

OCA CIRCULARS NO. 53-2002, September 24, 2002

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TO:

THE COURT OF APPEALS, SANDIGANBAYAN, COURT OF TAX APPEALS, REGIONAL TRIAL COURTS, SHARI' A DISTRICT COURTS, METROPOLITAN TRIAL COURTS, MUNICIPAL TRIAL COURTS IN CITIES, MUNICIPAL TRIAL COURTS, MUNICIPAL CIRCUIT TRIAL COURTS, SHARI' A CIRCUIT COURTS, THE OFFICE OF THE STATE PROSECUTOR, PUBLIC DEFENDER'S OFFICE AND THE INTEGRATED BAR OF THE PHILIPPINES

SUBJECT:

SUSPENSION OF ATTY. RICARTE B. MADERAZO FOR SIX (6) MONTHS

For the information and guidance of all concerned, quoted hereunder is the decision of the First Division of the Supreme Court in Administrative Case No. 4354 entitled "Lolita Artezuela vs. Atty. Ricarte B. Maderazo" dated 22 April 2002, to wit:

"For his failure to meet the exacting standard of professional ethics, the Board of Governors of the Integrated Bar of the Philippines (IBP) in its resolution of May 2, 2000 recommended the suspension from the practice of law of respondent Atty. Ricarte B. Maderazo for the period of six months, with stern warning that repetition of the act will be dealt with more severely. Respondent allegedly represented conflicting interests in violation of Canon 6 of the Code of Professional Ethics and Cannon 15 and Rule 15.03 of the Code of Professional Responsibility.[1]

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In administrative cases, the requirement of notice and hearing does not connote full adversarial proceedings, as "actual adversarial proceedings become necessary only for clarification or when there is need to propound searching questions to witness who give vague testimonies." [16] Due process is fulfilled when the parties were given reasonable opportunity to be heard and to submit evidence in support of their arguments.[17]

In the case at bar, records show that respondent repeatedly sought postponements of the hearings, prompting the Investigating Commissioner to receive complaint's evidence ex-parte and to set the case for resolution after parties have submitted their respective memorandum. xxx

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The professional obligation of the lawyer the lawyer to give his undivided attention and zeal for his client's cause likewise demanded in the Code of Professional Responsibility, Inherently disadvantageous to his clients cause, representation by the lawyer of conflicting interests require disclosure of all facts and consent of all its parties involved. xxx

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Finally, we remind the respondent the practice of law is not a property right but mere privilege, and as such, must bow to the inherent regulatory power of the Court to exact compliance with the lawyer's public responsibilities.[26] The suspension of the respondent's privilege to practice law may result to financial woes. But as the guardian of the legal profession, we are constrained to balance this concern with the injury the caused to the very same profession he vowed to uphold with honesty and fairness.

IN VIEW HEREOF, the Resolution of the IBP finding the respondent guilty of violating Canon 6 of the Code of Professional Ethics, and Canon 15 and Rule 15.03 of the Code of Professional Responsibility is affirmed. Respondent is suspended from the practice of law for six (6) months with stern warning that a similar act in the future shall be dealt with more severely."

Respondent's supplement to the motion for reconsideration of 25 July 2001 and said supplement to respondent's motion for reconsideration dated 12 October 2001 were noted in the resolution dated 22 April 2002. Copy of the said resolution dated 12 October 2001 were noted in the resolution dated 22 April 2002. Copy of the said resolution was received by respondent on 8 May 2002.

24 September 2002

PRESBITERO J. VELASCO, JR.

Court Administrator

[1] Records, vol. I, p. 189.

[16]Arboleda vs. NLRC, 303 SCRA 28 (1999)

[17]Padilla vs. Sto. Tomas, 243 SCRA 1555 (1995)

[26]In re: Edillion, 84 SCRA 554 (1978)

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