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ANICETO G. SALUDO, JR., PETITIONER, VS. COURT OF APPEALS, HON. FERNANDO V. GOROSPE, JR., IN HIS CAPACITY AS PRESIDING JUDGE, REGIONAL TRIAL COURT OF MAKATI, BRANCH 61, AND SALLY...

G.R. NO. 121404. May 03, 2006

Ponente: YNARES-SANTIAGO, J.

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YNARES-SANTIAGO, J.:

This Petition[1] seeks to annul and set aside the August 8, 1995 Resolution[2] of the Court of Appeals in CA-G.R. SP No. 36670, which dismissed the Petition[3] for certiorari to annul and set aside the November 10, 1994[4] and February 20, 1995 Orders[5] issued by the Regional Trial Court of Makati City, Branch 61, in Civil Case No. 88-2181. The said Orders denied petitioner Aniceto G. Saludo, Jr.'s Motion to Suspend Proceedings in Civil Case No. 88-2181[6] as well as his Motion for Reconsideration.[7]

Petitioner prayed for the suspension of proceedings in the said civil case on the ground that to proceed with the trial would make public the administrative case entitled Bellosillo v. The Board of Governors of the Integrated Bar of the Philippines and Aniceto G. Saludo, Jr.[8] for Gross Professional Misconduct/Malpractice filed by herein private respondent Sally V. Bellosillo against him and thereby violate the confidentiality rule as stated in Section 18, Rule 139-B of the Rules of Court.[9]

On September 4, 1995, we issued a Temporary Restraining Order (TRO)[10] to enjoin the Regional Trial Court of Makati City, Branch 61, from proceeding with the pre-trial and trial of Civil Case No. 88-2181, effective immediately and during the entire period that the case is pending or until further orders.

It appears, however, that on March 31, 2006, the Court rendered judgment on the administrative case disposing as follows:

> WHEREFORE, the petition is DENIED and the assailed Resolution of the IBP Board of Governors, dated March 30, 1996, dismissing the complaint against respondent [Aniceto G. Saludo. Jr.] in Adm. Case No. 3297 is AFFIRMED.
>
> SO ORDERED.[11]

We held therein that private respondent Bellosillo has not established a prima facie case to hold petitioner administratively liable as her dealings with the latter, such as the alleged cash borrowings and unwarranted solicitations, were ordinary business transactions arising from their personal dealings, and not from an attorney-client relationship. They represent purely personal interests and not professional misconduct.

In view of the foregoing, the present petition has been rendered moot as petitioner's prayer has become inconsequential with the dismissal of the administrative complaint filed against him. Thus, the trial of Civil Case No. 88-2181 must now proceed immediately.

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Section 18, Rule 139-B of the Rules of Court states that "proceedings against attorneys shall be private and confidential. However, the final order of the Supreme Court shall be published like its decisions in other cases." The purpose of the rule is not only to enable this Court to make its investigations free from any extraneous influence or interference, but also to protect the personal and professional reputation of attorneys and judges from the baseless charges of disgruntled, vindictive, and irresponsible clients and litigants; it is also to deter the press from publishing administrative cases or portions thereto without authority. We have ruled that malicious and unauthorized publication or verbatim reproduction of administrative complaints against lawyers in newspapers by editors and/or reporters may be actionable.[12] Such premature publication constitutes a contempt of court, punishable by either a fine or imprisonment or both at the discretion of the Court. The lawyer as an aggrieved party may recover damages in a civil suit filed for the purpose;[13] or may choose to waive the confidentiality of proceedings in the disbarment case against him/her.[14]

Enabling the court to keep administrative investigations free of extraneous influence or interference essentially calls for independence and impartiality of the investigating court, commissioners, or officers. It does not, however, exclude the possibility of simultaneously commencing a judicial case against a lawyer who is being administratively investigated.

The settled rule is that criminal and civil cases are different from administrative matters, such that the disposition in the first two will not inevitably govern the third and vice versa.[15] In Berbano v. Barcelona,[16] it was held that:

> ... Disciplinary proceedings against lawyers are sui generis. Neither purely civil nor purely criminal, they do not involve a trial of an action or a suit, but are rather investigations by the Court into the conduct of one of its officers. Not being intended to inflict punishment, [they are] in no sense a criminal prosecution. Accordingly, there is neither a plaintiff nor a prosecutor therein. [They] may be initiated by the Court motu propio. Public interest is [their] primary objective, and the real question for determination is whether or not the attorney is still a fit person to be allowed the privileges as such. Hence, in the exercise of its disciplinary powers, the Court merely calls upon a member of the Bar to account for his actuations as an officer of the Court with the end in view of preserving the purity of the legal profession and the proper and honest administration of justice by purging the profession of members who by their misconduct have prove[n] themselves no longer worthy to be entrusted with the duties and responsibilities pertaining to the office of an attorney ....

We also emphasized in Gatchalian Promotions Talents Pool, Inc. v. Naldoza[17] that:

> [A] finding of guilt in the criminal case will not necessarily result in a finding of liability in the administrative case. Conversely, respondent's acquittal does not necessarily exculpate him administratively. In the same vein, the trial court's finding of civil liability against the respondent will not inexorably lead to a similar finding in the administrative action before this Court. Neither will a favorable disposition in the civil action absolve the administrative liability of the lawyer. x x x.

Thus, the proceedings in Civil Case No. 88-2181 could continue notwithstanding the pendency of the administrative case. In fact, we have actually ruled on administrative cases with pending judicial proceedings related thereto.[18] The fact that the charges and some pieces of evidence to be used in both cases are similar does not necessarily amount to prejudice or deprivation of due process to any of the parties in either case.

Petitioner also contended that the non-suspension of Civil Case No. 88-2181 while the administrative case is being heard would unduly expose him to the public eye and ear, and consequently cause irreparable injury to his personal and professional integrity.

Petitioner's contention lacks basis. As correctly pointed out by the Court of Appeals in CA-G.R. SP No. 36670, petitioner can ably protect himself by timely objections to any action of the other parties in Civil Case No.

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88-2181, which refers to the administrative case against him. Besides, to forestall the civil case from proceeding due to the pendency of the administrative case would be unfair to the party instituting the civil case and would also unduly delay the administration of justice.

Indeed, the success of a lawyer in his profession depends almost entirely on his reputation. Anything which will harm his good name is to be deplored[19] as a lawyer's reputation is "a plant of tender growth, and its bloom, once lost, is not easily restored."[20] The eventual dismissal however of the administrative case, as in this case, should more than redeem and maintain petitioner's good name.

Finally, the Court of Appeals correctly held that:

> Under Section 1, Rule 21 of the Revised Rules of Court, [now Section 8, Rule 30 of the Rules of Court[21]], an action may be suspended only on the ground of a possibility of a compromise. The rule of confidentiality under Section 18 of Rule 139-B cannot be a ground for suspending the proceedings in a civil case, unless it is patent, which is not the case here, that the civil case was filed purposely to circumvent the said rule. As a matter of fact, the complaint in this case was not initiated by the private respondent but by a person whom she claims to be an agent of the petitioner. The confidentiality of administrative proceeding is not intended to place lawyers in a privileged position with regard to civil or criminal actions against them.[22]

WHEREFORE, the instant petition is DISMISSED for being moot and academic. The Temporary Restraining Order issued on September 4, 1995 is ordered LIFTED. The Presiding Judge of the Regional Trial Court of Makati City, Branch 61 is ORDERED to proceed hearing Civil Case No. 88-2181.

SO ORDERED.

Austria-Martinez, Callejo, Sr., and Chico-Nazario, JJ., concur.
Panganiban, C. J., (Chairperson), no part. farmer partner of a counsel in the related administrative case.

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[1] Rollo, pp. 3-25.

[2] Id. at 27-30. Penned by Associate Justice Hector L. Hofileña with Presiding Justice Nathaniel P. De Pano, Jr. and Associate Justice Salome A. Montoya, concurring.

[3] Id. at 142-160.

[4] Id. at 31.

[5] Id. at 32.

[6] Id. at 112-119.

[7] Id. at 133-137.

[8] G.R. No. 126980, March 31, 2006, SC E-Library.

[9] REVISED RULES OF COURT, Rule 139-B, Sec.18: Confidentiality. - Proceedings against attorneys shall be private and confidential. However, the final order of the Supreme Court shall be published like its decisions in other cases.

[10] Rollo, pp. 191-193.

[11] Supra note 8.

[12] Murillo v. Superable, Jr., 107 Phil. 322, 329 (1960).

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[13] Id. at 331.

[14] Villalon, Jr. v. Intermediate Appellate Court, 228 Phil. 420, 424 (1986).

[15] Suzuki v. Tiamson, A.C. No. 6542, September 30, 2005, SC E-Library.

[16] A.C. No. 6084, September 3, 2003, 410 SCRA 258, 264, citing In re Almacen, No. L-27654, February 18, 1970, 31 SCRA 562.

[17] 374 Phil. 1, 10 (1999).

[18] See Tomlin II v. Moya II, A.C. No. 6971, February 23, 2006, SC E-Library; Wilson Po Cham v. Pizarro, A.C. No. 5499, August 16, 2005, 467 SCRA 1; Bel-Air Transit Service Corporation (Dollar Rent-A-Car) v. Mendoza, A.C. No. 6107, January 31, 2005, 450 SCRA 12.

[19] Gaviola v. Salcedo, A.C. No. 3037, May 20, 2004, 428 SCRA 563, 566, citing Santos v. Dichoso, Adm. Case No. 1825, August 22, 1978, 84 SCRA 622, 628.

[20] Bayot v. Blanca, Adm. Case No. 775, July 31, 1975, 65 SCRA 538, 543, citing Albano v. Coloma, 128 Phil. 433, 442 (1967).

[21] RULES OF COURT, Rule 30, Sec. 8: Suspension of Actions. - The suspension of actions shall be governed by the provisions of the Civil Code (n).

> Civil Code, Article 2030: Every civil action or proceeding shall be suspended:
> 1. If willingness to discuss a possible compromise is expressed by one or both parties; or
> 2. If it appears that one of the parties, before the commencement of the action or proceeding, offered to discuss a possible compromise but the other party refused the offer.
> The duration and terms of the suspension of the civil action or proceeding and similar matters shall be governed by such provisions of the rules of court as the Supreme Court shall promulgate. Said rules of court shall likewise provide for the appointment and duties of amicable compounders.

[22] Rollo, p. 30.

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