



Republic of the Philippines  
Supreme Court  
Manila

EN BANC

JESUS DAVID,

*Complainant,*

A.C. No. 12103

Present:

PERALTA, C.J.,  
PERLAS-BERNABE,  
LEONEN,  
CAGUIOA,  
GESMUNDO,  
REYES, J. JR.,  
HERNANDO,  
CARANDANG,  
LAZARO-JAVIER,  
INTING,  
ZALAMEDA,  
LOPEZ,  
DELOS SANTOS, and  
GAERLAN,<sup>1</sup> JJ.

- versus -

ATTY. DIOSDADO M.  
RONGCAL, ATTY.  
ILDEFONSO C. TARIO, ATTY.  
MARK JOHN M. SORIQUEZ,  
ATTY. EMILIANO S. POMER,  
ATTY. MARILET SANTOS-  
LAYUG, and ATTY. DANNY F.  
VILLANUEVA,

*Respondents.*

Promulgated:

June 23, 2020

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DECISION

PER CURIAM:

This is a verified complaint for disbarment against six lawyers who allegedly filed various motions so as to delay the execution of a judgment that has long been final and executory.

**The Factual Antecedents**

Respondents Atty. Diosdado M. Rongcal (Atty. Rongcal), Atty.

<sup>1</sup> On leave.

Ildefonso C. Tario (**Atty. Tario**), Atty. Mark John M. Soriquez (**Atty. Soriquez**), Atty. Emiliano S. Pomer (**Atty. Pomer**), Atty. Marilet Santos-Layug (**Atty. Santos-Layug**), and Atty. Danny F. Villanueva (**Atty. Villanueva**) were lawyers of Danilo Cordova (Cordova).

On the other hand, complainant Jesus David (**David**) is the heir of Leonardo T. David (Leonardo) who was the plaintiff in a case for forcible entry, entitled "*Leonardo T. David v. Danny Cordova, et al.*," that was filed before the First Municipal Circuit Trial Court (MCTC) of Dinalupihan-Hermosa, Bataan docketed as Civil Case No. 1067. On January 20, 1998, the MCTC ruled in favor of Leonardo and ordered the defendants to vacate Lot No. 774 covered by Transfer Certificate of Title (TCT) No. T-206001. On July 28, 2005, the Supreme Court upheld the MCTC Decision. Accordingly, an Entry of Judgment was issued on December 16, 2005.<sup>2</sup>

Subsequently, David moved for the issuance of a writ of execution before the MCTC. However, Atty. Rongcal, in behalf of Cordova, filed a Motion to Suspend Proceedings<sup>3</sup> seeking to suspend the issuance of a writ in favor of David. He averred that on December 5, 2006, the Department of Agrarian Reform (DAR) issued an Order declaring his client Cordova the owner of the subject land. TCT-Certificate of Land Ownership Award (CLOA) Nos. 15412, 15413, and 15414 were thereafter issued in his name. As a result thereof, Cordova filed a complaint for nullity of TCT No. T-206001 against the late Leonardo before the Regional Trial Court (RTC) of Bataan. Hence, Atty. Rongcal sought the suspension of the issuance of a writ of execution while the RTC case is still pending.

The MCTC, in its twin Orders<sup>4</sup> dated June 23, 2006, denied the motion to suspend proceedings but granted Leonardo's motion for issuance of a writ of execution and directed the issuance of the said writ. Atty. Rongcal then filed a Motion for Reconsideration<sup>5</sup> but it was denied for lack of merit by the MCTC in its Order dated September 21, 2006.<sup>6</sup>

David subsequently filed a Motion for the Issuance of a Special Order of Demolition and Break Open. However, Atty. Rongcal filed a Motion for Inhibition<sup>7</sup> dated December 4, 2006 alleging that Presiding Judge Erasto D. Tanciongco (Judge Tanciongco) acted with partiality in favor of Leonardo and his heirs. Judge Tanciongco then inhibited himself from the case.<sup>8</sup> Judge Ma. Cristina M. Pizarro was appointed as acting presiding judge of the MCTC only on October 3, 2007.

<sup>2</sup> *Rollo*, p.14.

<sup>3</sup> *Id.* at 16-27.

<sup>4</sup> *Id.* at 28-29 and 30-32.

<sup>5</sup> *Id.* at 33-35.

<sup>6</sup> *Id.* at 36-38.

<sup>7</sup> *Id.* at 39-43.

<sup>8</sup> *Id.* at 44-48.

Later on, Atty. Tario filed a Motion to Quash Writ of Execution<sup>9</sup> dated December 17, 2007 and a Manifestation<sup>10</sup> dated January 15, 2008. The MCTC, on May 15, 2008, denied the motion and ordered the issuance of a special order of demolition and break open.<sup>11</sup>

Atty. Tario filed another motion, this time a Motion to Clarify Order and Writ<sup>12</sup> dated July 9, 2008. In its Order<sup>13</sup> dated May 4, 2009, the MCTC denied the motion stating that it was merely filed as a dilatory tactic.

It was only after seven years, or on December 4, 2012, that the MCTC was able to issue a writ of demolition. However, Atty. Soriquez, acting for Cordova, filed a Complaint for Injunction against David before the RTC of Bataan. On February 27, 2013, he filed an Amended Complaint for Injunction (with Prayer for the Issuance of a Writ of Preliminary Injunction and Temporary Restraining Order)<sup>14</sup> seeking to enjoin the implementation of the writ of demolition against his client, Cordova.

David filed an Urgent Manifestation before the RTC informing the trial court that the MCTC Decision sought to be enjoined has long been final and executory. In turn, Atty. Pomer filed an Urgent Counter-Manifestation (with Motion for Issuance of Subpoenas)<sup>15</sup> dated March 8, 2013.

Acting on the motions of Cordova's counsels, the RTC initially issued a writ of preliminary injunction enjoining the execution of the MCTC Decision. However, it subsequently recalled its Order thereby allowing David to proceed with the execution.<sup>16</sup>

Unfortunately, Cordova, this time through Atty. Santos-Layug, filed an Urgent Motion to Quash and/or Recall Writ of Demolition that was issued on December 4, 2012 with Entry of Appearance.<sup>17</sup> Atty. Villanueva, also in Cordova's behalf, subsequently filed a Very Urgent *Ex Parte* Reiterative Manifestation and Motion<sup>18</sup> which also prayed to defer and to hold in abeyance the enforcement of the writ until finality of the lifting and/or recall of the writ of preliminary injunction previously issued by the RTC of Bataan.

Atty. Villanueva likewise subsequently filed a Recusation<sup>19</sup> seeking the inhibition of then MCTC Presiding Judge Franco Paulo Arago from resolving the two previous motions he and Atty. Santos-Layug filed in behalf of their

<sup>9</sup> Id. at 49-52.

<sup>10</sup> Id. at 53-54.

<sup>11</sup> Id. at 56-59.

<sup>12</sup> Id. at 60-63.

<sup>13</sup> Id. at 64-65.

<sup>14</sup> Id. at 66-72.

<sup>15</sup> Id. at 73-76.

<sup>16</sup> Id. at 85; see Writ of Demolition.

<sup>17</sup> Id. at 77-81.

<sup>18</sup> Id. at 86-88.

<sup>19</sup> Id. at 94-98.

client. He also filed a Comment/Opposition<sup>20</sup> praying for the recall and lifting of the writ of demolition.

Based on the above backdrop, David filed the instant complaint against respondent lawyers. He alleged that the respondent lawyers had conspired in filing frivolous motions thereby stalling the execution of the MCTC Decision for almost 16 years. David also averred that the respondent lawyers have consciously adopted Cordova's claim that the TCT-CLOA Nos. 15412, 15413, and 15414 were issued in his name despite knowing that these were fake and spurious.

Only Atty. Rongcal and Atty. Villanueva filed their separate answers. In his answer, Atty. Rongcal claimed that he represented Cordova because he sincerely believed that his client has a valid and legal title over the subject land. On the other hand, Atty. Villanueva asserted that he was merely protecting the interest of Cordova as the owner of the subject land pursuant to the TCT-CLOAs that were issued by the DAR after the MCTC Decision became final and executory.

#### **Report and Recommendation of the Integrated Bar of the Philippines:**

On December 19, 2013, Investigating Commissioner Erwin A. Aguilera (Aguilera) conducted a mandatory conference between the parties. Afterwards, the parties were directed to submit their respective position papers.

On January 20, 2014, Attys. Soriquez, Pomer and Santos-Layug filed their Position Paper<sup>21</sup> alleging that the execution of the final and executory MCTC Decision can still be restrained because of a supervening event that is, the issuance of the TCT-CLOAs to Cordova as the owner of the subject land. Thus, the complaint against them should be dismissed for lack of factual or legal basis as it was only filed to strike fear in their hearts for defending Cordova.

Notably, Atty. Tario neither filed an answer nor a position paper in the case at bench.

In his Report and Recommendation<sup>22</sup> dated April 30, 2014, Investigating Commissioner Aguilera recommended the dismissal of the complaint.

However, the Integrated Bar of the Philippines (IBP) Board of Governors issued Resolution No. XXI-2014-823<sup>23</sup> on October 11, 2014 reversing the recommendation of the Investigating Commissioner. It recommended that Atty. Tario, Atty. Soriquez, Atty. Pomer, Atty. Santos-Layug and Atty. Villanueva be suspended from the practice of law for a period of one year and Atty. Rongcal for a period of three years, considering that he was previously sanctioned by the

<sup>20</sup> Id. at 99-102.

<sup>21</sup> Id. at 283-291.

<sup>22</sup> Id. at 360-368.

<sup>23</sup> Id. at 358-359.

IBP in *Vitug v. Atty. Rongcal*<sup>24</sup> docketed as A.C. No. 6313.

Aggrieved, respondent lawyers moved for reconsideration.

In the Resolution No. XXII-2017-809<sup>25</sup> dated January 27, 2017, the IBP Board of Governors granted respondent lawyers' motion for reconsideration, viz.:

*RESOLVED to GRANT the Motion for Reconsideration and REVERSE the earlier decision of suspension from the practice of law for one (1) year and three (3) years to DISMISSAL of the administrative complaint as recommended by the Investigating Commissioner.*

*RESOLVED FURTHER to direct the National Director of the Commission on Bar Discipline IPG Ramon S. Esguerra to prepare an extended resolution explaining the Board's action.*

### **The Issue**

Ultimately, the sole issue for resolution in this case is whether respondent lawyers committed acts in violation of their Oath and the Code of Professional Responsibility (CPR).

### **The Court's Ruling**

The Court disagrees with the findings and recommendation of the IBP Board of Governors and holds that respondent lawyers Attys. Rongcal, Tario, Soriquez, Pomer, Santos-Layug and Villanueva should be held administratively liable.

Procedural rules are designed to serve the ends of justice. The rules ensure that the substantive rights of the parties are protected; hence, they must not be trifled with to the prejudice of any person.

Concomitantly, lawyers, as vanguards of the justice system, must uphold the Constitution and promote respect for the legal processes.<sup>26</sup> As officers of the Court, they must not abuse or misuse Court processes so as to frustrate and impede the execution of a judgment.<sup>27</sup> Further, lawyers have the utmost duty to exert every effort to assist in the speedy and efficient administration of justice. These duties of the lawyers are embedded in the CPR under the following Canons and Rules:

CANON 1 - A LAWYER SHALL UPHOLD THE CONSTITUTION, OBEY THE LAWS OF THE LAND AND PROMOTE RESPECT FOR LAW AND LEGAL PROCESSES.

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<sup>24</sup> 532 Phil. 615 (2006).

<sup>25</sup> Id. at 450-451.

<sup>26</sup> Canon 1, Code of Professional Responsibility.

<sup>27</sup> *Millare v. Montero*, 316 Phil. 29, 30 (1995).

CANON 10 - A LAWYER OWES CANDOR, FAIRNESS AND GOOD FAITH TO THE COURT.

Rule 10.03 - A lawyer shall observe the rules of procedure and shall not misuse them to defeat the ends of justice.

CANON 12 - A LAWYER SHALL EXERT EVERY EFFORT AND CONSIDER IT HIS DUTY TO ASSIST IN THE SPEEDY AND EFFICIENT ADMINISTRATION OF JUSTICE.

Rule 12.04 - A lawyer shall not unduly delay a case, impede the execution of a judgment or misuse Court processes.

A thorough evaluation of the case shows that the respondent lawyers have violated the abovementioned rules.

To recapitulate, the MCTC Decision in Civil Case No. 1067 became final and executory on December 16, 2005 as evidenced by an Entry of Judgment issued by this Court. However, it took seven years for the MCTC to issue a writ of demolition on December 4, 2012 due to the following motions filed by respondent lawyers:

- a. Motion to Suspend Proceedings dated June 12, 2006 filed by Atty. Rongcal;
- b. Motion for Reconsideration dated July 4, 2006 that was also filed by Atty. Rongcal;
- c. Another Motion for Inhibition dated December 4, 2006 filed by Atty. Rongcal;
- d. Motion to Quash Writ of Execution dated December 17, 2007 that was filed by Cordova; and,
- e. Motion to Clarify Order and Writ dated July 9, 2008, filed by Atty. Tario.

Notwithstanding the issuance of the writ of demolition by the MCTC, the same was not immediately executed on account of the several motions filed by respondent lawyers just for the purpose of quashing the writ or stalling its implementation. These motions were:

- a. Amended Complaint for Injunction (with Prayer for the Issuance of a Writ of Preliminary Injunction and Temporary Restraining Order) that was filed by Atty. Soriquez on February 27, 2013;
- b. Urgent Counter-Manifestation (With Motion for Issuance of Subpoena) dated March 8, 2013 filed by Atty. Pomer;
- c. Urgent Motion to Quash and/or Recall Writ of Demolition that was issued on December 4, 2012 with Entry of Appearance dated July 11, 2013 filed by Atty. Santos-Layug;
- d. Very Urgent *Ex Parte* Reiterative Manifestation and Motion dated July 23, 2013 filed by Atty. Villanueva;
- e. Comment/Opposition dated August 2, 2013 filed by Atty. Villanueva;
- f. Recusation dated August 6, 2013 filed by Atty. Villanueva; and
- g. Motion for Voluntary Inhibition dated March 10, 2014.

Given the foregoing, there is no doubt that the judgment on the forcible entry case remains unexecuted due to the filing of the frivolous motions

orchestrated by the respondent lawyers with the sole intention to stall or to delay the enforcement of a final judgment. Ultimately, the dilatory tactics committed by respondent lawyers encroached upon the rights of David as the heir of the winning party in the MCTC Decision.

In an attempt to escape liability, respondent lawyers claim that they filed their respective motions to advocate their client's cause and that the issuance of the CLOAs is a sufficient supervening event that can stay or stop the execution of the said judgment.

The Court disagrees.

The sole issue in an ejectment case is the physical or material possession of the subject property, independent of any claim of ownership by the parties.<sup>28</sup> Hence, respondent lawyers' claim that Cordova subsequently acquired ownership over the subject property as evidenced by the CLOAs is not a supervening event that will bar the execution of the questioned judgment.<sup>29</sup> This is because a forcible entry case like Civil Case No. 1067 does not deal with the issue of ownership.<sup>30</sup>

That being said, it is therefore apparent that respondent lawyers abused the legal process when they filed frivolous motions with the intent of delaying the execution of the MCTC Decision that had long been final and executory. It is a blatant disregard of the precepts of judicial process which ultimately resulted in the failure to administer justice on the part of David.

Moreover, respondent lawyers' infraction was a clear defiance of their sworn duty under the Lawyer's Oath to obey the legal orders of a duly constituted authority and to "*delay no man for money or malice.*"<sup>31</sup>

Furthermore, respondent lawyers cannot hide under the guise of advocating the rights of their client. As members of the bar, their obligations to the society, to the court and to the legal profession take precedence over their obligations to their clients. The CPR is structured in such a manner that in serving their clients, the lawyers must ensure that their conduct reflect the values and norms of the legal profession which includes their observance and compliance with judicial process and court procedures.

All told, the Court finds respondent lawyers guilty of misconduct. Their act of filing frivolous motions which unduly delayed the execution of a judgment that had long been final and executory is a clear violation of their Lawyer's Oath, Canons 1, 10 and 12, and Rules 10.03 and 12.04 of the CPR.

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<sup>28</sup> *Holy Trinity Realty Development Corporation v. Abacan*, 709 Phil. 653, 654 (2013).

<sup>29</sup> *Id.* at 657.

<sup>30</sup> *Id.*

<sup>31</sup> *Avida Land Corporation v. Argosino*, 793 Phil. 210, 211 (2015).

For unduly delaying the administration of justice, the Court deems it proper to mete out the penalty of suspension from the practice of law for a period of one year against Atty. Tario, Atty. Soriquez, Atty. Pomer, Atty. Santos-Layug, and Atty. Villanueva pursuant to current jurisprudence.<sup>32</sup>

On the other hand, Atty. Rongcal should suffer a more severe penalty considering that he has been previously sanctioned for immorality in *Vitug v. Atty. Rongcal* docketed as A.C. No. 6313.<sup>33</sup> Thus, the Court imposes upon him the penalty of disbarment.

**WHEREFORE**, Atty. Diosdado M. Rongcal, Atty. Ildefonso C. Tario, Atty. Mark John M. Soriquez, Atty. Emiliano S. Pomer, Atty. Marilet Santos-Layug, and Atty. Danny F. Villanueva are found **GUILTY** of violating the Lawyer's Oath, Canons 1, 10 and 12, and Rules 10.03 and 12.04 of the Code of Professional Responsibility.

Atty. Ildefonso C. Tario, Atty. Mark John M. Soriquez, Atty. Emiliano S. Pomer, Atty. Marilet Santos-Layug, and Atty. Danny F. Villanueva are hereby **SUSPENDED** from the practice of law for a period of one year effective upon receipt of this Decision. Further, they are **STERNLY WARNED** that a repetition of a similar offense shall be dealt with more severely.

On the other hand, Atty. Diosdado M. Rongcal is hereby **DISBARRED** and his name **ORDERED STRICKEN OFF** from the Roll of Attorneys effective immediately.

Let a copy of this Decision be furnished to the Office of the Bar Confidant to be entered into the records of respondents. Copies shall likewise be furnished the Integrated Bar of the Philippines and the Office of the Court Administrator for circulation to all courts concerned.

Atty. Ildefonso C. Tario, Atty. Mark John M. Soriquez, Atty. Emiliano S. Pomer, Atty. Marilet Santos-Layug, and Atty. Danny F. Villanueva are **DIRECTED** to immediately file a Manifestation to the Court that their suspension has started, furnished all courts and quasi-judicial bodies where they have entered their appearance as counsels.

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<sup>32</sup> Id. at 225.

<sup>33</sup> 532 Phil. 615, 633 (2006). The dispositive portion of the Decision reads:

WHEREFORE, premises considered, we find Atty. Diosdado M. Rongcal GUILTY of immorality and impose on him a FINE of ₱15,000.00 with a stern warning that a repetition of the same or similar acts in the future will be dealt with more severely.

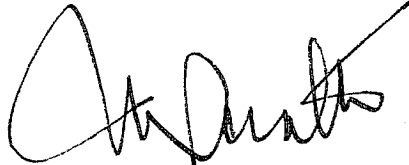
The charge of misappropriation of funds of the client is REMANDED to the IBP for further investigation, report and recommendation within ninety (90) days from receipt of this Decision.

Let a copy of this decision be entered in the personal record of respondent as an attorney and as a member of the Bar, and furnished the Bar Confidant, the Integrated Bar of the Philippines and the Court Administrator for circulation to all courts in the country.

SO ORDERED.



**SO ORDERED.**



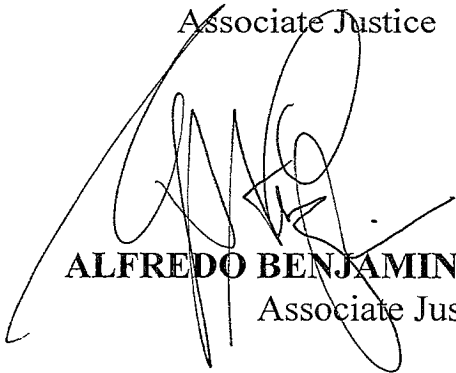
**DIOSDADO M. PERALTA**  
Chief Justice



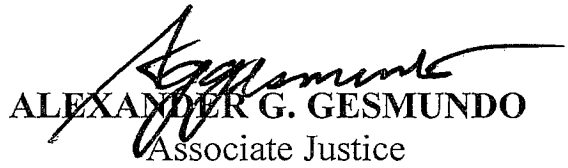
**ESTELA M. PERLAS-BERNABE**  
Associate Justice



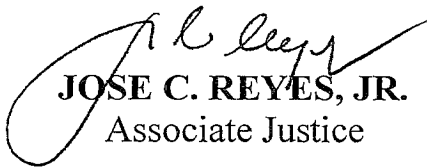
**MARVIC M. V. F. LEONEN**  
Associate Justice



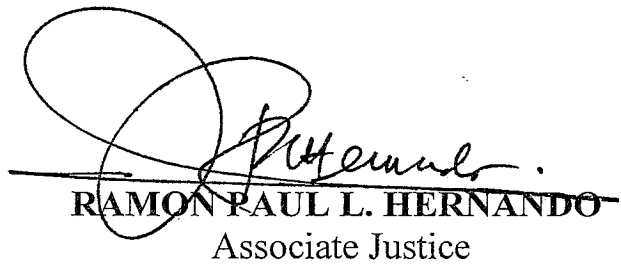
**ALFREDO BENJAMIN S. CAGUIOA**  
Associate Justice



**ALEXANDER G. GESMUNDO**  
Associate Justice



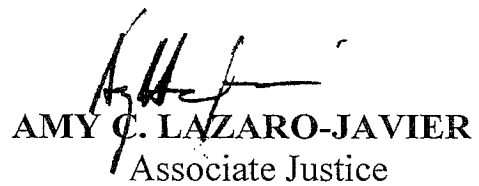
**JOSE C. REYES, JR.**  
Associate Justice




**RAMON PAUL L. HERNANDO**  
Associate Justice

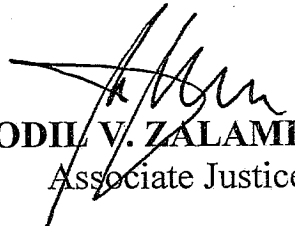


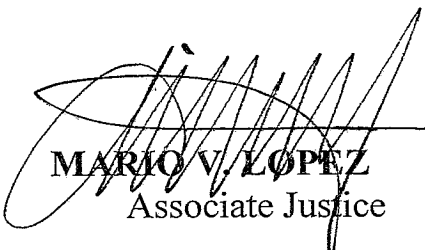
**ROSMARI D. CARANDANG**  
Associate Justice



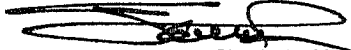
**AMY C. LAZARO-JAVIER**  
Associate Justice

  
**HENRI JEAN PAUL B. INTING**  
Associate Justice


  
**RODIL V. ZALAMEDA**  
Associate Justice

  
**MARIO V. LOPEZ**  
Associate Justice

  
**EDGARDO L. DELOS SANTOS**  
Associate Justice

On Leave  
  
**SAMUEL H. GAERLAN**  
Associate Justice

CERTIFIED TRUE COPY

  
**EDGAR O. ARICHETA**  
Clerk of Court En Banc  
Supreme Court