



Misael DCBatt
MISAEAL DOMINGO C. BATTUNG III
Division Clerk of Court
Third Division

Republic of the Philippines
Supreme Court
Manila

MAR 04 2021

SUPREME COURT OF THE PHILIPPINES
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THIRD DIVISION

ATTY. JOSEPH VINCENT T. GO, A.C. No. 11119
Complainant,

Present:

LEONEN, J.,
Chairperson,

- versus -

HERNANDO,
INTING,
DELOS SANTOS, and
ROSARIO, JJ.

ATTY. VIRGILIO T. TERUEL, Promulgated:
Respondent. November 4, 2020
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X ----- X

DECISION

HERNANDO, J.:

This is a Complaint¹ for disbarment for violation of Rules 12.02 and 12.04 as well as Canon 8 of the Code of Professional Responsibility (CPR) filed by Atty. Joseph Vincent T. Go (Atty. Go) against Atty. Virgilio T. Teruel (Atty. Teruel).

The Antecedents:

This administrative complaint for disbarment stemmed from Civil Case Nos. 1172 and 1176 for Forcible Entry with Damages pending before Branch 68 of the Regional Trial Court (RTC) of Dumangas, Iloilo,² where Atty. Go and Atty. Teruel were the opposing counsels for the parties.

Atty. Go filed a Complaint³ dated April 4, 2011 for Falsification and Perjury, and for violation of Canons 8, 10, and 11 of the CPR against Atty. Teruel before the Integrated Bar of the Philippines (IBP) which was docketed as IBP-CBD Case No. 11-2989 (CBD Case No. 11-2989). Atty. Go claimed that

¹ Rollo, Vol. I, pp. 2-19.

² Id. at 157.

³ Id. at 20-27.

Atty. Teruel maliciously charged him with deliberate misrepresentation and intellectual dishonesty. Apparently, Atty. Teruel alleged that Atty. Go's associate in the law office misrepresented the date of receipt of the Notice of Appealed Case in Civil Case No. 1176 to supposedly mislead Branch 68 of the RTC of Dumangas, Iloilo that the law office timely filed its Memorandum of Appeal.⁴ Atty. Teruel filed his Answer⁵ on May 13, 2011⁶ while Atty. Go filed a Reply⁷ on June 3, 2011. Afterwards, Atty. Teruel filed a Rejoinder to Reply and Counter-Complaint⁸ on June 22, 2011 which charged Atty. Go with violations of Section 20(b) and (f), Rule 138 of the Rules of Court, and of Canon 11 as well as Rules 11.03 and 11.04 of the CPR. In response, Atty. Go filed a Sur-Rejoinder and Motion for Severance⁹ dated July 14, 2011.

Significantly, on June 21, 2011, a day before Atty. Teruel filed his Rejoinder to Reply and Counter-Complaint, Atty. Teruel's client, Rev. Fr. Antonio P. Reyes (Fr. Reyes), initiated a Complaint¹⁰ for grave professional misconduct against Atty. Go which was docketed as IBP-CBD Case No. 11-3105 (CBD Case No. 11-3105). Notably, Atty. Teruel prepared the complaint of Fr. Reyes against Atty. Go. The Commission on Bar Discipline (CBD) of the IBP (IBP-CBD) then directed Atty. Go to submit his answer therein in an Order¹¹ dated July 29, 2011. Atty. Go filed separate motions¹² in CBD Case Nos. 11-2989 and 11-3105 praying that Atty. Teruel and Fr. Reyes be cited for contempt and that both Atty. Teruel's Counter-Complaint and Fr. Reyes' Complaint be dismissed on the ground of forum shopping.¹³

In view of these developments, Atty. Go filed another verified Complaint¹⁴ dated October 13, 2011 and docketed as IBP-CBD No. 11-3225 (the case at bench) against Atty. Teruel. Atty. Go alleged that Atty. Teruel's Counter-Complaint and Fr. Reyes' Complaint were substantially the same except for the complainants, and both pleadings were prepared by Atty. Teruel. Atty. Go further alleged that Atty. Teruel violated Rules 12.02 and 12.04 as well as Canon 8 of the CPR for filing multiple actions arising from the same cause, a violation of the rule against forum shopping.

Atty. Teruel, in his Answer¹⁵ dated November 4, 2011, countered that he did not commit forum shopping. He clarified that his Counter-Complaint, being undocketed, had yet to be acted upon and thus could not be treated as a complaint for the purpose of applying the rule against forum shopping.¹⁶ He

⁴ Id. at 24.

⁵ Not attached in the records.

⁶ *See rollo*, Vol. I, p. 157.

⁷ *Rollo*, Vol. II, pp. 490-526.

⁸ *Rollo*, Vol. I, pp. 78-86.

⁹ Id. at 125-130.

¹⁰ Id. at 132-138.

¹¹ Not attached in the records.

¹² Not attached in the records.

¹³ *Rollo*, Vol. I, p. 16.

¹⁴ Id. at 2-19.

¹⁵ Id. at 156-162.

¹⁶ Id. at 159.

added that Fr. Reyes filed the Complaint in his personal capacity and that he (Fr. Reyes) was not a party in the first administrative case (CBD Case No. 11-2989) which Atty. Go filed and which Atty. Teruel answered with a Rejoinder to Reply and Counter-Complaint. Additionally, Atty. Teruel argued that he expressly stated in the Verification and Certification portion of his Rejoinder to Reply and Counter-Complaint the existence of Fr. Reyes' Complaint against Atty. Go (in CBD Case No. 11-3105).¹⁷

In his Reply¹⁸ dated November 18, 2011, Atty. Go contended that it is not the admission or docketing of Atty. Teruel's Counter-Complaint which should be considered in determining whether there was forum shopping, but the act of filing multiple actions involving the same or identical cause/s of action, which Atty. Teruel clearly committed when he prepared and filed Fr. Reyes' Complaint and subsequently his own Counter-Complaint.¹⁹

Report and Recommendation of the IBP:

In a Report and Recommendation²⁰ dated July 6, 2013, the Investigating Commissioner²¹ of the IBP-CBD found that, indeed, Atty. Teruel committed forum shopping; however, Atty. Go failed to prove that it was willful and deliberate considering Atty. Teruel's disclosure in the Verification and Certification portion of his Counter-Complaint that Fr. Reyes also filed a Complaint against Atty. Go. According to the Investigating Commissioner, such disclosure proved good faith on the part of Atty. Teruel. Hence, he recommended the dismissal of Atty. Go's Complaint against Atty. Teruel with a warning that he (Atty. Teruel) should exercise more prudence in the drafting and filing of pleadings in the future to avoid willful and deliberate forum shopping.²²

In its Resolution²³ No. XXI-2014-579 dated September 27, 2014, the Board of Governors (BOG) of the IBP (IBP-BOG) adopted and approved the Report and Recommendation of the Investigating Commissioner. It affirmed that Atty. Go's Complaint against Atty. Teruel should be dismissed for lack of merit but with a reminder on the latter to be more cautious in the preparation of pleadings and attachments.

Aggrieved, Atty. Go filed a Motion for Reconsideration²⁴ dated March 30, 2015, clarifying that willful and deliberate forum shopping was not the sole issue that he raised. He averred that the issues are whether or not Atty. Teruel violated Rules 12.02 and 12.04 as well as Canon 8 of the CPR and committed forum shopping when he knowingly filed two identical complaints for

¹⁷ Id. at 160.

¹⁸ Id. at 190-195.

¹⁹ Id. at 192.

²⁰ Id. at 302-307.

²¹ Peter Irving C. Corvera.

²² *Rollo*, Vol. I, p. 306.

²³ Id. at 300.

²⁴ Id. at 308-327.

disbarment against Atty. Go.²⁵ Atty. Go posited that if Atty. Teruel was a real party-in-interest, he could have just joined Fr. Reyes as a complainant in CBD Case No. 11-3105 instead of filing a separate but significantly identical Counter-Complaint. Atty. Go opined that by filing multiple administrative complaints, Atty. Teruel should be adjudged guilty of employing harassing tactics against him.²⁶

In Resolution²⁷ No. XXI-2015-359 dated June 5, 2015, the IBP-BOG denied Atty. Go's motion for reconsideration and affirmed its ruling dismissing the Complaint against Atty. Teruel.

Undeterred, Atty. Go filed a Petition²⁸ assailing the IBP-BOG's Resolution Nos. XXI-2014-579 dated September 27, 2014 and XXI-2015-359 dated June 5, 2015 which dismissed the instant administrative complaint against Atty. Teruel.

In a Resolution²⁹ dated June 20, 2016, We referred this administrative case to the Office of the Bar Confidant (OBC) for its report and recommendation.

Report and Recommendation of the OBC:

In a Report and Recommendation³⁰ dated October 11, 2018, the OBC recommended that Atty. Teruel be suspended from the practice of law for a period of six (6) months. It found that contrary to the findings of the IBP-BOG, Atty. Teruel actually committed forum shopping since he had a hand in the preparation of Fr. Reyes' Complaint and in the filing of a Counter-Complaint merely a day after with the same tenor against Atty. Go. The OBC further noted that Atty. Teruel was the counsel of Fr. Reyes in his Complaint against Atty. Go which underscored his active participation in the drafting of the said Complaint. Additionally, both Fr. Reyes' Complaint and Atty. Teruel's Counter-Complaint contained the same allegations.³¹

The OBC likewise stated that "[m]ere substantial identity of parties, or a community of interests between a party in the first case and a party in the subsequent case, even if the latter was not impleaded in the first case, is sufficient."³² It noted that Atty. Teruel filed the Counter-Complaint pertaining to the same issues with full knowledge that Fr. Reyes had already filed a similar Complaint against Atty. Go a day earlier. Moreover, Atty. Teruel's disclosure in the Verification and Certification portion of his knowledge of the existence of Fr. Reyes' Complaint would not negate his liability for knowingly committing

²⁵ Id. at 310.

²⁶ Id. at 318-319.

²⁷ Id. at 357.

²⁸ Under Section 12(c), Rule 139-B of the Rules of Court.

²⁹ *Rollo*, Vol. II, pp. 913-914.

³⁰ Id. at 915-917.

³¹ Id. at 916.

³² Id.

forum shopping because as a lawyer, he is tasked to assist the courts in the speedy administration of justice and not to resort to forum shopping as doing so clogs the dockets of the courts.³³

The OBC concluded that the filing of another action on the same subject matter in contravention of the doctrine of *res judicata* violates Canon 12 of the CPR which requires a lawyer to exert every effort and consider it his duty to assist in the speedy and efficient administration of justice. It additionally found that by his actions, Atty. Teruel likewise violated Rules 12.02 and 12.04 of the CPR as well as the mandate in the Lawyer's Oath "to delay no man for money or malice."³⁴

Our Ruling

The Court adopts the findings of the OBC and its recommendation that Atty. Teruel be suspended from the practice of law for six months.

Integral to the resolution of the case at bench is the determination of whether Atty. Teruel committed forum shopping when he filed the Complaint of Fr. Reyes followed by his own Counter-Complaint a day after, both against Atty. Go. After a perusal of both pleadings, there is no doubt that the significant portions were almost completely the same, save for the parts wherein the complainant's name or personal circumstances were provided in order for the documents to be cohesive. In fact, Atty. Teruel admitted having prepared and filed the two administrative complaints, as he even specified in the Verification and Certification portion of his Counter-Complaint that Fr. Reyes had earlier filed a Complaint against Atty. Go.

It is well-settled that "[t]he essence of forum shopping is the filing of multiple suits involving the same parties for the same cause of action, either simultaneously or successively, for the purpose of obtaining a favorable judgment. It exists when, as a result of an adverse opinion in one forum, a party seeks a favorable opinion in another, or when he institutes two or more actions or proceedings grounded on the same cause to increase the chances of obtaining a favorable decision. An important factor in determining its existence is the vexation caused to the courts and the parties-litigants by the filing of similar cases to claim substantially the same reliefs. Forum shopping exists where the elements of *litis pendentia* are present or **where a final judgment in one case will amount to *res judicata* in another.**"³⁵

Evidently, Atty. Teruel willfully committed forum shopping when he instituted two actions grounded on the same cause, even if strictly speaking, he was not included as a "complainant" in Fr. Reyes' Complaint. This is because he prepared and filed both administrative actions with full knowledge that they

³³ Id.

³⁴ Id. at 917.

³⁵ *Alonso v. Relamida*, 640 Phil. 325, 334 (2010).

have the same cause of action and contained nearly exactly the same allegations. Simply put, the outcome in one case would necessarily have an effect in the other since both cases share the same cause of action and involve the same parties.

Section 5, Rule 7 of the Rules of Court provides:

SEC. 5 Certification against forum shopping. – The plaintiff or principal party shall certify under oath in the complaint or other initiatory pleading asserting a claim for relief, or in a sworn certification annexed thereto and simultaneously filed therewith: (a) that he has not theretofore commenced any action or filed any claim involving the same issues in any court, tribunal or quasi-judicial agency and, to the best of his knowledge, no such other action or claim is pending therein; (b) if there is such other pending action or claim, a complete statement of the present status thereof; and (c) if he should thereafter learn that the same or similar action or claim has been filed or is pending, he shall report that fact within five (5) days therefrom to the court wherein his aforesaid complaint or initiatory pleading has been filed.

Failure to comply with the foregoing requirements shall not be curable by mere amendment of the complaint or other initiatory pleading but shall be cause for the dismissal of the case without prejudice, unless otherwise provided, upon motion and after hearing. The submission of a false certification or non-compliance with any of the undertakings therein shall constitute indirect contempt of court, without prejudice to the corresponding administrative and criminal actions. If the acts of the party or his counsel clearly constitute willful and deliberate forum shopping, the same shall be ground for summary dismissal with prejudice and shall constitute direct contempt, as well as a cause for administrative sanctions. (Underscoring and emphasis supplied).

The Court notes that it is not strictly the actual docketing of the administrative complaints but the mere act of filing multiple complaints with the same cause/s of action, parties and relief/s which constitutes a violation of the rule against forum shopping. The aforementioned provision clearly states that it is the commencement or the filing of actions involving the same parties, issue/s and relief/s which would amount to forum shopping. There is no qualification that the pleadings should first be accepted by the tribunal/agency or properly docketed before forum shopping could be deemed committed. It is enough that the party concerned filed multiple actions involving the same parties, cause/s of action, and relief/s before a court, tribunal, or agency. The intent of the individual who files multiple complaints to secure a favorable ruling is what is being sought to be penalized. In any case, even if Atty. Teruel's Counter-Complaint was not acted upon or separately docketed by the IBP, the same pleading, specifically his Rejoinder to Reply and Counter-Complaint in CBD Case No. 11-2989, was still admitted. In other words, Atty. Teruel's Rejoinder to Reply was still considered in CBD Case No. 11-2989 even if his Counter-Complaint has yet to be processed or acted upon.

The Court likewise finds merit in Atty. Go's argument that "[Atty. Teruel's] assertion and certification that he has not *'filed any complaint or any*

other action involving the same issues, parties and subject matter' implies that the pending related cases, including the administrative complaint filed by Rev. Fr. Reyes, *do not involve the same issues* as those raised in his subsequent (undocketed) Counter-Complaint in CBD Case No. 11-2989. [Atty. Teruel's] certification is *partly false* and *misleading* because the Counter-Complaint raised identical facts, issues and reliefs which [are] also the same facts, issues and reliefs in CBD Case No. 11-3105 [Fr. Reyes' Complaint]."³⁶

We are likewise persuaded by Atty. Go's contention that "there was no showing that [Atty. Teruel] or **Rev. Fr. Reyes informed** the IBP Commissioner Salvador B. Belaro, Jr. in CBD Case No. 11-1305, of the filing and pendency of the subsequent (undocketed) Counter-Complaint of the respondent [Atty. Teruel] as required under [S]ection 5, Rule 7 of the 1997 Rules of Civil Procedure[.]"³⁷

Taking all these into consideration, We agree with the findings of the OBC that indeed Atty. Teruel committed willful and deliberate forum shopping. Atty. Teruel cannot feign innocence or good faith when it is clear as day that the allegations in his Counter-Complaint and Fr. Reyes' Complaint are essentially the same. This was validated by his own admission that he prepared the Complaint of Fr. Reyes. Without a doubt, Atty. Teruel knew the arguments and issues raised in Fr. Reyes' Complaint, as he even made sure to modify the designations of the complainants in both pleadings, including the wordings of the allegations in order to give the impression that these were "different" complaints even when they were basically not.

In fine, and considering Atty. Teruel's commission of forum shopping, there is adequate basis to hold him liable for violation of the Lawyer's Oath and the CPR.

Rule 12.02 of the CPR explicitly provides that "[a] lawyer shall not file multiple actions arising from the same cause," while Rule 12.04 states that "[a] lawyer shall not unduly delay a case, impede the execution of a judgment or misuse Court processes." It must be emphasized that "[l]awyers should not trifle with judicial processes and resort to forum shopping because they have the duty to assist the courts in the administration of justice. Filing of multiple actions contravenes such duty because it does not only clog the court dockets, but also takes the courts' time and resources from other cases."³⁸

In addition, We find that when Atty. Teruel engaged in forum shopping, he thereby 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

³⁶ *Rollo*, Vol. I, pp. 323-324.

³⁷ *Id.* at 325.

³⁸ *In Re: Ildefonso Suerte*, 788 Phil. 492, 508 (2016).

justice.”³⁹

Aside from committing violations of the CPR, Atty. Teruel likewise transgressed a number of the recitals in the Lawyer’s Oath, as follows:

I, x x x do solemnly swear that I will maintain allegiance to the Republic of the Philippines, I will support its Constitution and obey the laws as well as the legal orders of the duly constituted authorities therein; I will do no falsehood, nor consent to the doing of any in court; I will not wittingly or willingly promote or sue any groundless, false, or unlawful suit, nor give aid nor consent to the same; I will delay no man for money or malice, and will conduct myself as a lawyer according to the best of my knowledge and discretion with all good fidelity as well to the courts as to my clients; and I impose upon myself this voluntary obligation without any mental reservation or purpose of evasion. So help me God.⁴⁰ (Underscoring supplied)

At this juncture, We reiterate that “[a]ll lawyers must bear in mind that their oaths are neither mere words nor an empty formality. When they take their oath as lawyers, they dedicate their lives to the pursuit of justice. They accept the sacred trust to uphold the laws of the land. Canon 1 of the CPR states that ‘[a] lawyer shall uphold the Constitution, obey the laws of the land and promote respect for law and legal processes.’ Moreover, according to the lawyer’s oath they took, lawyers should “not wittingly or willingly promote or sue any groundless, false or unlawful suit, nor give aid or consent to the same.”⁴¹

In fine, We adopt the recommendation of the OBC to suspend Atty. Teruel from the practice of law for a period of six months for violating the Lawyer’s Oath as well as Canons 1 and 12 and Rules 12.02 and 12.04 of the CPR.⁴²

ACCORDINGLY, Atty. Virgilio T. Teruel is hereby found **GUILTY** of violating the Lawyer’s Oath and the Code of Professional Responsibility and is meted the penalty of **SUSPENSION** from the practice of law for a period of six (6) months.

Respondent is **DIRECTED** to file a Manifestation to this Court that his suspension has started and to copy furnish all courts and quasi-judicial bodies where he has entered his appearance as counsel.

Let copies of this Decision be furnished to the Office of the Bar Confidant, to be appended to the personal record of Atty. Virgilio T. Teruel as an attorney-at-law; to the Integrated Bar of the Philippines; and to the Office of the Court Administrator for dissemination to all courts throughout the country for their guidance and information.

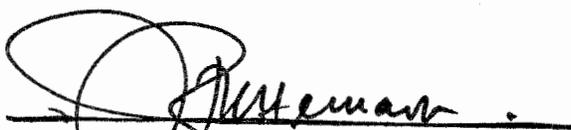
³⁹ *Teodoro III v. Gonzales*, 702 Phil. 422, 431 (2013) citing Canon 12, Code of Professional Responsibility.

⁴⁰ Attorney’s Oath; see Form 28 of the Appendix of Forms found in the Rules of Court.

⁴¹ *Alonso v. Relamida*, *supra* note 35, at 333 (2010).

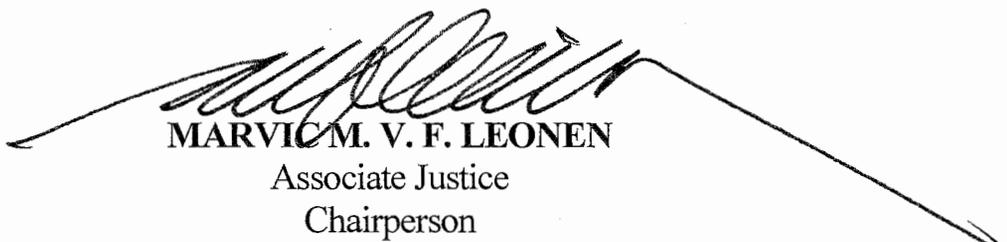
⁴² *In Re: Ildelfonso Suerte*, , 788 Phil. 492, 508 (2016).

SO ORDERED.



RAMON PAUL L. HERNANDO
Associate Justice

WE CONCUR:



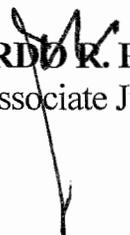
MARVIC M. V. F. LEONEN
Associate Justice
Chairperson



HENRI JEAN PAUL B. INTING
Associate Justice



EDGARDO L. DELOS SANTOS
Associate Justice



RICARDO R. ROSARIO
Associate Justice

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