



Republic of the Philippines
Supreme Court
Baguio City

SECOND DIVISION

ATTY. JUAN PAOLO A.C. No. 9186
VILLONCO,

Complainant,

Present:

CARPIO,* *J.*, Chairperson,
PERALTA,
PERLAS-BERNABE,
CAGUIOA, and
REYES,** *JJ.*

- versus

Promulgated:

ATTY. ROMEO G. ROXAS,
Respondent.

11 APR 2018

x-----*[Signature]*-----x

DECISION

PERALTA, *J.*:

The present case stemmed from the complaint of Atty. Juan Paolo T. Villonco against respondent Atty. Romeo G. Roxas for gross misconduct and for violating the Code of Professional Responsibility (*CPR*).

The factual and procedural antecedents of the case are as follows:

Republic Real Estate Corporation (*RREC*), with complainant Atty. Juan Paolo T. Villonco as its president, hired respondent Atty. Romeo G. Roxas as its counsel on a contingent basis in its case against the Republic of the Philippines with respect to a reclaimed land which is now the Cultural Center of the Philippines (*CCP*) complex. Subsequently, *RREC* was

* Acting Chief Justice per Special Order No. 2539 dated February 28, 2018.
** On wellness leave.

awarded around ₱10,926,071.29 representing the sum spent in the reclamation of the CCP complex.

The case was later remanded to the Regional Trial Court (*RTC*) of Pasay City for the execution of the decision. RREC's Board of Directors enjoined Atty. Roxas to defer the filing of the motion for the issuance of a Writ of Execution until further instruction, but he still filed the same. Thereafter, the Republic filed a Petition for *Certiorari* against the Writ of Execution eventually issued by the trial court. On February 27, 2009, the Court of Appeals (*CA*) issued an Order granting said petition and declared the Writ of Execution null and void. Aggrieved, Atty. Roxas, without first securing RREC's consent and authority, filed a Motion for Reconsideration and a Motion for Inhibition with the *CA*.

Without being approved or authorized by the RREC's Board of Directors, he likewise filed a complaint for serious misconduct against *CA* Justices Sesonando E. Villon, Andres B. Reyes, Jr. and Jose Catral Mendoza, and a petition assailing the constitutionality of Presidential Decree No. 774, both on RREC's behalf. For his foregoing unauthorized acts, RREC's Board requested Atty. Roxas to voluntarily withdraw as counsel for the corporation. When Atty. Roxas refused, RREC terminated its retainer agreement with Atty. Roxas and engaged the services of another lawyer to replace him in the representation of the company.

However, despite his termination, Atty. Roxas still appeared for RREC and continued to argue for the corporation in the case. He also threatened to sue the members of the RREC Board unless they reinstated him as counsel. Thus, Atty. Villonco was compelled to file the instant administrative complaint against Atty. Roxas.

For his part, Atty. Roxas denied the accusations and claimed that from August 1992 up to the time of the filing of the complaint, or a period of twenty-one (21) years, his law firm had been competently rendering legal services for RREC. Through those years, he singlehandedly advanced the necessary expenses to sustain and pursue the case. He claimed that he could not be removed as counsel for RREC since they had a contract for a contingency fee coupled with interest. He argued that his appearance before the *CA* was proper since his removal by the RREC Board was illegal and unfair. Securing the Board's approval before he could file pleadings on RREC's behalf was unnecessary since he had been explicitly given the blanket authority to exercise his sound discretion in the pursuit of the case. He pointed out that he filed the administrative complaint against the *CA* Justices only to further RREC's case.



On May 17, 2013, the Commission on Bar Discipline of the Integrated Bar of the Philippines (*IBP*) recommended the penalty of censure:¹

Foregoing premises considered, the undersigned believes and so holds that the Respondent had violated Sec. 27 of Rule 138 of the Rules of Court and Canon 15 of the CPR. Accordingly, he recommends that he be meted with the penalty of CENSURE with a warning that a repetition of the same would invite a stiffer penalty.

On September 27, 2014, the IBP Board of Governors issued Resolution No. XXI-2014-660,² adopting the foregoing recommendation but with modification, thus:

RESOLVED to ADOPT and APPROVE, as it is hereby ADOPTED and APPROVED, with modification, the Report and Recommendation of the Investigating Commissioner in the above-entitled case, herein made part of this Resolution as Annex "A", and for Respondent's blatant violation of Section 27 of Rule 138 of the Rules of Court and Canon 15 of the Code of Professional Responsibility, instead of Censure Atty. Romeo G. Roxas is hereby SUSPENDED from the practice of law for six (6) months.

The Court's Ruling

The Court finds no cogent reason to depart from the findings and recommendation of the IBP that Atty. Roxas must be held administratively liable.

It is settled that the relationship between a lawyer and his client is one imbued with utmost trust and confidence. In this regard, clients are led to expect that lawyers would be ever-mindful of their cause, and accordingly, exercise the required degree of diligence in handling their affairs.³

Here, RREC's Board of Directors specifically instructed Atty. Roxas to postpone the filing of the motion for the issuance of a Writ of Execution until further notice, but he defied the same and still filed the motion. He then filed a Motion for Reconsideration and a Motion for Inhibition with the CA without first securing RREC's consent and authority. Again, without being authorized, he likewise filed an administrative complaint against

¹ Report and Recommendation submitted by Commissioner Oliver A. Cachapero dated May 17, 2013; *rollo*, Vol. III, pp. 1373-1380.

² *Rollo*, Vol. III, pp. 1426-1427.

³ *Samonte v. Atty. Jumamil*, A.C. No. 11668, July 17, 2017.

several CA Justices and a petition assailing the constitutionality of Presidential Decree No. 774, both on RREC's behalf. Said unauthorized acts caused RREC's Board to request Atty. Roxas to voluntarily withdraw as counsel for the corporation and to finally terminate its retainer agreement with him when he refused. Even after he was terminated, Atty. Roxas still continued to appear and argue for RREC. Worse, he also threatened to sue the members of the RREC Board unless they reinstated him as the company's counsel.

In engaging the services of an attorney, the client reposes on him special powers of trust and confidence. Their relationship is strictly personal and highly confidential and fiduciary. The relation is of such delicate, exacting, and confidential nature that is required by necessity and public interest. Only by such confidentiality and protection will a person be encouraged to repose his confidence in an attorney. Thus, the preservation and protection of that relation will encourage a client to entrust his legal problems to an attorney, which is of paramount importance to the administration of justice.⁴

In the instant case, Atty. Roxas's defiant attitude ultimately caused his client to lose its trust in him. He intentionally denied his client's requests on how to proceed with the case and insisted on doing it his own way. He could not possibly use the supposed blanket authority given to him as a valid justification, especially on non-procedural matters, as in the case at bar, if he would be contradicting his client's trust and confidence in the process. Atty. Roxas clearly disregarded the express commands of the Code of Professional Responsibility (*CPR*), specifically Canon 17.

Canon 17 of the *CPR* states:

CANON 17 – A lawyer owes fidelity to the cause of his client and he shall be mindful of the trust and confidence reposed in him.

The Court upholds the IBP's finding that Atty. Roxas was so principally moved by his desire to be compensated for the advanced expenses of litigation and his professional fees that he proceeded with the filing of the motion for the issuance of a Writ of Execution against the express advice of his client. Then he later filed the motion for inhibition and administrative complaints against the CA Justices out of extreme exasperation and disappointment.

⁴ *Mercado v. Atty. Vitriolo*, 498 Phil. 49, 57 (2007).



The Court has repeatedly emphasized that the practice of law is imbued with public interest and that a lawyer owes substantial duties, not only to his client, but also to his brethren in the profession, to the courts, and to the public, and takes part in the administration of justice, one of the most important functions of the State, as an officer of the court. Accordingly, lawyers are bound to maintain, not only a high standard of legal proficiency, but also of morality, honesty, integrity, and fair dealing.⁵

Atty. Roxas has fallen short of the high standard of morality, honesty, integrity, and fair dealing expected of him. Thus, RREC's termination of his retainer is proper and justified. A client may absolutely discharge his lawyer at any time, with or without cause, and without need of the lawyer's consent or the court's approval. He may, at any time, dismiss his attorney or substitute another in his stead. Such right, however, is subject to the lawyer's right to be compensated. In the discretion of the court, the attorney may intervene in the case to protect his rights and he shall have a lien upon all judgments for the payment of money and executions issued in pursuance of such judgment, rendered in the case where his services had been retained by the client, for the payment of his compensation.⁶

There can be no question that a lawyer is guilty of misconduct sufficient to justify his suspension or disbarment if he so acts as to be unworthy of the trust and confidence involved in his official oath and is found to be wanting in that honesty and integrity that must characterize the members of the Bar in the performance of their professional duties. Although a six (6)-month suspension from the practice of law would suffice for violating Canon 17 of the CPR, the Court deems it proper to increase the penalty of suspension in this case to one (1) year, as that would be more proportionate to the offense charged and established.⁷ The Court notes that in 2007, Atty. Roxas was also found guilty of indirect contempt and was fined the amount of ₱30,000.00 for insinuating that then Associate Justice Minita V. Chico-Nazario had decided his cases on considerations other than the pure merits of the case, and called the Supreme Court a "dispenser of injustice." The Court warned him that a repetition of a similar act will warrant a more severe penalty.⁸ Verily, for the constant display of contumacious attitude on the part of Atty. Roxas, not only against his very own client, but likewise against the courts, a more serious penalty is warranted.



⁵ *Tabang v. Atty. Gacott*, 713 Phil. 578, 593 (2013).

⁶ *Malvar v. Kraft Food Phils., Inc., et al.*, 717 Phil. 427, 450-451 (2013).

⁷ *Ramiscal v. Atty. Orro*, A.C. No. 10945, February 23, 2016.

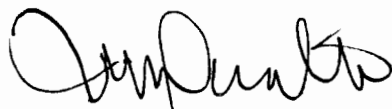
⁸ *Roxas v. De Zuzuarregui*, G.R. No. 152072, July 12, 2007.

WHEREFORE, IN VIEW OF THE FOREGOING, the Court **SUSPENDS** Atty. Romeo G. Roxas from the practice of law for a period of one (1) year and **WARNS** him that a repetition of the same or similar offense shall be dealt with more severely.

Let copies of this Decision be included in the personal records of Atty. Romeo G. Roxas and entered in his file in the Office of the Bar Confidant.

Let copies of this Decision be disseminated to all lower courts by the Office of the Court Administrator, as well as to the Integrated Bar of the Philippines, for their information and guidance.

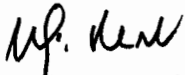
SO ORDERED.


DIOSDADO M. PERALTA
Associate Justice

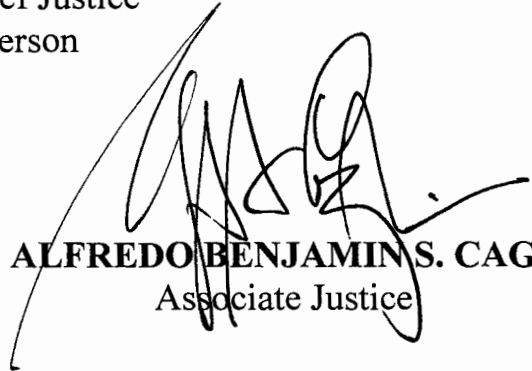
WE CONCUR:



ANTONIO T. CARPIO
Acting Chief Justice
Chairperson



ESTELA M. PERLAS-BERNABE
Associate Justice



ALFREDO BENJAMIN S. CAGUIOA
Associate Justice

On wellness leave
ANDRES B. REYES JR.
Associate Justice