

FIRST DIVISION

[A.C. No. 9252, November 28, 2019]

EXECUTIVE JUDGE ELOIDA R. DE LEON-DIAZ, REGIONAL TRIAL COURT, BRANCH 58, LUCENA CITY, COMPLAINANT, VS. ATTY. RONALDO ANTONIO V. CALAYAN, RESPONDENT.

D E C I S I O N

PERALTA, C.J.:

Before the Court is a Letter^[1] dated October 19, 2009 sent by complainant Executive Judge Eloida R. De Leon-Diaz, Regional Trial Court (RTC), Branch 58, Lucena City, to the Court Administrator which the Court, in its Resolution^[2] dated November 21, 2011, considered as a Formal Complaint against respondent Atty. Ronaldo Antonio V. Calayan relative to his alleged misconduct in the handling of his cases before the different branches of the Lucena City trial courts.

The antecedent facts are as follows:

In her letter, Judge Diaz informed the Court of the agreement arrived at by all incumbent judges at the raffle of cases held on September 14, 2009, requesting that all cases involving respondent Atty. Calayan and his family, whether newly-filed or not, and which at that time already totaled fifteen (15), be transferred to another venue to maintain the dignity and respectability of the court. According to her, the cases involving the Calayan family have been likened to the "Sword of Damocles" over the heads of the judges and some lawyers involved due to Atty. Calayan's persistent demands for them to inhibit either by motion or by filing administrative cases against them. What was constant, moreover, was that the judges have been harassed by Atty. Calayan one way or another through the relentless filing of unnecessary pleadings "almost every day." For this reason, no judge from the jurisdiction would want to sit in any of the cases which have already undergone numerous re-raffles and unsuccessful mediation efforts.^[3]

At the heart of this controversy is an intra-corporate dispute docketed as Civil Case No. 2007-10 filed by Atty. Calayan's siblings and mother against him, his wife, and daughter that sought to revert into a stock corporation, as well as to place the family business, Calayan Educational Foundation, Inc. (CEFI), of which Atty. Calayan was the President and Chairman of the Board of Trustees, under a receivership. The case was originally presided by Judge Adolfo Encomienda who appointed a receiver to take over the corporation but who voluntarily inhibited himself after Atty. Calayan filed a Motion to Recuse against him. The case was eventually raffled to Judge Virgilio Alpajora who ordered the creation of a management committee, but who also voluntarily inhibited himself on account of Atty. Calayan's filing of an administrative case against him. Said administrative case was dismissed but Judge Alpajora's counter-complaint was converted into an administrative case against Atty. Calayan.^[4]

Meanwhile, in a Resolution^[5] dated November 21, 2011, the Court resolved that the letter of Judge Diaz be considered as another formal complaint against Atty. Calayan with respect to his alleged misconduct arising from the intra-corporate controversy. In her Position Paper^[6] dated September 7, 2012, Judge Diaz emphasized Atty. Calayan's indiscretions and disrespect towards the court. As of the date of said Position Paper, Judge Diaz pointed out that Atty. Calayan had already filed the following: (1) two (2) petitions before the Court of Appeals (CA) challenging her letter; (2) an administrative complaint against her; (3) an administrative complaint against Judge Alpajora; (4) an administrative complaint against Judge Rafael R. Lagos; (5) an administrative complaint against Judge Guillermo Andaya; and (6) an administrative complaint against Atty. Vincent Robles. She further drew attention to the fact that during the pendency of the action on her letter, Atty. Calayan sent her an advanced copy of the administrative complaint he filed against her. To her, this may be likened to a threat to the court and her person. In the end, she maintained that it was quite strange for a lawyer to file endless complaints against the judges handling his case and, at the same time, claim that he is seeking a speedy disposition of the same.

For his part, Atty. Calayan explained that the underlying factor that spurred his alleged relentless filing of purported unnecessary pleadings was the placing of CEFI, of which he was the President and Chairman, under an onerous receivership in 2007 as initiated by his mother and siblings. According to him, the negative impression created by the presence of a receiver resulted in the suffering by CEFI of a substantial decrease in enrollment, and demoralization of its faculty and employees. Moreover, the order requiring CEFI to pay the receiver P50,000.00 per month only imposed an unnecessary burden considering that the company still had loans to pay. It was in his consequent desire to save CEFI from further damage that Atty. Calayan implored the aid of the courts through the filing of motions and pleadings. But he asserts that these pleadings were far from being violative of any rule nor were they prohibited. As such, Atty. Calayan sought the indulgence of the Court, claiming that he never intended on harassing any judge or party-litigant with his actions. In support of his stance, he cited the doctrine enunciated in *In the Matter of the Proceedings for Disciplinary Action Against Atty. Almacen, et al. v. Yaptinchay (Almacen)*^[7] that encourages a lawyer's criticism of erring magistrates. At any rate, Atty. Calayan asserts the mootness of the instant complaint against him in view of the fact that the cases had already been transferred to the courts of Makati City and that his motion for reconsideration had already been denied. In the end, he genuinely apologized for his overzealousness, explaining that his was an extraordinary predicament for CEFI was the only legacy left of his family. He hopes that the Court understands why he could not help but lose objectivity and become emotional in pursuing the present cases which involve not just strangers, but members of his family.^[8]

In a Report and Recommendation^[9] dated September 28, 2012, the Investigating Commissioner of the Commission on Bar Discipline of the Integrated Bar of the Philippines (IBP) recommended that Atty. Calayan be meted with a penalty of Censure with a warning that a similar infraction will merit a stiffer penalty.

In a Resolution^[10] dated March 21, 2013, the Board of Governors (BOG) of the IBP approved, with modification, the Report and Recommendation of the Investigating

Commissioner. suspending Atty. Calayan from the practice of law for a period of three (3) months. Subsequently, in another Resolution^[11] dated March 22, 2014, the BOG denied Atty. Calayan's Motion for Reconsideration there being no cogent reason to reverse the previous findings.

The Court's Ruling

After a judicious review of the instant case, we adopt the findings of the Investigating Commissioner, affirmed by the BOG, that Atty. Calayan must be held administratively liable for his infractions, in violation of the Code of Professional Responsibility (*CPR*) and the Lawyer's Oath, specifically, Canon 8; Rule 10.03, Canon 10; and Rule 12.04, Canon 12 of the *CPR* which provide as follows:

CANON 8 - A lawyer shall conduct himself with courtesy, fairness and candor towards his professional colleagues, and shall avoid harassing tactics against opposing counsel.

x x x x

CANON 10 - A lawyer owes candor, fairness and good faith to the Court.

x x x x

Rule 10.03 - A lawyer shall observe the rules of procedure and shall not misuse them to defeat the ends of justice.

x x x x

CANON 12 - A lawyer shall exert every effort and consider it his duty to assist in the speedy and efficient administration of justice.

x x x x

Rule 12.04 - A lawyer shall not unduly delay a case, impede the execution of a judgment or misuse Court processes.

Here, Atty. Calayan never denied the fact that he engaged in an indiscriminate filing of pleadings, motions, and civil, criminal and even administrative cases against several trial court judges, lawyers, and members of his family. He did not deny initiating complaint after complaint not only against the adverse parties to the controversy, but even their respective counsels who were merely doing their duty to represent their clients. Neither did he deny instituting administrative complaints against all those judges who handled his cases, as well as countless manifestations and motions before them. As Judge Diaz put it, he relentlessly filed cases against her and her fellow judges and unnecessary pleadings "almost every day," to the point that no judge from the Lucena City trial court wanted to have anything to do with a case involving Atty. Calayan. Against Judge Diaz alone, Atty. Calayan filed two (2) petitions before the CA, challenging her letter, as well as an administrative complaint, sending her an advanced copy thereof. It seemed as though he spared no judge from his complaints and, in the case of Judge Alpajora, the Investigating Commissioner observed that Atty. Calayan made sure that the same would turn out agonizing for him by filing the case just a few months before his retirement in