



Republic of the Philippines
 Supreme Court
 Manila

FIRST DIVISION

Re: CA-G.R. CV No. 96282
 (SPOUSES BAYANI AND
 MYRNA M. PARTOZA vs.
 LILIAN* B. MONTANO and
 AMELIA SOLOMON),
Complainant,

A.C. No. 11173
 (Formerly CBD No. 13-3968)

Present:

LEONARDO-DE CASTRO,**
Acting Chairperson,
 DEL CASTILLO,
 JARDELEZA,
 REYES, JR.,*** and
 GESMUNDO,**** JJ.

- versus -

ATTY. CLARO JORDAN M.
 SANTAMARIA,
Respondent.

Promulgated:
JUN 11 2018

X-----X

RESOLUTION

DEL CASTILLO, J.:

A recalcitrant lawyer who defies the directives of the court “must deservedly end in tribulation for the lawyer and in victory for the higher ends of justice.”¹

The administrative liability of a lawyer who repeatedly ignores the directives of the Court of Appeals (CA) is properly resolved in this case.

Factual Antecedents

A civil action for Declaration of Nullity of Deed of Real Estate Mortgage, Reconveyance of Transfer Certificate of Title No. T-710729 and Damages² was

* Also referred to as Lilia in some parts of the *rollo*.
 ** Per Special Order No. 2559 dated May 11, 2018.
 *** Per raffle dated June 11, 2018.
 **** Per Special Order No. 2560 dated May 11, 2018.
¹ *Cuizon v. Atty. Macalino*, 477 Phil. 569, 571 (2004).
² Docketed as Civil Case No. N-7918.

filed by the spouses Bayani and Myrna M. Partoza (spouses Partoza) against Lilia B. Montano and Amelia T. Solomon.

The case was dismissed³ by the Regional Trial Court.

On November 25, 2010, a Notice of Appeal⁴ was filed by the counsel on record, Atty. Samson D. Villanueva (Atty. Villanueva). The appeal was docketed as CA G.R. CV No. 96282 and in a Notice⁵ dated March 25, 2011, the CA required the submission of the Appellant's Brief pursuant to Rule 44, Section 7 of the Rules of Civil Procedure.

On April 27, 2011, however, Atty. Villanueva filed his Withdrawal of Appearance;⁶ subsequently, a Motion for Extension of Time to File Appellant's Brief⁷ dated May 19, 2011, was also filed. Atty. Villanueva's Withdrawal of Appearance carried the conformity of the appellant's attorney-in-fact, Honnie M. Partoza (Honnie) who, on the same occasion, also acknowledged receipt of the entire records of the case from Atty. Villanueva.

Thereafter, respondent Atty. Claro Jordan M. Santamaria (respondent) submitted an Appellant's Brief⁸ dated July 4, 2011.

In a Resolution⁹ dated August 4, 2011, the CA directed Atty. Villanueva to submit proof of authority of Honnie to represent appellants as their attorney-in-fact and the latter's conformity to Atty. Villanueva's Withdrawal of Appearance; in the same resolution, the CA also required respondent to submit his formal Entry of Appearance, *viz.*:

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and AMELIA T. SOLOMON

Before acting on the counsel for appellant's Withdrawal of Appearance, [Atty. Villanueva] is directed to submit within five (5) days from notice the proof of authority of Honnie M. Partoza to represent the appellants and to signify his

³ See Decision dated October 28, 2010, *rollo*, pp. 26-46.

⁴ Id. at 47-48.

⁵ Id. at 49.

⁶ Id. at 50-51.

⁷ Id. at 52-53.

⁸ Id. at 54-60.

⁹ Id. at 61-62.

conformity to the Withdrawal of Appearance. In the meantime, the Motion for Extension of Time to File Appellants' Brief is granted in the interest of justice.

[Respondent] is directed to submit within five (5) days from notice his formal Entry of Appearance as counsel for appellants and to secure and submit to this Court also within the same period the written conformity of his clients to his appearance as their counsel. Likewise, said counsel is also directed to furnish this Court the assailed RTC Decision that should have been appended to the Appellant's Brief also within the same period.

Atty. Villanueva then filed a Manifestation with Motion¹⁰ dated August 31, 2011 explaining that he communicated with Honnie and with appellants as well, but was informed that appellants were residing abroad (in Germany at the time). He then requested for a period of 15 days, or until September 15, 2011, to comply with the CA's Resolution.

On March 20, 2012, the CA issued a Resolution granting the Manifestation and Motion filed by Atty. Villanueva, and ordered the latter to show cause, within 10 days from notice, why he should not be cited in contempt for his failure to comply with the CA's Resolution of August 4, 2011; and why the Appellant's Brief filed by respondent should not be expunged from the *rollo* of the case and the appeal dismissed for his failure to comply with the August 4, 2011 Resolution.

On September 5, 2012 the CA, in another Resolution,¹¹ declared that: 1) as shown by the Registry Return Receipt dated April 4, 2012, respondent received the copy of its March 20, 2012 Resolution; 2) on June 19, 2012, the Judicial Records Division reported that no compliance with the March 20, 2012 Resolution had been filed by respondent; and 3) respondent was, for the last time, directed to comply with the March 20, 2012 Resolution within five days from notice and to show cause why he should not be cited for contempt for his failure to comply with the CA's Resolutions, dated August 4, 2011 and March 20, 2012; and why the Appellant's Brief filed by him should not be expunged from the *rollo* of the case and the appeal be dismissed.

All these directives by the CA were ignored by the respondent.

Thus, in a Resolution¹² dated October 25, 2012, the CA cited respondent in contempt of court and imposed on him a fine of ₱5,000.00. In the same Resolution, the CA once again directed respondent: (1) to comply with the

¹⁰ Id. at 63-65.

¹¹ Id. at 67-69.

¹² Id. at 71-73.



requirements of a valid substitution of counsel and to file his formal Entry of Appearance within five days from notice; and (2) to show cause, within the same period, why the Appellant's Brief filed should not be expunged from the *rollo* of the case and the appeal be dismissed for his failure to comply with the Rules of Court.

Ultimately, in a Resolution dated April 11, 2013, the CA ordered the Appellant's Brief filed by respondent expunged from the *rollo* and dismissed the appeal. More than that, the CA directed respondent to explain why he should not be suspended from the practice of law for willful disobedience to the orders of the court.

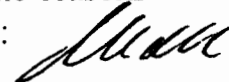
Respondent paid no heed to this Resolution.

So it was that the CA, in a Resolution¹³ dated September 17, 2013, referred the unlawyerly acts of respondent to the Integrated Bar of the Philippines (IBP) for investigation, report and recommendation.

Report and Recommendation of the Investigating Commissioner

In his Answer¹⁴ of November 13, 2013, respondent contended: (1) that the spouses Partoza sought his opinion regarding their case and later on requested that he handle their appeal before the CA; (2) that he advised the spouses Partoza to inform Atty. Villanueva of their decision to engage the services of a new counsel; (3) that he relied on the Withdrawal of Appearance filed by Atty. Villanueva and then prepared the Appellant's Brief; (4) that he was not aware of the authority of Honnie to represent spouses Partoza as well as of Honnie's conformity to the Withdrawal of Appearance by Atty. Villanueva; (5) that he believed that he had no personality to represent the spouses Partoza in the case, and to address the problems/compliances pertaining to appellant's appeal; and (6) that it was still Atty. Villanueva who should have continued to represent the spouses Partoza.

The Investigating Commissioner Michael G. Fabunan (Investigating Commissioner) found respondent liable for willful disobedience to the lawful orders of the CA and recommended that he be suspended from the practice of law for six months. The Investigating Commissioner gave the reasons for the said recommendation in his Report and Recommendation,¹⁵ viz.:



¹³ Id. at 75-77.

¹⁴ Id. at 8-10.

¹⁵ Dated October 15, 2014; id. at 83-87.

The act of respondent in not filing any of the compliances required of him in the 4 August 2011, 20 March 2012, 5 September 2012, and 25 October 2012 Resolutions of the [CA] despite due notice, emphasized his contempt and total disregard of the legal proceedings, for which he should be held liable.

x x x x

Granting that he [was] not aware of the problem between Atty. Villanueva and [Honnie], he could have explained this fact by complying with the court resolutions and not just ignored them on the premise that he has no personality to represent the [spouses Partoza]. The compliances required of the respondent by the [CA] are provided under the rules for a valid substitution of counsel and validity of the appeal and may not be disregarded.

The nonchalant attitude of the respondent cannot be left unsanctioned. Clearly, his acts constitute willful disobedience of the lawful orders of the [CA], which under Section 27, Rule 138 of the Rules of Court is a sufficient case for suspension. x x x

Resolution of the IBP Board of Governors

The IBP Board of Governors resolved¹⁶ to adopt and approve the recommendation of the Investigating Commissioner.

In its Report¹⁷ dated March 18, 2016, the Office of the Bar Confidant informed this Court that no petition for review or motion for reconsideration has been filed by either party. Thus, pursuant to Section 12(c) of Rule 139-B of the Rules of Court, this case is now before us for final action.

Issue

Whether or not respondent is administratively liable.

Our Ruling

This Court adopts the findings of fact of, and the penalty recommended by, the IBP Board of Governors.



¹⁶ Resolution No. XXI-2015-124 dated January 31, 2015; id. at 81-82.

¹⁷ Id., unpaginated.

This Court explained the crucial role played by lawyers in the administration of justice in *Salabao v. Villaruel, Jr.*,¹⁸ viz.:

While it is true that lawyers owe ‘entire devotion’ to the cause of their clients, it cannot be emphasized enough that their first and primary duty is ‘not to the client but to the administration of justice.’ Canon 12 of the Code of Professional Responsibility states that ‘A lawyer shall exert every effort and consider it his duty to assist in the speedy and efficient administration of justice.’ x x x This is a fundamental principle in legal ethics and professional responsibility that has iterations in various forms:

x x x x

Because a lawyer is an officer of the court called upon to assist in the administration of justice, any act of a lawyer that obstructs, perverts, or impedes the administration of justice constitutes misconduct and justifies disciplinary action against him. (citations omitted)

There is no dispute that respondent did not comply with five Resolutions of the CA. His actions were definitely contumacious. By his repeated failure, refusal or inability to comply with the CA resolutions, respondent displayed not only reprehensible conduct but showed an utter lack of respect for the CA and its orders. Respondent ought to know that a resolution issued by the CA, or any court for that matter, is not a mere request that may be complied with partially or selectively.

Lawyers are duty bound to uphold the dignity and authority of the court. In particular, Section 20(b), Rule 138 of the Rules of Court states that it “is the duty of an attorney [t]o observe and maintain the respect due to courts of justice and judicial officers.” In addition, Canon I of the Code of Professional Responsibility mandates that “[a] lawyer shall uphold the Constitution, obey the laws of the land and promote respect for law and legal processes.” Also, Canon 11 provides that a “lawyer shall observe and maintain the respect due to the courts and to judicial officers and should insist on similar conduct by others.”

Section 27, Rule 138 of the Rules of Court provides:

SECTION 27. *Disbarment or suspension of attorneys by Supreme Court; grounds therefor.* — A member of the bar may be disbarred or suspended from his office as attorney by the Supreme Court for any deceit, malpractice, or other gross misconduct in such office, grossly immoral conduct, or by reason of his conviction of a crime involving moral turpitude, or for any violation of the

¹⁸ 767 Phil. 548, 553-554 (2015).



oath which he is required to take before admission to practice, or for a **wilful disobedience of any lawful order of a superior court**, or for corruptly or wilfully appearing as an attorney for a party to a case without authority [to do so]. The practice of soliciting cases at law for the purpose of gain, either personally or through paid agents or brokers, constitutes malpractice. (Emphasis supplied)

This Court, in *Anudon v. Cefra*¹⁹ citing *Sebastian v. Atty. Bajar*,²⁰ held that a lawyer's obstinate refusal to comply with the Court's orders not only betrayed a recalcitrant flaw in his character; it also underscored his disrespect towards the Court's lawful orders which was only too deserving of reproof.

"Lawyers are particularly called upon to obey court orders and processes, and this deference is underscored by the fact that willful disregard thereof may subject the lawyer not only to punishment for contempt but to disciplinary sanctions as well."²¹ In this case, respondent deliberately ignored five CA Resolutions, thereby violating his duty to observe and maintain the respect due the courts.

In one case,²² the Court suspended a lawyer from the practice of law for one year for having ignored twelve (12) CA Resolutions. The Court found that the said lawyer's conduct gave the impression that he was above the duly constituted judicial authorities of the land, and looked down on them with a patronizing and supercilious attitude. In this case, we find the penalty of suspension for six (6) months, as recommended by the IBP, commensurate under the circumstances.

WHEREFORE, respondent Atty. Claro Jordan M. Santamaria is **SUSPENDED** from the practice of law for six (6) months effective upon his receipt of this Resolution. He is **STERNLY WARNED** that repetition of the same or similar act shall be dealt with more severely.

Let a copy of this Resolution be attached to respondent's personal records as attorney, and be furnished to the Integrated Bar of the Philippines and all courts in the country through the Office of the Court Administrator.



¹⁹ 753 Phil. 421, 431-433 (2015).

²⁰ 559 Phil. 211 (2007).

²¹ *Bantolo v. Atty. Castillon, Jr.*, 514 Phil. 628, 632 (2005).

²² *In Re: Resolution Dated August 14, 2013 of the Court of Appeals in CA-G.R. CV No. 94656 v. Atty. Mortel*, 791 Phil. 1 (2016).

SO ORDERED.


MARIANO C. DEL CASTILLO
Associate Justice

WE CONCUR:


TERESITA J. LEONARDO-DE CASTRO
Associate Justice
Acting Chairperson


FRANCIS H. JARDELEZA
Associate Justice


ANDRES B. REYES, JR.
Associate Justice


ALEXANDER G. GESMUNDO
Associate Justice