Supreme Court E-Library

of exemplary damages, we increase the award made by the appellate court from ₱25,000 to ₱30,000.[40] The actual damages amounting to ₱25,000 as awarded by the trial court is sustained.

WHEREFORE, the Decision dated May 25, 2006 of the Court of Appeals in CA-G.R. CR-H.C. No. 00021 affirming the conviction of appellant Basilio Villarmea *y* Echavez is **AFFIRMED with MODIFICATION.** The award of civil indemnity is increased to ₱75,000 and the award of exemplary damages is increased to ₱30,000. Interest at the rate of six percent (6%) per annum on all the damages awarded in this case from the date of finality of this judgment until fully paid shall likewise be paid by appellant to the heirs of Arnaldo Diez.

With costs against the appellant.

SO ORDERED.

Sereno, C.J. (Chairperson), Leonardo-de Castro, Bersamin, and *Reyes, JJ.,* concur.

SECOND DIVISION

[A.C. No. 5239. November 18, 2013]

SPOUSES GEORGE A. WARRINER and AURORA R. WARRINER, *complainants, vs.* **ATTY. RENI M. DUBLIN,** *respondent.*

SYLLABUS

1. LEGAL ETHICS; CODE OF PROFESSIONAL RESPONSIBILITY; A LAWYER IS ALLOWED TO WITHDRAW HIS SERV-

---

[40] *Id.* at 572-573; *People v. Gutierrez,* G.R. No. 188602, February 4, 2010, 611 SCRA 633, 647.

Supreme Court E-Library

ICES FOR GOOD CAUSE; NOT ESTABLISHED IN CASE AT BAR.— Culled from the pleadings respondent submitted before this Court and the IBP, respondent admitted that he deliberately failed to timely file a formal offer of exhibits because he believes that the exhibits were fabricated and was hoping that the same would be refused admission by the RTC. This is improper. If respondent truly believes that the exhibits to be presented in evidence by his clients were fabricated, then he has the option to withdraw from the case. Canon 22 allows a lawyer to withdraw his services for good cause such as "[w]hen the client pursues an illegal or immoral course of conduct with the matter he is handling" or "[w]hen the client insists that the lawyer pursue conduct violative of these canons and rules."

2. **ID.; ID.; AS A LAWYER AND AN OFFICER OF THE COURT, ONE OWES CANDOR, FAIRNESS AND GOOD FAITH TO THE COURT; VIOLATION IN CASE AT BAR.—** [I]t has not escaped our notice that respondent is also prone to resorting to contradictions in his effort to exculpate himself. In his Comment filed before this Court, respondent claimed that Warriner was his only witness in Civil Case No. 23,396-95. However, in his Position Paper filed before the IBP, he admitted that aside from Warriner, he also presented as witnesses a former *barangay* official and a representative from DENR. Next, he claimed in his Comment filed before this Court that he had a heated argument with Warriner during which the latter threatened him with a disbarment suit. The Investigating Commissioner took this into account when he submitted his Report and Recommendation. Surprisingly, respondent claimed in his Comment to complainant's Motion for Reconsideration before the IBP that the Investigating Commissioner erred and was inaccurate when he stated in his Report and Recommendation that respondent had a heated argument with the complainants. Moreover, respondent claimed in his Comment before this Court that Warriner authored the damage to his property by draining the soil erosion prevention ditches provided by E.B. Villarosa & Partner Co., Ltd. However, he again contradicted himself when he claimed in his Position Paper that the natural topography of the place was the cause of the erosion. At this juncture, respondent must be reminded that as a lawyer and an officer of the Court, he "owes candor, fairness and good faith to the court." He "shall not do any falsehood, nor consent to the doing of any in court;

Supreme Court E-Library

nor shall he mislead, or allow the Court to be misled by any artifice."

3. ID.; ID.; VIOLATION; IMPOSABLE PENALTY.— Under the circumstances, and considering that we had already admonished respondent and had him arrested for his adamant refusal to obey our directives, we find the penalty of suspension from the practice of law for six months, as recommended by the Investigating Commissioner, and as we similarly imposed in *Hernandez v. Padilla* and *Pesto v. Millo,* commensurate to respondent's infractions. Besides, we wish to emphasize that "suspension is not primarily intended as a punishment but a means to protect the public and the legal profession."

R E S O L U T I O N

DEL CASTILLO, *J.*:

This resolves the administrative Complaint[1] filed on March 14, 2000 by complainant-spouses George Arthur Warriner (Warriner) and Aurora R. Warriner against respondent Atty. Reni M. Dublin for gross negligence and dereliction of duty.

In their Complaint filed directly before the Office of the Bar Confidant of this Court, complainants alleged that they secured the services of respondent in the filing of a Complaint for damages captioned as *Aurora M. Del Rio-Warriner and her spouse-husband George Arthur Warriner, plaintiffs, versus E.B. Villarosa & Partner Co., Ltd.* and docketed as Civil Case No. 23,396-95 before the Regional Trial Court (RTC) of Davao City, Branch 16; that during the proceedings in Civil Case No. 23,396-95, respondent requested the RTC for a period of 10 days within which to submit his Formal Offer of Documentary Evidence; that despite the lapse of the requested period, respondent did not submit his Formal Offer of Documentary Evidence; that respondent did not file any comment to E.B. Villarosa & Partner Co., Ltd.'s motion to declare

[1] *Rollo,* pp. 4-6.

Supreme Court E-Library

complainants to have waived their right to file Formal Offer of Documentary Evidence; that respondent belatedly filed a Formal Offer of Documentary Evidence which the RTC denied; that respondent did not oppose or file any comment to E.B. Villarosa & Partner Co., Ltd.'s move to dismiss the Complaint; and that the RTC eventually dismissed Civil Case No. 23,396-95 to the prejudice of herein complainants.

In a Resolution[2] dated June 26, 2000, we directed respondent to file his Comment to this administrative Complaint. Upon receipt of the Resolution on August 24, 2000,[3] respondent requested for an extension of 30 days which was granted.[4]

However, as of August 5, 2002, or after a lapse of almost two years, respondent had not yet filed his Comment. Thus, we resolved to require respondent to "show cause why he should not be disciplinarily dealt with or held in contempt for such failure and to comply with the resolution requiring said comment, both within ten (10) days from notice."[5] Respondent received our directive but chose to ignore the same.[6] In another Resolution[7] dated August 4, 2003, we imposed a fine of ₱1,000.00 on respondent and reiterated our directives requiring him to file his Comment and to submit an explanation on his failure to file the same. However, respondent again ignored this Court's directive. Thus, on February 15, 2006, we increased the fine to ₱2,000.00 but respondent continued to ignore our Resolutions.[8] Consequently, on March 10, 2008, we resolved to order respondent's arrest and detention until he complies with our Resolutions.[9]

---

[2] *Id.* at 35.

[3] *Id.* at 41.

[4] *Id.* at 45.

[5] *Id.* at 46.

[6] *Id.* at 48.

[7] *Id.* at 51.

[8] *Id.* at 54.

[9] *Id.* at 55-57.

Supreme Court E-Library

This time, respondent heeded our directives by submitting his Compliance[10] and Comment.[11] Respondent claimed that he failed to file his Comment to the instant administrative case because he lost the records of Civil Case No. 23,396-95 and that he tried to get a copy from the RTC to no avail.

In his Comment belatedly filed eight years after the prescribed period, respondent averred that complainant Warriner is an Australian national who married his Filipino spouse as a convenient scheme to stay in the country; that he rendered his services in Civil Case No. 23,396-95 free of charge; that he accepted the case because he was challenged by Warriner's criticism of the Philippine judicial system; that he doubted the veracity of Warriner's claim that the construction being undertaken by E.B. Villarosa & Partner Co., Ltd. indeed caused the erosion of the soil towards his property; that Warriner was his only witness during the trial; that the reluctance of other witnesses to testify for Warriner strengthened his suspicion of the veracity of Warriner's claim; that upon inquiries, he discovered that the bits of evidence presented by Warriner were fabricated; that the *barangay* officials do not wish to participate in the fraudulent scheme of Warriner; that he visited Warriner's property and saw that Warriner authored the damage to his property by draining the soil erosion prevention ditches provided by E.B. Villarosa & Partner Co., Ltd.; that he had a heated argument with Warriner during which the latter threatened him with a disbarment suit; that based on his discovery, respondent did not wish to submit his Formal Offer of Documentary Evidence; that complainants no longer saw him or inquired about the status of the case; that he did not withdraw from the case because complainants no longer visited him at his law office; that if he withdraws, Warriner would only hire another lawyer to perpetrate his fraudulent scheme; and that he could not be held administratively liable for filing a belated

---

[10] Captioned as Manifestation with Compliance and Apologies, *id.* at 60-62.

[11] *Id.* at 63-70.

Supreme Court E-Library

Formal Offer of Documentary Evidence as he only did the same to protect the legal profession and in accordance with his oath not to do any falsehood or promote unlawful causes.

In a Resolution[12] dated July 16, 2008, we found respondent's explanation for failing to comply with our directives not fully satisfactory hence, we admonished him to be more circumspect in his dealings with the Court. At the same time, we referred the Complaint to the Integrated Bar of the Philippines (IBP) for investigation, report and recommendation.

The parties submitted their respective Position Papers before the IBP Commission on Bar Discipline.

In their Position Paper,[13] complainants insisted that respondent mishandled their case before the RTC by filing a motion to admit the formal exhibits almost three months after the prescribed period; that respondent did not present complainants' Marriage Contract and General Power of Attorney that would have allowed Warriner to represent his wife while the latter is out of the country; that complainants' marriage is not for convenience; that complainants have a son out of said marriage; that respondent was paid for his services; that E.B. Villarosa & Partner Co., Ltd. did not secure an Environmental Compliance Certificate (ECC) before undertaking the construction; that Warriner was not the sole witness for the prosecution; that the records of Civil Case No. 23,396-95 would show that a representative from the Department of Environment and Natural Resources (DENR) and the *Barangay* Captain were likewise presented; and that these witnesses proved that Warriner's claim was not a fabrication.

In his Position Paper,[14] respondent contradicted his earlier assertion in his Comment filed before the Court that Warriner was his only witness in Civil Case No. 23,396-95 by claiming

---

[12] *Id*. at 84.

[13] *Id*., unpaginated.

[14] *Id*.

Supreme Court E-Library

this time that aside from Warriner, he also presented as witnesses a former *barangay* official and a representative from DENR. He conceded that E.B. Villarosa & Partner Co., Ltd. indeed failed to secure an ECC but claimed that this alone would not prove that E.B. Villarosa & Partner Co., Ltd. did not institute corrective measures to prevent soil erosion and damages to neighboring houses such as Warriner's. He insisted that it is the natural topography of the place which caused the soil erosion which again contradicted his earlier allegation in his Comment before this Court that it was Warriner who caused the soil erosion by destroying the ditches constructed by the developer. Moreover, he alleged that the estimate of damages provided by *Bening's* Garden which he offered as an exhibit in Civil Case No. 23,396-95 was a fabrication as there is no such entity in Laurel St., Davao City.

In their Supplemental Position Paper,[15] complainants argued, among others, that since more than eight years have lapsed, it is possible that *Bening's* Garden relocated to another address but it does not mean that it never existed.

In his Report and Recommendation,[16] the Investigating Commissioner[17] found respondent guilty of mishandling Civil Case No. 23,396-95 in violation of the Code of Professional Responsibility and thus recommended respondent's suspension from the practice of law for a period of six months.

The IBP Board of Governors, in Resolution No. XIX-2010-442[18] dated August 28, 2010, approved with modification the findings and recommendation of the Investigating Commissioner. The IBP Board of Governors noted that aside from mishandling the case of complainants, respondent also showed his propensity to defy the orders of the court, thus it recommended respondent's suspension from the practice of law for one year.

---

[15] *Id*.

[16] *Id*.

[17] Commissioner Salvador B. Hababag.

[18] *Rollo*, unpaginated.

Supreme Court E-Library

Respondent moved for reconsideration insisting that the IBP's Resolution is not supported by facts. He maintained that his actuations did not amount to a violation of the Code of Professional Responsibility; and that the filing of the Formal Offer of Documentary Evidence, although belated, exculpated him from any liability. He asserted that the exhibits were fabricated thus he deliberately belatedly filed the Formal Offer of Documentary Evidence in the hope that the same would be refused admission by the RTC. He denied defying lawful orders of the RTC or this Court. He insisted that defiance of lawful orders connotes total, complete or absolute refusal and not mere belated filing. He argued that he did not oppose or file comment to the Motion to Dismiss as he deemed the same proper considering the fabricated allegations of his clients.

Respondent argued that the penalty recommended by the IBP is not commensurate to his infractions. He alleged that the records of this case would show that he did not utterly disregard the orders or processes of the Court or the IBP. He claimed that this Court should have deemed his failure to timely file a Comment as a waiver on his part to file the same, and not as defiance of this Court's orders. Besides, he insisted that the only issue to be resolved by the IBP was the alleged mishandling of Civil Case No. 23,396-95; the IBP should not have delved on whether he disregarded or was disrespectful of the Court's orders because he was not given any opportunity to rebut the same.

Finally, respondent posited that his penalty is oppressive, excessive and disproportionate. He argued that with his suspension, the other cases he is handling would be affected.

Complainants also filed their Motion for Reconsideration insisting that respondent should be disbarred or suspended for five years from the practice of law. To this, respondent filed his Comment asserting that the Investigating Commissioner erred and was inaccurate when he stated in his Report and Recommendation that respondent had a heated argument with the complainants. He averred that after the filing of the Formal Offer of Documentary Evidence and until the dismissal of Civil

Supreme Court E-Library

Case No. 23,396-95, he had no occasion to meet the complainants. He maintained that he had nothing to be remorseful about and that there is absolutely no evidence that would justify his suspension. He maintained that "being basic and elementary in any legal procedure, a failure or refusal to submit comment is but a waiver to so comment and puts the controversy submitted for resolution based on the evidence available at hand x x x. It is unfortunate that the Supreme Court did not consider respondent's failure or omission as having such effects, but such failure cannot be considered as a contemptuous act x x x."

The IBP Board of Governors, however, was not persuaded hence it denied respondent's Motion for Reconsideration.

On May 6, 2013, respondent filed before this Court An *Ex Parte* Manifestation (Not a Motion for Reconsideration)[19] insisting that his failure to timely file comment on the administrative case does not constitute defiance of the Court's directives but is only "a natural human expression of frustration, distraught and disappointment" when this Court and the IBP entertained a clearly unmeritorious Complaint. In any case, he averred that on April 12, 2013, the IBP Davao City Chapter presented him with a Certificate of Appreciation for his invaluable support to the local chapter. He claims that –

> x x x Even a feeble minded average person will find it ridiculously hilarious and comical that the [IBP] National Office condemns undersigned for his acts allegedly inimical to the profession but will be 'praised to the heavens', so to speak, by the local chapter of the same organization for his invaluable support to that same organization whose object, among others, is to discipline its members to be respectful and [subservient] to the rule of law by serving justice in an orderly and dignified manner. Weight and credence must be accorded the recognition and appreciation by this local chapter being logically considered as having the first hand observation and, thus, the personal knowledge of undersigned's personal character, integrity, uprightness, reputation and sacrifices in the practice of his legal profession.

---

[19] *Id*.

Supreme Court E-Library

As a gesture of meek obedience, respondent will not pray for the reconsideration and setting aside of that resolution adopted by the Honorable Board of Governors suspending him from the practice of law for one (1) year, erroneous, disproportionate and harsh as it may be. Undersigned only prays that, by way of protecting the prestigious image of the [IBP], measures be adopted to prevent it from becoming a laughing stock of professional organizations in the Philippines worthy for the books of wonders by its inconsistent, ridiculous and contradictory stance of disciplining its members exemplified by the predicament of respondent in this instant proceeding on the one hand but on the other hand is extolled by its local chapter to high heavens for his "invaluable support" of the tenets and foundation of that very same organization that condemns him. THIS IS HILARIOUSLY COMICAL AND ABSURDLY ODD.

Our Ruling

Respondent is indeed guilty of mishandling Civil Case No. 23,396-95. Records show that the 10-day period given to respondent to submit his formal offer of documentary evidence pursuant to the RTC Order dated November 11, 1997 lapsed without any compliance from the respondent. Consequently, the RTC, in its January 23, 1998 Order deemed respondent to have waived the submission of his formal offer of exhibits. Instead of asking the RTC to set aside the above Order, respondent filed on February 3, 1998 a Motion to Admit the Belated Formal Exhibits in Evidence. As to be expected, the RTC denied the motion. At the same time, it directed E.B. Villarosa & Partner Co., Ltd. to file its Motion to Dismiss by way of Demurrer to Evidence. Again, respondent failed to comment or oppose the Motion to Dismiss despite the opportunity given by the RTC. As a result, Civil Case No. 23,396-95 was dismissed.

Plainly, respondent violated the Code of Professional Responsibility particularly Canon 18 and Rule 18.03 which provide:

Canon 18 – A lawyer shall serve his client with competence and diligence.

Rule 18.03 – A lawyer shall not neglect a legal matter entrusted to him, and his negligence in connection therewith shall render him liable.

Supreme Court E-Library

Worse, it appears that respondent *deliberately* mishandled Civil Case No. 23,396-95 to the prejudice of herein complainants. Culled from the pleadings respondent submitted before this Court and the IBP, respondent admitted that he deliberately failed to timely file a formal offer of exhibits because he believes that the exhibits were fabricated and was hoping that the same would be refused admission by the RTC. This is improper. If respondent truly believes that the exhibits to be presented in evidence by his clients were fabricated, then he has the option to withdraw from the case. Canon 22 allows a lawyer to withdraw his services for good cause such as "[w]hen the client pursues an illegal or immoral course of conduct with the matter he is handling"[20] or "[w]hen the client insists that the lawyer pursue conduct violative of these canons and rules."[21] Respondent adverted to the estimate of damages provided by *Bening's* Garden as a fabrication as there is no such entity in Laurel St., Davao City. Unfortunately, respondent anchored his claim that *Bening's* Garden does not exist merely on the claim of Rudolph C. Lumibao, a "sympathetic client" and a part-time gardener. Complainants refuted this allegation by claiming that *Bening's* Garden must have relocated its business considering that more than eight years have passed since the estimate was secured. Complainants also pointed out that since the filing of this case, respondent has thrice relocated his office but this does not mean that his practice has ceased to exist.

We also agree with the IBP that respondent has a propensity to disobey and disrespect court orders and processes. Note that we required respondent to submit his Comment to this administrative Complaint as early as year 2000. However, he was only able to file his Comment eight years later, or in 2008 and only after we ordered his arrest. "As an officer of the court, respondent is expected to know that a resolution of this Court is not a mere request but an order which should be complied

---

[20] Rule 22.01(a), Code of Professional Responsibility.

[21] Rule 22.01(b), *id.*

[22] *Sibulo v. Ilagan*, 486 Phil. 197, 204 (2004).

Supreme Court E-Library

with promptly and completely.[22]

Finally, it has not escaped our notice that respondent is also prone to resorting to contradictions in his effort to exculpate himself. In his Comment filed before this Court, respondent claimed that Warriner was his only witness in Civil Case No. 23,396-95. However, in his Position Paper filed before the IBP, he admitted that aside from Warriner, he also presented as witnesses a former *barangay* official and a representative from DENR. Next, he claimed in his Comment filed before this Court that he had a heated argument with Warriner during which the latter threatened him with a disbarment suit. The Investigating Commissioner took this into account when he submitted his Report and Recommendation. Surprisingly, respondent claimed in his Comment to complainant's Motion for Reconsideration before the IBP that the Investigating Commissioner erred and was inaccurate when he stated in his Report and Recommendation that respondent had a heated argument with the complainants. Moreover, respondent claimed in his Comment before this Court that Warriner authored the damage to his property by draining the soil erosion prevention ditches provided by E.B. Villarosa & Partner Co., Ltd. However, he again contradicted himself when he claimed in his Position Paper that the natural topography of the place was the cause of the erosion. At this juncture, respondent must be reminded that as a lawyer and an officer of the Court, he "owes candor, fairness and good faith to the court."[23] He "shall not do any falsehood, nor consent to the doing of any in court; nor shall he mislead, or allow the Court to be misled by any artifice."[24]

Under the circumstances, and considering that we had already admonished respondent and had him arrested for his adamant refusal to obey our directives, we find the penalty of suspension from the practice of law for six months, as recommended by

---

[23] Canon 10, Code of Professional Responsibility.

[24] Rule 10.01, *id.*

[25] A.C. No. 9387, June 20, 2012, 674 SCRA 1, 12.

[26] A.C. No. 9612, March 13, 2013.

Supreme Court E-Library

the Investigating Commissioner, and as we similarly imposed in *Hernandez v. Padilla*[25] and *Pesto v. Millo*,[26] commensurate to respondent's infractions. Besides, we wish to emphasize that "suspension is not primarily intended as a punishment but a means to protect the public and the legal profession."[27]

IN VIEW WHEREOF, Atty. Reni M. Dublin is **SUSPENDED** from the practice of law for six months effective upon receipt of this Resolution, with a **WARNING** that a similar violation will be dealt with more severely. He is **DIRECTED** to report to this Court the date of his receipt of this Resolution to enable this Court to determine when his suspension shall take effect.

Let a copy of this Resolution be entered in the personal records of respondent as a member of the Bar, and copies furnished the Office of the Bar Confidant, the Integrated Bar of the Philippines, and the Office of the Court Administrator for circulation to all courts in the country.

SO ORDERED.

Carpio (Chairperson), Brion, Perez, and *Perlas-Bernabe, JJ.*, concur.

---

[27] *Mr. and Mrs. Saburnido v. Atty. Madroño*, 418 Phil. 241, 248.