

EN BANC

[A.C. No. 7474, September 09, 2014]

**PRESIDING JUDGE JOSE L. MADRID, REGIONAL TRIAL COURT,
BRANCH 51, SORSOGON CITY, COMPLAINANT, VS. ATTY. JUAN S.
DEALCA, RESPONDENT.**

D E C I S I O N

BERSAMIN, J.:

Complainant Presiding Judge of the Regional Trial Court has had enough of the respondent, a law practitioner, who had engaged in the unethical practice of filing frivolous administrative cases against judges and personnel of the courts because the latter filed a motion to inhibit the complainant from hearing a pending case. Hence, the complainant has initiated this complaint for the disbarment of respondent on the ground of gross misconduct and gross violation of the Code of Professional Responsibility.

Antecedents

On February 7, 2007, Atty. Juan S. Dealca entered his appearance in Criminal Case No. 2006-6795, entitled "*People of the Philippines v. Philip William Arsenault*" then pending in Branch 51 of the Regional Trial Court (RTC) in Sorsogon City, presided by complainant Judge Jose L. Madrid. ^[1] Atty. Dealca sought to replace Atty. Vicente Judar who had filed a motion to withdraw as counsel for the accused. But aside from entering his appearance as counsel for the accused, Atty. Dealca also moved that Criminal Case No. 2006-6795 be re-raffled to another Branch of the RTC "*[c]onsidering the adverse incidents between the incumbent Presiding Judge and the undersigned,*" where "*he does not appear before the incumbent Presiding Judge, and the latter does not also hear cases handled by the undersigned.*"^[2]

Judge Madrid denied Atty. Dealca's motion to re-raffle through an order issued on February 14, 2007,^[3] viz:

x x x x

This Court will not allow that a case be removed from it just because of the personal sentiments of counsel who was not even the original counsel of the litigant.

Moreover, the motion of Atty. Dealca is an affront to the integrity of this Court and the other Courts in this province as he would like it to appear that jurisdiction over a Family Court case is based on his whimsical dictates.

This was so because Atty. Dealca had filed Administrative as well as criminal cases against this Presiding Judge which were all dismissed by the Hon. Supreme Court for utter lack of merit. This is why he should not have accepted this particular case so as not to derail the smooth proceedings in this Court with his baseless motions for inhibition. It is the lawyer's duty to appear on behalf of a client in a case but not to appear for a client to remove a case from the Court. This is unethical practice in the first order.

WHEREFORE, foregoing considered, the Motion of Atty. Juan S. Dealca is hereby DENIED.

Relative to the Motion to Withdraw as Counsel for the Accused filed by Atty. Vicente C. Judar dated January 29, 2007, the same is hereby DENIED for being violative of the provisions of Section 26 of Rule 138 of the Rules of Court.

So also, the Appearance of Atty. Juan S. Dealca as new counsel for accused Philip William Arsenault is likewise DENIED.

SO ORDERED.

Consequently, Judge Madrid filed a letter complaint^[4] in the Office of the Bar Confidant citing Atty. Dealca's unethical practice of entering his appearance and then moving for the inhibition of the presiding judge on the pretext of previous adverse incidents between them.

On April 10, 2007, we treated the complaint as a regular administrative complaint, and required Atty. Dealca to submit his comment.^[5]

In his comment-complaint,^[6] Atty. Dealca asserted that Judge Madrid's issuance of the February 14, 2007 order unconstitutionally and unlawfully deprived the accused of the right to counsel, to due process, and to a fair and impartial trial; that Judge Madrid exhibited bias in failing to act on the motion to lift and set aside the warrant of arrest issued against the accused; and that it should be Judge Madrid himself who should be disbarred and accordingly dismissed from the Judiciary for gross ignorance of the law.

On July 17, 2007, the Court referred the matter to the IBP for appropriate investigation, report and recommendation.^[7] Several months thereafter, the Court also indorsed pertinent documents in connection with A.M. OCA IPI No. 05-2385-RTJ, entitled "*Joseph Yap III v. Judge Jose L. Madrid and Court Stenographer Merlyn D. Dominguez, both of the Regional Trial Court (RTC) Branch 51, Sorsogon City*" (Yap v. Judge Madrid).^[8]

On June 6, 2007, the Court in *Yap v. Judge Madrid* dismissed for its lack of merit the administrative complaint against Judge Madrid for allegedly falsifying the transcript of stenographic notes of the hearing on March 4, 2005 in Civil Case No. 2001-6842 entitled *Joseph D. Yap V, et al. v. Joseph H. Yap III*, but referred to the Integrated Bar of the Philippines (IBP) for investigation, report and recommendation the

propensity of Atty. Dealca to file administrative or criminal complaints against judges and court personnel whenever decisions, orders or processes were issued adversely to him and his clients.^[9]

In compliance with the referral, the IBP-Sorsogon Chapter submitted its report with the following findings and recommendation:^[10]

x x x x

The documentary evidence offered by complainants show that respondent Atty. Juan S. Dealca filed by himself (1) Bar Matter No. 1197 and acting as counsel for the complainants (2) Adm. Matter OCA IPI No. 04-2113-RTJ; (3) OMB-L-C-05-0478-E; (4) Adm. Matter OCA IPI No. 05-2385-RTJ and (5) Adm. Matter OCA IPI No. 05-2191-RTJ. These five (5) cases are factual evidence of the cases that respondent had filed by himself and as counsel for the complainants against court officers, judges and personnel as a consequence of the IBP Election and incidents in cases that respondent had handled as counsel for the parties in the said cases.

It will be noted that in Bar Matter No. 1197, the respondents were judges (Judge Jose L. Madrid & Judge Honesto A. Villamor) and lawyers in IBP Sorsogon Chapters, who are no doubt officers of the court, and the case aroused (sic) out of the unfavorable consensus of the IBP chapter members that was adverse to the position of the respondent. The other four (4) cases aroused [sic] out of the cases handled by respondent for the complainants who failed to secure a favorable action from the court.

Specifically, Adm. Matter OCA IPI No. 04-2113-RTJ was a result of the case before the sala of Judge Jose L. Madrid (RTC 51) entitled "Alita P. Gomez vs. Rodrigo Jarabo, et al.," for: Accion Publiciana and Damages, that was handled by respondent for the complainant Alita Gomez.

OMB-L-C-0478-E was an offshoot of Civil Case No. 2001-6842 entitled "Marilyn D. Yap, Joseph D. Yap V, et al., vs. Joseph H. Yap III" for: Support pending before the sala of complainant Judge Jose L. Madrid (RTC 51). Respondent, after an unfavorable decision against defendant Joseph H. Yap III, entered his appearance and pleaded for the latter. As a result of an adverse order, this ombudsman case arose.

Administrative Matter OCA IPI No. 05-2191-RTJ was also a result of the Civil Case No. 5403 entitled "Salve Dealca Latosa vs. Atty. Henry Amado Roxas, with Our Lady's Village Foundation and Most Reverend Arnulfo Arcilla, DD as third party defendant that was heard, tried, decided and pending execution before the sala of Judge Honesto A. Villamor (RTC 52).

Administrative Matter OCA IPI No. 05-2385-RTJ was also a consequence of Civil Case No. 2001-6842 entitled "Marilyn D. Yap, Joseph D. Yap V, et al., vs. Joseph H. Yap III" for Support pending before the sala of complainant Judge Jose L. Madrid (RTC 51).

All these four (4) cases are precipitated by the adverse ruling rendered by the court against the clients of the respondent that instead of resorting to the remedies available under the Rules of Procedure, respondent assisted his clients in filing administrative and criminal case against the judges and personnel of the court.

The other documentary evidence of the complainants such as the (a) VERIFIED COMPLAINT dated March 7, 2003 in Civil Service Case entitled "EDNA GOROSPE-DEALCA vs. JULIANA ENCINAS-CARINO, et al.; (b) NOTICE OF RESOLUTION on October 22, 2005 in Adm. Case No. 6334 entitled "SOFIA JAO vs. ATTY. EPIFANIA RUBY VELACRUZ-OIDA" passed by the Board of Governors of the Integrated Bar of the Philippines which Resolution No. XVII-2005-92 provides: "RESOLVED to ADOPT and APPROVE the Report and Recommendation of the Investigating Commissioner dismissing the case for lacks (sic) merit; (c) RESOLUTION of the Third Division of the Supreme Court dated February 1, 2006 in Administrative Case No. 6334 (Sofia Jao vs. Epifania Ruby Velacruz-Oida) – The notice of resolution dated October 22, 2005 of the Integrated Bar of the Philippines (IBP) dismissing the case for lack of merit; (d) VERIFIED COMPLAINT in Adm. Case No. 6334 dated February 17, 2004 entitled "Sofia Jao vs. Atty. Epifania Ruby Velacruz-Oida" for: Malpractice (Forum Shopping), and (e) ORDER dated January 18, 2007 by Acting Presiding Judge RAUL E. DE LEON in Criminal Cases Nos. 2451 to 2454 entitled "People of the Philippines vs. Cynthia Marcial, et al. For: Falsification of Medical Records" which provides for the dismissal of the cases against all the accused, do not show participation on the part of the respondent that he signed the pleadings, although the verified complaint is one executed by the wife of the respondent. Moreover, these cases are pertaining to persons other than judges and personnel of the court that are not squarely covered by the present investigation against respondent, although, it is an undeniable fact that respondent had appeared for and in behalf of his wife, the rest of the complainants in the Civil Service Case and Sofia Jao against Land Bank of the Philippines, the latter case resulted in the administrative case of Atty. Epifania Ruby Velacruz-Oida, respondent's sister member of the Bar. All these documentary evidence from (a) to (e) are helpful in determining the "PROPENSITY" of the respondent as a member of the bar in resorting to harassment cases instead of going through the procedures provided for by the Rules of Court in the event of adverse ruling, order or decision of the court.

x x x x

WHEREFORE, it is most respectfully recommended that in view of the above-foregoings [sic], a penalty of SUSPENSION in the practice of law for a period of six (6) months from finality of the decision be ordered against respondent Atty. Juan S. Dealca.

Findings and Recommendation of the IBP

IBP Commissioner Salvador B. Hababag ultimately submitted his Report and

Recommendation^[11] finding Atty. Dealca guilty of violating the Lawyer's Oath and the Code of Professional Responsibility by filing frivolous administrative and criminal complaints; and recommending that Atty. Dealca be suspended from the practice of law for one year because his motion to inhibit Judge Madrid was devoid of factual or legal basis, and was grounded on purely personal whims.

In Resolution No. XVIII-2008-41,^[12] the IBP Board of Governors modified the recommendation and dismissed the administrative complaint for its lack of merit, thus:

RESOLVED to AMEND, as it is hereby AMENDED, the Recommendation of the Investigating Commissioner, and APPROVE the DISMISSAL of the above-entitled case for lack of merit.

Judge Madrid filed a petition,^[13] which the IBP Board of Governors treated as a motion for reconsideration, and soon denied through its Resolution No. XX-2012-545.^[14]

Issues

(1) Did Atty. Dealca file frivolous administrative and criminal complaints against judges and court personnel in violation of the Lawyer's Oath and the Code of Professional Responsibility?

(2) Was Atty. Dealca guilty of unethical practice in seeking the inhibition of Judge Madrid in Criminal Case No. 2006-6795?

Ruling of the Court

We **REVERSE** Resolution No. XX-2012-545.

I

Atty. Dealca must guard against his own impulse of initiating unfounded suits

Atty. Dealca insists on the propriety of the administrative and criminal cases he filed against judges and court personnel, including Judge Madrid. He argues that as a vigilant lawyer, he was duty bound to bring and prosecute cases against unscrupulous and corrupt judges and court personnel.^[15]

We see no merit in Atty. Dealca's arguments.

Although the Court always admires members of the Bar who are imbued with a high sense of vigilance to weed out from the Judiciary the undesirable judges and inefficient or undeserving court personnel, any acts taken in that direction should be unsullied by any taint of insincerity or self-interest. The noble cause of cleansing the ranks of the Judiciary is not advanced otherwise. It is for that reason that Atty. Dealca's complaint against Judge Madrid has failed our judicious scrutiny, for the Court cannot find any trace of idealism or altruism in the motivations for initiating it.