



Mis & DC Batt
MISAELO DOMINGO C. BATTUNG III
Deputy Division Clerk of Court
Third Division

Republic of the Philippines
Supreme Court
Manila

OCT 10 2019

SUPREME COURT OF THE PHILIPPINES
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THIRD DIVISION

MIKE A. FERMIN,
Complainant,

A.C. No. 6560

Present:

PERALTA, J., Chairperson,
LEONEN,
REYES, A., JR.,
HERNANDO, and
INTING, JJ.

- versus -

Promulgated:

ATTY. LINTANG H. BEDOL,
Respondent.

September 16, 2019

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RESOLUTION

PERALTA, J.:

Before the Court is an administrative complaint for disbarment filed by complainant Mike A. Fermin against respondent Atty. Lintang H. Bedol for violation of Canon 1 of the Code of Professional Responsibility.

Complainant averred that one of his opponents and defeated candidate for the mayoralty post of Kabuntalan, Maguindanao, Bai Susan Samad, filed with the COMELEC *en banc* a petition to declare a failure of election in Precinct No. 25A/26A of Barangay Guiawa, and the subsequent holding of a special election, which was docketed as Case No. 04-403; and that the COMELEC issued its Resolution dated July 27, 2004 declaring a failure of election and the holding of the special election on July 28, 2004. However, before the issuance of the COMELEC Resolution, the respondent, in his capacity as the Provincial Election Supervisor III of Maguindanao, had already issued a Notice¹ dated July 23, 2004 to all candidates, which included him, political parties and registered voters of Barangay Guiawa,

¹ Rollo, p. 12.

Kabuntalan, Maguindanao, informing them of the scheduled special election for Barangay Guiawa on July 28, 2004; that he issued another notice² informing the candidates and political parties of a conference on July 25, 2004 to be held in his office; and that on July 26, 2004, he again issued a notice³ that the canvassing of votes shall be held in Shariff Aguak Maguindanao.

Complainant alleged that respondent, without basis in law and in fact, issued the above-mentioned premature notices of special election which highlighted his shameless disregard of the truth and brazen disrespect for the rule of law which is his foremost duty as a member of the Bar; and that those false and illegal notices showed his dishonest ways and predilection to wrongdoings and his natural susceptibility to the culture of corruption and deception which renders him totally unfit to remain as an honorable member of the Bar.⁴ Complainant prays for respondent's disbarment to protect future clients from falling prey to his corrupt and evil deeds.⁵

In his Comment,⁶ respondent argued that the notice dated July 23, 2004 was to apprise, alert and notify all candidates concerned that, in a short period of time, a special election would be conducted on July 28, 2004; that election personnel in the province cannot afford to have only a day before election to notify the parties and to prepare for the election the next day. As to the conference held, it was done to do away with violation of the Fair Elections Act and the parties' duties respecting the special election. He claimed that all the cases filed by complainant against him with the COMELEC were dismissed on the ground of complete absence of cause of actions.

The Court referred the case to the Integrated Bar of the Philippines (*IBP*) for investigation, report and recommendation/decision within 90 days from receipt of the record.⁷

After due proceedings, Commissioner Wilfredo E.J.E. Reyes of the IBP Commission on Bar Discipline (*CBD-IBP*) issued a Report and Recommendation⁸ dated February 2, 2009, finding respondent guilty of violation of Canon 1 of the Code of Professional Responsibility, to wit:

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

² *Id.* at 13.

³ *Id.* at 14.

⁴ *Id.* at 5.

⁵ *Id.* at 7.

⁶ *Id.* at 19-24.

⁷ Resolution dated April 18, 2005, *id.* at 27.

⁸ *Rollo*, pp. 121-129.



and recommended that he be penalized with reprimand, with a stern warning that a repetition of the same shall be dealt with more severely.⁹ In so ruling, the Commissioner found that respondent started issuing notices of special election and invitation to prepare for the special election even before the COMELEC had issued its Resolution on the need for a special election which was highly irregular if not totally wrong.

In Resolution No. XIX-2010-313¹⁰ dated April 16, 2010, the IBP Board of Governors unanimously adopted and approved with modification the Report and Recommendations of the Investigating Commissioner, thus:

RESOLVED to ADOPT and APPROVE, as it is hereby unanimously ADOPTED and APPROVED, with modification, the Report and Recommendation of the Investigating Commissioner of the above-entitled case, herein made part of this Resolution as Annex "A" and finding the recommendation fully supported by the evidence on record and the applicable laws and rules, and considering Respondent's issuance of Notice of Special Election even before the Comelec had decided on the need for one, is highly irregular and in violation of Canon 1 of the Code of Professional Responsibility, Atty. Lintang H. Bedol is hereby SUSPENDED from the practice of law for a period of one year.

Both parties did not file any motion for reconsideration.

In a Resolution¹¹ dated February 9, 2011, the Court took note of the IBP's Resolution and required respondent to inform the Court when he started serving his suspension, within five (5) days from notice. As respondent failed to comply, we reiterated our Resolution dated February 9, 2011.¹² However, per Deputy Clerk of Court and Bar Confidant, Atty. Ma. Cristina B. Layusa, respondent has yet to comply with the Resolution.¹³

We concur with the findings and conclusions of the IBP that respondent should be held administratively liable in this case.

Section 4 of Republic Act No. 7166,¹⁴ provides:

Section 4. Postponement, Failure of Election and Special Elections.

- The postponement, declaration of failure of election and the calling of special elections as provided in Sections 5, 6 and 7 of the Omnibus

⁹ *Id.* at 129.

¹⁰ *Id.* at 120.

¹¹ *Id.* at 130-131.

¹² Per Resolution dated August 28, 2013; *id.* at 135.

¹³ *Rollo*, p. 136.

¹⁴ *An Act Providing for Synchronized National and Local Elections and for Electoral Reforms, Authorizing Appropriations Therefor, and For Other Purposes.*

Election Code shall be decided by the Commission sitting en banc by a majority vote of its members. The causes for the declaration of a failure of election may occur before or after the casting of votes or on the day of the election.

Based on the foregoing provision of law, the declaration of failure of election and the calling of special elections shall be decided by the majority vote of the members of the COMELEC *en banc*. In this case, the COMELEC *en banc* issued a Resolution dated July 27, 2004 declaring the failure of election and the holding of a special election on July 28, 2004. However, prior to the issuance of the said Resolution, respondent, as the Provincial Election Supervisor of Maguindanao, had already issued the following, to wit: Notice dated July 23, 2004 of the special election to be done on July 28, 2004; Invitation dated July 25, 2004 for conference at his office in Cotabato City; and Notice dated July 26, 2004 informing that the canvassing of votes shall be held in Shariff Aguak, Maguindanao.

Respondent's act of issuing those notices ahead of the issuance of the COMELEC *en banc* Resolution calling for a special election was not in compliance with the procedures under the law and the COMELEC rules. In so doing, he breached his duty to obey the laws and the legal orders of the duly constituted authorities, thus, violating Canon 1 of the Code of Professional Responsibility.

Canon 1 clearly mandates the obedience of every lawyer to laws and legal processes. To the best of his ability, a lawyer is expected to respect and abide by the law and, thus, avoid any act or omission that is contrary thereto.¹⁵ A lawyer's personal deference to the law not only speaks of his character but it also inspires respect and obedience to the law, on the part of the public.¹⁶ As servants of the law and officers of the court, lawyers are required to be at the forefront of observing and maintaining the rule of law. They are expected to make themselves exemplars worthy of emulation.¹⁷ This, in fact, is what a lawyer's obligation to promote respect for law and legal processes entails. Moreso, a lawyer who is occupying a public office.¹⁸

Lawyers in public office, such as respondent who was then a Provincial Election Supervisor of Maguindanao, are expected not only to refrain from any act or omission which tend to lessen the trust and confidence of the citizenry in government but also uphold the dignity of the legal profession at all times and observe a high standard of honesty and fair

¹⁵ *Jimenez v. Atty. Francisco*, 749 Phil. 551, 565 (2014).

¹⁶ *Id.*

¹⁷ See *Re: Report on the Financial Audit Conducted on the Books of Accounts of Atty. Raquel G. Kho, Clerk of Court IV, Regional Trial Court, Oras, Eastern Samar*, A.M. No. P-06-2177, April 19, 2007, 521 SCRA 25, 28-29, citing *See Agpalo, Comments on the Code of Professional Responsibility and the Code of Judicial Conduct* 18 (2001 ed.).

¹⁸ *Id.* at 29.

dealing.¹⁹ A government lawyer is a keeper of public faith and is burdened with a high degree of social responsibility, higher than his brethren in private practice.²⁰

Respondent's claim that he issued those notices as there was no more time to prepare for the special elections has no basis in law. To stress, the notices were issued even prior to the COMELEC Resolution for the holding of a special election. Members of the Bar are reminded that their first duty is to comply with the rules of procedure, rather than seek exceptions as loopholes.²¹ Respondent is expected to promote respect for the law and legal processes.

WHEREFORE, the Court **ADOPTS** and **APPROVES** the Resolution of the Integrated Bar of the Philippines Board of Governors, dated April 16, 2010. Accordingly, Atty. Lintang H. Bedol is found **GUILTY** of violating Canon 1 of the Code of Professional Responsibility and he is hereby ordered **SUSPENDED** from the practice of law for a period of one (1) year, with a **STERN WARNING** that a repetition of the same or a similar offense will warrant the imposition of a more severe penalty.

Respondent's suspension from the practice of law shall take effect immediately upon receipt. He is **DIRECTED** to immediately **INFORM** the Court that his suspension has started, copy furnished all courts and quasi-judicial bodies where he has entered his appearance as counsel.

Let copies of this Resolution be furnished the Integrated Bar of the Philippines for distribution to all its chapters; the Office of the Court Administrator for dissemination to all courts in the country; and the Office of the Bar Confidant, to be attached to respondent's personal record as a lawyer.

SO ORDERED.


DIOSDADO M. PERALTA
Associate Justice

¹⁹ *Ramos v. Atty. Imbang*, 557 Phil. 507, 516 (2007).

²⁰ *Id.*, citing *Atty. Vitrolio v. Atty. Dasig*, 448 Phil. 199, 209 (2003).

²¹ *Guarin v. Atty. Limpin*, 750 Phil. 435, 440 (2015), citing *Suico Industrial Corp., et al. v. Judge Lagura-Yap, et al.*, 694 Phil. 286, 303 (2012).

WE CONCUR:


MARVIC MARIO VICTOR F. LEONEN
Associate Justice

Reyes
ANDRES B. REYES, JR.
Associate Justice

On leave
RAMON PAUL L. HERNANDO
Associate Justice


HENRI JEAN PAUL B. INTING
Associate Justice

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