

THIRD DIVISION

[A.C. No. 7593, March 11, 2015]

**ALVIN S. FELICIANO, COMPLAINANT, VS. ATTY. CARMELITA
BAUTISTA-LOZADA, RESPONDENT.**

D E C I S I O N

PERALTA, J.:

Before us is a Petition for Disbarment^[1] dated August 2, 2007 filed by Alvin S. Feliciano (*complainant*) against respondent Atty. Carmelita Bautista-Lozada (*Atty. Lozada*) for violation of Section 27,^[2] Rule 138 of the Rules of Court.

The facts of the case, as culled from the records, are as follows:

On December 13, 2005, the Court en banc promulgated a Resolution in A.C. No. 6656 entitled "*Bobie Rose V. Frias vs. Atty. Carmencita Bautista Lozada*"^[3] suspending Atty. Lozada for violation of Rules 15.03 and 16.04 of the Code of Professional Responsibility, the dispositive portion of which reads:

WHEREFORE, respondent Atty. Carmencita Bautista Lozada is hereby found guilty of violating Rules 15.03 and 16.04 of the Code of Professional Responsibility and of willfully disobeying a final and executory decision of the Court of Appeals. She is hereby **SUSPENDED** from the practice of law for a period of two (2) years from notice, with a STERN WARNING that a repetition of the same or similar acts will be dealt with more severely.

Let copies of this Resolution be furnished all courts of the land, the Integrated Bar of the Philippines, as well as the Office of the Bar Confidant, for their information and guidance, and let it be entered in respondent's personal records.

SO ORDERED.^[4]

On May 4, 2006, the Court denied with finality Atty. Lozada's motion for reconsideration.^[5]

However, on June 5, 2007, in an action for injunction with prayer for issuance of a temporary restraining order and/or writ of preliminary injunction docketed as Civil Case no. 101-V-07 entitled "*Edilberto Lozada, et.al. vs. Alvin S. Feliciano, et al.*," where complainant was one of the respondents, complainant lamented that Atty. Lozada appeared as counsel for the plaintiff and her husband, Edilberto Lozada, and actively participated in the proceedings of the case before Branch 75 of the Regional Trial Court of Valenzuela City. To prove his allegation, complainant submitted certified true copies of the minutes of the hearings, dated June 12, 2007, July 3,

2007 and July 6, 2007, wherein Atty. Lozada signed her name as one of the counsels,^[6] as well as the transcript of stenographic notes showing that Atty. Lozada conducted direct examination and cross-examination of the witnesses during the trial proceedings.^[7]

Complainant argued that the act of Atty. Lozada in appearing as counsel while still suspended from the practice of law constitutes willfull disobedience to the resolutions of the Court which suspended her from the practice of law for two (2) years.

On September 12, 2007, the Court resolved to require Atty. Lozada to comment on the complaint against him.^[8]

In her Comment^[9] dated November 19, 2007, Atty. Lozada explained that she was forced by circumstances and her desire to defend the rights of her husband who is embroiled in a legal dispute. She claimed that she believed in good faith that her appearance as wife of Edilberto Lozada is not within the prohibition to practice law, considering that she is defending her husband and not a client. She insisted that her husband is a victim of grave injustice, and his reputation and honor are at stake; thus, she has no choice but to give him legal assistance.^[10]

On January 30, 2008, the Court referred the instant case to the Integrated Bar of the Philippines for investigation, report and recommendation.^[11]

In its Report and Recommendation^[12] dated March 9, 2009, the Integrated Bar of the Philippines-Commission on Bar Discipline (*IBP-CBD*) found Atty. Lozada guilty of violating Rule 1.01 & 1.02, Rule 18.01 of the Code of Professional Responsibility and the terms of her suspension from the practice of law as imposed by the Court. Thus, the IBP-CBD recommended the disbarment of Atty. Lozada.

On May 14, 2011, however, the IBP-Board of Governors resolved to adopt and approve with modification the report and recommendation of the IBP-CBD such that it recommended instead that Atty. Lozada be suspended from the practice of law for three (3) months.

RULING

We adopt the ruling of the IBP-Board of Governors with modification.

Indeed, this Court has the exclusive jurisdiction to regulate the practice of law. When this Court orders a lawyer suspended from the practice of law, as in the instant case, the lawyer must desist from performing all functions requiring the application of legal knowledge within the period of suspension.^[13]

Suffice it to say that practice of law embraces "any activity, in or out of court, which requires the application of law, legal procedure, knowledge, training and experience." It includes "[performing] acts which are characteristics of the [legal] profession" or "[rendering any kind of] service [which] requires the use in any degree of legal knowledge or skill."^[14]