PLUS BUILDERS, INC., AND EDGARDO C. GARCIA, COMPLAINANTS, VS. ATTY. ANASTACIO E. REVILLA, JR., RESPONDENT.

A.C. No. 7056. February 11, 2009

Ponente: NACHURA, J.

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NACHURA, J.:

Before us is a motion for reconsideration of our Decision dated September 13, 2006, finding respondent guilty of gross misconduct for committing a willful and intentional falsehood before the court, misusing court procedure and processes to delay the execution of a judgment and collaborating with non-lawyers in the illegal practice of law.

To recall, the antecedents of the case are as follows:

On November 15, 1999, a decision was rendered by the Provincial Adjudicator of Cavite (PARAD) in favor of herein complainant, Plus Builders, Inc. and against the tenants/farmers Leopoldo de Guzman, Heirs of Bienvenido de Guzman, Apolonio Ilas and Gloria Martirez Siongco, Heirs of Faustino Siongco, Serafin Santarin, Benigno Alvarez and Maria Esguerra, who were the clients of respondent, Atty. Anastacio E. Revilla, Jr. The PARAD found that respondent's clients were mere tenants and not rightful possessors/owners of the subject land. The case was elevated all the way up to the Supreme Court, with this Court sustaining complainant's rights over the land. Continuing to pursue his clients' lost cause, respondent was found to have committed intentional falsehood; and misused court processes with the intention to delay the execution of the decision through the filing of several motions, petitions for temporary restraining orders, and the last, an action to quiet title despite the finality of the decision. Furthermore, he allowed non-lawyers to engage in the unauthorized practice of law - holding themselves out as his partners/associates in the law firm.

The dispositive portion of the decision thus reads:

> WHEREFORE, Anastacio E. Revilla, Jr. is hereby found guilty of gross misconduct and is SUSPENDED for two years from the practice of law, effective upon his receipt of this Decision. He is warned that a repetition of the same or similar acts will be dealt with more severely.
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> Let copies of this Decision be entered in the record of respondent as attorney and served on the IBP, as well as on the court administrator who shall circulate it to all courts for their information and guidance.[1]

Respondent duly filed a motion for reconsideration within the reglementary period, appealing to the Court to take a second look at his case and praying that the penalty of suspension of two years be reduced to mere reprimand or admonition for the sake of his family and the poor clients he was defending.[2]

Respondent maintains that he did not commit the acts complained of. The courses of action he took were not meant to unduly delay the execution of the DARAB Decision dated November 19, 1999, but were based on his serious study, research and experience as a litigation lawyer for more than 20 years and on the facts given to him by his clients in the DARAB case. He believes that the courses of action he took were valid and proper legal

theory designed to protect the rights and interests of Leopoldo de Guzman, et. al.[3] He stresses that he was not the original lawyer in this case. The lawyer-client relationship with the former lawyer was terminated because Leopoldo de Guzman, et. al. felt that their former counsel did not explain/argue their position very well, refused to listen to them and, in fact, even castigated them. As the new counsel, respondent candidly relied on what the tenants/farmers told him in the course of his interview. They maintained that they had been in open, adverse, continuous and notorious possession of the land in the concept of an owner for more than 50 years. Thus, the filing of the action to quiet title was resorted to in order to determine the rights of his clients respecting the subject property. He avers that he merely exhausted all possible remedies and defenses to which his clients were entitled under the law, considering that his clients were subjected to harassment and threats of physical harm and summary eviction by the complainant.[4] He posits that he was only being protective of the interest of his clients as a good father would be protective of his own family,[5] and that his services to Leopoldo de Guzman, et. al were almost pro bono.[6]

Anent the issue that he permitted his name to be used for unauthorized practice of law, he humbly submits that there was actually no sufficient evidence to prove the same or did he fail to dispute this, contrary to the findings of the Integrated Bar of the Philippines (IBP). He was counsel of Leopoldo de Guzman, et al. only and not of the cooperative Kalayaan Development Cooperative (KDC). He was just holding his office in this cooperative, together with Attys. Dominador Ferrer, Efren Ambrocio, the late Alfredo Caloico and Marciano Villavert. He signed the retainer agreement with Atty. Dominador to formalize their lawyer-client relationship, and the complainants were fully aware of such arrangement.[7]

Finally, he submits that if he is indeed guilty of violating the rules in the courses of action he took in behalf of his clients, he apologizes and supplicates the Court for kind consideration, pardon and forgiveness. He reiterates that he does not deserve the penalty of two years' suspension, considering that the complaint fails to show him wanting in character, honesty, and probity; in fact, he has been a member of the bar for more than 20 years, served as former president of the IBP Marinduque Chapter, a legal aide lawyer of IBP Quezon City handling detention prisoners and pro bono cases, and is also a member of the Couples for Christ, and has had strict training in the law school he graduated from and the law offices he worked with.[8] He is the sole breadwinner in the family with a wife who is jobless, four (4) children who are in school, a mother who is bedridden and a sick sister to support. The family's only source of income is respondent's private practice of law, a work he has been engaged in for more than twenty-five (25) years up to the present.[9]

On August 15, 2008, the Office of the Bar Confidant (OBC) received a letter from respondent, requesting that he be issued a clearance for the renewal of his notarial commission. Respondent stated therein that he was aware of the pendency of the administrative cases[10] against him, but pointed out that said cases had not yet been resolved with finality. Respondent sought consideration and compassion for the issuance of the clearance -- considering present economic/financial difficulties -- and reiterating the fact that he was the sole breadwinner in the family.

It is the rule that when a lawyer accepts a case, he is expected to give his full attention, diligence, skill and competence to the case, regardless of its importance and whether he accepts it for a fee or for free.[11] A lawyer's devotion to his client's cause not only requires but also entitles him to deploy every honorable means to secure for the client what is justly due him or to present every defense provided by law to enable the latter's cause to succeed.[12] In this case, respondent may not be wanting in this regard. On the contrary, it is apparent that the respondent's acts complained of were committed out of his over-zealousness and misguided desire to protect the interests of his clients who were poor and uneducated. We are not unmindful of his dedication and conviction in defending the less fortunate. Taking the cudgels from the former lawyer in this case is rather commendable, but respondent should not forget his first and foremost responsibility as an officer of the court. We stress what we

have stated in our decision that, in support of the cause of their clients, lawyers have the duty to present every remedy or defense within the authority of the law. This obligation, however, is not to be performed at the expense of truth and justice.[13] This is the criterion that must be borne in mind in every exertion a lawyer gives to his case.[14] Under the Code of Professional Responsibility, a lawyer has the duty to assist in the speedy and efficient administration of justice, and is enjoined from unduly delaying a case by impeding execution of a judgment or by misusing court processes.[15]

Certainly, violations of these canons cannot be countenanced, as respondent must have realized with the sanction he received from this Court. However, the Court also knows how to show compassion and will not hesitate to refrain from imposing the appropriate penalties in the presence of mitigating factors, such as the respondent's length of service, acknowledgment of his or her infractions and feeling of remorse, family circumstances, humanitarian and equitable considerations, and respondent's advanced age, among other things, which have varying significance in the Court's determination of the imposable penalty. Thus, after a careful consideration of herein respondent's motion for reconsideration and humble acknowledgment of his misfeasance, we are persuaded to extend a degree of leniency towards him.[16] We find the suspension of six (6) months from the practice of law sufficient in this case

IN VIEW OF THE FOREGOING, the letter-request dated August 15, 2008 is NOTED. Respondent's Motion for Reconsideration is PARTIALLY GRANTED. The Decision dated September 13, 2006 is hereby MODIFIED in that respondent is SUSPENDED from the practice of law for a period of six (6) months, effective upon receipt of this Resolution. Respondent is DIRECTED to inform the Court of the date of his receipt of said Resolution within ten (10) days from receipt thereof.

Let copies of this Decision be entered in the record of respondent as attorney and served on the IBP, as well as on the Court Administrator, who shall circulate it to all courts for their information and guidance.

Puno, C.J., Quisumbing, Ynares-Santiago, Carpio, Austria-Martinez, Corona, Carpio-Morales, Azcuna, Tinga, Chico-Nazario, Velasco, Jr., Leonardo-De Castro, Brion, and Peralta, JJ., concur.

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[1] Decision, p. 17.

[2] Motion for Reconsideration, p. 13.

[3] Id. at 2.

[4] Id. at 5.

[5] Id. at 6.

[6] Id. at 8.

[7] Id. at 9.

[8] Id. at 4.

[9] Id. at 11.

[10] A.C. Nos. 5473, 6586, 7054.

[11] Santiago v. Fojas, A.C. No, 4103, September 7, 1995, 248 SCRA 68, 75-76.

[12] Miraflor v. Hagad, A.C. No. 2468, May 12, 1995, 244 SCRA 106.

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[13] Decision, p. 14; Plus Builders, Inc. v. Garcia, A.C. No. 7056, September 13, 2006, 501 SCRA 615, 625.

[14] Ali v. Bubong, A.C. No. 4018, March 8, 2005, 453 SCRA 220.

[15] Ramos v. Pallugna, A.C. No. 5908, October 25, 2004, 441 SCRA 220.

[16] Rayos v. Hernandez, G.R. No. 169079, August 28, 2007, 531 SCRA 477.

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