

SECOND DIVISION

[A.C. No. 5736, June 18, 2010]

**RURAL BANK OF CALAPE, INC. (RBCI) BOHOL, COMPLAINANT,
VS. ATTY. JAMES BENEDICT FLORIDO, RESPONDENT.**

DECISION

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CARPIO, J.:

The Case

This is a complaint for disbarment filed by the members of the Board of Directors^[1] of the Rural Bank of Calape, Inc. (RBCI) Bohol against respondent Atty. James Benedict Florido (respondent) for "acts constituting grave coercion and threats when he, as counsel for the minority stockholders of RBCI, led his clients in physically taking over the management and operation of the bank through force, violence and intimidation."

The Facts

On 18 April 2002, RBCI filed a complaint for disbarment against respondent.^[2] RBCI alleged that respondent violated his oath and the Code of Professional Responsibility (Code).

According to RBCI, on 1 April 2002, respondent and his clients, Dr. Domeciano Nazareno, Dr. Remedios Relampagos, Dr. Manuel Relampagos, and Felix Rengel (Nazareno-Relampagos group), through force and intimidation, with the use of armed men, forcibly took over the management and the premises of RBCI. They also forcibly evicted Cirilo A. Garay (Garay), the bank manager, destroyed the bank's vault, and installed their own staff to run the bank.

In his comment, respondent denied RBCI's allegations. Respondent explained that he acted in accordance with the authority granted upon him by the Nazareno-Relampagos group, the lawfully and validly elected Board of Directors of RBCI. Respondent said he was merely effecting a lawful and valid change of management. Respondent alleged that a termination notice was sent to Garay but he refused to comply. On 1 April 2002, to ensure a smooth transition of managerial operations, respondent and the Nazareno-Relampagos group went to the bank to ask Garay to step down. However, Garay reacted violently and grappled with the security guard's long firearm. Respondent then directed the security guards to prevent entry into the bank premises of individuals who had no transaction with the bank. Respondent, through the orders of the Nazareno-Relampagos group, also changed the locks of the bank's vault.

Respondent added that the criminal complaint for malicious mischief filed against him by RBCI was already dismissed; while the complaint for grave coercion was ordered suspended because of the existence of a prejudicial question. Respondent said that the disbarment complaint was filed against him in retaliation for the administrative cases he filed against RBCI's counsel and the trial court judges of Bohol.

Moreover, respondent claimed that RBCI failed to present any evidence to prove their allegations. Respondent added that the affidavits attached to the complaint were never identified, affirmed, or confirmed by the affiants and that none of the documentary exhibits were originals or certified true copies.

The Ruling of the IBP

On 28 September 2005, IBP Commissioner Leland R. Villadolid, Jr. (Commissioner Villadolid, Jr.) submitted his report and declared that respondent failed to live up to the exacting standards expected of him as vanguard of law and justice.^[3] Commissioner Villadolid, Jr. recommended the imposition on respondent of a penalty of suspension from the practice of law for six months to one year with a warning that the repetition of similar conduct in the future will warrant a more severe penalty.

According to Commissioner Villadolid, Jr., respondent knew or ought to have known that his clients could not just forcibly take over the management and premises of RBCI without a valid court order. Commissioner Villadolid, Jr. noted that the right to manage and gain majority control over RBCI was one of the issues pending before the trial court in Civil Case No. 6628. Commissioner Villadolid, Jr. said that respondent had no legal basis to implement the take over of RBCI and that it was a "naked power grab without any semblance of legality whatsoever."

Commissioner Villadolid, Jr. added that the administrative complaint against respondent before the IBP is independent of the dismissal and suspension of the criminal cases against respondent. Commissioner Villadolid, Jr. also noted that RBCI complied with the IBP Rules of Procedure when they filed a verified complaint and submitted duly notarized affidavits. Moreover, both RBCI and respondent agreed to dispense with the mandatory conference hearing and, instead, simultaneously submit their position papers.

On 20 March 2006, the IBP Board of Governors issued Resolution No. XVII-2006-120 which declared that respondent dismally failed to live up to the exacting standards of the law profession and suspended respondent from the practice of law for one year with a warning that repetition of similar conduct will warrant a more severe penalty.^[4]

On 5 July 2006, respondent filed a motion for reconsideration. In its 11 December 2008 Resolution, the IBP denied respondent's motion.^[5]

The Ruling of the Court

We affirm the IBP Board of Governors' resolution.