

## SECOND DIVISION

**[ A.C. No. 9868 [formerly CBD Case No. 05-1617],  
April 22, 2015 ]**

**ATTY. ALFREDO L. VILLAMOR, JR., COMPLAINANT, VS. ATTYS. E.  
HANS A. SANTOS AND AGNES H. MARANAN, RESPONDENTS.**

### DECISION

**BRION, J.:**

For the Court's consideration is the disbarment complaint<sup>[1]</sup> filed by Atty. Alfredo L. Villamor, Jr. (*complainant*) against Attys. E. Hans A. Santos and Agnes H. Maranan (*respondents*) for committing an unethical act in violation of the Code of Professional Responsibility.

#### **Factual Background**

In his complaint, the complainant related that the respondents initiated Civil Case No. 70251 for a sum of money before the Regional Trial Court of Pasig City (*RTC Pasig*) and used a deceptive ploy to prevent the payment of the proper docket fees. Knowing that the complaint was actually one for damages, the respondents allegedly disguised the complaint as an action for specific performance and injunction (where the amount involved is incapable of pecuniary estimation) and deliberately omitted to specify the damages prayed for amounting to P68,000,000.00 in the prayer of the complaint in order to avoid paying the proper docket fees. According to the complainant, this intentional omission to specify the amount of damages was specifically declared by the Court in *Manchester Development Corporation, et al. v. Court of Appeals*<sup>[2]</sup> as grossly unethical, and thus constitutes a valid ground for disbarment.<sup>[3]</sup>

The respondents denied that they deceived the court in Civil Case No. 70251 by making it appear that the case was an action for specific performance and injunction. They claimed that at the time the complaint in Civil Case No. 70251 was filed on January 13, 2005, twelve (12) out of fifteen (15) checks were not yet due and demandable, clearly indicating that the complaint was really an action for specific performance and injunction, rather than an action for sum of money or damages.<sup>[4]</sup>

The respondents also claimed that the Manchester doctrine the complainant invoked was modified less than two (2) years after it was announced.<sup>[5]</sup>

#### **The Investigating Commissioner's Findings**

In his Report and Recommendation dated October 29, 2008, IBP Commissioner Wilfredo E.J.E. Reyes found that the respondents did not commit any violation of the

code of professional ethics.

According to Commissioner Reyes, there is no showing that the Clerk of Court had been deceived when she assessed the filing fees due on the complaint in Civil Case No. 70251. A reading of the prayer in Civil Case No. 70251 shows that there were clear and unequivocal references to paragraph 2.27 of the complaint, which detailed the amounts of the postdated checks. There was also a specific reference in the prayer to the amount of P9.5 Million representing the value of the checks that had become due.

Moreover, there is no showing that the Clerk of Court had made any mistake in the assessment of the docket fees since the court never issued an order for reassessment or payment of higher docket fees.

Commissioner Reyes recommended that the disbarment case be dismissed for lack of merit.

### **The IBP Board of Governors' Findings**

In a resolution<sup>[6]</sup> dated December 11, 2008, the Board of Governors of the IBP resolved to adopt and approve the Report and Recommendation of the IBP Commissioner after finding it to be fully supported by the evidence on record, and by the applicable laws and rules.

The complainant moved to reconsider the resolution but the IBP Board of Governors denied his motion in a resolution<sup>[7]</sup> dated January 3, 2013.

On April 5, 2013, the complainant filed a Petition for Review on Certiorari assailing the IBP's findings. The complainant reiterated that:

- (1) The respondents' omission to state, in the prayer of the complaint, the amount claimed in the action is an "unethical practice";
- (2) The case filed by the respondents in Civil Case No. 70251 is one for the collection of a sum of money; and
- (3) The respondents violated the Code of Professional Responsibility, specifically, Canon 1, Rule 1.01; and Canon 10, Rules 10.01, 10.02, and 10.03.

### **The Issue**

The issue in this case is whether the respondents' omission of the specification of the amount of damages in the prayer of the complaint is unethical, and thereby violative of the Code of Professional Responsibility.

### **The Court's Ruling**

After a careful study of the record, we agree with the findings and recommendations of the IBP Commissioner and the IBP Board of Governors.

The complainant argued that the Investigating Commissioner's Report and Recommendation is contrary to the Court's pronouncement in *Manchester*

*Development Corporation, et al. v. Court of Appeals.*<sup>[8]</sup> The material portions of the Manchester doctrine provide:

"The Court cannot close this case without making the observation that it frowns at the practice of counsel v/ho filed the original complaint in this case of omitting any specification of the amount of damages in the prayer although the amount of over Seventy-Eight Million Pesos (P78,000,000.00) is alleged in the body of the complaint. This is clearly intended for no other purpose than to evade the payment of the correct filing fees if not to mislead the docket clerk in the assessment of the filing fee."

"The Court serves warning that it will take drastic action upon a repetition of this unethical practice."

In that case, the Court observed that the lawyer's act of omitting any specification of the amount of damages in the prayer of the complaint, although the amount was alleged in its body, "was clearly intended for no other purpose than to evade the payment of the correct filing fees if not to mislead the docket clerk in the assessment of the filing fee."<sup>[9]</sup> It noted the lawyer's fraudulent act of avoiding payment of the required docket fees, and declared the said act as unethical. Following this pronouncement, the Court required lawyers filing an original complaint to specify the amount of damages prayed for not only in the body of the pleading, but also in the prayer.

After a careful study of the import of the Manchester doctrine and the arguments of the parties, we find as the Investigating Commissioner did -that the respondents did not commit any violation of the Code of Professional Conduct.

We stress that the main issue in disbarment cases is whether or not a lawyer has committed serious professional misconduct sufficient to cause disbarment. The test is whether the lawyer's conduct shows him or her to be wanting in moral character, honesty, probity, and good demeanor; or whether it renders him or her unworthy to continue as an officer of the court.<sup>[10]</sup> The burden of proof rests upon the complainant; and the Court will exercise its disciplinary power only if the complainant establishes the complaint with clearly preponderant evidence.<sup>[11]</sup>

In the present case, the respondents' administrative liability would depend on the resolution of the following sub-issues: (1) whether the respondents employed a deceptive ploy to avoid payment of the docket fees; (2) whether the respondents' failure to specify the amount of damages in the prayer of the complaint constitutes an unethical practice; and ultimately; (3) whether the respondents violated Canon 1, Rule 1.01 of the Code of Professional Liability.

We agree with the respondents that they did not deceive the court in Civil Case No. 70251 in its assessment of the correct docket fees. Canon 1, Rule 1.01 of the Code of Professional Liability provide:

"CANON 1 - A LAWYER SHALL UPHOLD THE CONSTITUTION, OBEY THE LAWS OF THE LAND AND PROMOTE RESPECT FOR LAW AND FOR LEGAL PROCESSES