



Republic of the Philippines
Supreme Court
Manila

EN BANC

**PRESIDING JUDGE JOSE L.
MADRID, REGIONAL TRIAL
COURT, BRANCH 51, SORSOGON
CITY,**

Complainant,

- versus -

ATTY. JUAN S. DEALCA,
Respondent.

x-----x

A.C. No. 7474

Present:

SERENO, C.J.,*
CARPIO,**
VELASCO, JR.,
LEONARDO-DE CASTRO,
BRION,
PERALTA,
BERSAMIN,
DEL CASTILLO,
VILLARAMA, JR.,
PEREZ,
MENDOZA,
REYES,
PERLAS-BERNABE,
LEONEN, and
JARDELEZA, JJ.

Promulgated:

SEPTEMBER 09, 2014

DECISION

BERSAMIN, J.:

Complainant Presiding Judge of the Regional Trial Court has had enough of the respondent, a law practitioner, who had engaged in the unethical practice of filing frivolous administrative cases against judges and personnel of the courts because the latter filed a motion to inhibit the complainant from hearing a pending case. Hence, the complainant has initiated this complaint for the disbarment of respondent on the ground of

* On Wellness Leave.

** Acting Chief Justice in lieu of Chief Justice Maria Lourdes P.A. Sereno, who is on Wellness Leave, per Special Order No. 1770.

gross misconduct and gross violation of the Code of Professional Responsibility.

Antecedents

On February 7, 2007, Atty. Juan S. Dealca entered his appearance in Criminal Case No. 2006-6795, entitled “*People of the Philippines v. Philip William Arsenault*” then pending in Branch 51 of the Regional Trial Court (RTC) in Sorsogon City, presided by complainant Judge Jose L. Madrid.¹ Atty. Dealca sought to replace Atty. Vicente Judar who had filed a motion to withdraw as counsel for the accused. But aside from entering his appearance as counsel for the accused, Atty. Dealca also moved that Criminal Case No. 2006-6795 be re-raffled to another Branch of the RTC “[c]onsidering the adverse incidents between the incumbent Presiding Judge and the undersigned,” where “he does not appear before the incumbent Presiding Judge, and the latter does not also hear cases handled by the undersigned.”²

Judge Madrid denied Atty. Dealca’s motion to re-raffle through an order issued on February 14, 2007,³ viz:

X X X X

This Court will not allow that a case be removed from it just because of the personal sentiments of counsel who was not even the original counsel of the litigant.

Moreover, the motion of Atty. Dealca is an affront to the integrity of this Court and the other Courts in this province as he would like it to appear that jurisdiction over a Family Court case is based on his whimsical dictates.

This was so because Atty. Dealca had filed Administrative as well as criminal cases against this Presiding Judge which were all dismissed by the Hon. Supreme Court for utter lack of merit. This is why he should not have accepted this particular case so as not to derail the smooth proceedings in this Court with his baseless motions for inhibition. It is the lawyer’s duty to appear on behalf of a client in a case but not to appear for a client to remove a case from the Court. This is unethical practice in the first order.

WHEREFORE, foregoing considered, the Motion of Atty. Juan S. Dealca is hereby DENIED.

Relative to the Motion to Withdraw as Counsel for the Accused filed by Atty. Vicente C. Judar dated January 29, 2007, the same is hereby

¹ *Rollo*, p. 26.

² *Id.* at 26.

³ *Id.* at 4-5.

DENIED for being violative of the provisions of Section 26 of Rule 138 of the Rules of Court.

So also, the Appearance of Atty. Juan S. Dealca as new counsel for accused Philip William Arsenault is likewise DENIED.

SO ORDERED.

Consequently, Judge Madrid filed a letter complaint⁴ in the Office of the Bar Confidant citing Atty. Dealca's unethical practice of entering his appearance and then moving for the inhibition of the presiding judge on the pretext of previous adverse incidents between them.

On April 10, 2007, we treated the complaint as a regular administrative complaint, and required Atty. Dealca to submit his comment.⁵

In his comment-complaint,⁶ Atty. Dealca asserted that Judge Madrid's issuance of the February 14, 2007 order unconstitutionally and unlawfully deprived the accused of the right to counsel, to due process, and to a fair and impartial trial; that Judge Madrid exhibited bias in failing to act on the motion to lift and set aside the warrant of arrest issued against the accused; and that it should be Judge Madrid himself who should be disbarred and accordingly dismissed from the Judiciary for gross ignorance of the law.

On July 17, 2007, the Court referred the matter to the IBP for appropriate investigation, report and recommendation.⁷ Several months thereafter, the Court also indorsed pertinent documents in connection with A.M. OCA IPI No. 05-2385-RTJ, entitled "*Joseph Yap III v. Judge Jose L. Madrid and Court Stenographer Merlyn D. Dominguez, both of the Regional Trial Court (RTC) Branch 51, Sorsogon City*" (*Yap v. Judge Madrid*).⁸

On June 6, 2007, the Court in *Yap v. Judge Madrid* dismissed for its lack of merit the administrative complaint against Judge Madrid for allegedly falsifying the transcript of stenographic notes of the hearing on March 4, 2005 in Civil Case No. 2001-6842 entitled *Joseph D. Yap V, et al. v. Joseph H. Yap III*, but referred to the Integrated Bar of the Philippines (IBP) for investigation, report and recommendation the propensity of Atty. Dealca to file administrative or criminal complaints against judges and court

⁴ Id. at 2.

⁵ Id. at 7.

⁶ Id. at 10-17.

⁷ Id. at 92.

⁸ Id. at 95, 99-120. The following were endorsed: (a) Motion for Reconsideration and Request for Inhibition dated February 22, 2007 of Atty. Dealca; (b) Comment of Judge Madrid; and (c) Rejoinder of Atty. Dealca.

personnel whenever decisions, orders or processes were issued adversely to him and his clients.⁹

In compliance with the referral, the IBP-Sorsogon Chapter submitted its report with the following findings and recommendation:¹⁰

X X X X

The documentary evidence offered by complainants show that respondent Atty. Juan S. Dealca filed by himself (1) Bar Matter No. 1197 and acting as counsel for the complainants (2) Adm. Matter OCA IPI No. 04-2113-RTJ; (3) OMB-L-C-05-0478-E; (4) Adm. Matter OCA IPI No. 05-2385-RTJ and (5) Adm. Matter OCA IPI No. 05-2191-RTJ. These five (5) cases are factual evidence of the cases that respondent had filed by himself and as counsel for the complainants against court officers, judges and personnel as a consequence of the IBP Election and incidents in cases that respondent had handled as counsel for the parties in the said cases.

It will be noted that in Bar Matter No. 1197, the respondents were judges (Judge Jose L. Madrid & Judge Honesto A. Villamor) and lawyers in IBP Sorsogon Chapters, who are no doubt officers of the court, and the case aroused (sic) out of the unfavorable consensus of the IBP chapter members that was adverse to the position of the respondent. The other four (4) cases aroused [sic] out of the cases handled by respondent for the complainants who failed to secure a favorable action from the court.

Specifically, Adm. Matter OCA IPI No. 04-2113-RTJ was a result of the case before the sala of Judge Jose L. Madrid (RTC 51) entitled “Alita P. Gomez vs. Rodrigo Jarabo, et al.,” for: Accion Publiciana and Damages, that was handled by respondent for the complainant Alita Gomez.

OMB-L-C-0478-E was an offshoot of Civil Case No. 2001-6842 entitled “Marilyn D. Yap, Joseph D. Yap V, et al., vs. Joseph H. Yap III” for: Support pending before the sala of complainant Judge Jose L. Madrid (RTC 51). Respondent, after an unfavorable decision against defendant Joseph H. Yap III, entered his appearance and pleaded for the latter. As a result of an adverse order, this ombudsman case arose.

Administrative Matter OCA IPI No. 05-2191-RTJ was also a result of the Civil Case No. 5403 entitled “Salve Dealca Latosa vs. Atty. Henry Amado Roxas, with Our Lady’s Village Foundation and Most Reverend Arnulfo Arcilla, DD as third party defendant that was heard, tried, decided and pending execution before the sala of Judge Honesto A. Villamor (RTC 52).

Administrative Matter OCA IPI No. 05-2385-RTJ was also a consequence of Civil Case No. 2001-6842 entitled “Marilyn D. Yap, Joseph D. Yap V, et al., vs. Joseph H. Yap III” for Support pending before the sala of complainant Judge Jose L. Madrid (RTC 51).

⁹ Id. at 144.

¹⁰ Id. at 146-155.

All these four (4) cases are precipitated by the adverse ruling rendered by the court against the clients of the respondent that instead of resorting to the remedies available under the Rules of Procedure, respondent assisted his clients in filing administrative and criminal case against the judges and personnel of the court.

The other documentary evidence of the complainants such as the (a) VERIFIED COMPLAINT dated March 7, 2003 in Civil Service Case entitled “EDNA GOROSPE-DEALCA vs. JULIANA ENCINAS-CARINO, et al.; (b) NOTICE OF RESOLUTION on October 22, 2005 in Adm. Case No. 6334 entitled “SOFIA JAO vs. ATTY. EPIFANIA RUBY VELACRUZ-OIDA” passed by the Board of Governors of the Integrated Bar of the Philippines which Resolution No. XVII-2005-92 provides: “RESOLVED to ADOPT and APPROVE the Report and Recommendation of the Investigating Commissioner dismissing the case for lacks (sic) merit; (c) RESOLUTION of the Third Division of the Supreme Court dated February 1, 2006 in Administrative Case No. 6334 (Sofia Jao vs. Epifania Ruby Velacruz-Oida) – The notice of resolution dated October 22, 2005 of the Integrated Bar of the Philippines (IBP) dismissing the case for lack of merit; (d) VERIFIED COMPLAINT in Adm. Case No. 6334 dated February 17, 2004 entitled “Sofia Jao vs. Atty. Epifania Ruby Velacruz-Oida” for: Malpractice (Forum Shopping), and (e) ORDER dated January 18, 2007 by Acting Presiding Judge RAUL E. DE LEON in Criminal Cases Nos. 2451 to 2454 entitled “People of the Philippines vs. Cynthia Marcial, et al. For: Falsification of Medical Records” which provides for the dismissal of the cases against all the accused, do not show participation on the part of the respondent that he signed the pleadings, although the verified complaint is one executed by the wife of the respondent. Moreover, these cases are pertaining to persons other than judges and personnel of the court that are not squarely covered by the present investigation against respondent, although, it is an undeniable fact that respondent had appeared for and in behalf of his wife, the rest of the complainants in the Civil Service Case and Sofia Jao against Land Bank of the Philippines, the latter case resulted in the administrative case of Atty. Epifania Ruby Velacruz-Oida, respondent’s sister member of the Bar. All these documentary evidence from (a) to (e) are helpful in determining the “PROPENSITY” of the respondent as a member of the bar in resorting to harassment cases instead of going through the procedures provided for by the Rules of Court in the event of adverse ruling, order or decision of the court.

X X X X

WHEREFORE, it is most respectfully recommended that in view of the above-foregoings [sic], a penalty of **SUSPENSION** in the practice of law for a period of six (6) months from finality of the decision be ordered against respondent Atty. Juan S. Dealca.

Findings and Recommendation of the IBP

IBP Commissioner Salvador B. Hababag ultimately submitted his Report and Recommendation¹¹ finding Atty. Dealca guilty of violating the

¹¹ Id. at 287-292.

Lawyer's Oath and the Code of Professional Responsibility by filing frivolous administrative and criminal complaints; and recommending that Atty. Dealca be suspended from the practice of law for one year because his motion to inhibit Judge Madrid was devoid of factual or legal basis, and was grounded on purely personal whims.

In Resolution No. XVIII-2008-41,¹² the IBP Board of Governors modified the recommendation and dismissed the administrative complaint for its lack of merit, thus:

RESOLVED to AMEND, as it is hereby AMENDED, the Recommendation of the Investigating Commissioner, and APPROVE the DISMISSAL of the above-entitled case for lack of merit.

Judge Madrid filed a petition,¹³ which the IBP Board of Governors treated as a motion for reconsideration, and soon denied through its Resolution No. XX-2012-545.¹⁴

Issues

(1) Did Atty. Dealca file frivolous administrative and criminal complaints against judges and court personnel in violation of the Lawyer's Oath and the Code of Professional Responsibility?

(2) Was Atty. Dealca guilty of unethical practice in seeking the inhibition of Judge Madrid in Criminal Case No. 2006-6795?

Ruling of the Court

We **REVERSE** Resolution No. XX-2012-545.

I

Atty. Dealca must guard against his own impulse of initiating unfounded suits

Atty. Dealca insists on the propriety of the administrative and criminal cases he filed against judges and court personnel, including Judge Madrid. He argues that as a vigilant lawyer, he was duty bound to bring and

¹² Id. at 286.

¹³ Id. at 295-298.

¹⁴ Id. at 408.

prosecute cases against unscrupulous and corrupt judges and court personnel.¹⁵

We see no merit in Atty. Dealca's arguments.

Although the Court always admires members of the Bar who are imbued with a high sense of vigilance to weed out from the Judiciary the undesirable judges and inefficient or undeserving court personnel, any acts taken in that direction should be unsullied by any taint of insincerity or self-interest. The noble cause of cleansing the ranks of the Judiciary is not advanced otherwise. It is for that reason that Atty. Dealca's complaint against Judge Madrid has failed our judicious scrutiny, for the Court cannot find any trace of idealism or altruism in the motivations for initiating it. Instead, Atty. Dealca exhibited his proclivity for vindictiveness and penchant for harassment, considering that, as IBP Commissioner Hababag pointed out,¹⁶ his bringing of charges against judges, court personnel and even his colleagues in the Law Profession had all stemmed from decisions or rulings being adverse to his clients or his side. He well knew, therefore, that he was thereby crossing the line of propriety, because neither vindictiveness nor harassment could be a substitute for resorting to the appropriate legal remedies. He should now be reminded that the aim of every lawsuit should be to render justice to the parties according to law, not to harass them.¹⁷

The Lawyer's Oath is a source of obligations and duties for every lawyer, and any violation thereof by an attorney constitutes a ground for disbarment, suspension, or other disciplinary action.¹⁸ The oath exhorts upon the members of the Bar not to "wittingly or willingly promote or sue any groundless, false or unlawful suit." These are not mere facile words, drift and hollow, but a sacred trust that must be upheld and keep inviolable.¹⁹

As a lawyer, therefore, Atty. Dealca was aware of his duty under his Lawyer's Oath not to initiate groundless, false or unlawful suits. The duty has also been expressly embodied in Rule 1.03, Canon 1 of the Code of Professional Responsibility thuswise:

¹⁵ Id. at 384.

¹⁶ Id. at 291, where IBP Commissioner Hababag observed in his report that:

There were other administrative/criminal cases lodged by the respondent against fellow lawyer[s], court personnel, government employees. Most of all cases were dismissed for utter lack of merit. All acts intensifies [sic] the conclusion that respondent instead of going through the procedures provided for by the Rules in the event of adverse ruling, order or decision of the court, have resorted to harassment cases.

¹⁷ *Reyes v. Chiong, Jr.*, A.C. No. 5148, July 1, 2003, 405 SCRA 212, 218.

¹⁸ *Vitriolo v. Dasig*, A.C. No. 4984, April 1, 2003, 400 SCRA 172, 179.

¹⁹ *Sebastian v. Calis*, A.C. No. 5118, September 9, 1999, 314 SCRA 1, 7.

Rule 1.03 – A lawyer shall not, for any corrupt motive or interest, encourage any suit or proceeding or delay any man's cause.

His being an officer of the court should have impelled him to see to it that the orderly administration of justice must not be unduly impeded. Indeed, as he must resist the whims and caprices of his clients and temper his clients' propensities to litigate,²⁰ so must he equally guard himself against his own impulses of initiating unfounded suits. While it is the Court's duty to investigate and uncover the truth behind charges against judges and lawyers, it is equally its duty to shield them from unfounded suits that are intended to vex and harass them, among other things.²¹

Moreover, Atty. Dealca must be mindful of his mission to assist the courts in the proper administration of justice. He disregarded his mission because his filing of the unfounded complaints, including this one against Judge Madrid, increased the workload of the Judiciary. Although no person should be penalized for the exercise of the right to litigate, the right must nonetheless be exercised in good faith.²² Atty. Dealca's bringing of the numerous administrative and criminal complaints against judges, court personnel and his fellow lawyers did not evince any good faith on his part, considering that he made allegations against them therein that he could not substantially prove, and are rightfully deemed frivolous and unworthy of the Court's precious time and serious consideration.

Repeatedly denying any wrongdoing in filing the various complaints, Atty. Dealca had the temerity to confront even the Court with the following arrogant tirade, to wit:

With due respect, what could be WRONG was the summary dismissal of cases filed against erring judges and court personnel 'for lack of merit', i.e. without even discussing the facts and the law of the case.²³

Atty. Dealca was apparently referring to the minute resolutions the Court could have promulgated in frequently dismissing his unmeritorious petitions. His arrogant posturing would not advance his cause now. He thereby demonstrated his plain ignorance of the rules of procedure applicable to the Court. The minute resolutions have been issued for the prompt dispatch of the actions by the Court.²⁴ Whenever the Court then dismisses a petition for review for its lack of merit through a minute

²⁰ *Aguilar v. Manila Banking Corporation*, G.R. No. 157911, September 19, 2006, 502 SCRA 354, 381.

²¹ *Cervantes v. Sabio*, A.C. No. 7828, August 11, 2008, 561 SCRA 497, 501; *Dayag v. Gonzales*, A.M. No. RTJ-05-1903, June 27, 2006, 493 SCRA 51, 61-62.

²² *Arnado v. Suarin*, A.M. No. P-05-2059, August 19, 2005, 467 SCRA 402, 408.

²³ *Rollo*, p. 384.

²⁴ Separate Opinion of J. Melo in *Yale Land Development Corporation v. Caragao*, G.R. No. 135244, April 15, 1999, 306 SCRA 1, 12.

resolution, it is understood that the challenged decision or order, together with all its findings of fact and law, is deemed sustained or upheld,²⁵ and the minute resolution then constitutes the actual adjudication on the merits of the case. The dismissal of the petition, or its denial of due course indicates the Court's agreement with and its adoption of the findings and conclusions of the court *a quo*.²⁶

The requirement for stating the facts and the law does not apply to the minute resolutions that the Court issues in disposing of a case. The Court explained why in *Borromeo v. Court of Appeals*:²⁷

The [Supreme] Court x x x disposes of the bulk of its cases by minute resolutions and decrees them as final and executory, as where a case is patently without merit, where the issues raised are factual in nature, where the decision appealed from is supported by substantial evidence and is in accord with the facts of the case and the applicable laws, where it is clear from the records that the petition is filed merely to forestall the early execution of judgment and for non-compliance with the rules. The resolution denying due course or dismissing the petition always gives the legal basis.

x x x x

The Court is not 'duty bound' to render signed Decisions all the time. It has ample discretion to formulate Decisions and/or Minute Resolutions, *provided a legal basis is given*, depending on its evaluation of a case.

The constitutionality of the minute resolutions was the issue raised in *Komatsu Industries (Phils.), Inc. v. Court of Appeals*.²⁸ The petitioner contended that the minute resolutions violated Section 14,²⁹ Article VIII of the Constitution. The Court, through Justice Regalado, declared that resolutions were not decisions within the constitutional contemplation, for the former "merely hold that the petition for review should not be entertained and even ordinary lawyers have all this time so understood it; and the petition to review the decision of the Court of Appeals is not a matter of right but of sound judicial discretion, hence there is no need to fully explain the Court's denial since, for one thing, the facts and the law are

²⁵ *PEPSICO, Inc. v. Lacanilao*, G.R. No. 146007. June 15, 2006, 490 SCRA 615, 623; *Complaint of Mr. Aurelio Indencia Arrienda Against SC Justices Puno, Kapunan, Pardo, Ynares-Santiago, et al.*, A.M. No. 03-11-30-SC, June 9, 2005, 460 SCRA 1, 14; *Tan v. Judge Nitafan*, G.R. No. 76965, March 11, 1994, 231 SCRA 129, 136.

²⁶ *Agoy v. Araneta Center, Inc.*, G.R. No. 196358, March 21, 2012, 668 SCRA 883, 889; *Smith Bell and Company (Phils.), Inc. v. Court of Appeals*, G.R. No. 56294, May 20, 1991, 197 SCRA 201, 207-208.

²⁷ G.R. No. 82273, June 1, 1990, 186 SCRA 1, 5.

²⁸ G. R. No. 127682, April 24, 1998, 289 SCRA 604, 608; citing *Novino v. Court of Appeals*, No. L-21098, May 31, 1963, 8 SCRA 279, 280

²⁹ Section 14. No decision shall be rendered by any court **without expressing therein clearly and distinctly the facts and the law on which it is based**. No petition for review or motion for reconsideration of a decision of the court shall be refused due course or denied without stating the legal basis therefor.

already mentioned in the Court of Appeal's decision." It pointed out that the constitutional mandate was applicable only in cases submitted for decision, *i.e.*, given due course to and after the filing of briefs or memoranda and/or other pleadings, but not where the petition was being refused due course, with the resolutions for that purpose stating the legal basis of the refusal. Thus, when the Court, after deliberating on the petition and the subsequent pleadings, decided to deny due course to the petition and stated that the questions raised were factual, or there was no reversible error in the lower court's decision, there was a sufficient compliance with the constitutional requirement.³⁰

II

Atty. Dealca violated Canon 11 and Rule 11.04 of the Code of Professional Responsibility

Atty. Dealca maintains that Judge Madrid should have "in good grace inhibited himself" upon his motion to inhibit in order to preserve "confidence in the impartiality of the judiciary."³¹ However, IBP Commissioner Hababag has recommended that Atty. Dealca be sanctioned for filing the motion to inhibit considering that the motion, being purely based on his personal whims, was bereft of factual and legal bases.³²

The recommendation of IBP Commissioner Hababag is warranted.

Lawyers are licensed officers of the courts empowered to appear, prosecute and defend the legal causes for their clients. As a consequence, peculiar duties, responsibilities and liabilities are devolved upon them by law. Verily, their membership in the Bar imposes certain obligations upon them.³³

In this regard, Canon 11 and Rule 11.04 of the Code of Professional Responsibility pertinently state:

Canon 11 — A lawyer shall observe and maintain the respect due to the courts and to the judicial officers and should insist on similar conduct by others.

³⁰ *Komatsu Industries (Phils.), Inc. v. Court of Appeals*, supra note 28, citing *Que v. People*, Nos. L-75217-18, September 21, 1987, 154 SCRA 160, 165; *Nunal v. Commission on Audit*, G. R. No. 78648, January 24, 1989, 169 SCRA 356, 362-363; and *Cadiente v. Narisma*, A.M. No. MTJ-91-576, En Banc Resolution, March 11, 1993.

³¹ *Rollo*, p. 368.

³² *Id.* at 292.

³³ *Re: Suspension of Atty. Rogelio Z. Bagabuyo, Former Senior State Prosecutor*, Adm. Case. No. 7006, October 9, 2007, 535 SCRA 200, 214; *Reyes v. Chiong, Jr.*, A.C. No. 5148, July 1, 2003, 405 SCRA 212, 217.

x x x x

Rule 11.04 — A lawyer shall not attribute to a Judge motives not supported by the record or have no materiality to the case.

In light of the foregoing canons, all lawyers are bound to uphold the dignity and authority of the courts, and to promote confidence in the fair administration of justice. It is the respect for the courts that guarantees the stability of the judicial institution; otherwise, the institution would be resting on a very shaky foundation.³⁴

The motion to inhibit filed by Atty. Dealca contained the following averment, to wit:

Considering the adverse incidents between the incumbent Presiding Judge and the undersigned, he does not appear before the incumbent Presiding Judge, and **the latter does not also hear cases handled by the undersigned** x x x.³⁵ (Bold emphasis supplied)

Atty. Dealca's averment that Judge Madrid did not hear cases being handled by him directly insinuated that judges could choose the cases they heard, and could refuse to hear the cases in which hostility existed between the judges and the litigants or their counsel. Such averment, if true at all, should have been assiduously substantiated by him because it put in bad light not only Judge Madrid but all judges in general. Yet, he did not even include any particulars that could have validated the averment. Nor did he attach any document to support it.

Worth stressing, too, is that the right of a party to seek the inhibition or disqualification of a judge who does not appear to be wholly free, disinterested, impartial and independent in handling the case must be balanced with the latter's sacred duty to decide cases without fear of repression. Thus, it was incumbent upon Atty. Dealca to establish by clear and convincing evidence the ground of bias and prejudice in order to disqualify Judge Madrid from participating in a particular trial in which Atty. Dealca was participating as a counsel.³⁶ The latter's bare allegations of Judge Madrid's partiality or hostility did not suffice,³⁷ because the presumption that Judge Madrid would undertake his noble role to dispense justice according to law and the evidence and without fear or favor should

³⁴ *Roxas v. De Zuzuarregui, Jr.*, G.R. No. 152072, July 12, 2007, 527 SCRA 446, 463-464 .

³⁵ *Rollo*, p. 26.

³⁶ *People v. Ong*, G.R. Nos. 162130-39, May 5, 2006, 489 SCRA 679, 688; *Webb v. People*, G.R. No. 127262, July 24, 1997, 276 SCRA 243, 253.

³⁷ *Deutsche Bank Manila v. Sps. Chua Yok See*, G.R. No. 165606, February 6, 2006, 481 SCRA 672, 695.

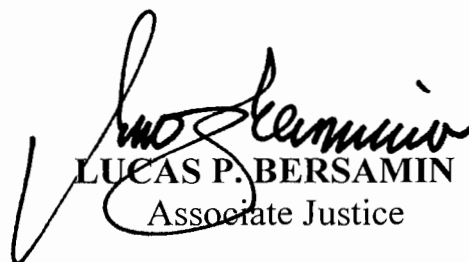
only be overcome by clear and convincing evidence to the contrary.³⁸ As such, Atty. Dealca clearly contravened his duties as a lawyer as expressly stated in Canon 11 and Rule 11.04, *supra*.

On a final note, it cannot escape our attention that this is not the first administrative complaint to be ever brought against Atty. Dealca. In *Montano v. Integrated Bar of the Philippines*,³⁹ we reprimanded him for violating Canon 22 and Rule 20.4, Canon 20 of the Code of Professional Responsibility, and warned him that a repetition of the same offense would be dealt with more severely. Accordingly, based on the penalties the Court imposed on erring lawyers found violating Canon 1, Rule 1.03,⁴⁰ and Canon 11, Rule 11.04⁴¹ of the Code, we deem appropriate to suspend Atty. Dealca from the practice of law for a period one year.

ACCORDINGLY, the Court **FINDS** and **DECLARES** respondent **ATTY. JUAN S. DEALCA GUILTY** of violating Canon 1, Rule 1.03 and Canon 11, Rule 11.04 of the Code of Professional Responsibility; and **SUSPENDS** him from the practice of law for one year effective from notice of this decision, with a **STERN WARNING** that any similar infraction in the future will be dealt with more severely.

Let copies of this decision be furnished to the Office of the Bar Confidant to be appended to Atty. Dealca's personal record as an attorney; to the Integrated Bar of the Philippines; and to all courts in the country for their information and guidance.

SO ORDERED.



LUCAS P. BERSAMIN
Associate Justice

WE CONCUR:

(On Leave)
MARIA LOURDES P. A. SERENO
Chief Justice

³⁸ *Dumo v. Espinas*, G.R. No. 141962, January 25, 2006, 480 SCRA 53, 67.

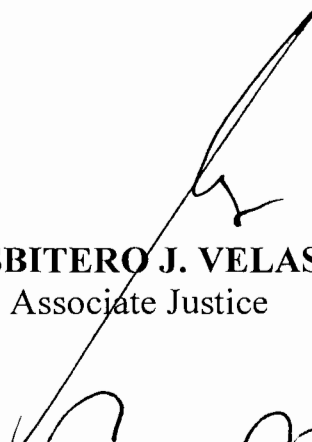
³⁹ A.C. No. 4215, May 21, 2001, 358 SCRA 1.

⁴⁰ *Saa v. Integrated Bar of the Philippines*, G.R. No. 132826, September 3, 2009, 598 SCRA 6.

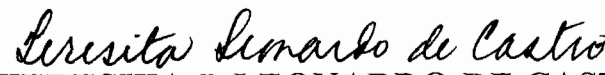
⁴¹ *Baculi v. Battung*, A.C. No. 8920, September 28, 2011, 658 SCRA 209.




ANTONIO T. CARPIO
Associate Justice
Acting Chief Justice




PRESBITERO J. VELASCO, JR.
Associate Justice




TERESITA J. LEONARDO-DE CASTRO
Associate Justice



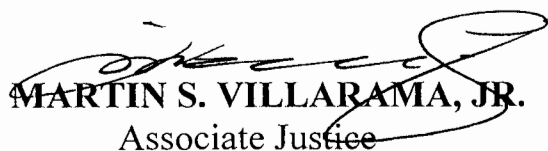
ARTURO D. BRION
Associate Justice




DIOSDADO M. PERALTA
Associate Justice



MARIANO C. DEL CASTILLO
Associate Justice



MARTIN S. VILLARAMA, JR.
Associate Justice




JOSE PORTUGAL PEREZ
Associate Justice

(On Leave)
JOSE CATRAL MENDOZA
Associate Justice




BIENVENIDO L. REYES
Associate Justice



ESTELA M. PERLAS-BERNABE
Associate Justice



MARIO VICTOR MARVIC F. LEONEN
Associate Justice



FRANCIS H. JARDELEZA
Associate Justice