



Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

JASPER JUNNO F. RODICA,
Complainant.

A.C. No. 9259

Present:

- versus -

ATTY. MANUEL "LOLONG" M.
LAZARO,
ATTY. EDWIN M. ESPEJO,
ATTY. ABEL M. ALMARIO,
ATTY. MICHELLE B. LAZARO,
ATTY. JOSEPH C. TAN,
and JOHN DOES,
Respondents.

LEONARDO-DE CASTRO,*
Acting Chairperson,
BERSAMIN,
DEL CASTILLO,
VILLARAMA, JR., and
PERLAS-BERNABE,** JJ.

Promulgated:

23 AUG 2012

X ----- X

RESOLUTION

DEL CASTILLO, J.:

*"The power to disbar or suspend ought always to be exercised on the preservative and not on the vindictive principle, with great caution and only for the most weighty reasons."*¹

This is a Complaint² for disbarment filed by Jasper Junno F. Rodica (Rodica) against Atty. Manuel "Lolong" M. Lazaro (Atty. Manuel), Atty. Edwin M. Espejo (Atty. Espejo), Atty. Abel M. Almario (Atty. Almario), Atty. Michelle B. Lazaro (Atty. Michelle), and Atty. Joseph C. Tan (Atty. Tan) for gross and serious misconduct, deceit, malpractice, grossly immoral conduct, and violation of the Code of Professional Responsibility. *Man*

¹ Per Special Order No. 1226 dated May 30, 2012.

² Per Special Order No. 1227 dated May 30, 2012.

³ *Galmanayan, Jr. v. Atty. Iao*, 490 Phil. 165, 166 (2005), citing *De Guzman v. Tadeo*, 68 Phil. 554, 558 (1939).

⁴ *Rollo*, pp. 1-34.

Factual Antecedents

On May 5, 2011, William Strong (Strong), an American, was arrested and detained by the operatives of the Bureau of Immigration. Strong sought the assistance of Philip³ G. Apostol (Apostol), a friend and neighbor, to secure the services of a lawyer. Apostol referred him to Atty. Manuel, who is a partner at the M.M. Lazaro and Associates Law Office (Lazaro Law Office).

Atty. Manuel initially declined because his law office only handles cases of its retained clients and those known to him or any of the associate lawyers.⁴ However, he was eventually prevailed upon by Apostol who would consider it as a special favor if Atty. Manuel would handle Strong's case. Hence, Atty. Manuel, together with Atty. Almario and Atty. Espejo, senior and junior associates, respectively, at the Lazaro Law Office, agreed to meet Strong at the Taguig Detention Center of the Bureau of Immigration.⁵

During the meeting, Atty. Manuel explained to Strong the terms of the Lazaro Law Office's engagement as well as the fees. Strong assured him of his capacity to pay and offered to pay a success fee of US\$100,000.00 should the said law office be able to expedite his release from detention as well as his departure from the Philippines.⁶ Finding Strong to be believable and trustworthy, Atty. Manuel agreed to handle his case.⁷

During the course of their meeting, Strong casually mentioned that he has a property in Boracay and that he suspected his neighbors as the persons who caused his arrest. According to Strong, his live-in partner Rodica filed a Complaint before the Regional Trial Court (RTC) of Kalibo, Aklan, for recovery

³ Also spelled as Phillip in some parts of the records.

⁴ *Rollo*, pp. 248-249.

⁵ *Id.* at 249.

⁶ *Id.* at 250.

⁷ *Id.* at 249.

of possession and damages⁸ (against Hillview Marketing Corporation⁹ (Hillview), Stephanie Dornau (Dornau) as President of Hillview, the Alargo Park Neighborhood Association, Inc. and spouses Robert and Judy Gregoire) in connection with the 353-square meter property they bought in Boracay. He disclosed that he and Rodica had been trying to sell the Boracay property to rid themselves of the problems but could not find buyers because of the said case. They even offered the property to Apostol but the latter was hesitant because of the said pending case. Atty. Manuel averred that towards the end of the interview with Strong, Rodica arrived. Strong described Rodica as his “handyman” who will act as his liaison in the case.

Upon inquiry with the Bureau of Immigration, it was discovered that Strong’s arrest was made pursuant to an Interpol Red Notice; and that Strong is wanted in Brazil for Conspiracy to Commit Fraud, Setting Up a Gang and Other Related Crimes. Specifically, Strong is being indicted for his alleged involvement in “an international gang involved in shares fraud which led to the creation of hundreds of millions of dollars in illegal securities.”¹⁰ Strong denied any participation in the alleged crime. Strong then pleaded with Atty. Manuel to expedite his deportation to any country except Brazil and reiterated his willingness to pay the success fee of US\$100,000.00.

In her Complaint, Rodica alleged that in one of her meetings with the lawyers of the Lazaro Law Office, she hinted that Atty. Tan, a senior partner at the Marcos Ochoa Serapio Tan and Associates (MOST Law) and who is also the lawyer of Hillview and Dornau, was instrumental in the immigration case of Strong. According to Rodica, Atty. Manuel called up Atty. Tan. Thereafter, Atty. Manuel allegedly informed Rodica that Atty. Tan admitted having initiated the immigration case resulting in the detention of Strong; that Atty. Tan threatened to

⁸ Id. at 299-312.

⁹ Also referred to as Hillview Equities and Resources, Inc. in some parts of the records.

¹⁰ *Rollo*, p. 193.

do something bad against Rodica and her family; and that Atty. Tan demanded for Rodica to withdraw the RTC case as part of a settlement package.

On May 25, 2011, the Bureau of Immigration, rendered its Judgment¹¹ granting the motion of Strong to voluntarily leave the country. On May 31, 2011, Strong left the Philippines. Subsequently, or on June 6, 2011, Rodica filed with the RTC a motion effectively withdrawing her complaint.

Rodica alleged that after the deportation of Strong and the withdrawal of the RTC case, she heard nothing from the Lazaro Law Office. She also claimed that contrary to her expectations, there was no “simultaneous over-all settlement of [her] grievances x x x [with] the defendants [in the RTC] case.”¹² Thinking that she was deceived, Rodica filed the instant administrative case. In sum, she claimed that:

21. RESPONDENT ATTORNEYS (MANUEL, MICHELLE, EDWIN and ABEL) of M.M. LAZARO & ASSOCIATES, furthermore, committed GRAVE MISCONDUCT & DECEIT to complainant and the courts when (among other things):

- (a.) they mis-represented to complainant that the withdrawal of her case at the Regional Trial Court at Kalibo (Branch VI-Civil Case No. 8987) was only the first step in an over-all settlement package of all her differences with her legal adversaries (i.e. Hillview Marketing Corporation and the latter’s officials / Stephanie Dornau / Atty. Joseph Tan etc.), which respondent Manuel M. Lazaro had allegedly already taken care of ;
- (b.) they extorted from her more than ₱7 MILLION for alleged professional / legal fees and PENALTIES involved in William Strong’s immigration case, when what actually happened was -
- (c.) as complainant came to know later, almost all of said amount was allegedly used as “pay-off” to immigration, police and Malacañang officials as well as Atty. Joseph Tan, and as ‘graft money’/ ‘kotong’ / ‘lagay’ / “tong-pats”, for the expeditious approval of Mr. William Strong’s voluntary deportation plea with the Bureau of Immigration ;
- (d.) they even shamelessly denied the status of the complainant as their client, just so that they can evade their responsibility to her ;
- (e.) they even submitted concocted stories (re Mr. Apostol’s purchase bid for the Boracay villa of complainant; Atty. Espejo’s attempt to cover-up for Lolong

¹¹ Id. at 382-383.

¹² Id. at 7.

Lazaro and accept sole responsibility for signing the questioned manifestation and withdrawal documents last May 24, 2011, and many others) with the Regional Trial Court of Kalibo (Branch VI) just so that they can hide the truth, hide their crimes and go scot free ;

22. RESPONDENT Atty. JOSEPH C. TAN on the other hand performed as a willing partner of ATTY. MANUEL M. LAZARO by acting as ‘conduit’ to his Malaca[ñ]ang patron (“JOHN DOE”) in causing the arrest of William Strong last May 5, 2011, and in packaging with Lolong Lazaro of the ‘magic formula’ regarding William Strong’s voluntary deportation bid and the conditions attached thereto as sufficiently explained ;

x x x x

23. RESPONDENTS also violated THEIR OATH AS x x x ATTORNEYS, especially with the phrases “. . . I will obey the laws . . . I will do no falsehood, nor consent to the doing of any in court ; . . . I will delay no man for money or malice . . . with all good fidelity as well to the courts as to my clients . . . “;¹³

Otherwise stated, Rodica claimed that she is a client of the Lazaro Law Office and that she was deceived into causing the withdrawal of the RTC case. Further, she claimed that the Lazaro Law Office collected exorbitant fees from her.

In their Comment, Atty. Almario and Atty. Espejo admitted being present in the May 13, 2011 meeting with Rodica. They denied, however, that Atty. Manuel talked with Atty. Tan during the said meeting, or conveyed the information that Atty. Tan and the group of Dornau were the ones behind Strong’s arrest and detention.

Atty. Almario and Atty. Espejo disputed Rodica’s assertion that the withdrawal of the RTC case was a condition *sine qua non* to Strong’s departure from the country. They pointed out that the Manifestation with Motion to Withdraw Motion for Reconsideration¹⁴ was filed only on June 3, 2011,¹⁵ or nine days after the May 25, 2011 Judgment of the Bureau of Immigration was issued, and three days after Strong left the country on May 31, 2011. They insisted that

¹³ Id. at 32-33

¹⁴ Id. at 97-101.

¹⁵ However, in the Order (id. at 239-241) of October 4, 2011, the RTC of Kalibo noted that Rodica filed on June 6, 2011 the Manifestation with Motion to Withdraw the Motion for Reconsideration.

Rodica withdrew the RTC case because it was one of the conditions set by Apostol before buying the Boracay property.

As to the preparation of Rodica's Motion to Withdraw Motion for Reconsideration relative to the RTC case, Atty. Espejo claimed that the former begged him to prepare the said motion. Since the two already became close friends, Atty. Espejo accommodated Rodica's request. He admitted to acceding to Rodica's requests to put the name of the Lazaro Law Office, the names of its partners, as well as his name, in the motion and into signing the same, without the prior knowledge and consent of the other senior lawyers of the firm. Atty. Espejo claimed that he did all of these out of his good intention to help and assist Rodica in making the Boracay property more saleable by freeing it from any pending claims.

In his Comment,¹⁶ Atty. Manuel contended that none of the lawyers of the Lazaro Law Office communicated with Atty. Tan relative to the deportation proceedings or the RTC case. He claimed that it was highly improbable for the Lazaro Law Office to impress upon Rodica that it will coordinate with Atty. Tan for the withdrawal of the RTC case to expedite the deportation proceedings as the RTC case was already dismissed as early as March 29, 2011 for failure to state a cause of action. Atty. Manuel averred that the two cases are incongruous with each other and one cannot be used to compromise the other.

Atty. Joseph Tan's Arguments

For his part, Atty. Tan asserted that the allegations against him are "double hearsay" because the same were based on information allegedly relayed to Rodica by Atty. Manuel, who, in turn, allegedly heard it from Atty. Tan.¹⁷ He denied any

¹⁶ *Rollo*, pp. 243-298.

¹⁷ See Atty. Tan's Comment dated April 12, 2012, *id.* at 416-445.

participation in the withdrawal of the RTC case and the arrest and deportation of Strong.

Atty. Tan stressed that Strong was deported on May 31, 2011. Three days thereafter, or on June 3, 2011, Rodica, with the assistance of her counsel of record, Atty. Joan I. Tabanar-Ibutnande (Atty. Ibutnande), filed the Manifestation with Motion to Withdraw Motion for Reconsideration. He averred that if it is indeed true, as Rodica alleged, that the filing of the said motion was a pre-condition to Strong's voluntary deportation, then the filing of the same should have preceded Strong's deportation. However, it was the reverse in this case.

Atty. Tan also pointed out that it would be inconceivable for him to participate in Strong's arrest as he had already obtained a favorable ruling "on the merits" for his clients in the RTC case even before Strong was arrested and incarcerated. Besides, Strong is not a party and had nothing to do with the RTC case. Atty. Tan likewise denied having any dealings with the rest of the respondents insofar as the arrest and voluntary deportation of Strong are concerned. Neither did he receive any phone call or message from his co-respondents nor did he communicate with them in any manner regarding Strong's case.

Issue

The sole issue to be resolved is whether the allegations in Rodica's Complaint merit the disbarment or suspension of respondents.

Our Ruling

In *Siao v. Atty. De Guzman, Jr.*,¹⁸ this Court reiterated its oft repeated ruling that in suspension or disbarment proceedings, lawyers enjoy the presumption of

¹⁸ A.C. No. 7649, December 14, 2011.

innocence, and the burden of proof rests upon the complainant to clearly prove her allegations by preponderant evidence. Elaborating on the required quantum of proof, this Court declared thus:

Preponderance of evidence means that the evidence adduced by one side is, as a whole, superior to or has greater weight than that of the other. It means evidence which is more convincing to the court as worthy of belief than that which is offered in opposition thereto. Under Section 1 of Rule 133, in determining whether or not there is preponderance of evidence, the court may consider the following: (a) all the facts and circumstances of the case; (b) the witnesses' manner of testifying, their intelligence, their means and opportunity of knowing the facts to which they are testifying, the nature of the facts to which they testify, the probability or improbability of their testimony; (c) the witnesses' interest or want of interest, and also their personal credibility so far as the same may ultimately appear in the trial; and (d) the number of witnesses, although it does not mean that preponderance is necessarily with the greater number. (Citations omitted.)

In the absence of preponderant evidence, the presumption of innocence of the lawyer continues and the complaint against him must be dismissed.¹⁹

In the present case, the totality of evidence presented by Rodica failed to overcome the said presumption of innocence.

Rodica's claim of "settlement package" is devoid of merit.

Rodica's assertions that Atty. Tan orchestrated Strong's arrest and that Atty. Manuel proposed the withdrawal of the RTC case to facilitate the deportation of Strong, are mere allegations without proof and belied by the records of the case. "The basic rule is that mere allegation is not evidence, and is not equivalent to proof."²⁰ Aside from her bare assertions, Rodica failed to present even an iota of evidence to prove her allegations. In fact, the records belie her claims. The documents issued by the Bureau of Immigration showed that Strong was the subject of the Interpol Red Notice for being a fugitive from justice wanted

¹⁹ *Atty. Dela Cruz v. Atty. Diesmos*, 528 Phil. 927, 928-929 (2006).

²⁰ *Villanueva v. Philippine Daily Inquirer, Inc.*, G.R. No. 164437, May 15, 2009, 588 SCRA 1, 11.

for crimes allegedly committed in Brazil.²¹ His warrant of arrest was issued sometime in February 2008. Significantly, even before Strong was arrested and eventually deported, Atty. Tan had already obtained a favorable judgment for his clients.

We also agree that it is highly inconceivable for Atty. Tan and the Lazaro Law Office to concoct the scheme of “pressuring” Rodica to withdraw the RTC case for the purpose of expediting the deportation proceedings of Strong. The following facts are undisputed: (1) Rodica’s counsel of record in the RTC is Atty. Ibutnande; (2) the RTC case was already dismissed in the Order²² of March 29, 2011 for failure to state a cause of action; (3) on April 18, 2011, Rodica through her counsel of record filed a Motion for Reconsideration; (4) on May 5, 2011, Strong was arrested and detained pursuant to an Interpol Red Notice; (5) Strong hired the Lazaro Law Office to handle his deportation case; (6) on May 19, 2011 Strong filed a Manifestation with Omnibus Motion to voluntarily leave the country; (7) the Bureau of Immigration rendered a Judgment²³ dated May 25, 2011 granting Strong’s motion to voluntarily leave the country; (8) Strong left the country on May 31, 2011; (9) Rodica’s Manifestation with Motion to Withdraw the Motion for Reconsideration was filed on June 6, 2011; and, (8) acting on the said Manifestation with Motion, the RTC on June 14, 2011 issued an Order²⁴ granting the same.

Given the chronology of events, there appears no relation between the deportation case and the withdrawal of the RTC case. Thus, it would be specious if not far-fetched to conclude that the withdrawal of the RTC case was a precondition to Strong’s deportation.

²¹ *Rollo*, pp. 198-199.

²² *Id.* at 340-344.

²³ *Id.* at. 382-383.

²⁴ *Id.* at 239-241.

As regards the alleged participation of Atty. Manuel in the “settlement package” theory of Rodica, suffice it to say that Atty. Manuel has in his favor “the presumption that, as an officer of the court, he regularly performs the duties imposed upon him by his oath as a lawyer and by the Code of Professional Responsibility.”²⁵ Hence, absent any competent evidence to the contrary, Atty. Manuel, as Strong’s counsel, is presumed to have worked out the release and subsequent deportation of his client in accordance with the proper procedures.

Preponderance of evidence shows that Rodica caused the withdrawal of the RTC case to facilitate the sale of the Boracay property to Apostol.

We cannot lend credence to Rodica’s allegation that she was deceived by Atty. Manuel, Atty. Espejo, Atty. Almario and Atty. Michelle, another senior associate at the Lazaro Law Office, into believing that the withdrawal of the RTC case was part of a settlement package to settle her differences with her legal adversaries. We accord more credence to the explanation of the respondents, particularly Atty. Espejo, that in the course of rendering legal services to Strong, he had become close to Rodica so much so that he accommodated Rodica’s request to cause the withdrawal of the RTC case to facilitate the sale of the Boracay property to Apostol.

In their Joint Comment,²⁶ respondents Attys. Almario, Espejo and Michelle debunked the opinion of Rodica’s “well-meaning lawyer friends” that the withdrawal of the RTC case “absolve[d] all defendants from any wrong-doing” and made “the contents of her original complaint practically meaningless.” Atty. Almario and Atty. Espejo opined that since the dismissal of Rodica’s complaint was based on her failure to state a cause of action and without prejudice, the same

²⁵ *People v. Cabodoc*, 331 Phil. 491, 505 (1996).

²⁶ *Rollo*, pp. 153-187.

may simply be re-filed by revising her complaint and ensuring that it states a cause of action.

As argued by Atty. Manuel, he and his lawyers only acted in the best interest of their client Strong and rendered services in accordance with the latter's objective of leaving the country and not being deported to Brazil. The Lazaro Law Office cannot be faulted for the dismissal of the RTC case because it had already been dismissed even before the Lazaro Law Office was engaged to handle Strong's immigration case. Besides, Rodica admittedly agreed to withdraw her RTC case to meet Apostol's condition and to make the property marketable.

Apostol corroborated Atty. Manuel's statement in his Affidavit²⁷ of July 21, 2011. He affirmed that he told Rodica that he would only consider purchasing the Boracay property if it is cleared of any pending case so that he can protect himself, as a buyer, from any possible issues that may crop up involving the said property. According to him, Rodica assured him that she would work for the termination of the RTC case and consult her lawyers in Boracay on the matter so she could already sell the property.

It is difficult to imagine that Rodica was deceived by some of the respondent lawyers into believing that the withdrawal of the RTC case was only the initial step in the settlement of her differences with her adversaries.²⁸ We went over the said Manifestation with Motion to Withdraw the Motion for Reconsideration²⁹ and we note that paragraph 6 thereof specifically states:

6. However, the Plaintiff respectfully manifests that after much serious thought and deliberation, and considering the anxieties caused by the pendency of the instant case, Plaintiff is no longer interested in pursuing the case. Accordingly, Plaintiff respectfully moves for the withdrawal of the Motion for Reconsideration dated April 14, 2011 of the Order dated March 29, 2011 dismissing the instant Complaint filed on April 18, 2011.³⁰

²⁷ Id. at 95-96.

²⁸ Id. at 32.

²⁹ Id. at 97-101.

³⁰ Id. at 98.

As already noted by the RTC, Branch 6, Kalibo, Aklan in its Order³¹ dated April 4, 2011, in the case for recovery of possession with damages:³²

This Manifestation was signed by plaintiff, her Manila lawyers and Atty. Joan Ibutnande[,] plaintiff's counsel on record. From the statements made by plaintiff in her Manifestation to Withdraw Motion for Reconsideration that she had made serious thoughts and deliberation she cannot now say that she was manipulated and forced in signing the same. The Court perceives plaintiff to be an intelligent woman not to be swayed of her principles and beliefs and manipulated by others, she may have a fickle mind when it comes to other things but definitely it can not be applied to the Court.

The Court does not see the connection between the instant case and that of William Strong as alleged by the plaintiff. Mr. Strong is not a party in this case, even plaintiff's counsel thought so too. From the Motion for Reconsideration filed by Atty. Joan Ibutnande, it was stated in paragraph 5: "That the undersigned counsel was baffled as she did not see any connection [between] the incident surrounding the arrest of Mr. William Strong and the above-entitled case filed [by] the [plaintiff], and told the plaintiff about it x x x." As Mr. Strong is not a party in the instance case, his affairs whatever [they are] can not dictate the outcome of this case.³³

Moreover, it would appear from her own narration that Rodica is not someone who is naïve or ignorant. In her complaint, she claimed to be an astute businesswoman who even has some business in Barcelona, Spain.³⁴ Thus, the more reason we cannot lend credence to her claim that she was tricked into believing that the withdrawal of the RTC case was only preliminary to the complete settlement of all her differences with her perceived adversaries. If such had been the agreement, then a Compromise Agreement enumerating all the terms and conditions should have been filed instead of the Manifestation with Motion to Withdraw the Motion for Reconsideration. In addition, the withdrawal should not have been limited to the RTC case as it appears that there are other cases pending with other tribunals and agencies³⁵ involving the same parties. If Rodica is to be believed, then these cases should likewise have been dismissed in order to achieve the full and complete settlement of her concerns with her adversaries.

³¹ Id. at 411-413.

³² Docketed as Civil Case No. 8987.

³³ *Rollo*, pp. 412-413.

³⁴ Id. at 2.

³⁵ Id. at 2, 537-538.

From the above and by preponderance of evidence, it is clear that Rodica's purpose in withdrawing the RTC case is to pave the way for Apostol to purchase the Boracay property. In fact, Rodica eventually executed a Deed of Absolute Sale in favor of Apostol over the Boracay property.³⁶

Rodica's claim of paying more than ₱7 million to the Lazaro Law Office is not substantiated.

There is likewise no merit in Rodica's allegation that the Lazaro Law Office extorted from her more than ₱7 million for alleged professional and legal fees and penalties relative to Strong's immigration case. To support her claim, Rodica attached four statements of account issued by the Lazaro Law Office for US\$2,650.00 under Statement of Account No. 13837,³⁷ US\$2,400.00 under Statement of Account No. 13838,³⁸ US\$1,550.00 under Statement of Account No. 13839³⁹ and US\$8,650.00 under Statement of Account No. 13835,⁴⁰ or for a total amount of US\$15,250.00. She likewise presented photocopies of portions of her dollar savings account passbook to show where the aforesaid funds came from.

Considering the prevailing exchange rate at that time, the Court notes that the sum total of the abovementioned figures in its peso equivalent is far less than ₱7 million. In fact, the statements of account even support the contention of Atty. Manuel that Strong failed to fully pay the amount of US\$100,000.00 as success fee. Anent the alleged withdrawals from Rodica's dollar savings account, the same merely established that she made those withdrawals. They do not constitute

³⁶ Id. at 402-403.

³⁷ Id. at 59.

³⁸ Id. at 60.

³⁹ Id. at 61.

⁴⁰ Id. at 62.

as competent proof that the amounts so withdrawn were indeed paid to Lazaro Law Office.

Rodica was not the client of the Lazaro Law Office.

Rodica also faulted the Lazaro Law Office lawyers for disclaiming that she is their client. However, Rodica admitted in paragraph 5 of her unnotarized Sworn Affidavit⁴¹ that Atty. Manuel and his lawyer-assistants were “engaged by William [Strong] to handle his case with the Philippine immigration authorities.” Thus, this Court is more inclined to believe that the Lazaro Law Office agreed to handle only the deportation case of Strong and such acceptance cannot be construed as to include the RTC case. In fact, all the billings of Lazaro Law Office pertained to the immigration case, and not to the RTC case. To reiterate, the RTC case has nothing to do with Strong’s deportation case. Records also show that the RTC case was filed long before Strong was arrested and detained. In fact, it had already been dismissed by the trial court long before Strong engaged the legal services of the Lazaro Law Office. More importantly, Strong is not a party to the RTC case. Also, the counsel of record of Rodica in the RTC case is Atty. Ibutnande, and not the Lazaro Law Office. There is nothing on record that would show that respondent Attys. Manuel, Michelle, and Almario had any participation therein.

Atty. Espejo’s participation in the RTC case.

However, we cannot say the same as regards Atty. Espejo. He admitted drafting Rodica’s Manifestation and Motion to Withdraw Motion for Reconsideration indicating therein the firm name of the Lazaro Law Office as well as his name and the names of Atty. Manuel and Atty. Michelle without the knowledge and consent of his superiors, and in likewise affixing his signature thereon.

⁴¹ Id. at 35-43.

Atty. Espejo acknowledged committing the abovementioned acts as a way of assisting Rodica who had already become his close friend. Atty. Espejo's admissions are as follows:

11. [Atty. Espejo] further recounts that after being advised to simply withdraw her Motion for Reconsideration ("MR"), [Rodica] pleaded with [Atty. Espejo] **to prepare the documents required to be filed with the RTC x x x to spare her Boracay lawyers from preparing the same.** [Atty. Espejo] accommodated Jasper and drafted the Manifestation with Motion to Withdraw Motion for Reconsideration ("Motion to Withdraw MR") to be given to [Rodica's] Boracay counsel, **Atty. Joan I. Tabanar-Ibutnande, who is in a better position to evaluate the merit of the withdrawal of the MR.**

11.1. Upon seeing [Atty. Espejo's] initial draft, **[Rodica] requested [Atty. Espejo] to include x x x the name of the [Lazaro] Law Office as signatory allegedly to give more credence and weight to the pleading** and to show the defendants in the RTC case her sincere intention to terminate the case. Due to [Rodica's] pleas and insistence, [Atty. Espejo], who among all lawyers of [the Lazaro] Law Office, became the most familiar and "chummy" with [Rodica], agreed to include the [Lazaro] Law Office and put his name as the signatory for the Office. Still not satisfied, [Rodica] pleaded with [Atty. Espejo] to further revise the Motion to Withdraw MR to include the names of [Atty. Manuel] and [Atty. Michelle] as signatories and represented that she herself will cause them to sign it. Relying on [Rodica's] representations that she would speak to [Atty. Manuel] about the matter, [Atty. Espejo] obliged to include the name of [Atty. Michelle and Atty. Manuel]. [Rodica] repeatedly reminded [Atty. Espejo] not to bother [Atty. Manuel] on the matter and that she herself will take it up with [Atty. Manuel] at the proper time.

11.2 [Atty. Espejo] has a soft heart. He signed the pleading only with good intentions of helping and assisting [Rodica], the common law wife of a client, whom he had learned to fancy because of being constantly together and attending to her. He never thought ill of [Rodica] and believed her when she said she would speak to [Atty. Lazaro] about the matter as represented. [Atty. Espejo] only agreed to sign the pleading for purposes of withdrawing [Rodica's] MR to attain [Rodica's] purpose or desired result and objective – to convince or facilitate the sale to Apostol and/or to make the property more marketable to interested buyers and to attain peace with the defendants in the RTC case. Evidently, [Rodica] took advantage of [Atty. Espejo's] youth and naivete and manipulated him to do things on her behalf, and deliberately excluded [Atty. Almario] the senior lawyer. [Rodica] preferred to discuss matters with [Atty. Espejo] than with [Atty. Almario] as the latter often contradicts her views. [Atty. Espejo] apologized to [Atty. Manuel] for allowing himself to be manipulated by [Rodica].⁴²

⁴² Id. at 165-166.

At the outset, Atty. Espejo was well aware that Rodica was represented by another counsel in the RTC case. As a practicing lawyer, he should know that it is the said counsel, Atty. Ibutnande, who has the duty to prepare the said motion. In fact, he himself stated that it is Atty. Ibutnande who is in a better position to evaluate the merit of the withdrawal of the Motion for Reconsideration.

Atty. Espejo's claim that he drafted and signed the pleading just to extend assistance to Rodica deserves scant consideration. It is true that under Rules 2.01 and 2.02, Canon 2 of the Code of Professional Responsibility, a lawyer shall not reject, except for valid reasons, the cause of the defenseless or the oppressed, and in such cases, even if he does not accept a case, shall not refuse to render legal advice to the person concerned if only to the extent necessary to safeguard the latter's right. However, in this case, Rodica cannot be considered as defenseless or oppressed considering that she is properly represented by counsel in the RTC case. Needless to state, her rights are amply safeguarded. It would have been different had Rodica not been represented by any lawyer, which, however, is not the case.

Moreover, the Court wonders why Atty. Espejo, knowing fully well that Rodica is not their law firm's client and without the knowledge and consent of his superiors, gave in to Rodica's request for him to indicate in the said motion the names of his law firm, Atty. Manuel and Atty. Michelle for the purpose of "giving more weight and credit to the pleading." As a member of the bar, Atty. Espejo ought to know that motions and pleadings filed in courts are acted upon in accordance with their merit or lack of it, and not on the reputation of the law firm or the lawyer filing the same. More importantly, he should have thought that in so doing, he was actually assisting Rodica in misrepresenting before the RTC that she was being represented by the said law firm and lawyers, when in truth she was not.

It is well to remind Atty. Espejo that before being a friend to Rodica, he is first and foremost an officer of the court.⁴³ Hence, he is expected to maintain a

⁴³ *Silva vda. de Fajardo v. Atty. Bugaring*, 483 Phil. 170, 184 (2004).

high standard of honesty and fair dealings and must conduct himself beyond reproach at all times.⁴⁴ He must likewise ensure that he acts within the bounds of reason and common sense, always aware that he is an instrument of truth and justice.⁴⁵ As shown by his actuations, Atty. Espejo fell short of what is expected of him. Under the circumstances, Atty. Espejo should have exercised prudence by first diligently studying the soundness of Rodica's pleas and the repercussions of his acts.

We note that on August 5, 2011, or even before the filing of the disbarment complaint, Atty. Espejo already caused the filing of his Motion to Withdraw Appearance⁴⁶ before the RTC. Therein, Atty. Espejo already expressed remorse and sincere apologies to the RTC for wrongly employing the name of the Lazaro Law Office. Considering that Atty. Espejo is newly admitted to the Bar (2010), we deem it proper to warn him to be more circumspect and prudent in his actuations.

WHEREFORE, premises considered, the instant Complaint for disbarment against respondents Atty. Manuel "Lolong" M. Lazaro, Atty. Edwin M. Espejo, Atty. Abel M. Almario, Atty. Michelle B. Lazaro and Atty. Joseph C. Tan is **DISMISSED**. Atty. Edwin M. Espejo is **WARNED** to be more circumspect and prudent in his actuations.

SO ORDERED.



MARIANO C. DEL CASTILLO

Associate Justice

⁴⁴ *Overguard v. Atty. Valdez*, A.C. No. 7902, September 30, 2008, 567 SCRA 118, 130.

⁴⁵ *Bantolo v. Atty. Castillon, Sr.*, 514 Phil. 628, 633 (2005).

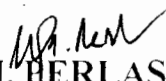
⁴⁶ *Rollo*, pp. 78-83.

WE CONCUR:


TERESITA J. LEONARDO-DE CASTRO
Associate Justice
Acting Chairperson


LUCAS P. BERSAMIN
Associate Justice


MARTIN S. VILLARAMA, JR.
Associate Justice


ESTELA M. PERLAS-BERNABE
Associate Justice

