

## **SECOND DIVISION**

**[ A.C. No. 9834, August 26, 2015 ]**

**SAMUEL B. ARNADO, COMPLAINANT, VS. ATTY. HOMOBONO A. ADAZA, RESPONDENT.**

### **D E C I S I O N**

**CARPIO, J.:**

#### **The Case**

This is an administrative case against Atty. Homobono A. Adaza (respondent) for his failure to comply with the requirements of the Mandatory Continuing Legal Education (MCLE) under Bar Matter No. 850.

#### **The Antecedent Facts**

In a letter, dated 15 March 2013, Atty. Samuel B. Arnado (complainant) called the attention of this Court to the practice of respondent of indicating "MCLE application for exemption under process" in his pleadings filed in 2009, 2010, 2011, and 2012, and "MCLE Application for Exemption for Reconsideration" in a pleading filed in 2012. Complainant informed the Court that he inquired from the MCLE Office about the status of respondent's compliance and received the following Certification, dated 2 January 2013, from Prof. Myrna S. Feliciano (Prof. Feliciano), MCLE's Executive Director:

This is to certify that per our records, ATTY. HOMOBONO A. ADAZA with Roll Number 14118 of IBP MIS AMIS ORIENTAL Chapter did not comply with the requirements of Bar Matter [No.] 850 for the following compliance periods:

- a. First Compliance Period (April 15, 2001 -April 14, 2004)
- b. Second Compliance Period (April 15, 2004 -April 14, 2007)
- c. Third Compliance Period (April 15, 2007 -April 14, 2010)

This is to further certify that Arty. Adaza filed an Application for Exemption from the MCLE requirement on (sic) January 2009 but was DENIED by the MCLE Governing Board on (sic) its January 14, 2009 meeting.<sup>[1]</sup>

In its Resolution dated 17 June 2013, the Court referred this case to he MCLE Committee for evaluation, report and recommendation.

In a letter, dated 5 August 2013, Atty. Jesusa Jean D. Reyes (Atty. Reyes), Assistant Executive Officer of the MCLE Office, forwarded to the Court the *rollo* of the case

together with the MCLE Governing Board's Evaluation, Report and Recommendation.  
[2] In its Evaluation, Report and Recommendation [3] dated 14 August 2013, [4] the MCLE Governing Board, through retired Supreme Court Associate Justice Bernardo P. Pardo (Justice Pardo), MCLE Chairman, informed the Court that respondent applied for exemption for the First and Second Compliance Periods covering 15 April 2001 to 14 April 2004 and 15 April 2004 to 14 April 2007, respectively, on the ground of "expertise in law" under Section 3, Rule 7 of Bar Matter No. 850. The MCLE Governing Board denied the request on 14 January 2009. In the same letter, the MCLE Governing Board noted that respondent neither applied for exemption nor complied with the Third Compliance period from 15 April 2007 to 14 April 2010.

In its 9 December 2013 Resolution, the Court directed the Second Division Clerk of Court to furnish respondent with complainant's letter of 15 March 2013. The Court likewise required respondent to file his comment within ten days from notice.

In his Compliance and Comment [5] dated 3 February 2014, respondent alleged that he did not receive a copy of the 5 August 2013 letter of Atty. Reyes. He stated that he was wondering why his application for exemption could not be granted. He further alleged that he did not receive a formal denial of his application for exemption by the MCLE Governing Board, and that the notice sent by Prof. Feliciano was based on the letter of complainant who belonged to Romualdo and Arnado Law Office, the law office of his political opponents, the Romualdo family. Respondent alleged that the Romualdo family controlled Camiguin and had total control of the judges and prosecutors in the province. He further alleged that the law firm had control of the lawyers in Camiguin except for himself.

Respondent enumerated his achievements as a lawyer and claimed that he had been practicing law for about 50 years. He stated:

x x x x

Fifth, with a great degree of immodesty, I was the first outsider of the Supreme Court WHOM PRESIDENT CORAZON C. AQUINO, offered, immediately after she took over government in February 1986, a seat as Justice of the Supreme Court but I refused the intended appointment because I did not like some members of the Cory crowd to get me to the SC in an effort to buy my silence;

Sixth, I almost single-handedly handled the case of CORAZON C. AQUINO in the canvassing of the results of the 1986 snap elections, DISCUSSING CONSTITUTIONAL and legal issues which finally resulted to the EDSA revolution;

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Eighth; I was one of the two lead counsels of now SENATOR MIRIAM DEFENSOR SANTIAGO in the national canvassing before the National Canvassing Board when she ran for President against then GENERAL FIDEL RAMOS. The other counsel was former Justice of the Supreme Court SERAFIN CUEVAS;

Ninth, I handled the 1987 and 1989 as well as the 2003 COUP CASES for leading generals like ABENINA and COMMENDAOR and COLONELS like GREGORIO HONASAN as well as the SIX OAKWOOD CAPTAINS, including now SENATOR ANTONIO TRILL ANES;

Tenth, I filed a case with the Supreme Court contesting the constitutionality and validity of the 2010 national elections, still undecided up to this day;

Eleventh, I filed together with another lawyer, a case in the Supreme Court on the constitutionality and legality of the Corona impeachment which the SC only decided after the Senate decided his case and former SC Chief Justice Corona conceding to the decision, thus the SC declaring the case moot and academic;

Twelfth, I have been implementing and interpreting the Constitution and other laws as GOVERNOR OF MISAMIS ORIENTAL, COMMISSION OF IMMIGRATION and the senior member of the Opposition in the regular Parliament in the Committee on Revision of Laws and Constitutional Amendments;

Thirteenth, I was the leading Opposition member of Parliament that drafted the Omnibus Election Law;

Fourteenth, I was the leading member of the Opposition in Parliament that prepared and orchestrated the debate in the complaint for impeachment against PRESIDENT FERDINAND MARCOS;

Fifteenth, I have been practicing law for about fifty years now with appearances before the Supreme Court when Justices were like Concepcion, Barrera and JBL REYES; in the Court of Appeals; and numerous courts all over the country;

Sixteenth, I have been engaged as lawyer for a number of lawyers who have exemptions from the MCLE;

x x x x<sup>[6]</sup>

Respondent further claimed that he had written five books: (1) Leaders From Marcos to Arroyo; (2) Presidentiables and Emerging Upheavals; (3) Beginning, Hope and Change; (4) Ideas, Principles and Lost Opportunities; and (5) Corona Impeachment. Thus, he asked for a reconsideration of the notice for him to undergo MCLE. He asked for an exemption from MCLE compliance, or in the alternative, for him to be allowed to practice law while complying with the MCLE requirements.

In its 2 June 2014 Resolution, the Court referred respondent's Compliance and Comment to the Office of the Bar Confidant (OBC) for evaluation, report and recommendation.

### **The Report and Recommendation of the OBC**

In its Report and Recommendation dated 25 November 2014, the OBC reported that respondent applied for exemption for the First and Second Compliance Periods on the ground of expertise in law. The MCLE Governing Board denied the request on 14 January 2009. Prof. Feliciano informed respondent of the denial of his application in a letter dated 1 October 2012. The OBC reported that according to the MCLE Governing Board, "in order to be exempted (from compliance) pursuant to expertise in Ip.w under Section 3, Rule 7 of Bar Matter No. 850, the applicant must submit sufficient, satisfactory and convincing proof to establish his expertise in a certain area of law." The OBC reported that respondent failed to meet the requirements necessary for the exemption.

The OBC reported that this Court requires practicing members of the Bar to indicate in all their pleadings filed with the courts the counsel's MCLE Certificate of Compliance or Certificate of Exemption pursuant to 6ar Matter No. 1922. The OBC further reported that the MCLE Office has no record that respondent filed a motion for reconsideration; and thus, his representation in a pleading that his "MCLE Application for Exemption [is] for Reconsideration" in 2012 is baseless.

The OBC further reported that under Rule 12 of Bar Matter No. 850 and Section 12 of the MCLE Implementing Regulations, non-compliance with the MCLE requirements shall result to the dismissal of the case and the striking out of the pleadings from the records.<sup>[7]</sup> The OBC also reported that under Section 12(d) of the MCLE Implementing Regulations, a member of the Bar who failed to comply with the MCLE requirements is given 60 days from receipt of notification to explain his deficiency or to show his compliance with the requirements. Section 12(e) also provides that a member who fails to comply within the given period shall pay a non-compliance fee of P1,000 and shall be listed as a delinquent member of the Integrated Bar of the Philippines (IBP) upon the recommendation of the MCLE Governing Board. The OBC reported that the Notice of Non-Compliance was sent to respondent on 13 August 2013. The OBC also reported that on 14 August 2013, the MCLE Governing Board recommended that cases be filed against respondent in connection with the pleadings he filed without the MCLE compliance/exemption number for the immediately preceding compliance period and that the pleadings he filed be expunged from the records.

The OBC found that respondent had been remiss in his responsibilities as a lawyer. The OBC stated that respondent's failure to comply with the MCLE requirements jeopardized the causes of his clients because the pleadings he filed could be stricken off from the records and considered invalid.

The OBC recommended that respondent be declared a delinquent member of the Bar and guilty of non-compliance with the MCLE requirements. The OBC further recommended respondent's suspension from the practice of law for six months with a stern warning that a repetition of the same or similar act in the future will be dealt with more severely. The OBC also recommended that respondent be directed to comply with the requirements set forth by the MCLE Governing Board.

### **The Issue**

The only issue here is whether respondent is administratively liable for his failure to