522 Phil. 556

FIRST DIVISION

[G.R. NO. 121404, May 03, 2006]

ANICETO G. SALUDO, JR., PETITIONER, VS. COURT OF APPEALS, HON. FERNANDO V. GOROSPE, JR., IN HIS CAPACITY AS PRESIDING JUDGE, REGIONAL TRIAL COURT OF MAKATI, BRANCH 61, AND SALLY V. BELLOSILLO, RESPONDENTS.

DECISION

YNARES-SANTIAGO, J.:

This Petition[1] seeks to annul and set aside the August 8, 1995 Resolution[2] of the Court of Appeals in CA-G.R. SP No. 36670, which dismissed the Petition[3] for certiorari to annul and set aside the November 10, 1994[4] and February 20, 1995 Orders[5] issued by the Regional Trial Court of Makati City, Branch 61, in Civil Case No. 88-2181. The said Orders denied petitioner Aniceto G. Saludo, Jr.'s Motion to Suspend Proceedings in Civil Case No. 88-2181[6] as well as his Motion for Reconsideration.[7]

Petitioner prayed for the suspension of proceedings in the said civil case on the ground that to proceed with the trial would make public the administrative case entitled *Bellosillo v. The Board of Governors of the Integrated Bar of the Philippines and Aniceto G. Saludo, Jr.*[8] for Gross Professional Misconduct/Malpractice filed by herein private respondent Sally V. Bellosillo against him and thereby violate the confidentiality rule as stated in Section 18, Rule 139-B of the Rules of Court.[9]

On September 4, 1995, we issued a Temporary Restraining Order (TRO)[10] to enjoin the Regional Trial Court of Makati City, Branch 61, from proceeding with the pre-trial and trial of Civil Case No. 88-2181, effective immediately and during the entire period that the case is pending or until further orders.

It appears, however, that on March 31, 2006, the Court rendered judgment on the administrative case disposing as follows:

> **WHEREFORE**, the petition is **DENIED** and the assailed Resolution of the IBP Board of Governors, dated March 30, 1996, dismissing the complaint against respondent [Aniceto G. Saludo. Jr.] in Adm. Case No. 3297 is **AFFIRMED**.
>
> SO ORDERED.[11]

We held therein that private respondent Bellosillo has not established a *prima facie* case to hold petitioner administratively liable as her dealings with the latter, such as the alleged cash borrowings and unwarranted solicitations, were ordinary business transactions arising from their personal dealings, and not from an attorney-client

relationship. They represent purely personal interests and not professional misconduct.

In view of the foregoing, the present petition has been rendered moot as petitioner's prayer has become inconsequential with the dismissal of the administrative complaint filed against him. Thus, the trial of Civil Case No. 88-2181 must now proceed immediately.

Section 18, Rule 139-B of the Rules of Court states that "proceedings against attorneys shall be private and confidential. However, the final order of the Supreme Court shall be published like its decisions in other cases." The purpose of the rule is not only to enable this Court to make its investigations free from any extraneous influence or interference, but also to protect the personal and professional reputation of attorneys and judges from the baseless charges of disgruntled, vindictive, and irresponsible clients and litigants; it is also to deter the press from publishing administrative cases or portions thereto without authority. We have ruled that malicious and unauthorized publication or verbatim reproduction of administrative complaints against lawyers in newspapers by editors and/or reporters may be actionable.[12] Such premature publication constitutes a contempt of court, punishable by either a fine or imprisonment or both at the discretion of the Court. The lawyer as an aggrieved party may recover damages in a civil suit filed for the purpose;[13] or may choose to waive the confidentiality of proceedings in the disbarment case against him/her.[14]

Enabling the court to keep administrative investigations free of extraneous influence or interference essentially calls for independence and impartiality of the investigating court, commissioners, or officers. It does not, however, exclude the possibility of simultaneously commencing a judicial case against a lawyer who is being administratively investigated.

The settled rule is that criminal and civil cases are different from administrative matters, such that the disposition in the first two will not inevitably govern the third and vice versa.[15] In *Berbano v. Barcelona*,[16] it was held that:

> ... Disciplinary proceedings against lawyers are *sui generis*. Neither purely civil nor purely criminal, they do not involve a trial of an action or a suit, but are rather investigations by the Court into the conduct of one of its officers. Not being intended to inflict punishment, [they are] in no sense a criminal prosecution. Accordingly, there is neither a plaintiff nor a prosecutor therein. [They] may be initiated by the Court *motu propio*. Public interest is [their] primary objective, and the real question for determination is whether or not the attorney is still a fit person to be allowed the privileges as such. Hence, in the exercise of its disciplinary powers, the Court merely calls upon a member of the Bar to account for his actuations as an officer of the Court with the end in view of preserving the purity of the legal profession and the proper and honest administration of justice by purging the profession of members who by their misconduct have prove[n] themselves no longer worthy to be entrusted with the duties and responsibilities pertaining to the office of an attorney ....