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EN BANC

[A.C. No. 8111; February 15, 2022]

ADELITA S. VILLAMOR, *Complainant*, *v.* **ATTY. ELY GALLAND A. JUMAO-AS,** *Respondent*.

R E S O L U T I O N

HERNANDO, *J.*:

For the Court's *En Banc*'s consideration is respondent Atty. Ely Galland A. Jumao-as (Jumao-as)' Motion to Reduce Penalty. [1]

On December 9, 2020, the Court suspended Atty. Jumao-as from the practice of law for two years for violating Canon 15, Rule 15.03 of the Code of Professional Responsibility (CPR), which provides:

> Canon 15 — A lawyer shall observe candor, fairness and loyalty in all his dealings and transactions with his client.
>
> x x x x
>
> Rule 15.03 — A lawyer shall not represent conflicting interests except by written consent of all concerned given after a full disclosure of the facts.

Atty. Jumao-as was found to have represented conflicting interests by committing the following acts: he facilitated the incorporation of AEV Villamor Credit, Inc. (AEV), complainant Adelita S. Villamor (Villamor)'s lending company; he persuaded Villamor to borrow money from one Debbie Yu (Yu) to beef up AEV's capital; he left AEV to join 3 E's Debt Equity Grant Co. (3 E's), a lending company owned by Yu; he incited a diaspora of AEV's collectors to join 3 E's; he told AEV's collectors to remit their collections to 3 E's since Villamor owed Yu; and he even sent

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[1] Temporary *rollo*, unpaginated.

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a demand letter to Villamor, for and in behalf of Yu, demanding that Villamor pay the amount she owed Yu.[2]

Atty. Jumao-as now moves to reduce his penalty, either to a stern warning or a two-month suspension. Humbly admitting to his faults, he prays that this Court consider the reasons quoted hereunder for the mitigation of his administrative punishment:

1. I was a new lawyer at that time and I fall short of my professional judgment;
2. Long before the promulgation of this case, I already realized my mistake during the mediation stage of my case x x x. I quickly offered to pay the debts of [Villamor] and I paid her debt [to Yu] x x x I also brokered the reconciliation of complainant with [her] general manager;
3. Even though the Affidavit of Desistance cannot dismiss the administrative case, I pray that it will be considered as a mitigating factor x x x;
4. The bounced checks of the complainant did not reach to court because I personally settled her obligations;
5. In the spirit of compassion especially during this time of pandemic where the means of living is difficult to meet, I plead for consideration to shorten my suspension.[3]

The Court treats Atty. Jumao-as' Motion to Reduce Penalty as a motion for reconsideration, and grants the same and accordingly reduces the penalty originally meted to Atty. Jumao-as.

His speedy initiative to make amends and take responsibility of the entire debt of Villamor to Yu in the amount of ₱650,000.00 is by all means remarkable. He also expended extraordinary efforts to straighten out the corporate scuffles involving him and complainant Villamor and they have resumed their business dealings in good terms. Grave though his transgressions may have been, the sincerity of Atty. Jumao-as' remorse is reflected in his words and actions, which impresses this Court.

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[2] *Rollo*, pp. 219-222.

[3] Temporary *rollo*, unpaginated.

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These acts of contrition, however, will not reduce Atty. Jumao-as' administrative liability *to the full extent* that he desires.

As he says in his Motion to Reduce Penalty, Atty. Jumao-as may truly have been incapable to spot the beginnings of attorney-client relationships and conflicting interests. However, lawyers such as he can never effectively claim legal ignorance. That he violated his oath as a lawyer is already a permanent dent on his record. His misdeeds towards Villamor must have put the image of the Bar and its members in some degree of embarrassment. He may have been forgiven by his complainant, but the disrepute to the legal profession that he had caused cannot simply be repaired by a mere warning or serving a short-lived suspension from law practice.

The Court turns to a case factually-similar to the one at hand for guidance.

In *Legaspi v. Atty. Gonzales*,[4] complainant therein consulted respondent attorney how to eject an illegal settler who refuses to leave their land. While she never formally engaged respondent's legal services in her personal capacity, complainant still relayed to respondent the details of her quandary. Later, complainant discovered that respondent had become the counsel defending the same illegal settler in an unlawful detainer case filed by complainant's realty development company. The unlawful detainer case ended in an amicable settlement—the illegal settler received money from complainant's company and a parcel of land owned by complainant. Respondent even had a share in the settlement money from the illegal settler. Determining his administrative culpability for advocating conflicting interests, the Court sanctioned the erring lawyer with a year-long suspension from the practice of law.

All told, the Court finds good reason in jurisprudence and in fact to reconsider its previous administrative sentence of suspension for two years upon Atty. Jumao-as. He shall remain suspended from the practice of law, but for the shorter period of one year.

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[4] A.C. No. 12076, June 22, 2020.

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ACCORDINGLY, respondent Atty. Ely Galland A. Jumao-as' Motion to Reduce Penalty is **TREATED** as a Motion for Reconsideration and the same is **GRANTED IN PART**. The Court's December 9, 2020 Decision in this case is **MODIFIED**, in that respondent is **SUSPENDED** from the practice of law for the *reduced* period of one year and **WARNED** that a repetition of the same or similar acts will be dealt with more severely.

Let copies of this Resolution be furnished to the Office of the Bar Confidant, to be appended to the personal record of Atty. Ely Galland A. Jumao-as as an attorney-at-law; to the Integrated Bar of the Philippines; and to the Office of the Court Administrator for dissemination to all courts throughout the country for their guidance and information.

SO ORDERED.

Gesmundo, C.J., Perlas-Bernabe, Leonen, Caguioa, Lazaro-Javier, Inting, Zalameda, M. Lopez, Gaerlan, Rosario, J. Lopez, Dimaampao, and *Marquez, JJ.*, concur.