



Republic of the Philippines
Supreme Court
 Manila

SECOND DIVISION

GUILLERMO VILLANUEVA
 representing **UNITED COCONUT**
PLANTERS LIFE ASSURANCE
CORPORATION (COCOLIFE),
 Complainant,

A.C. No. 12161

Present:

PERLAS-BERNABE, J.,
 Chairperson,
HERNANDO,
INTING,
DELOS SANTOS, and
GAERLAN,* JJ.

-versus-

ATTY. BONIFACIO ALENTAJAN,
 Respondent.

Promulgated:

08 JUN 2020

X ----- X

DECISION

HERNANDO, J.:

On September 6, 2005, Erlinda Marquez (Erlinda), in her personal capacity and as attorney-in-fact of Bienvenido O. Marquez IV (Bienvenido IV), Anna Corina Gisela O. Marquez (Anna), and Paz Louella Erica Beatriz O. Marquez (Paz), filed a complaint¹ for annulment of foreclosure proceedings, certificate of sale, and transfer certificate of title against the United Coconut Planters Life Assurance Corporation (COCOLIFE), the Register of Deeds of Quezon City, and the Ex-Officio Sheriff of Quezon City which was docketed as Civil Case No. Q-05-5629. In an Order² dated January 28, 2008, the Regional Trial Court (RTC) of Quezon City, Branch 77, dismissed the complaint. The Court of Appeals affirmed the trial court in its November 6, 2009 Decision.³ A petition for review was then filed with this Court which was denied in a Resolution⁴ dated July 26, 2010. The said Resolution became final and executory on September 22, 2010 by virtue of

* Designated additional member of the Second Division per Special Order No. 2780 dated May 11, 2020.

¹ *Rollo*, pp. 18-27.

² *Id.* at 277-279; penned by Presiding Judge Vivencio S. Bacilig.

³ *Id.* at 280-288; penned by Associate Justice Arcangelita M. Romilla-Lontok and concurred in by Associate Justices Jose L. Sabio, Jr. and Sixto C. Marella, Jr.

⁴ *Id.* at 289-290

Entry of Judgment⁵ issued by the Supreme Court.

Despite the foregoing, on July 26, 2013, the heirs of Bienvenido O. Marquez, Jr., namely, Erlinda, Paz, Anna, and Bienvenido IV through the assistance of their lawyer, Atty. Bonifacio A. Alentajan (Atty. Alentajan), filed another complaint⁶ before the RTC, Branch 90 of Quezon City for reconveyance and annulment of title with application for preliminary injunction and prayer for temporary restraining order (TRO) against COCOLIFE and the Register of Deeds of Quezon City with respect to the same property which was docketed as Civil Case No. R-QZN-13-02119-CV. The said complaint was dismissed by the RTC in its Order⁷ dated November 12, 2013.

Thereafter, Erlinda, assisted by Atty. Alentajan, filed a criminal complaint⁸ for violation of Sections 1 and 36 of Republic Act (R.A.) No. 7653, otherwise known as The New Central Bank Act in relation to Sections 4 and 6 of R.A. No. 3765 also known as the Truth in Lending Act against the officers of United Coconut Planters Life Insurance Corporation (COCOLIFE-Insurance), namely: President Atty. Alfredo C. Tumacder, Jr.; Chairman Atty. Juan Andres D. Bautista; Senior Vice-President-Finance Division Artemio A. Tanchoco, Jr.; Senior Vice-President-Individual Marketing Caesar T. Michelena; Senior Vice-President and Head of Operations Division Carina L. Corona; Senior Vice-President-Life and Sales Marketing Elmo A. Nobleza; Senior Vice-President-Technical Services Jocelyn C. Fadri; Senior Vice-President-Healthcare Loumel C. Maagma; and Senior Vice President-Human Resources and Administrative Services Teresita UB. Dela Vega. However, the said criminal complaint was dismissed by the Office of the City Prosecutor (OCP) of Makati City in its Resolution⁹ dated July 2, 2014 for lack of merit. Erlinda's motion for reconsideration was likewise denied by the OCP in its Order¹⁰ dated September 16, 2014.

Another criminal complaint¹¹ was filed by Erlinda through her lawyer, Atty. Alentajan, for violation of Article 302 of the Revised Penal Code (RPC) or robbery in an uninhabited place or a private building against the officers of the COCOLIFE-Insurance. However, the OCP of Quezon City dismissed the said complaint due to insufficiency of evidence in its Resolution¹² dated January 17, 2014.

Lastly, the heirs of Bienvenido Marquez, Jr., represented by Erlinda through Atty. Alentajan, filed a Petition for Contempt¹³ against the officers of COCOLIFE-Insurance. Nonetheless, the RTC, Branch 92 of Quezon City

⁵ Id. at 26-27.

⁶ Id. at 28-43.

⁷ Id. at 233-234; penned by Presiding Judge Reynaldo B. Daway.

⁸ Id. at 82-90.

⁹ Id. at 123-129.

¹⁰ Id. at 304-307.

¹¹ Id. at 130-136.

¹² Id. at 308-311.

¹³ Id. at 196-202.

dismissed the said Petition in its Order¹⁴ dated March 24, 2014 in view of the dismissal of its Complaint before the RTC, Branch 90 of Quezon City for reconveyance of title as well as the denial of its application for TRO.

Hence, on October 2, 2014, COCOLIFE represented by Guillermo Villanueva (Villanueva) filed a Complaint for Disbarment¹⁵ against Atty. Alentajan before the Integrated Bar of the Philippines (IBP). It averred that Atty. Alentajan is guilty of forum shopping when the verification/certification of the complaint filed before the RTC, Branch 90 of Quezon City for reconveyance of title failed to state that Atty. Alentajan's client had already commenced an action for the same subject property between the same parties and the same issues. Despite the false certification filed before the RTC, Branch 90 of Quezon City, Atty. Alentajan's client through his assistance filed another false certification for their Petition for Contempt before the RTC, Branch 92 of Quezon City. From the foregoing, COCOLIFE argued that Atty. Alentajan, as counsel of Erlinda, filed multiple actions in different courts which is an unlawful conduct as an officer of the court. Atty. Alentajan likewise violated his oath, Canon 1 of the Code of Professional Responsibility (CPR), and Rule 7, Section 5 of the Rules of Court.

In his Answer,¹⁶ Atty. Alentajan averred that the sworn statement of Amado E. Tayag (Tayag) is absolutely falsified and fabricated because the Resolution dated April 26, 2011 of the board of directors of COCOLIFE never authorized Tayag nor Villanueva to file the instant disbarment case. The said resolution clearly referred to a different legal action then existing and not to the instant disbarment case which was brought upon only on or about September 15, 2014 which is a lapse of more than three years from the date of resolution.

Report and Recommendation of the IBP

In a Report and Recommendation¹⁷ dated June 30, 2015, the Investigating Commissioner¹⁸ found Atty. Alentajan guilty of violating Rule 10.03, Canon 10, and Rule 12.04, Canon 12 of the CPR and Section 5, Rule 7 of the Rules of Court and recommended that Atty. Alentajan be suspended from the practice of law for three months with a warning that a repetition of the same offense shall be dealt with more severely.¹⁹

In Resolution No. XXII-2017-1170 passed on June 17, 2017, the IBP-Board of Governors (IBP-BOG) adopted and approved the recommendation of the Investigating Commissioner. The IBP-BOG suspended Atty. Alentajan from the practice of law for three months.²⁰

¹⁴ Id. at 230-232; penned by Presiding Judge Eleuterio L. Bathan.

¹⁵ Id. at 2-15.

¹⁶ Id. at 238-243.

¹⁷ Id. at 402-405.

¹⁸ Commissioner Honesto A. Villamor.

¹⁹ Id. at 402-405.

²⁰ Id. at 400-401.

The IBP forwarded the present case to this Court as provided under Section 12(b), Rule 139-B of the Rules of Court.

Issues

The issues to be resolved in this case are the following:

1. Whether or not respondent Atty. Alentajan committed the acts charged in the complaint; and
2. Whether or not complainant has the authority to file the disbarment case.

The Court's Ruling

We agree with the findings of the IBP.

Forum shopping exists when, as a result of an adverse decision in one forum, or in anticipation thereof, a party seeks a favorable opinion in another forum through means other than appeal or *certiorari*.²¹

There is forum shopping when the elements of *litis pendency* are present or where a final judgment in one case will amount to *res judicata* in another. They are as follows: (a) identity of parties, or at least such parties that represent the same interests in both actions, (b) identity of rights or causes of action, and (c) identity of reliefs sought.²²

Under this test, we find that Atty. Alentajan committed forum shopping when he filed Civil Case No. R-QZN-13-02119-CV despite the finality of the judgment in Civil Case No. Q-05-5629.

First, an identity of parties exists in Civil Case No. Q-05-5629 and Civil Case No. R-QZN-13-02119-CV. In both cases, the initiating parties were the same, the heirs of Bienvenido O. Marquez Jr., namely, Erlinda, Paz, Anna, and Bienvenido IV. They represented the same interest in both cases wherein they claimed to be the legitimate heirs of Bienvenido O. Marquez, Jr. and co-owners of the real property covered by Transfer Certificate of Title (TCT) No. 79724 registered in the name of Bienvenido O. Marquez, Jr. and Erlinda O. Marquez.

Meanwhile, COCOLIFE is the sole private respondent in both Civil Case No. Q-05-5629 and Civil Case No. R-QZN-13-02119-CV. It espoused the same interest, as the transferee-owner of the real property allegedly still owned by the heirs of Bienvenido O. Marquez, Jr.

Second, the test of identity of causes of action does not depend on the form of an action taken, but on whether the same evidence would support and establish the former and the present causes of action.²³ The heirs of Bienvenido O. Marquez, Jr. cannot avoid the application of *res judicata* by

²¹ *Polanco v. Cruz*, 598 Phil. 952, 958 (2009).

²² *Id.*

²³ *Mendoza v. La Mallorca Bus Company*, 172 Phil. 237, 241 (1978).

simply varying the form of their action or by adopting a different method of presenting it.²⁴

In Civil Case No. Q-05-5629, the trial court already ruled upon the issue of the validity of the foreclosure of real estate mortgage as well as the validity of the issuance of TCT in favor of COCOLIFE. The issue as to the ownership of the subject real property covered by TCT No. 79724 was already substantially passed upon and decided by the trial court in Civil Case No. Q-05-5629. The evidence necessary to prove their claim in Civil Case No. R-QZN-13-02119-CV had already been presented in the previous case, that is, Civil Case No. Q-05-5629. Therefore, the subsequent filing of Civil Case No. R-QZN-13-02119-CV of the same party against COCOLIFE in the form of a complaint for reconveyance of title cannot prosper. In fact, as per Order dated November 12, 2013 issued by the RTC, Branch 90 of Quezon City, Civil Case No. R-QZN-13-02119-CV was dismissed on the ground that the cause of action was barred by a prior judgment issued by the RTC, Branch 92 of Quezon City which became final and executory on September 22, 2010.

Third, in Civil Case No. Q-05-5629, the heirs of Bienvenido O. Marquez, Jr. prayed for the annulment of foreclosure proceedings, certificate of sale, and transfer certificate of title issued in the name of COCOLIFE.

On the other hand, in Civil Case No. R-QZN-13-02119-CV, the heirs of Bienvenido O. Marquez, Jr. asked for the reconveyance of the real property and annulment of title. They also prayed that the TCT issued in the name of COCOLIFE be declared null and void and that TCT No. 79724 be reconstituted.

It is obvious that the reliefs sought by the heirs of Bienvenido O. Marquez, Jr. in both Civil Case No. Q-05-5629 and Civil Case No. R-QZN-13-02119-CV were the same such that a ruling in one case would have resulted in the resolution of the other, and *vice versa*. To illustrate, had the validity of the foreclosure of real estate mortgage and the sale of the subject real property be declared, there would be no need for another decision as to the ownership and title of the subject property. Conversely, had the ownership and title of the subject property be decided upon, a declaration of the validity of the sale and foreclosure proceedings in another case would have been unnecessary. The reliefs prayed for, the facts upon which both are based, and the parties are substantially similar in the two cases. Since the elements of *res judicata* are present, Atty. Alentajan committed forum shopping when he filed Civil Case No. R-QZN-13-02119-CV without indicating that Civil Case No. Q-05-5629 had already become final and executory.

Furthermore, Atty. Alentajan argued that Villanueva had no authority to represent COCOLIFE in the disbarment case filed against him as

²⁴ *Linzag v. Court of Appeals*, 353 Phil. 506, 518 (1998), citing *Filinvest Credit Corporation v. Intermediate Appellate Court*, 283 Phil. 864, 870 (1992); *Sangalang v. Caparas*, 235 Phil. 57, 63 (1987); and *Ibabao v. Intermediate Appellate Court*, 234 Phil. 79, 87 (1987).

Villanueva had no special power of attorney executed in his favor by COCOLIFE. The Resolution dated April 26, 2011 issued by COCOLIFE in favor of Villanueva referred to a different legal action and not to a disbarment case which was filed three years thereafter or on September 15, 2014.

“Lawyers should be reminded that their primary duty is to assist the courts in the administration of justice. Any conduct [that] tends to delay, impede or obstruct the administration of justice contravenes [this obligation].”²⁵ In fact, willful and deliberate forum shopping has been made punishable either as direct or indirect contempt of court in SC Administrative Circular No. 04-94 dated April 1, 1994.²⁶

In engaging in forum shopping, Atty. Alentajan violated Canon 1 of the CPR which directs lawyers to obey the laws of the land and promote respect for the law and legal processes. He also disregarded his duty to assist in the speedy and efficient administration of justice,²⁷ and the prohibition against unduly delaying a case by misusing court processes.²⁸

Regardless of the fact that Atty. Alentajan did not act as counsel in Civil Case No. Q-05-5629, it would not exempt him from culpability. He knowingly filed another civil case despite the finality of the judgment in Civil Case No. Q-05-5629 which already resolved the issue of ownership and validity of foreclosure of mortgage of the subject property. In fact, aside from filing Civil Case No. R-QZN-13-02119-CV, Atty. Alentajan assisted his clients in filing various cases such as, criminal complaint for violation of Sections 1 and 36 of R.A. No. 7653 in relation to Sections 4 and 6 of R.A. No. 3765, criminal complaint for violation of Article 302 of the RPC or robbery in an uninhabited place or a private building and contempt against the officers of COCOLIFE which were all dismissed for lack of merit.

Rule 10.3, Canon 10 of the CPR mandates lawyers to observe the rules of procedures and to not misuse them to defeat the ends of justice. A lawyer owes fidelity to the cause of his/her client, but not at the expense of the truth and the administration of justice. The filing of multiple cases constitutes abuse of the court’s processes and improper conduct that tends to impede, obstruct and degrade the administration of justice. The filing of another action concerning the same subject matter likewise runs contrary to Canon 1 and Rules 12.02 and 12.04 of Canon 12 of the CPR. Canon 1 of the CPR requires a lawyer to exert every effort and consider it his/her duty to assist in the speedy and efficient administration of justice. Rule 12.02 prohibits a lawyer from filing multiple cases arising from the same cause, and Rule 12.04 of Canon 12 prohibits the undue delay of a case by misusing court processes.

Lastly, Atty. Alentajan argued that Villanueva had no authority to

²⁵ *Lim v. Montano*, 518 Phil. 361, 371 (2006), cited in *Teodoro III v. Gonzales*, 702 Phil. 422, 431 (2013).

²⁶ *Teodoro III v. Gonzales*, id.

²⁷ Canon 12, Code of Professional Responsibility.

²⁸ Rule 12.04, Canon 12, Code of Professional Responsibility.

represent COCOLIFE in the disbarment case filed against him as Villanueva had no special power of attorney executed in his favor by COCOLIFE. The Resolution dated April 26, 2011 issued by COCOLIFE in favor of Villanueva referred to a different legal action and not to a disbarment case which was filed three years thereafter or on September 15, 2014 from the issuance of the said resolution.

We emphasize that the Court may conduct its own investigation into charges against members of the bar, irrespective of the form of initiatory complaints brought before it. A complainant in a disbarment case is not a direct party to the case, but a witness who brought the matter to the attention of the Court.²⁹ There is neither a plaintiff nor a prosecutor in disciplinary proceedings against lawyers. The real question for determination in these proceedings is whether or not the attorney is still a fit person to be allowed the privileges of a member of the bar.

The procedural requirement observed in ordinary civil proceedings that only the real party-in-interest must initiate the suit does not apply in disbarment cases. In fact, the person who called the attention of the court to a lawyer's misconduct "is in no sense a party, and generally has no interest in the outcome."³⁰

Hence, whether Villanueva is with or without authority from COCOLIFE to initiate the disbarment case is not material to the herein case. In *Heck v. Judge Santos*,³¹ the Court held that "[a]ny interested person or the court *motu proprio* may initiate disciplinary proceedings." The right to institute disbarment proceedings is not confined to clients nor is it necessary that the person complaining suffered injury from the alleged wrongdoing. Disbarment proceedings are matters of public interest and the only basis for the judgment is the proof or failure of proof of the charges.

WHEREFORE, Atty. Bonifacio A. Alentajan is found **GUILTY** of violating Canon 1, Rule 10.3 of Canon 10, and Rules 12.02 and 12.04 of Canon 12 of the Code of Professional Responsibility. Accordingly, he is hereby **SUSPENDED** from the practice of law for a period of three (3) months effective upon receipt of this Decision, with a **STERN WARNING** that a repetition of the same or similar acts will be dealt with more severely.

Atty. Alentajan is **DIRECTED** to immediately file a Manifestation to the Court that his suspension has started, copy furnished all courts and quasi-judicial bodies where he has entered his appearance as counsel.

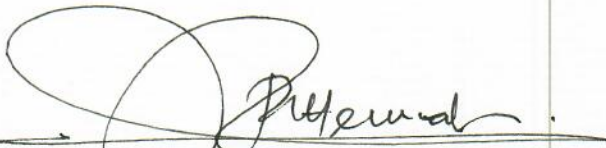
Let a copy of this Decision be furnished the Office of the Bar Confidant to be entered in Atty. Alentajan's personal record as a member of the Philippine Bar. Further, let copies of this Decision be furnished the Integrated Bar of the Philippines and the Office of the Court Administrator, which is directed to circulate them for their information and guidance.

²⁹ *Ylaya v. Gacott*, 702 Phil. 390, 406-407 (2013).


³⁰ *Figueras v. Jimenez*, 729 Phil. 101, 106 (2014).


³¹ 467 Phil. 798, 822 (2004).


SO ORDERED.



RAMON PAUL L. HERNANDO
Associate Justice

WE CONCUR:


ESTELA M. PERLAS-BERNABE
Senior Associate Justice
Chairperson


HENRI JEAN PAUL B. INTING
Associate Justice


EDGARDO L. DELOS SANTOS
Associate Justice


SAMUEL H. GAERLAN
Associate Justice