



Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

VERLEEN TRINIDAD,
FLORENTINA LANDER, WALLY
CASUBUAN, MINERVA
MENDOZA, CELEDONIO
ALOJADO, ROSENDO VILLAMIN
and AUREA TOLENTINO,
Complainants,

A.C. No. 9310

Present:

SERENO, *CJ*, Chairperson,
LEONARDO-DE CASTRO,
BERSAMIN,
VILLARAMA, JR., and
REYES, *JJ*.

- versus -

ATTY. ANGELITO VILLARIN,
Respondent.

Promulgated:

FEB 27 2013

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RESOLUTION

SERENO, *CJ*:

Before this Court is a consolidated administrative complaint against herein respondent, Angelito Villarín, for allegedly harassing complainants through the demand letters he sent to them.

The facts are as follows:

The instant case stemmed from a Complaint for specific performance filed with the Housing and Land Use Regulatory Board (HLURB) by the buyers of the lots in Don Jose Zavalla Subdivision against the subdivision's owner and developer – Purence Realty Corporation and Roberto Bassig.

In the final adjudication of that case on 11 October 2000, the HLURB ordered the respondents therein to accept the payments of the buyers under the old purchase price. These buyers included some of the complainants in the instant case, to wit: Florentina Lander, Celedonio Alojado, Aurea Tolentino and Rosendo Villamin.

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The HLURB ordered the owner and the developer to deliver the Deeds of Sale and the Transfer Certificates of Title to the winning litigants. The Decision **did not evince any directive for the buyers to vacate the property.**

Purence Realty and Roberto Bassig did not appeal the Decision, thus making it final and executory. Thereafter, the HLURB issued a Writ of Execution.¹ It was at this point that respondent Villarín entered his special appearance to represent Purence Realty.² Specifically, he filed an Omnibus Motion to set aside the Decision and to quash the Writ of Execution³ for being null and void on the ground of lack of jurisdiction due to the improper service of summons on his client. This motion was not acted upon by the HLURB.⁴

On 4 December 2003, respondent sent **demand letters** to herein complainants.⁵ In all of these letters, he demanded that they immediately vacate the property and surrender it to Purence Realty within five days from receipt. Otherwise, he would file the necessary action against them.

True enough, Purence Realty, as represented by respondent, filed a Complaint for forcible entry before the Municipal Trial Court (MTC) against Trinidad,⁶ Lander,⁷ Casubuan⁸ and Mendoza.⁹ Aggrieved, the four complainants filed an administrative case against respondent.¹⁰ A month after, Alojado, Villamin and Tolentino filed a disbarment case against respondent.¹¹

As found by the Integrated Bar of the Philippines (IBP)¹² and affirmed by its Board of Governors,¹³ complainants asserted in their respective verified Complaints that the demand letters sent by Villarín had been issued with malice and intent to harass them. They insisted that the letters also contravened the HLURB Decision ordering his client to permit the buyers to pay the balance of the purchase price of the subdivision lots.

Considering that these two actions were related, Villarín moved for the consolidation of the administrative cases, and his motion was granted by the IBP commissioner.¹⁴

¹ *Rollo*, pp. 21-26.

² *Id.* at 27, Special Appearance dated 3 December 2003.

³ *Id.* at 29-35.

⁴ *Id.* at 147, Report and Recommendation dated 16 February 2009.

⁵ *Id.* at 8-11; Letters addressed to Verleen Trinidad, Wally Casubuan, Minerva Mendoza, and Florentina Lander.

⁶ *Id.* at 37.

⁷ *Id.* at 49.

⁸ *Id.* at 41.

⁹ *Id.* at 45.

¹⁰ *Id.* at 98, docketed as CBD Case No. 04-1203.

¹¹ *Id.*, docketed as CBD Case No. 04-1218.

¹² *Id.* at 148, Report and Recommendation dated 16 February 2009.

¹³ *Id.* at 143-144, Notice of Resolution.

¹⁴ *Id.* at 98, Order dated 22 June 2004.

In his Position Paper,¹⁵ Villarín denied the allegations of harassment and claimed that no malice attended the sending of the demand letters. He narrated that when he inquired at the HLURB, he was informed that his client did not receive a summons pertinent to the Complaint for specific damages. With this information, he formed the conclusion that the HLURB Decision was void and not binding on Purence Realty. Since his client was the lawful owner of the property, respondent issued the ejectment letters, which were indispensable in an action for unlawful detainer. Moreover, he insisted that the addressees of the letters were different from the complainants who had filed the case with the HLURB.

Hence, the pertinent issue in this consolidated case is whether respondent should be administratively sanctioned for sending the demand letters despite a final and executory HLURB Decision directing, not the ejectment of complainants, but the payment of the purchase price of the lots by the subdivision buyers.

Prefatorily, this Court affirms the factual finding of the IBP¹⁶ that of complainants herein, only Florentina Lander, Celedonio Alojado, Aurea Tolentino and Rosendo Villamin were listed as the subdivision lot buyers who were parties to the HLURB case; and that Verleen Trinidad, Wally Casubuan and Minerva Mendoza were non-parties who could not claim any right pursuant to the Decision in that case.

Proceeding to the contested demand letters, we adopt the recommendation of the IBP board of governors that the issuance thereof was not malicious.¹⁷ According to its Report,¹⁸ respondent counsel merely acted on his legal theory that the HLURB Decision was not binding on his client, since it had not received the summons. Espousing the belief that the proceedings in the HLURB were void, Villarín pursued the issuance of demand letters as a prelude to the ejectment case he would later on file to protect the property rights of his client.

As the lawyer of Purence Realty, respondent is expected to champion the cause of his client with wholehearted fidelity, care, and devotion.¹⁹ This simply means that his client is entitled to the benefit of any and every remedy and defense²⁰ – including the institution of an ejectment case – that is recognized by our property laws. In *Legarda v. Court of Appeals*, we held

¹⁵ Id. at 99-105.

¹⁶ Id. at 149, Report and Recommendation dated 16 February 2009.

¹⁷ Id.

¹⁸ Id.

¹⁹ *Pangasinan Electric Cooperative v. Montemayor*, A.C. No. 5739, 12 September 2007, 533 SCRA 1, citing *Natino v. Intermediate Appellate Court*, 247 Phil. 602 (1991).

²⁰ Id.

that in the full discharge of their duties to the client, lawyers shall not be afraid of the possibility that they may displease the general public.²¹

Nevertheless, the Code of Professional Responsibility provides the limitation that lawyers shall perform their duty to the client within the bounds of law.²² They should only make such defense only when they believe it to be honestly debatable under the law.²³ In this case, respondent's act of issuing demand letters, moved by the understanding of a void HLURB Decision, is legally sanctioned. If his theory holds water, the notice to vacate becomes necessary in order to file an action for ejectment.²⁴ Hence, he did not resort to any fraud or chicanery prohibited by the Code,²⁵ just to maintain his client's disputed ownership over the subdivision lots.

Even so, respondent cannot be considered free of error. The factual findings of the IBP board of governors reveal that in his demand letter, he brazenly typified one of the complainants, Florentina Lander, as an illegal occupant. However, this description is the exact opposite of the truth, since the final and executory HLURB Decision had already recognized her as a subdivision lot buyer who had a right to complete her payments in order to occupy her property. Respondent is very much aware of this ruling when he filed an Omnibus Motion to set aside the HLURB Decision and the appurtenant Writ of Execution.

Given that respondent knew that the aforementioned falsity totally disregarded the HLURB Decision, he thus advances the interest of his client through means that are not in keeping with fairness and honesty. What he does is clearly proscribed by Rule 19.01 of the Code of Professional Responsibility, which requires that a lawyer shall employ **only fair and honest means to attain lawful objectives**. Lawyers must not present and offer in evidence any document that they know is false.²⁶

Considering the present circumstances, we agree with the 14 May 2011 Resolution of the IBP board of governors that the penalty of reprimand with a stern warning is appropriate. Notably, no motion for reconsideration²⁷ was filed by either of the parties. Thus, by virtue of the rules for disbarment of attorneys, the case is deemed terminated.²⁸

WHEREFORE, in view of the foregoing, respondent Atty. Angelito Villarin is **REPRIMANDED** with a warning that a repetition of the same or a similar act shall be dealt with more severely.

²¹ G.R. No. 94457, 18 March 1991, 195 SCRA 418.

²² CODE OF PROFESSIONAL RESPONSIBILITY, Canon 19.

²³ RULES OF COURT, Rule 138, Sec. 20(c).

²⁴ RULES OF COURT, Rule 70, Sec. 2.

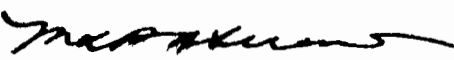
²⁵ CODE OF PROFESSIONAL ETHICS, Canon 10.

²⁶ ERNESTO L. PINEDA, LEGAL ETHICS, 306 (2009) citing *Lacsamana v. Dela Peña*, 156 Phil. 13 (1974).


²⁷ *Rollo*, p. 150, Report and Recommendation dated 16 February 2009.

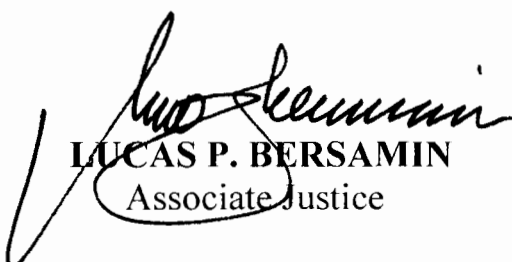
²⁸ RULES OF COURT, Rule 139-B, Sec. 12 (c).

SO ORDERED.


MARIA LOURDES P. A. SERENO
Chief Justice, Chairperson

WE CONCUR:


TERESITA J. LEONARDO-DE CASTRO
Associate Justice


LUCAS P. BERSAMIN
Associate Justice


MARTIN S. VILLARAMA, JR.
Associate Justice


BIENVENIDO L. REYES
Associate Justice