

## THIRD DIVISION

[ A. C. No. 4980, December 15, 2000 ]

**JESUSIMO O. BALDOMAR, COMPLAINANT, VS. ATTY. JUSTO PARAS, RESPONDENT.**

### R E S O L U T I O N

**VITUG, J.:**

Jesusimo O. Baldomar has charged Atty. Justo De Jesus Paras with deceit, malpractice, grave misconduct, grossly immoral conduct, and violation of his lawyer's oath, said to be all in contravention of the Code of Professional Responsibility.

Complainant claimed as having been a political supporter of respondent lawyer when the latter was still the municipal mayor of Bindoy, Negros. He became respondent's typist, interpreter and "all-around" assistant.

At one time, he was appointed Municipal Planning and Development Officer of the municipality. It was respondent who, even then, would give him advise on various legal matters. Complainant averred that he was twice dismissed from employment by Mayor Jeceju Manaay, the *first*, when the latter was appointed OIC Mayor shortly after the 1986 EDSA Revolution, and the *second*, when Manaay was elected to office in 1995.

The first time complainant was dismissed, respondent advised him to file a case before the Civil Service Commission and to hire the services of the late Atty. Ramon Barremeda. Respondent refused to handle the case himself for being supposedly identified with the Marcos administration. The second time complainant was dismissed from employment, respondent allegedly gave him legal advice that criminal, as well as administrative, cases could be filed against Mayor Manaay but respondent again begged off from himself handling such cases, constraining complainant to hire Atty. Francisco D. Yap. To his surprise, respondent lawyer, on 15 September 1998, entered his appearance as counsel for Manaay, thus breaching what complainant termed to be their lawyer-client relationship. Respondent, however, later withdrew his appearance on the ground that the presiding judge was his former law partner.

The allegations of complainant was denied by respondent who countered that the charges were merely orchestrated by Atty. Francisco D. Yap, the brother of his estranged wife. He denied that the appointment of complainant to office was in return for his political support to the Paras family and asserted that complainant's qualifications were the sole consideration for the appointment. Respondent explained that complainant had come to see him not to seek legal advice but only to request that he mediate in settling his differences with Mayor Manaay. Certainly, he claimed, there never was any attorney-client relationship to speak of.

After complainant filed his brief reply to the comment, taking respondent to task, the Court, in its resolution of 01 March 2000, referred the case to the Integrated Bar of the Philippines ('IBP') for investigation, report and recommendation within ninety (90) days from notice.

In a transmittal letter, dated 04 September 2000, Atty. Victor C. Fernandez, Director for Bar Discipline, submitted to the Court (1) a Notice of the Resolution and (2) the Records of the Case consisting of 98 pages. The Resolution of the Board of Governors, adopting the recommendation of Commissioner Milagros V. San Juan, read:

"RESOLUTION NO. XIV-2000-465  
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"RESOLVED to ADOPT and APPROVE, as it is hereby ADOPTED and APPROVED, the Report and Recommendation of the Investigating Commissioner of the above-entitled case, herein made part of this Resolution/Decision as annex 'A,' and, finding the recommendation fully supported by the evidence on record and the applicable laws and rules, the case against Respondent is **DISMISSED** as there is no sufficient reason to proceed with the case."

In its resolution of 15 November 2000, the Court noted the resolution of the IBP, and the case was thereupon considered closed and terminated. A petition for review was timely filed by Baldomar, alleging that the recommendation aforementioned was issued without any hearing on the case, and that the Investigating Commissioner unduly failed to observe the due process requirements of Rule 139-B of the Rules of Court.

Indeed, it would appear that no hearing was conducted, and that the "Records" referred to in the transmittal letter was basically the Original Rollo of this case which was sent by the Court, per its resolution of 01 March 2000, to the IBP.

In A.C. 4834, entitled "Cottam vs. Atty. Laysa," promulgated on 29 February 2000, the Court gave this observation; *viz*:

"Complaints against lawyers for misconduct are normally addressed to the Court. If, at the outset, the Court finds a complaint to be clearly wanting in merit, it outrightly dismisses the case. If, however, the Court deems it necessary that further inquiry should be made, such as when the matter could not be resolved by merely evaluating the pleadings submitted, a referral is made to the IBP for a formal investigation of the case during which the parties are accorded an opportunity to be heard. An *ex parte* investigation may only be conducted when respondent fails to appear despite reasonable notice. Hereunder are some of the pertinent provisions of Rule 139-B of the Rules of Court on this matter; *viz*: