the corresponding warning that a repetition of any breach of her professional duties will be dealt with more severely.[8]

On 13 February 2006, the Office of the Bar Confidant, SC, received a letter dated 30 January 2006, from Atty. Rogelio A. Vinluan, Director for Bar Discipline of the IBP Commission on Bar Discipline, addressed to SC Chief Justice Artemio V. Panganiban, stating therein that:

> We are transmitting herewith the following documents pertaining to the above[9] case pursuant to Rule 139-B:
>
> - Notice of the Resolution;
>
> - Records of the case consisting of Volume I 1-185 pages.

In the interregnum, however, respondent Reyala submitted[10] to the IBP an Urgent Motion for Reconsideration of the resolution suspending her.

On 7 March 2006, the SC En Banc, acting on the letter and transmittal, resolved to require complainant Ramientas and respondent Reyala to manifest whether they are willing to submit the case for decision/resolution based on the pleadings and documents already on record.

Both parties submitted their compliance thereto.

In his Manifestation,[11] complainant Ramientas acceded to the submission of the case for decision/resolution based on the pleadings already on record.

Respondent Reyala, on the other hand, demurred[12] to such submission for the meantime considering that the Motion for Reconsideration she earlier filed before the IBP remained unresolved to date. Further, she stated that when she scheduled said motion for hearing, she was informed[13] by the IBP that it was precluded from acting on the aforesaid motion as it had already transmitted to this Court the whole records of the particular case together with Resolution No. XVII-2005-171, which recommended that she be suspended from the practice of law for two (2) years. Thus, she prayed that her motion for reconsideration be decided first by the IBP Board of Governors before submitting the case for decision/resolution to this Court.

Prefatorily, a reading of the By-Laws of the IBP will reveal that a motion for reconsideration of its resolution or order is a prohibited pleading. § 2 of Rule III of the Rules of Procedure of the Commission on Bar Discipline of the IBP provides that:

> SEC. 2. Prohibited Pleadings. The following pleadings shall not be allowed, to wit:
>
> x x x x
>
> c. Motion for new trial, or for reconsideration of resolution or order.
>
> x x x x

Parenthetically, at first glance, Rule 139-B of the Rules of Court, the rules governing the disbarment and discipline of attorneys, shows that there is no provision regarding motions for reconsideration of resolutions of the IBP Board of Governors suspending respondent lawyers. However, worth noting is the fact that neither does it particularly proscribe the filing of such motions. §12 (b) of Rule 139-B of the Rules of Court reads:

> SEC. 12. Review and decision by the Board of Governors. - x x x
>
> x x x x
>
> (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. (Emphasis supplied.)
>
> x x x x

Hence, this impasse.

A judicious review of our current jurisprudence will reveal that said impasse is more ostensible than real. Our pronouncement in the case of Halimao v. Villanueva,[14] promulgated close to two decades after the effectivity of the IBP By-Laws,[15] effectively amended the latter in so far as motions for reconsideration of IBP resolutions in disciplinary cases against lawyers are concerned.

In the Halimao case, we took the occasion to articulate our stance respecting motions for reconsideration of resolutions of the IBP Board of Governors in disciplinary cases against lawyers. This Court was confronted therein with somewhat the same set of circumstance as the case at bar in that after the IBP Board of Governors transmitted to us its resolution adopting the recommendation of the investigating commissioner dismissing the disbarment complaint against respondent Villanueva for being barred by res judicata, complainant Halimao filed a

Bar review courses, mock exams and a study planner that keeps you on pace - batas.org

motion for reconsideration. The latter opposed such motion on the ground that Rule 139-B of the Rules of Court does not provide for such a possibility of review. In resolving the issue, this Court, through Mr. Justice Mendoza, held that:

> Although Rule 139-B, §12 (c) makes no mention of a motion for reconsideration, nothing in its text or in its history suggests that such motion is prohibited. It may therefore be filed within 15 days from notice to a party. Indeed, the filing of such motion should be encouraged before resort is made to this Court as a matter of exhaustion of administrative remedies, to afford the agency rendering the judgment an opportunity to correct any error it may have committed through a misapprehension of facts or misappreciation of the evidence.[16] (Emphasis supplied.)

Clearly, the aforequoted ruling amended the IBP By-Laws in that it effectively removed a motion for reconsideration from the roster of proscribed pleadings in the level of the IBP. It must be remembered that it is well within the Court's power to amend the By-Laws of the IBP - § 77 of the same vests in this Court the power to amend, modify or repeal it, either motu proprio or upon recommendation of the IBP Board of Governors.

Prescinding from the above, though the aforequoted ruling involves §12 (c)[17] of Rule 139-B, nothing in the decision contradicts its application to §12 (b) of the same rule, thus, it now stands that a motion for reconsideration of IBP resolutions may be filed by an aggrieved party within the period stated.

A point of clarification, however, is in order. While in the Halimao ruling we nevertheless treated the motion for reconsideration filed by Atty. Villanueva as his Petition for Review before this Court within the contemplation of Rule 139-B, § 12 (c), such action on our part was necessitated by "expediency." In the case at bar, acknowledging the raison d"tre for the allowance of motions for reconsideration of resolutions of the IBP in disciplinary cases against lawyers, which is the exhaustion of administrative remedies as expressly recognized by the same Halimao ruling, the remand of the case at bar back to the IBP is in order. This course of action rests upon the presumption that when the grievance machinery is afforded a chance to pass upon the matter, it will decide the same correctly,[18]

Certainly, prudence dictates that the IBP be given the opportunity to correct its mistakes, if any, by way of motions for reconsideration before this Court takes cognizance of the case. This is to further insure that the grievance procedure will be allowed to duly run its course - a form of filtering process, particularly respecting matters within the competence of the IBP, before we step in.

In fine, though such remand will hold back the advancement of the case, nevertheless, it bears emphasizing that it is equally important that the IBP be afforded the opportunity to set things as it should be. Observance of this basic principle is a sound practice and policy and should never be compromised at the altar of expediency.

IN CONCURRENCE WITH THE ABOVE, NOW, THEREFORE, BE IT RESOLVED, as it is hereby resolved, that in accordance with our ruling in Halimao v. Villanueva,[19] pertinent provisions of Rule III of the Rules of Procedure of the Commission on Bar Discipline, as contained in the By-Laws of the IBP, particularly § 1 and § 2, are hereby deemed amended. Accordingly, § 1 of said rules now reads as follows:

> SECTION. 1. Pleadings. - The only pleadings allowed are verified complaint, verified answer, verified position papers and motion for reconsideration of a resolution. [Emphasis supplied.]

And in § 2, a motion for reconsideration is, thus, removed from the purview of the class of prohibited pleadings.

Further, the following guidelines shall be observed by the IBP in respect of disciplinary cases against lawyers:

- The IBP must first afford a chance to either party to file a motion for reconsideration of the IBP resolution containing its findings and recommendations within fifteen (15) days from notice of receipt by the parties thereon;

- If a motion for reconsideration has been timely filed by an aggrieved party, the IBP must first resolve the same prior to elevating to this Court the subject resolution together with the whole record of the case;

- If no motion for reconsideration has been filed within the period provided for, the IBP is directed to forthwith transmit to this Court, for final action, the subject resolution together with the whole record of the case;

- A party desiring to appeal from the resolution of the IBP may file a petition for review before this Court within fifteen (15) days from notice of said resolution sought to be reviewed; and

- For records of cases already transmitted to this Court where there exist pending motions for reconsideration filed in due time before the IBP, the latter is directed to withdraw from this Court the subject resolutions together with the whole records of the cases, within 30 days from notice, and, thereafter, to act on said motions with reasonable dispatch.

Consistent with the discussions hereinabove set forth, let the whole record of this case be immediately remanded to the IBP for the proper disposition of respondent Atty. Jocelyn P. Reyala's motion for reconsideration.

SO ORDERED.

Panganiban, C.J., Puno, Quisumbing, Ynares-Santiago, Sandoval-Gutierrez, Carpio, Austria-Martinez, Corona, Carpio-Morales, Callejo, Sr., Azcuna, Tinga, Garcia, and Velasco, Jr. JJ., concur.

---

[1] Dated 4 April 2004; Rollo, pp. 202-204 and 12 April 2004; Rollo, pp.200-201.

[2] Rollo, p. 199.

[3] Id. at 1-6.

[4] Falsification by public officer, employee or notary or ecclesiastic minister.

[5] False testimony in civil cases.

[6] Offering false testimony in evidence.

[7] Libel by means of writings or similar means.

[8] Rollo, pp. 185-198.

[9] Re: CBD Case No. 04-1200 "Noriel Michael J. Ramientas v. Atty. Jocelyn P. Reyala."

[10] On 6 March 2006; Rollo, p. 200.

[11] Dated 4 April 2006.

[12] Manifestation dated 12 April 2006.

[13] Respondent Reyala's Manifestation; see note 10.

[14] 323 Phil. 1 (1996).

[15] The IBP By-Laws took effect on 31 May 1974.

[16] Id. at 8.

[17] SEC. 12. Review and decision by the Board of Governors. - x x x
x x x x

Turn this case into an audio lecture - facts, issues, ruling and doctrine - at batas.org

(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.

x x x x

[18] Union Bank of the Philippines v. Court of Appeals, 352 Phil. 808, 829-830 (1998); University of the Philippines v. Hon. Catungal, Jr., 338 Phil. 728, 745 (1997).

[19] Ibid., see Note 14.

Bar review courses, mock exams and a study planner that keeps you on pace - batas.org

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at https://batas.org

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.