

EN BANC

[A.C. NO. 7056, September 13, 2006]

**PLUS BUILDERS, INC. AND EDGARDO C. GARCIA,
COMPLAINANTS, VS. ATTY. ANASTACIO E. REVILLA, JR.,
RESPONDENT.**

DECISION

PANGANIBAN, CJ:

By their oath and under the Code of Professional Responsibility, lawyers must uphold truth and justice above everything else, even above their own and their client's interests. They must be willing and able to stand for their convictions against all odds; to carry on in spite of seemingly insurmountable opposition; and to be beacons for the weak, the oppressed and the marginalized. For failing miserably to live by this oath and Code, respondent must be sanctioned.

The Case and the Facts

This administrative case originated from a Verified Petition for Disbarment^[1] filed by Plus Builders Inc. and Edgardo C. Garcia before the Integrated Bar of the Philippines (IBP). Complainants charged Atty. Anastacio E. Revilla, Jr. with committing a willful and intentional falsehood before the court; misusing court procedure and processes to delay the execution of a judgment; and collaborating with non-lawyers in the illegal practice of law.

The material averments of the Complaint are as follows:

"On April 7, 1999, Plus Builders Inc. filed before the Provincial Adjudicator of Cavite (PARAD) of DAR, DARAB CASE NOS. R-402-027-99 up to R-402-031-99, inclusive, against Leopoldo De Guzman, Heirs of Bienvenido De Guzman, Apolonio Ilas and Gloria Martinez Siongco, Heirs of Faustino Siongco; Serafin Santarin, Benigno Alvarez and Maria Esguerra, et al; hereinafter called [tenants/farmers] x x x.

"On November 15, 1999, the Provincial Adjudicator of Cavite (PARAD) rendered a consolidated Decision in favor of petitioner/complainant [Plus Builders, Inc.], and against [tenants/farmers]. x x x.

"[Tenants/farmers] filed several verified pleadings as part of the records of DARAB cases above- mentioned alleging under oath that they were "MAGSASAKANG NAMUMUWISAN" or mere tenants of subject properties, acknowledging the rights of the registered owners at that time, even before the ownership and title were transferred to Petitioner/ Complainant Plus Builders, Inc. x x x.

"On Dec[ember] 17, 1999, counsel for TENANTS/FARMERS who at that time was Atty. Damian S. J. Vellaseca, filed a pro-forma Motion for Reconsideration and Manifestation x x x. As a result, PARAD did not give due course to the same x x x.

"On March 27, 2000, another counsel for TENANTS/FARMERS, by the name of Atty. Willy G. Roxas, who represented himself as counsel for TENANTS/FARMERS, filed a manifestation stating that he is representing TENANTS/FARMERS and alleged that they were "bona fide" members of the [Kalayaan Development Cooperative] (KDC). Thereafter, he filed a Notice of Appeal on March 27, 2000 stating that they received the Decision on March 14, 2000 and alleged that the Decision is against the law and jurisprudence x x x.

"On May 31, 2001, Respondent Anastacio Revilla Jr., knowing that there was a monetary judgment by way of Disturbance Compensation granted to Tenants/Farmers, x x x filed a "Motion for Leave of Court to Allow Correction of Caption and Amendment of Judgment" (referring to the Decision of PARAD of Cavite dated November 15, 1999 x x x) with a prayer "x x x to include the name of the KALAYAAN DEVELOPMENT CORPORATION representing the following respondents herein above stated in the caption of [the] pleading." Also, a Contract of Retainership dated April 4, 2001 was attached to the Motion x x x to make x x x KDC represented by Respondent, [the] retained x x x "counsel on record" x x x.

"After realizing that his motion failed to give him beneficial monetary gain from the PARAD judgment, a Petition for Preliminary Injunction with prayer for Issuance of Temporary Restraining Order and to Quash Alias Writ of Execution with Demolition plus Damages dated July 18, 2001 was filed by Respondent x x x before the DARAB Central Office, Quezon City, notwithstanding the fact that this instant case was appealed by another lawyer (Atty. Willy Roxas). x x x.

"On the basis of this Petition, a Temporary Restraining Order by the DARAB Central Office, Quezon City, was issued on July 25, 2001 and an extension of or another Temporary Restraining Order was issued dated August 24, 2001, as a result of the active participation of Respondent x x x.

"Emboldened by the two (2) TRO's coming from DARAB Central Office, Respondent x x x filed an Indirect Contempt case dated August 28, 2001 against Plus Builders Inc. and their Board of Directors, Edgardo Garcia and [its] counsel Atty. Leopoldo S. Gonzalez before the same Office. x x x.

"Sensing a series of orders against herein Petitioners and considering, further, that the DARAB Central Office refused to hear arguments from Petitioners on the two (2) questionable TRO's, Petitioners decided to elevate the matter to the Court of Appeals by way of a Petition for Certiorari. A Decision was rendered by the Court of Appeals on [December] 20, 2001 stating that:

"WHEREFORE, the petition is GRANTED. The assailed orders issued by the DARAB are hereby declared NULL AND VOID for having been issued without jurisdiction. Consequently, this Court sees no impediment for the IMPLEMENTATION of the 15 November 1999 Decision of the provincial adjudicator.

"SO ORDERED."

"This incident was further elevated to the Supreme Court by Respondent x x x through a Petition, but said Petition was dismissed with finality x x x.

"Enraged by his defeat, Respondent x x x filed a verified "Action to Quiet Title" before the Regional Trial Court of Imus, Cavite praying for a Temporary Restraining Order (TRO), among others, to deliberately and maliciously stop the enforcement of the Decisions of the higher courts to implement the PARAD Decision dated November 15, 1999. x x x.

x x x x x x x x

"Respondent signed his pleading under a group of non-lawyers joining him in the practice of law as [KDC] LEGAL SERVICES, LAW OFFICERS AND ASSOCIATES which included KDC as law partners in violation of the Rules on the practice of law with non-lawyers. As a matter of fact, under the Retainership Contract submitted by Respondent before the PARAD of Cavite, it was specifically mentioned that legal fees were to be collected as counsel on record for the cooperative and respondent. Therefore, this contract was effectively used [for] unlawful solicitation of clients in the practice of law with non-lawyers, being the cooperative (KDC) to become "counsel on record [sic] x x x.

"On March 6, 2003, the Regional Trial Court of Imus, Cavite quashed the earlier issued TRO and dismissed the case on the ground of "res judicata" because the Court of Appeals ruled that, "x x x the Decision of the Provincial Adjudicator of DAR dated November 15, 1999 has already become final x x x" and that, prescription does not run against registered land. x x x."^[2]

In his Answer^[3] dated March 29, 2004, respondent denied the charges against him. He averred that by filing the action to quiet title in Civil Case No. 2763-03, he had merely wanted to protect the rights and interests of his clients. According to him, they sincerely and honestly believed that their possession of the litigated land had already ripened into ownership. He explained thus:

"Notwithstanding the claim of said farmers of tenancy relationship with [the] previous owner in the decisions of PARA[D], Court of Appeals and Supreme Court in the DISTURBANCE COMPENSATION CASES, (DARAB CASE NO. R-402-025-99; R-402-026-99; R-402-027-99; R-402-028-99; R-402-029-99; R-402-030-99; R-402-031-99) the said farmers, are not precluded, by any law or jurisprudence, from entertaining in good faith an opinion or belief that they could legally be considered as owners of the subject-property precisely because of the undisputed fact that they have

been in possession thereof in an open, continuous, public, uninterrupted possession for more than fifty (50) years. x x x.

"It was on the basis of [a] sincere and honest belief and opinion o[f] acquiring ownership of the land through prescription that the said farmers had decided to pursue and file the Action to Quiet Title in Civil Case No. 2763-03, before the RTC of Imus, Cavite, Branch 20 x x x.

x x x x x x x x

"It should be stressed that the decisions of the PARA[D], Court of Appeals and the Supreme Court in DARAB CASE No. R-402-025-99; R-402-026-99; R-402-027-99; R-402-028-99; R-402-029-99; R-402-030-99; R-402-031-99, [i]ndisputably refer only to the fixing of disturbance compensations. They did not in any way, involve [the] question of ownership of the subject property, which is the subject matter of Civil Case No. 2763-03, (Action to Quiet Title), filed before the RTC of Imus, Cavite, Branch 20.

x x x x x x x x

"As new counsel of the said farmers x x x, respondent has the complete discretion [of] what legal strategy or cause of action to undertake on their behalf and the complainant and their counsel have no business or right to interfere with or dictate [upon] the respondent on how to protect the rights and interests of said farmers under the applicable law and jurisprudence.

x x x x x x x x

"Respondent respectfully submits that he has not committed any illegal, unlawful, unjust, wrongful or immoral acts towards the complainant. Respondent, in good faith filed the aforesaid cases (Action to Quiet Title, RTC, Imus, Cavite, Branch 20; and Petition for Issuance of Preliminary Injunction and TRO, and Complaint before the Ombudsman), as a lawyer sworn to uphold justice and the law who was the bounden duty to exert utmost efforts to defend his client and protect his right, no matter how guilty or evil he appears to be, especially if they are poor and uneducated like the said farmers."^[4]

In a Reply^[5] dated April 12, 2004, complainants emphasized that the nature of the possession of the subject land by respondent's clients had already been settled in the case for disturbance compensation. Complainants maintained that the PARAD Decision, which was sustained by the Court of Appeals and the Supreme Court, clearly stated that these clients were mere tenants of the land. Thus, adverse possession could not be claimed by respondent in good faith, especially when he had previously acknowledged the rights of complainants as landowners.

On August 4, 2004, both parties appeared at a hearing scheduled by Edmund T. Espina, commissioner of the Integrated Bar of the Philippines-Commission on Bar Discipline (IBP-CBD). During the hearing, the parties were directed to submit their