

THIRD DIVISION

[A.C. No. 12719 (Formerly CBD Case No. 17-5316), February 17, 2021]

SANNY L. GERODIAS, COMPLAINANT, VS. ATTY. TOMAS A. RIVERAL, ATTY. ANNABEL G. PULVERA-PAGE, AND ATTY. LORENA M. SUPATAN, RESPONDENTS.

DECISION

Hernando, J.:

On February 21, 2017, Sanny L. Gerodias (Gerodias) filed a disbarment complaint^[1] before the Integrated Bar of the Philippines (IBP) against Attorneys Tomas A. Rival (Rival), Annabel G. Pulvera-Page (Pulvera-Page) and Lorena M. Supatan (Supatan).

Gerodias was a former employee of Oriental Port and Allied Services Corporation (OPASCOR).^[2] During his employment, he underwent several disciplinary investigations for various reasons such as heated altercations with co-employees, damage to company property and abandonment of work. The last disciplinary investigation which led to his voluntary retirement from OPASCOR was the incident of him stealing a box of perfumes owned by OPASCOR's clients. Instead of terminating Gerodias, OPASCOR offered him the option of voluntary resignation with payment of separation pay.^[3]

Gerodias, on the other hand, demanded to avail of the early retirement option. Despite the fact that he was short of two years to avail of the company's early retirement program, which requires a total of 15 years of service, Gerodias' request was approved by Rival, the President and General Manager of OPASCOR. Thus, he was paid a retirement pay in the amount equivalent to 22 months with full grant of other benefits despite the fact that he only worked for six months for the year 2016.^[4]

However, a month after Gerodias received his retirement pay, he filed a complaint for illegal dismissal against OPASCOR and demanded a breakdown of the deductions made on his retirement pay. On the other hand, OPASCOR filed a criminal complaint for qualified theft against Gerodias.^[5]

On February 3, 2017, the Labor Arbiter (LA) dismissed Gerodias' complaint for lack of merit.^[6] On appeal, the National Labor Relations Commission (NLRC) affirmed *in toto* the LA's decision in its April 17, 2017 Decision^[7] and May 31, 2017 Resolution.^[8]

Meanwhile, a disbarment case was filed by Gerodias against Rival as the President and General Manager of OPASCOR; Pulvera-Page, as the Corporate Secretary of

OPASCOR and one of the lawyers in the firm of Rivalal, Pulvera & Associates; and Supatan, as: a lawyer in Rivalal, Pulvera & Associates who received Gerodias' Position Paper during the proceedings of the labor case. Gerodias averred that Rivalal, Pulvera-Page and Supatan violated Canon 1, Rules 1.01, 1.02 and 1.03 of the Code of Professional Responsibility (CPR) when they, together, with Jessielou Cadungog (Cadungog), the Labor Union President of OPASCOR, connived and conspired to dismiss him from his employment:

Specifically, Gerodias accused Cadungog, as appointed director of OPASCOR and as Labor Union President, to have represented conflicting interests which resulted in him failing to represent Gerodias' interest during his disciplinary investigation.^[9] Gerodias also questioned the two confusing and conflicting Secretary's Certificates filed by OPASCOR in the labor and criminal cases which were signed and executed at the same time by two different persons, namely, by Pulvera-Page and Mary Lou Z. Geyrosaga (Geyrosaga), respectively. Both secretary's certificates indicated that Pulvera-Page and Geyrosaga were corporate secretaries of OPASCOR.^[10]

In addition, Gerodias averred that Pulvera-Page's representation of OPASCOR and all the other individual respondents in the labor case, namely, Rivalal and Cadungog, is evidence of conspiracy to terminate his employment. Lastly, he likewise claimed that Supatan's act of receiving a copy of his Position Paper during the proceedings of the labor case indicates her connivance with Rivalal and Pulvera-Page.

On the other hand, Supatan argued that her participation in the labor case by receiving a copy of Gerodias' Position Paper in behalf of Rivalal, Pulvera-Page & Associates does not justify the allegations of conspiracy against her.^[11] Rivalal and Pulvera-Page also belied the conspiracy accusation against them and maintained that Gerodias was not illegally dismissed from employment but voluntarily retired effective on June 17, 2016 by way of graceful exit.^[12]

They further argued that no decision was made by OPASCOR's Board of Directors (BOD) to terminate Gerodias. Instead, Rivalal, as the President and General Manager of OPASCOR, approved Gerodias's application for retirement in good faith.^[13] Lastly, both Pulvera-Page, OPASCOR's Corporate Secretary and Geyrosaga, OPASCOR's Recording Secretary, are duly authorized to issue Secretary's Certificates on motions or resolutions passed and approved by OPASCOR's Board of Directors.^[14]

Report and Recommendation of the Integrated Bar of the Philippines:

On December 22, 2017, the IBP issued its Report and Recommendation^[15] recommending the dismissal of the administrative case against Rivalal, Pulvera-Page and Supatan for lack of factual and legal basis. The acts and/or participation of Rivalal, Pulvera-Page and Supatan do not violate any of the Canons in the CPR, the Lawyer's Oath or Section 27, Rule 138 of the Rules of Court. On March 22, 2018,; the IBP Board of Governors (IBP Board) resolved to adopt the findings of fact and recommendation of the Investigating Commissioner to dismiss the complaint.^[16]

Meanwhile, on October 25, 2018, Gerodias sent a Letter^[17] with attached Affidavit of Desistance^[18] to the IBP expressing his disinterest in pursuing the disbarment