

ROLANDO SAA, PETITIONER, VS. INTEGRATED BAR OF THE PHILIPPINES, COMMISSION ON BAR DISCIPLINE, BOARD OF GOVERNORS, PASIG CITY AND ATTY. FREDDIE A. VENIDA, RESPONDENTS.

G.R. No. 132826. September 03, 2009

Ponente: CORONA, J.

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CORONA, J.:

Petitioner Rolanda Saa filed a complaint for disbarment against respondent Atty. Freddie A. Venida on December 27, 1991 in this Court. In his complaint, Saa stated that Atty. Venida's act of filing two cases[1] against him was oppressive and constituted unethical practice.[2]

In a resolution dated February 17, 1992,[3] Atty. Venida was required to comment on the complaint against him. In his belated and partial compliance[4] with the February 17, 1992 resolution, Atty. Venida averred that Saa did not specifically allege his supposed infractions. He asked to be furnished a copy of the complaint. He also prayed for the dismissal of the complaint.

Despite receipt of a copy of the complaint,[5] Atty. Venida still did not file his complete comment within 10 days as required in the February 17, 1992 resolution. Consequently, we issued the June 14, 1995 resolution[6] requiring Atty. Venida to show cause why he should not be disciplinarily dealt with or held in contempt for failure to comply with the February 17, 1992 resolution.

Finally, Atty. Venida filed his full comment[7] on September 4, 1995 which, without doubt, was a mere reiteration of his partial comment. Atty. Venida also added that he was merely performing his duty as counsel of Saa's adversaries.[8]

The matter was thereafter referred to the Integrated Bar of the Philippines (IBP) for investigation, report and recommendation. In a report dated August 14, 1997, Commissioner George S. Briones recommended the dismissal of the complaint for lack of merit.[9] It found no evidence that the two cases filed by Atty. Venida against Saa were acts of oppression or unethical practice.[10]

The Board of Governors of the IBP resolved to adopt and approve the investigating commissioner's report and dismissed the complaint.[11] Saa filed a motion for reconsideration but was denied.[12]

Saa now questions the resolution of the IBP in this petition for certiorari.[13] He ascribes grave abuse of discretion to the IBP when it adopted and affirmed the report of the investigating commissioner dismissing his complaint. According to him, the investigating commissioner's report did not at all mention the dismissal of OMB 1-90-1118 and A.C. P-90-513, even if the existence of both cases was admitted by the parties. The dismissal of his complaint for disbarment was therefore grounded entirely on speculations, surmises and conjectures.

We disagree.

Grave abuse of discretion refers to a capricious, whimsical, arbitrary or despotic exercise of judgment by reason of passion or personal hostility as is equivalent to lack of jurisdiction.[14] It must be so patent and gross as to amount to an evasion or a virtual refusal to perform the duty enjoined or to act in contemplation of law.[15] A decision is not deemed tainted with grave abuse of discretion simply because a party affected disagrees with it.

There was no grave abuse of discretion in this case. There was in fact a dearth of evidence showing oppressive or unethical behavior on the part of Atty. Venida. Without convincing proof that Atty. Venida was motivated by a desire to file baseless legal actions, the findings of the IBP stand.

Nonetheless, we strongly disapprove of Atty. Venida's blatant refusal to comply with various court directives. As a lawyer, he had the responsibility to follow legal orders and processes.[16] Yet, he disregarded this very important canon of legal ethics when he filed only a partial comment on January 26, 1993 or 11 months after being directed to do so in the February 17, 1992 resolution. Worse, he filed his complete comment only on June 14, 1995 or a little over three years after due date. In both instances, he managed to delay the resolution of the case, a clear violation of Canon 12[17] and Rules 1.03[18] and 12.04[19] of the Code of Professional Responsibility.

Yet again, Atty. Venida failed to file a memorandum within the period required in our May 17, 2004 resolution.[20] Despite the 30-day deadline to file his memorandum,[21] he still did not comply. As if taunting authority, he continually ignored our directives for him to show cause and comply with the May 17, 2004 resolution.[22]

Atty. Venida apologized for the late filing of both his partial and full comments. But tried to exculpate himself by saying he inadvertently misplaced the complaint and had a heavy workload (for his partial comment). He even had the temerity to blame a strong typhoon for the loss of all his files, the complaint included (for his full comment). His excuses tax the imagination. Nevertheless, his apologies notwithstanding, we find his conduct utterly unacceptable for a member of the legal profession. He must not be allowed to evade accountability for his omissions.

A member of the bar may be disbarred or suspended from his office as an attorney for violation of the lawyer's oath and/or for breach of the ethics of the legal profession as embodied in the Code of Professional Responsibility.[23] We reiterate our ruling in *Catu v. Atty. Rellosa*: [24]

Indeed, a lawyer who disobeys the law disrespects it. In so doing, he disregards legal ethics and disgraces the dignity of the legal profession.

Public confidence in the law and in lawyers may be eroded by the irresponsible and improper conduct of a member of the bar. Every lawyer should act and comport himself in a manner that promotes public confidence in the integrity of the legal profession.

WHEREFORE, the petition is hereby GRANTED IN PART. The charge of oppressive or unethical behavior against respondent is dismissed. However, for violation of Canons 1 and 12 and Rules 1.03 and 12.04 of the Code of Professional Responsibility, as well as the lawyer's oath, Atty. Freddie A. Venida is hereby SUSPENDED from the practice of law for one (1) year, effective immediately from receipt of this resolution. He is further STERNLY WARNED that a repetition of the same or similar offense shall be dealt with more severely.

Let a copy of this resolution be furnished the Office of the Bar Confidant and entered into the records of respondent Atty. Freddie A. Venida. The Office of the Court Administrator shall furnish copies to all the courts of the land for their information and guidance.

SO ORDERED.

Puno, C.J., (Chairperson), Carpio, Leonardo-De Castro, and Bersamin, JJ., concur.

[1] One was a criminal case filed in the then Office of the Tanodbayan docketed as OMB 1-90-1118 captioned Freddie A. Venida v. Rolando Saa, et al. for violation of Section 3-A, RA 3019. In this case, respondent Atty. Freddie Venida alleged that complainant induced and connived with the Postmaster of Capalonga, Camarines Norte, in affixing only P2 worth of stamps on each of the two pieces of registered mail, instead of P2.20 worth of stamps for each letter as required, to the damage and prejudice of the public. The other was an administrative case filed in this Court for dishonesty, among others. The case was docketed as A.C. P-90-513 captioned Atty. Freddie Venida v. Rolando Saa. The administrative case alleged the same facts as the Tanodbayan case. Rollo, pp. 13-14.

[2] Id., p. 14.

[3] Id., p. 21.

[4] Filed on January 26, 1993. In paragraph 1 thereof, Atty. Venida claimed he did not receive a copy of the complaint. In paragraph 4, he claimed to have misplaced the resolution dated February 17, 1992. Id., pp. 22-26.

[5] Id., p. 27.

[6] Id.

[7] Id., pp. 28-30.

[8] Atty. Venida was the counsel of Saa's adversaries in CA G.R. No. UDR 68 captioned Rosario Quintela, et al. v. The Presiding Judge, Branch 38, RTC, Daet, Camarines Nort, and Rolando Saa. The case was dismissed in a resolution dated February 28, 1990, against Atty. Venida's clients. Id., p. 83.

[9] Id., p. 16.

[10] Id., p. 14.

[11] Id., p. 11.

[12] Id., p. 37.

[13] Filed under Rule 65 of the Rules of Court.

[14] Marohomsalic v. Cole, G.R. No. 169918, 27 february 2008, 547 SCRA 98, 105-106 citing Solidum v. Hernandez, 117 Phil. 340 (1963).

[15] Id.

[16] CANON 1 - A LAWYER SHALL UPHOLD THE CONSTITUTION, OBEY THE LAWS OF THE LAND AND PROMOTE RESPECT FOR LAW AND FOR LEGAL PROCESSES.

[17] CANON 12 - A LAWYER SHALL EXERT EVERY EFFORT AND CONSIDER IT HIS DUTY TO ASSIST IN THE SPEEDY AND EFFICIENT ADMINISTRATION OF JUSTICE.

[18] Rule 1.03 - A lawyer shall not, for any corrupt motive or interest, encourage any suit or proceeding or delay any man's cause.

[19] Rule 12.04 - A lawyer shall not unduly delay a case, impede the execution of a judgment or misuse Court

processes.

[20] Rollo, p. 163. The period for filing the memorandum expired on June 2, 2005.

[21] *Id.*, p. 167.

[22] On December 5, 2005, we ordered Atty. Venida to show cause why he should not be disciplinarily dealt with for his failure to comply with the May 17, 2004 resolution. He was likewise directed to comply and file his memorandum. In the March 13, 2006 resolution, we gave Atty. Venida a 30-day extension from January 13, 2006 to file his memorandum. The 30-day period expired on February 12, 2006 without him filing his memorandum, thereby necessitating the issuance of the July 19, 2006 resolution requiring him to show cause why he should not be disciplinarily dealt with. He was required to comply within 10 days from receipt of the resolution. On March 7, 2007, we imposed upon him a fine of P1,000 for his failure to comply with the July 19, 2006 resolution. We also reiterated the May 17, 2004 resolution.

In view of Atty. Venida's continued inaction, we issued the August 29, 2007 resolution where we imposed an additional fine of P1,000, and again reiterating the directive to comply with the May 17, 2004 resolution, to no avail. We were thus constrained to issue the March 26, 2008 resolution ordering his arrest and detention for five days. However, he was not located in his last known address. On July 21, 2008, we finally dispensed with his memorandum. *Id.*, pp. 163-189.

[23] RULES OF COURT, Rule 138, Sec. 27: "SEC. 27. Disbarment or suspension of attorneys by Supreme Court; grounds therefore. - A member of the bar may be disbarred or suspended from his office as attorney by the Supreme Court for any deceit, malpractice, or other gross misconduct in such office, grossly immoral conduct, or by reason of his conviction of a crime involving moral turpitude, or any violation of the oath which he is required to take before admission to practice, or for a willful disobedience of any lawful order of a superior court, or for corruptly or willfully appearing as an attorney for a party to a case without authority so to do. The practice of soliciting cases at law for the purpose of gain, either personally or through paid agents or brokers, constitutes malpractice." (emphasis supplied)

[24] A.C. 5378, 19 February 2008, 546 SCRA 209.

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