

EN BANC

[Adm. Case No. 8108, July 15, 2014]

**DANTE LA JIMENEZ & LAURO G. VIZCONDE, COMPLAINANTS, VS.
ATTY. FELISBERTO L. VERANO, JR., RESPONDENT.**

[Adm. Case No. 10299]

**ATTY. OLIVER O. LOZANO, COMPLAINANT, VS. ATTY.
FELISBERTO L. VERANO, JR., RESPONDENT.**

RESOLUTION

SERENO, C.J.:

Before this Court is the Resolution^[1] of the Board of Governors of the Integrated Bar of the Philippines (IBP) finding respondent Atty. Felisberto Verano liable for improper and inappropriate conduct tending to influence and/or giving the appearance of influence upon a public official. The Joint Report and Recommendation submitted by Commissioner Felimon C. Abelita III recommended that respondent be issued a warning not to repeat the same nor any similar action, otherwise the Commission will impose a more severe penalty. The Commission adopted the said ruling on 16 April 2013.^[2]

The complainants in Administrative Case (A.C.) No. 8108 are Dante La Jimenez and Lauro G. Vizconde, while complainant in Adm. Case No. 10299 is Atty. Oliver O. Lozano. At the time of the filing of the complaints, respondent Atty. Verano was representing his clients Richard S. Brodett and Joseph R. Tecson.

FACTUAL ANTECEDENTS

Brodett and Tecson (identified in media reports attached to the Complaint as the "Alabang Boys") were the accused in cases filed by the Philippine Drug Enforcement Agency (PDEA) for the illegal sale and use of dangerous drugs.^[3] In a Joint Inquest Resolution issued on 2 December 2008, the charges were dropped for lack of probable cause.^[4]

Because of the failure of Prosecutor John R. Resado to ask clarificatory questions during the evaluation of the case, several media outlets reported on incidents of bribery and "cover-up" allegedly prevalent in investigations of the drug trade. This prompted the House Committee on Illegal Drugs to conduct its own congressional hearings. It was revealed during one such hearing that respondent had prepared the release order for his three clients using the letterhead of the Department of Justice (DOJ) and the stationery of then Secretary Raul Gonzales.^[5]

Jimenez and Vizconde, in their capacity as founders of Volunteers Against Crime and

Corruption (VACC), sent a letter of complaint to Chief Justice Reynato S. Puno. They stated that respondent had admitted to drafting the release order, and had thereby committed a highly irregular and unethical act. They argued that respondent had no authority to use the DOJ letterhead and should be penalized for acts unbecoming a member of the bar.^[6]

For his part, Atty. Lozano anchored his Complaint on respondent's alleged violation of Canon 1 of the Code of Professional Responsibility, which states that a lawyer shall uphold the Constitution, obey the laws of the land, and promote respect for legal processes.^[7] Atty. Lozano contended that respondent showed disrespect for the law and legal processes in drafting the said order and sending it to a high-ranking public official, even though the latter was not a government prosecutor.^[8] Atty. Lozano's verified Complaint-Affidavit was filed with the Committee on Bar Discipline of the IBP and docketed as CBD Case No. 09-2356.^[9]

Officers of the IBP, Cebu City Chapter, issued a Resolution condemning the unethical conduct of respondent and showing unqualified support for the VACC's filing of disbarment proceedings.^[10] On 27 February 2009, Atty. Lozano withdrew his Complaint on the ground that a similar action had been filed by Dante Jimenez.^[11] On 2 June 2009, the Court referred both cases to the IBP for consolidation, as well as for investigation, report and recommendation.

RESPONDENT'S VERSION

In his Comment, respondent alludes to the Joint Inquest Resolution dropping the charges against his clients for lack of probable cause, arguing that the resolution also ordered the immediate release of Brodett and Tecson. He reasoned that the high hopes of the accused, together with their families, came crashing down when the PDEA still refused to release his clients.^[12] Sheer faith in the innocence of his clients and fidelity to their cause prompted him to prepare and draft the release order. Respondent admits that perhaps he was overzealous; yet, "if the Secretary of Justice approves it, then everything may be expedited."^[13] In any case, respondent continues, the drafted release order was not signed by the Secretary and therefore remained "a mere scrap of paper with no effect at all."^[14]

FINDINGS OF THE INVESTIGATING COMMISSIONER

The Commissioner noted that both complaints remained unsubstantiated, while the letter-complaint of Jimenez and Vizconde had not been verified. Therefore, no evidence was adduced to prove the charges.

However, by his own admissions in paragraphs 11 and 12 of his Comment, respondent drafted the release order specifically for the signature of the DOJ Secretary. This act of "feeding" the draft order to the latter was found to be highly irregular, as it tended to influence a public official. Hence, Commissioner Abelita found respondent guilty of violating Canon 13 of the Code of Professional Responsibility and recommended that he be issued a warning not to repeat the same or any similar action.^[15]

RULING OF THE COURT

We emphasize at the outset that the Court may conduct its own investigation into charges against members of the bar, irrespective of the form of initiatory complaints brought before it. Thus, a complainant in a disbarment case is not a direct party to the case, but a witness who brought the matter to the attention of the Court.^[16] By now, it is basic that there is neither a plaintiff nor a prosecutor in disciplinary proceedings against lawyers. The real question for determination in these proceedings is whether or not the attorney is still a fit person to be allowed the privileges of a member of the bar.^[17]

As to Atty. Lozano's withdrawal of his verified Complaint, we reiterate our ruling in *Rayos-Ombac v. Rayos*:

The affidavit of withdrawal of the disbarment case allegedly executed by complainant does not, in any way, exonerate the respondent. A case of suspension or disbarment may proceed regardless of interest or lack of interest of the complainant. What matters is whether, on the basis of the facts borne out by the record, the charge of deceit and grossly immoral conduct has been duly proven x x x. The complainant or the person who called the attention of the court to the attorney's alleged misconduct is in no sense a party, and has generally no interest in the outcome except as all good citizens may have in the proper administration of justice. **Hence, if the evidence on record warrants, the respondent may be suspended or disbarred despite the desistance of complainant or his withdrawal of the charges.**^[18] (Emphasis supplied)

After a careful review of the records, we agree with the IBP in finding reasonable grounds to hold respondent administratively liable. Canon 13, the provision applied by the Investigating Commissioner, states that "a lawyer shall rely upon the merits of his cause and refrain from any impropriety which tends to influence, or gives the appearance of influencing the court." We believe that other provisions in the Code of Professional Responsibility likewise prohibit acts of influence-peddling not limited to the regular courts, but even in all other venues in the justice sector, where respect for the rule of law is at all times demanded from a member of the bar.

During the mandatory hearing conducted by the Committee on Bar Discipline, respondent stated that the PDEA refused to release his clients unless it received a direct order from the DOJ Secretary. This refusal purportedly impelled him to take more serious action, *viz.*:

ATTY VERANO: x x x By Monday December 22 I think my only recourse was to see the Secretary himself personally. The Secretary is the type of a person who opens his [sic] kasi he is very political also so he opens his office. If I'm not mistaken that day because of the timing we will afraid [sic] that Christmas time is coming and that baka nga sila maipit sa loob ng Christmas time. So the family was very sad x x x kung pwede ko raw gawan ng paraan na total na-dismissed na ang kaso. So, what I did was thinking as a lawyer now...I prepared the staff to make it easy, to make it convenient for signing authority that if he agrees with our appeal he will