

IN RE: COMPLIANCE OF IBP CHAPTERS WITH ADM. ORDER NO. 16-2007, LETTER-COMPLIANCE OF ATTY. RAMON EDISON C. BATACAN*A.M. No. 07-3-13-SC. February 27, 2008*

Ponente: AUSTRIA-MARTINEZ, J.

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Before the Court is the Letter of Atty. Ramon Edison C. Batacan, (Atty. Batacan), Integrated Bar of the Philippines (IBP) Governor for Eastern Mindanao Region, dated April 27, 2007, claiming that the election of Atty. Rogelio Vinluan (Atty. Vinluan), IBP Governor for Southern Luzon, as Executive Vice-President (EVP) for the term 2007 to 2009, is null and void on the ground that it violated the “rotation rule.”[1]

Atty. Batacan asserts that under the “rotation rule,” embodied in Section 47, Article VII of the IBP By-Laws, all IBP regions must take turns in having a representative as EVP, who shall automatically succeed to the IBP Presidency. He posits that since Atty. Pura Angelica Y. Santiago (Atty. Santiago) of IBP Southern Luzon was validly elected as EVP on June 13, 2005, said region is disqualified from fielding another candidate for EVP until all the regions have taken turns in holding the position. Considering that Atty. Vinluan comes from IBP Southern Luzon and the other regions have not yet taken their turn in fielding an EVP, Atty. Vinluan's election as EVP on April 25, 2007 is null and void as it contravened the rotation rule.[2]

Atty. Batacan further argues: The fact that Atty. Santiago was never able to assume the presidency of the IBP is immaterial in the application of the rotation rule following the Court's pronouncement in *Velez v. De Vera*[3] that “the rotation rule had been completed despite the non-assumption of Atty. De Vera to the IBP Presidency.” Voluntary renunciation of the office will not change the fact that Atty. Santiago was validly elected to the position which commenced the new rotation representing the Southern Luzon Region. To hold otherwise would defeat the very purpose of the rotation rule as any duly elected EVP would just conveniently resign before his term ends thus qualifying his region again in the same round of rotation. Since he (Atty. Batacan), as Governor of the Eastern Mindanao Region, was the remaining candidate who was qualified and was voted upon to the position, he is rightfully entitled to assume the EVP position. In any event, equity dictates that he, the Governor of the Eastern Mindanao Region, be allowed to effectively act as EVP since the said region was denied meaningful participation in the rotation rule when Atty. De Vera of Eastern Mindanao was removed as EVP in 2005.[4]

In its Comment, the IBP National Office through its Deputy General Counsel Atty. Rodolfo G. Urbiztondo, stated that the election of Atty. Vinluan representing Southern Luzon is a violation of the rotation rule since the election of Atty. Santiago of Southern Luzon began a new cycle of rotation and it is only after the rotation is completed that a Governor from the Southern Luzon Region can be elected again.[5]

In his Comment, Atty. Vinluan avers that his election as EVP on April 25, 2007 is valid for the following reasons: Atty. Santiago never took her oath of office; she never assumed the position of EVP; she did not function as EVP at any time; neither did she have the chance to serve out her term as evidenced by the fact that 12 days after her

election, Atty. Jose Vicente B. Salazar of the IBP Bicol Region was elected EVP and eventually assumed the IBP Presidency beginning 2005. As stated in Atty. Batacan's letter, Atty. Santiago voluntarily relinquished the EVP Position through a letter addressed to the IBP Board. Then IBP President Atty. Jose Anselmo I. Cadiz stated in the June 25, 2005 IBP Board of Governors Meeting that Atty. Santiago's letter is clear that she is foregoing her assumption of the EVP position. Atty. Santiago herself made clear that "considering that she has not taken her oath, she thinks that the more appropriate term to use is to forego her assumption of the position." Thus, the election of Atty. Santiago cannot be considered as one turn within the meaning of the "rotation rule."

Atty. Vinluan further maintains that the election of Atty. Santiago did not trigger the beginning of a new rotation cycle and that it was only with the term of Atty. Salazar of IBP Bicol Region, who was elected after Atty. Santiago, and who eventually served out his term for 2005 to 2007, as EVP that the new cycle began. Atty. Vinluan argues that Atty. Batacan's invocation of the Court's statement in Velez "that the rotation rule had been completed despite the non-assumption by Atty. De Vera to the IBP Presidency" is misplaced since Atty. De Vera had in fact served as EVP for the term 2003 to 2005, while the same cannot be said in the case of Atty. Santiago. IBP Southern Luzon has not been represented yet in the new rotation cycle for EVPs.

Atty. Vinluan further asserts that he was elected pursuant to Section 47 of the IBP By-Laws where he obtained the majority of votes cast thereat. He also cites the Court's pronouncement in Velez that Section 47 of the IBP Rules uses the phrase "as much as practicable" to indicate that the rotation rule is not a rigid and inflexible rule as to bar exceptions in compelling and exceptional circumstances, such as this case. Finally, Atty. Vinluan claims that Atty. Batacan contradicted himself when he said that equity dictates that the Governor of the Eastern Mindanao Region be allowed to act as EVP since the region was denied meaningful participation in the rotation rule when Atty. De Vera was removed as EVP; while in the instant case, Atty. Batacan seeks to deny IBP Southern Luzon of meaningful participation.

Section 47, Article VII of the By-Laws of the IBP, as amended, provides:

Sec. 47. National Officers. - The Integrated Bar of the Philippines shall have a President and Executive Vice President to be chosen by the Board of Governors from among nine (9) regional governors, as much as practicable, on a rotation basis. The governors shall be ex officio Vice President for their respective regions. There shall also be a Secretary and Treasurer of the Board of Governors to be appointed by the President with the consent of the Board. (As amended pursuant to Bar Matter 491).

The Executive Vice President shall automatically become President for the next succeeding term. The Presidency shall rotate among the nine Regions. [Emphasis and underscoring supplied]

It is a product of Bar Matter No. 491[6] dated October 6, 1989, In the Matter of the Inquiry into the 1989 Elections of the Integrated Bar of the Philippines, where the Court, seeing the need to protect the non-political character of the IBP and to reduce, if not completely eliminate, the expensive electioneering practices of those who vie for the top IBP posts, ordered the repeal of Bar Matter No. 287, dated July 8, 1985, which provided for the direct election by the House of Delegates of the IBP President, EVP, as well as officers of the said House.

Bar Matter No. 491 restored the former system of having the IBP President and Executive Vice-President elected by the Board of Governors from among themselves as well as the right of automatic succession by the Executive Vice-President to the presidency upon the expiration of their two-year term. It amended Sections 37 (Composition of the Board)[7] and 39 (Nomination and Election of the Governors), both of Article VI of the IBP By-Laws.[8]

As the Court explained in *Garcia v. De Vera*:[9]

The changes adopted by the Court simplified the election process and thus made it less controversial. The grounds for disqualification were reduced, if not totally eradicated, for the pool from which the Delegates may

choose their nominees is diminished as the rotation process operates.

The simplification of the process was in line with this Court's vision of an Integrated Bar which is non-political and effective in the discharge of its role in elevating the standards of the legal profession, improving the administration of justice and contributing to the growth and progress of the Philippine society.[10]

Based on the foregoing, one can see that the Court introduced the rotation rule in order to give all the regions and chapters their respective turns, each for a term of two years, in having a representative in the top positions, with the aim of restoring the non-political character of the IBP and reducing the temptation of electioneering for the said posts.

The principal question is whether the election on June 13, 2005 of Atty. Santiago of IBP Southern Luzon for the term 2005 to 2007 as EVP constitutes one turn under the rotation rule; corollarily, whether Atty. Vinluan who comes from the same IBP region is barred from being elected as EVP for the term 2007 to 2009.

The Court's answer is in the negative.

On June 13, 2005, Atty. Santiago of Southern Luzon was elected as EVP.[11] On June 20, 2005, seven days after her election, she tendered her resignation, which resignation was approved by the IBP in a Resolution dated June 25, 2005.[12] On the same day, Atty. Salazar of the IBP Bicol Region was elected as EVP, replacing Atty. Santiago.[13]

Based on these circumstances, one can readily see that the election of Atty. Santiago as EVP did not result in any meaningful representation of the Southern Luzon Region which would satisfy the spirit of the rotation rule. The proximity of the dates, from the time that she was elected to the time she tendered her resignation (seven days) and the time the same was accepted by the IBP (five days) shows that there was no sufficient opportunity for her to discharge the duties of an EVP. Significantly, records do not show that Atty. Santiago took her oath of office.

There is no merit to Atty. Batacan's claim that in view of the removal of Atty. Leonardo de Vera, IBP Eastern Mindanao Region was denied meaningful participation.

In Velez, the Court held that "the rotation rule had been completed despite the non-assumption by Atty. De Vera to the IBP Presidency." [14] Atty. De Vera's removal from the position of EVP took place on the twenty-third month of his term for 2003 to 2005.[15] Only a month short of completing his term, it is clear that he had effectively exercised the functions of an EVP as representative of the IBP Eastern Mindanao Region.

Moreover, the Court held in Velez that Section 47 of the IBP Rules uses the phrase "as much as practicable" to clearly indicate that the rotation rule is not a rigid and inflexible rule as to bar exceptions in compelling and exceptional circumstances.[16]

The Court agrees with Atty. Vinluan that the instant case is an exception to the rotation rule.

Atty. Batacan himself narrated that in the election on April 25, 2007, which was the first meeting of the IBP Board of Governors for 2007 to 2009, he objected to the nomination of Atty. Vinluan as EVP citing the rotation rule. Despite his objections, the Board of Governors proceeded with the election of its EVP, pursuant to Section 47, Article VII of the IBP By-Laws and Atty. Vinluan emerged as the winner.

The Board acted correctly in not upholding the objections of Atty. Batacan. It applied the rotation rule with flexibility, an act that is valid, concomitant with the tenor of Section 47 which qualifies the application of the rotation rule with the phrase "as much as practicable."

There being no grave abuse of discretion or gross error in the conduct of said election, the Court must uphold the

election of Atty. Vinluan as EVP for the term 2007 to 2009.

As the Court held in Velez:

While it is true that the Supreme Court has been granted an extensive power of supervision over the IBP, it is axiomatic that such power should be exercised prudently. The power of supervision of the Supreme Court over the IBP should not preclude the IBP from exercising its reasonable discretion especially in the administration of its internal affairs governed by the provisions of its By-Laws. The IBP By-Laws were precisely drafted and promulgated so as to define the powers and functions of the IBP and its officers, establish its organizational structure, and govern relations and transactions among its officers and members. With these By-Laws in place, the Supreme Court could be assured that the IBP shall be able to carry on its day-to-day affairs, without the Court's interference.

It should be noted that the general charge of the affairs and activities of the IBP has been vested in the Board of Governors. The members of the Board are elective and representative of each of the nine regions of the IBP as delineated in its By-Laws. The Board acts as a collegiate body and decides in accordance with the will of the majority. The foregoing rules serve to negate the possibility of the IBP Board acting on the basis of personal interest or malice of its individual members. Hence, the actions and resolutions of the IBP Board deserve to be accorded the disputable presumption of validity, which shall continue, until and unless it is overcome by substantial evidence and actually declared invalid by the Supreme Court. In the absence of any allegation and substantial proof that the IBP Board has acted without or in excess of its authority or with grave abuse of discretion, we shall not be persuaded to overturn and set aside the Board's action or resolution.[17] [Emphasis supplied]

WHEREFORE, the Court hereby RESOLVES to AFFIRM the election of Atty. Rogelio A. Vinluan on April 25, 2007, by the Board of Governors of the Integrated Bar of the Philippines, as its Executive Vice-President for the term 2007-2009.

SO ORDERED.

Puno, C.J., Sandoval-Gutierrez, Carpio, Corona, Carpio-Morales, Azcuna, Tinga, Chico-Nazario, Velasco, Jr., Nachura, Reyes, and Leonardo-De Castro, JJ., concur.

Quisumbing, J., on official leave.

Ynares-Santiago, J., on leave.

[1] Rollo, p. 135.

[2] Id. at 139-140.

[3] A.C. No. 6697, Bar Matter No. 1227, A.M. No. 05-5-15-SC, July 25, 2006, 496 SCRA 345.

[4] Rollo, pp. 140-141.

[5] Id. at 226-227.

[6] In the Matter of the Inquiry into the 1989 Elections of the Integrated Bar of the Philippines, Bar Matter No. 491, October 6, 1989, 178 SCRA 398, 419.

[7] Sec. 37. Composition of the Board. -- The Integrated Bar of the Philippines shall be governed by a Board of Governors consisting of nine (9) Governors from the (9) regions as delineated in Section 3 of the Integration Rule, on the representation basis of one (1) Governor for each region to be elected by the members of the House of Delegates from the region only. The position of Governor shall be rotated among the different Chapters in the

Region.

[8] Sec. 39. Nomination and election of the Governors. At least one (1) month before the national convention the delegates from each region shall elect the governor for their region, the choice of which shall as much as possible be rotated among the chapters in the region.

[9] In Re: Petition to Disqualify Atty. Leonard De Vera, on Legal and Moral Grounds, From being Elected IBP Governor for Eastern Mindanao in the May 31, IBP Elections, A.C. No. 6052, December 11, 2003, 418 SCRA 27.

[10] Id. at 44-45.

[11] Rollo, pp. 136, 223.

[12] Rollo, p. 224.

[13] Id. at 224.

[14] Velez v. De Vera, supra note 3 at 398.

[15] Id. at 399.

[16] Id.

[17] Velez v. De Vera, supra note 3, at 392-393.

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