

SECOND DIVISION

[A.C. No. 11829, February 26, 2018]

MARIA ROMERO, COMPLAINANT, V. ATTY. GERONIMO R. EVANGELISTA, JR., RESPONDENT.

RESOLUTION

REYES, JR., J:

For the Court's resolution is a Complaint^[1] for disbarment filed by Maria Romero (Maria) with the Integrated Bar of the Philippines (IBP) against Atty. Geronimo R. Evangelista, Jr. (Atty. Evangelista), for his alleged violation of several provisions^[2] of the Code of Professional Responsibility (CPR) and Canon 6^[3] of the Canons of Professional Ethics.

The Facts

In her Complaint, Maria alleged that in several cases, Atty. Evangelista represented her and her aunt Adela A. Romero (Adela), in their individual capacities and as Heirs of the Late Adela Aguinaldo Vda. De Romero. However, Atty. Evangelista subsequently represented the Spouses Joseph and Rosalina Valles in suits against Adela, enumerated as follows:

1. Civil Case No. 319 (Forcible Entry with Damages) - Adela Romero vs. Spouses Joseph and Rosalina Valles, Municipal Circuit Trial Court, First Judicial Region, Tuba-Sablan, Benguet^[4]
2. Civil Case No. 13-CV-2940 (Recovery of Possession and Ownership with Damages) - Adela Romero vs. Spouses Joseph and Rosalina Valles, Regional Trial Court, First Judicial Region, Branch 10, Benguet Province^[5]
3. Civil Case No. 12-CV-2880 - Adela Romero vs. Spouses Joseph and Rosalina Valles, First Judicial Region, Branch 10, La Trinidad, Benguet^[6]

In his Answer,^[7] Atty. Evangelista admitted that he had handled cases involving the properties of the Romero clan, but not a single case for Maria.^[8] He explained that: a) there was never a lawyer-client relationship between him and Maria; b) his professional services were never retained by Maria nor did he receive any privileged information regarding Maria's cases; and c) Maria never paid him any legal fee.^[9]

Atty. Evangelista also contended that Adela is not a complainant in the disbarment case against him nor is there any proof that she authorized Maria to file a complaint on her (Adela's) behalf.^[10]

Report and Recommendation of the IBP

In the Report and Recommendation^[11] dated February 27, 2015, the IBP-Commission on Bar Discipline (CBD) found Atty. Evangelista to have represented conflicting interests and recommended that he be meted the penalty of suspension from the practice of law for one year.

The IBP-CBD noted that Atty. Evangelista, who once lawyered for Adela, had accepted and handled legal actions against her. In his defense, Atty. Evangelista argued that Adela herself did not file a complaint against him. But, according to the IBP-CBD, Adela's participation in the filing of the action is not necessary since Atty. Evangelista's culpability had been established by documentary evidence on record.^[12]

In its Resolution^[13] dated June 6, 2015, the IBP-Board of Governors adopted and approved *in toto* the Report and Recommendation of the IBP-CBD. Atty. Evangelista filed a motion for reconsideration,^[14] praying for the mitigation of his penalty. The motion was denied in IBP Resolution No. XXII-2017-794^[15] dated January 27, 2017.

Issue

Whether Atty. Evangelista is guilty of representing conflicting interests

The Court's Ruling

After a judicious review of the records, the Court concurs with the IBP's findings, except for the recommended penalty.

"The relationship between a lawyer and his client should ideally be imbued with the highest level of trust and confidence. Necessity and public interest require that this be so. Part of the lawyer's duty to his client is to avoid representing conflicting interests."^[16] In *Hornilla vs. Salunat*,^[17] the Court explained the concept of conflict of interest, *viz*:

There is conflict of interest when a lawyer represents inconsistent interests of two or more opposing parties. The test is "whether or not in behalf of one client, it is the lawyer's duty to fight for an issue or claim, but it is his duty to oppose it for the other client. In brief, if he argues for one client, this argument will be opposed by him when he argues for the other client." This rule covers not only cases in which confidential communications have been confided, but also those in which no confidence has been bestowed or will be used. Also, there is conflict of interests if the acceptance of the new retainer will require the attorney to perform an act which will injuriously affect his first client in any matter in which he represents him and also whether he will be called upon in his new relation to use against his first client any knowledge acquired through their connection. Another test of the inconsistency of interests is whether the acceptance of a new relation will prevent an attorney from the full discharge of his duty of undivided fidelity and loyalty to his client or invite suspicion of unfaithfulness or double dealing in the performance thereof.^[18]

The rule against conflict of interest also "prohibits a lawyer from representing new clients whose interests oppose those of a former client in any manner, whether or