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THIRD DIVISION

[Adm. Case No. 4218. July 20, 2000]

ROMEO H. SIBULO, *complainant, vs.* **ATTY. STANLEY R. CABRERA,** *respondent.*

SYNOPSIS

In a case entitled *Brenda Sucaldito v. Reynaldo Marcelo, et al,* defendant therein retained the services of respondent Cabrera. Subsequently, however, Cabrera also entered his appearance as counsel for Sucaldito in the same case, without withdrawing his appearance as counsel for Marcelo. Hence, the present administrative complaint.

Respondent denied the wrongdoing alluded to him theorizing that he merely accepted a case from a plaintiff and at the same time he was the counsel as intervenor of one of the defendants. This, however, is a categorical admission that he represented two conflicting interests, which is prohibited by Rule 15.03 of Canon 15 of the Code of Professional Responsibility. The relation of attorney and client is based on trust, so that double dealing which could sometimes lead to treachery, should be avoided.

Respondent was found guilty of unethical conduct and fined in the amount of ₱10,000.00.

SYLLABUS

LEGAL ETHICS; CODE OF PROFESSIONAL RESPONSIBILITY; REPRESENTING TWO CONFLICTING INTERESTS; PROHIBITED.— Respondent has all but admitted the wrongdoing complained of, when he stated in his Answer that he "merely accepted a case from a plaintiff and at the same time I [he] was the counsel as intervenor of one of the defendants." Such a revelation is a categorical admission that he (respondent) represented two conflicting interests, which representations or appearances are prohibited by Rule 15.03 of Canon 15 of the Code of Professional Responsibility. Respondent was bound to faithfully represent his client in all aspects of subject civil case. When he agreed to represent the defendant and later on, also the plaintiff in the same

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case, he could no longer serve either of his said clients faithfully, as his duty to the plaintiff did necessarily conflict with his duty to the defendant. The relation of attorney and client is based on trust, so that double dealing which could sometimes lead to treachery, should be avoided.

APPEARANCES OF COUNSEL

Gil E. Aringay for complainant.

D E C I S I O N

PURISIMA, *J.*:

At bar is an administrative complaint against the respondent, Atty. Stanley Cabrera, for unethical practice/conduct.

The facts that matter are as follows:

In a case, entitled "*Brenda Sucaldito*[1] *versus Reynaldo Marcelo, et al.*," docketed as Civil Case No. 90-55209 before Branch 53 of the Regional Trial Court of Manila, defendant Reynaldo Marcelo retained the services of the herein respondent as his lawyer. Subsequently, however, the respondent also entered his appearance as counsel for plaintiff Brenda Sucaldito in the same case, without withdrawing his appearance as counsel for defendant Reynaldo Marcelo. In view of such development Atty. Reyes Geromo, former counsel of Brenda Sucaldito, filed with the Manila Regional Trial Court a motion to disqualify the respondent on the ground of unethical conduct.[2] Finding merit in the said motion, the trial court ordered the disqualification of respondent in the case.[3]

Complainant Romeo Sibulo, an intervenor in the aforementioned Civil Case No. 90-55209, brought the present administrative complaint against respondent, praying for the latter's removal from or suspension in the practice of law, on the ground of unethical practice/conduct.

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[1] Sometimes spelled in *Rollo* as Socaldito.

[2] *Rollo*, pp. 7-10.

[3] *Rollo*, p. 11.

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In his Answer[4] to the Complaint, respondent denied the wrongdoing alluded to him; theorizing that "x x x I merely accepted a case from a plaintiff and at the same time I was the counsel as intervenor of one of the defendants x x x"

This case was referred to the Integrated Bar of the Philippines (IBP) for investigation, report and recommendation.[5]

Acting thereupon on April 7, 2000, the IBP came out with its Resolution No. XIV-000-163, which reads:

"RESOLUTION NO. XIV-000-163

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RESOLVED to ADOPT and APPROVE, as it is hereby ADOPTED and APPROVED, the Report and Recommendation of the Investigating Commissioner of the above-entitled case, herein made part of this Resolution/Decision as annex 'A'; and, finding the recommendation fully supported by the evidence on record and the applicable laws and rules, said recommendation is *with modification* that Respondent be *CENSURED* and *FINED* One Thousand Pesos (₱1,000.00)."[6]

The IBP Report,[7] in part, found:

"The respondent's answer is quite revealing. While he denies any unethical conduct on his part, respondent seeks to justify what he did and of which he is charged by tongue-in-cheek declaring that he did no wrong 'considering that I merely accepted a case from a plaintiff and at the same time I was the counsel as intervenor of one of the defendants.'

Nothing further need be said. For all his disclaimers and the affidavits of two (2) witnesses in his favor, it is beyond cavil that Atty. Cabrera has violated Canon 15 and the subsequent Rules of Code of Professional Responsibility. The complainant's motives are not of paramount interest. To our mind, Atty. Cabrera has lain himself open to the specifications

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[4] *Rollo*, p. 13.

[5] Resolution, *Rollo*, p. 19.

[6] *Rollo*, p. 24.

[7] *Rollo*, pp. 25-26.

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against him. Remarkably, he admits the same by his lame explanation.

From all the foregoing, we recommend that Atty. Stanley R. Cabrera be CENSURED by the Honorable Supreme Court and ordered to fine a pay (sic) in such amount as the Honorable Court may see fit."

Respondent has all but admitted the wrongdoing complained of, when he stated in his Answer that he "merely accepted a case from a plaintiff and at the same time I [he] was the counsel as intervenor of one of the defendants." Such a revelation is a categorical admission that he (respondent) represented two conflicting interests, which representations or appearances are prohibited by Rule 15.03 of Canon 15 of the Code of Professional Responsibility, 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 x 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."

Respondent was bound to faithfully represent his client in all aspects of subject civil case. When he agreed to represent the defendant and later on, also the plaintiff in the same case, he could no longer serve either of his said clients faithfully, as his duty to the plaintiff did necessarily conflict with his duty to the defendant. The relation of attorney and client is based on trust, so that double dealing which could sometimes lead to treachery, should be avoided.[8]

Considering the attendant facts and circumstances, the Court is of the sense that the amount of fine recommended below is not commensurate with the wrong done by the respondent.

WHEREFORE, respondent is found *GUILTY* of unethical conduct for representing two conflicting interests and is hereby FINED in the amount of TEN THOUSAND (₱10,000.00) Pesos,

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[8] *Hilado vs. David*, 84 Phil. 571.

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with a warning that a repetition of the same or similar acts will be dealt with more severely.

SO ORDERED.

Melo (Chairman), Vitug, Panganiban, and *Gonzaga-Reyes, JJ.,* concur.

SECOND DIVISION

[A.M. No. RTJ-97-1376. July 20, 2000]

RAFAEL J. DIZON, JR., *complainant, vs.* **JUDGE LORENZO B. VENERACION, Regional Trial Court, Manila, Branch 47,** *respondent.*

SYNOPSIS

Sometime in 1989, the Taxi Operators of Metro Manila, Inc. (TOMMI) imported 100 units of Datsun Cedric cars from a Singaporean company, Hua Kok Realty, Ltd. The Bureau of Customs seized those vehicles since the importation was without the required SGS Clean Report of Findings. Later, TOMMI assigned those vehicles to Manila Taxi Transport Service Cooperative, Inc. (MTTSCI) and were released tax-and duty-free. Afterwards, MTTSCI mortgaged those vehicles to 7-R Port Services, Inc. As MTTSCI failed to pay its obligation, 7-R foreclosed the said vehicles after it obtained approval from the Department of Finance and the Cooperative Development Authority (CDA) and paid the prescribed duties and taxes under Article 62 (1) of R.A. 6938 and Joint Circular No. 1-90. On March 4, 1994, SPO4 Romualdo Cruz, a member of the Presidential Anti-Crime Commission (PACC), and Sylvia Tongco, representing Hua Kok, applied for a search warrant allegedly for violation of Article 62(1) of R.A. 6938 and Joint Circular No. 1-90. On March 7, 1994, the respondent judge issued the corresponding search warrant, and pursuant thereto the members of PACC seized those vehicles. 7-R moved to quash the