

EN BANC

[A.C. No. 5355, December 13, 2011]

**OFFICE OF THE COURT ADMINISTRATOR, PETITIONER, VS. ATTY.
DANIEL B. LIANGCO, RESPONDENT.**

DECISION

PER CURIAM:

The Case

This is an administrative Complaint for Disbarment filed by the Office of the Court Administrator (OCA) against respondent Atty. Daniel B. Liangco.

In a *per curiam* En Banc Resolution in *Gozun v. Hon. Liangco*, ^[1] dated 30 August 2000, this Court ordered the dismissal from service of respondent as judge of the Municipal Trial Court (MTC) of San Fernando, Pampanga and as acting judge of the Municipal Circuit Trial Court (MCTC) of Mexico-San Luis, Pampanga. His dismissal was with forfeiture of all his retirement benefits and accumulated leave credits; and with prejudice to his reinstatement or reemployment in any branch, instrumentality or agency of the government, including government-owned or -controlled corporations. The Court further directed the OCA to initiate disbarment proceedings against him for misconduct as a member of the bar. Hence, this present case for resolution by the Court.

The Facts

We quote the facts as stated in A. M. No. MTJ-97-1136, ^[2] as follows:

Complainant Hermogenes T. Gozun (hereinafter referred to as "Gozun") was in open and adverse possession of subject land for a period of more than thirty years. His family's house was erected on the land. The house was made of old vintage lumber, cement, hollow blocks, G. I. sheet roofing and other strong materials. Gozun inherited the house and lot from his parents.

The municipality of San Luis, Pampanga claimed to own the same lot.

On January 12, 1996, the Sangguniang Bayan of San Luis, Pampanga issued Resolution No. 26-96, stating:

"RESOLVED AS IT IS HEREBY RESOLVED that the Sangguniang Bayan of San Luis, Pampanga do hereby consider (sic) the lot under Tax Dec. No. 114 owned by the Municipal Government of San Luis, Pampanga, specifically the

lot where Mr. Hermogenes Gozun and family were squatting (sic) as the new site of the Rural Health Center will rise (sic).

On May 17, 1996, the Sangguniang Bayan issued Resolution No. 34-96 to amend the correct Resolution No. 26-96.

On May 24, 1996, Romulo M. Batu, Vice Mayor, on behalf of the Sangguniang Bayan, filed with the MTC, San Luis, Pampanga, a petition for declaratory relief. We quote the petition:

"PETITION FOR DECLARATORY RELIEF

"THE HONORABLE

JUDGE DANIEL LIANGCO

"In behalf of the Sangguniang Bayan of San Luis, Pampanga, We would like to petition your good office to render legal opinion on the following matters, to wit:

"1. The validity of the attached Resolution.

"2. The powers of the Municipal Mayor to enforce said Resolution.

"3. To issue an order to the PNP to assist the Municipal Mayor in implementing said Resolution.

"These request are (sic) in connection with our plan to construct a new site for the Rural Health Center of San Luis, Pampanga. However, the designated place thereof is presently being squatted (sic) by a certain Mr. Hermogenes Gozun and inspite of the official notice of Atty. Benlfre S. Galang, our Provincial Legal Officer, and personal request of our Municipal Mayor Jovito C. Bondoc to Mr. Gozun to vacate his (sic) premises, he continues to defy such notices and request to the detriment of the proposed project.

"WHEREFORE, it is respectfully prayed that this petition will merit your favorable consideration and appropriate action for the sake of public interest."

On the very same day, May 24, 1996, respondent judge issued a resolution, reasoning: First, the municipality of San Luis, Pampanga through its Sangguniang Bayan may enact resolutions and ordinances to regulate the use of property within its jurisdiction. Second, Resolution No. 34-96 is not contrary to law, morals and public policy. Third, the municipal mayor through an executive order may order the Philippine National Police or any government law enforcement agency to enforce or implement the resolution, using reasonable force if necessary and

justified. Fourth, squatting in government property is considered a "nuisance per se". Respondent judge ruled:

"With the issuance by the Municipal Mayor of an executive order, the municipality of San Luis may order the Philippine National Police (PNP) stationed in San Luis, Pampanga to effect the eviction of Hermogenes Gozun and all other persons who may be claiming any right under him from Lot No. 114 covered by tax Declaration No. 6030 (*underscoring ours*)."

Again, on the same day, March 24, 1996, the municipal mayor, Jovito C. Bondoc, pursuant to the aforequoted resolution, issued Executive Order No. 1, series of 1996, ordering the PNP to implement Resolution No. 34-96.

Note that complainant Gozun was not served with summons or given notice of the petition for declaratory relief.

On June 2, 1996, complainant Gozun learned about the resolution.

On June 3, 1996, complainant Gozun's wife together with other public school teachers went to the office of the respondent judge. When asked about the resolution, respondent judge answered, "*Ing Apung Guinu yu y Mayor Bondoc at kaya ko makisabi*" ("Your God is Mayor Bondoc and you should talk to him").

On August 8, 1996, agents of the municipal government demolished complainant Gozun's house, using respondent judge's resolution and the mayor's executive order as basis.

On December 18, 1996, complainant Gozun filed this administrative complaint with the Office of the Court Administrator. He averred that respondent judge's issuance of the resolution amounts to "gross misconduct, gross inefficiency and incompetence." Complainant Gozun further accused the municipal mayor of having bribed respondent judge. Mayor Bondoc told complainant Gozun that "the respondent judge is in his pocket...because he (Mayor Bondoc) has given him (respondent judge) a lot of things (*"dactal naku a regalo kaya"*).

On January 20, 1997, the Office of the Court Administrator submitted the petition to this Court for its consideration, recommending that the complaint be given due course.

On March 21, 1997, the Court resolved to require respondent judge to comment thereon, within ten (10) days from notice.

On May 15, 1997, respondent judge submitted his comment, denying the charges and urging that the case be dismissed.

On June 23, 1997, we referred the case back to the Office of the Court

Administrator for evaluation, report and recommendation.

On April 13, 2000, after investigation, Court Administrator Alfredo L. Benipayo submitted a memorandum, recommending the dismissal from office of respondent judge. [3]

A.M. No. MTJ-97-1136

Dismissal of Respondent from the Bench

The OCA Resolution was forwarded to this Court for evaluation and action and docketed as A.M. No. MTJ-97-1136. On 30 August, 2000, the Court En Banc promulgated a per curiam Resolution adopting the report and recommendation of the Court Administrator. It ruled that respondent had blatantly ignored the basic rules of fair play, in addition to acting without jurisdiction in entertaining a Petition for Declaratory Relief despite his being a judge of a first-level court. [4] The Court also pointed out that his ruling on the said Petition resulted in the demolition of the house of complainant Gozun, thus rendering his family homeless. [5] It described respondent's acts as biased and "maleficent" and ruled that those acts merited the punishment of dismissal from the service, [6] viz:

IN VIEW WHEREOF, the Court **hereby orders the DISMISSAL** of respondent Judge Daniel B. Liangco, Municipal Trial Judge, Municipal Trial Court, San Fernando, Pampanga, and Acting Judge Municipal Circuit Trial Court (MCTC), Mexico-San Luis, Pampanga, from the service, with forfeiture of all retirement benefits and accumulated leave credits, if any, and with prejudice to reinstatement or reemployment in any branch, instrumentality or agency of the Government, including government-owned or controlled corporations.

The Court directs the Court Administrator to initiate disbarment proceedings against respondent Judge for misconduct as a member of the bar within thirty (30) days from finality of his decision.

This decision is immediately executory.

SO ORDERED. [7]

A.C. No. 5355

Disbarment

On 10 November 2000, the OCA filed a Complaint for Disbarment against respondent. [8] In its Complaint dated 06 November 2000, docketed as Administrative Case No. (A.C.) 5355, the OCA charged him with gross misconduct for acting with manifest bias and partiality towards a party, as well as for inexcusable ignorance of well-established legal rules of procedure that challenged his competence to remain a member of the legal profession. Thus, it prayed that he be

disbarred, and that his name be stricken off the Roll of Attorneys. [9]

On 28 November 2000, the Court En Banc promulgated a Resolution requiring respondent to file his Comment on the Complaint for Disbarment against him. [10] On 01 June 2001, he filed his Comment on/Answer to Complaint for Disbarment, [11] appealing for understanding and asking that the Court allow him to continue practicing as a lawyer. He reasoned that when he acted on the Petition for Declaratory Relief filed by the *Sangguniang Bayan* of the Municipality of San Luis, Pampanga, he was merely rendering a legal opinion "honestly and in good faith"; [12] and that his actions were not attended by malice, bad faith or any other ulterior motive. [13] He further pleads for compassion from this Court and for permission to remain a member of the bar, because the practice of law is his only means of livelihood to support his family. [14]

On 07 August 2001, the Court En Banc noted the submission of respondent and referred the case to the Integrated Bar of the Philippines (IBP) for investigation, report and recommendation within ninety (90) days from receipt of the records of the case. [15]

IBP's Report and Recommendation

The IBP held a series of hearings on the disbarment case with respondent's participation. On 03 October 2003, the investigating commissioner issued her Report and Recommendation [16] finding justification for the disbarment of respondent and recommending that his name be struck off the Roll of Attorneys. The investigating commissioner found that, based on the facts of the case, there was clear, convincing and satisfactory evidence to warrant the disbarment of respondent. [17] She observed that he had exhibited lapses, as well as ignorance of well-established rules and procedures. She also observed that the present Complaint was not the first of its kind to be filed against him. She further noted that before his dismissal from the judiciary, respondent was suspended for six (6) months when he assigned to his court, without a raffle, fifty-four (54) cases for violation of Presidential Decree No. 1602 – a violation of Supreme Court Circular No. 7 dated 23 September 1974. Also, pending with the Supreme Court were three (3) administrative cases filed against him for dishonesty, gross ignorance of the law, and direct bribery. In the bribery case, he was caught by the National Bureau of Investigation in an entrapment operation. [18]

On 30 January 2009, respondent filed a Motion for Reconsideration [19] of the Report and Recommendation of the IBP. He alleged that the evidence presented in the proceedings for his dismissal as judge was the same as that which was used in the disbarment case against him. Thus, because he did not have the chance to cross-examine the witnesses, he claimed to have been deprived of due process. [20] In addition, respondent emphasized the submission by Gozun of an Affidavit of Desistance from the Complaint the latter had originally filed against him and contended that the case should have been dismissed. [21] Lastly, respondent averred that he had endeavored to improve himself as a devout Catholic by joining religious organizations. He also impressed upon the IBP his effort to improve on his