



Republic of the Philippines  
Supreme Court  
Manila

SECOND DIVISION

MARIA ROMERO,

Complainant,

A.C. No. 11829

Present:

CARPIO, J.,

Chairperson,

PERALTA,

PERLAS-BERNABE,

CAGUIOA,\* and

REYES, JR., JJ.

- versus -

ATTY. GERONIMO R.  
EVANGELISTA, JR.,

Respondent.

Promulgated:

26 FEB 2018

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RESOLUTION

REYES JR., J.:

For the Court's resolution is a Complaint<sup>1</sup> for disbarment filed by Maria Romero (Maria) with the Integrated Bar of the Philippines (IBP) against Atty. Geronimo R. Evangelista, Jr. (Atty. Evangelista), for his alleged violation of several provisions<sup>2</sup> of the Code of Professional Responsibility (CPR) and Canon 6<sup>3</sup> of the Canons of Professional Ethics.

\* On wellness leave.

<sup>1</sup> Rollo, pp. 2-14.

<sup>2</sup> Rule 15.01— A lawyer, in conferring with a prospective client, shall ascertain as soon as practicable whether the matter would involve a conflict with another client or his own interest, and if so, shall forthwith inform the prospective client.

Rule 15.03— A lawyer shall not represent conflicting interests except by written consent of all concerned after a full disclosure of the facts.

Rule 21.02— A lawyer shall not, to the disadvantage of his client, use information acquired in the course of his employment, nor shall he use the same to his own advantage or that of a third person, unless the client with full knowledge of the circumstances consents thereto.

<sup>3</sup> 6. Adverse influence and conflicting interests.

Reyes

### The Facts

In her Complaint, Maria alleged that in several cases, Atty. Evangelista represented her and her aunt Adela A. Romero (Adela), in their individual capacities and as Heirs of the Late Adela Aguinaldo Vda. De Romero. However, Atty. Evangelista subsequently represented the Spouses Joseph and Rosalina Valles in suits against Adela, enumerated as follows:

1. Civil Case No. 319 (Forcible Entry with Damages) – Adela Romero vs. Spouses Joseph and Rosalina Valles, Municipal Circuit Trial Court, First Judicial Region, Tuba-Sablan, Benguet<sup>4</sup>

2. Civil Case No. 13-CV-2940 (Recovery of Possession and Ownership with Damages) – Adela Romero vs. Spouses Joseph and Rosalina Valles, Regional Trial Court, First Judicial Region, Branch 10, Benguet Province<sup>5</sup>

3. Civil Case No. 12-CV-2880 – Adela Romero vs. Spouses Joseph and Rosalina Valles, First Judicial Region, Branch 10, La Trinidad, Benguet<sup>6</sup>

In his Answer,<sup>7</sup> Atty. Evangelista admitted that he had handled cases involving the properties of the Romero clan, but not a single case for Maria.<sup>8</sup> He explained that: a) there was never a lawyer-client relationship between him and Maria; b) his professional services were never retained by Maria nor did he receive any privileged information regarding Maria's cases; and c) Maria never paid him any legal fee.<sup>9</sup>

Atty. Evangelista also contended that Adela is not a complainant in the disbarment case against him nor is there any proof that she authorized Maria to file a complaint on her (Adela's) behalf.<sup>10</sup>

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It is a duty of a lawyer at the time of the retainer to disclose to the client all the circumstances of his relations to the parties and any interest in or connection with the controversy, which might influence the client in the selection of counsel.

It is unprofessional to represent conflicting interests, except by express consent of all concerned given after a full disclosure of the facts. Within the meaning of this canon, a lawyer represents conflicting interests when, in behalf of one client, it is his duty to contend for that which duty to another client requires him to oppose.

The obligation to represent the client with undivided fidelity and not to divulge his secrets or confidence forbids also subsequent acceptance of retainers or employment from others in matters adversely affecting any interest of the client with respect to which confidence has been reposed.

<sup>4</sup> *Rollo*, pp. 42-43.

<sup>5</sup> *Id.* at 44-45.

<sup>6</sup> *Id.* at 46-47.

<sup>7</sup> *Id.* at 80-85.

<sup>8</sup> *Id.* at 81.

<sup>9</sup> *Id.* at 80.

<sup>10</sup> *Id.* at 80-81.

*Meyer*

### Report and Recommendation of the IBP

In the Report and Recommendation<sup>11</sup> dated February 27, 2015, the IBP-Commission on Bar Discipline (CBD) found Atty. Evangelista to have represented conflicting interests and recommended that he be meted the penalty of suspension from the practice of law for one year.

The IBP-CBD noted that Atty. Evangelista, who once lawyered for Adela, had accepted and handled legal actions against her. In his defense, Atty. Evangelista argued that Adela herself did not file a complaint against him. But, according to the IBP-CBD, Adela's participation in the filing of the action is not necessary since Atty. Evangelista's culpability had been established by documentary evidence on record.<sup>12</sup>

In its Resolution<sup>13</sup> dated June 6, 2015, the IBP-Board of Governors adopted and approved *in toto* the Report and Recommendation of the IBP-CBD. Atty. Evangelista filed a motion for reconsideration,<sup>14</sup> praying for the mitigation of his penalty. The motion was denied in IBP Resolution No. XXII-2017-794<sup>15</sup> dated January 27, 2017.

### Issue

Whether Atty. Evangelista is guilty of representing conflicting interests

### The Court's Ruling

After a judicious review of the records, the Court concurs with the IBP's findings, except for the recommended penalty.

"The relationship between a lawyer and his client should ideally be imbued with the highest level of trust and confidence. Necessity and public interest require that this be so. Part of the lawyer's duty to his client is to avoid representing conflicting interests."<sup>16</sup> In *Hornilla vs. Salunat*,<sup>17</sup> the Court explained the concept of conflict of interest, *viz*:

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<sup>11</sup> Id. at 289-290.

<sup>12</sup> Id. at 290.

<sup>13</sup> Id. at 288.

<sup>14</sup> Id. at 291-292.

<sup>15</sup> Id. at 355-356.

<sup>16</sup> *Ylaya v. Atty. Gacott*, 702 Phil. 390, 415 (2013).

<sup>17</sup> 453 Phil. 108 (2003).

*Meyer*

There is conflict of interest when a lawyer represents inconsistent interests of two or more opposing parties. The test is “whether or not in behalf of one client, it is the lawyer’s duty to fight for an issue or claim, but it is his duty to oppose it for the other client. In brief, if he argues for one client, this argument will be opposed by him when he argues for the other client.” This rule covers not only cases in which confidential communications have been confided, but also those in which no confidence has been bestowed or will be used. Also, there is conflict of interests if the acceptance of the new retainer will require the attorney to perform an act which will injuriously affect his first client in any matter in which he represents him and also whether he will be called upon in his new relation to use against his first client any knowledge acquired through their connection. Another test of the inconsistency of interests is whether the acceptance of a new relation will prevent an attorney from the full discharge of his duty of undivided fidelity and loyalty to his client or invite suspicion of unfaithfulness or double dealing in the performance thereof.<sup>18</sup>

The rule against conflict of interest also “prohibits a lawyer from representing new clients whose interests oppose those of a former client in any manner, whether or not they are parties in the same action or on totally unrelated cases,”<sup>19</sup> since the representation of opposing clients, even in unrelated cases, “is tantamount to representing conflicting interests or, at the very least, invites suspicion of double-dealing which the Court cannot allow.”<sup>20</sup> The only exception is provided under Canon 15, Rule 15.03 of the CPR – if there is a written consent from all the parties after full disclosure.<sup>21</sup> “Such prohibition is founded on principles of public policy and good taste as the nature of the lawyer-client relations is one of trust and confidence of the highest degree.”<sup>22</sup>

With Atty. Evangelista’s admission that he retained clients who have cases against Adela without all the parties’ written consent, it is clear that he has violated *Canon 15, Rule 15.03* of the CPR. Adela’s non-participation in the filing of the instant complaint is immaterial, since it is stated under Section 1, Rule 139-B of the Rules of Court, as amended by Bar Matter No. 1645 that, “[p]roceedings for the disbarment, suspension or discipline of attorneys may be taken by the Supreme Court *motu proprio*, or upon the filing of a verified complaint of any person before the Supreme Court or the Integrated Bar of the Philippines (IBP).”

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<sup>18</sup> Id. at 111.

<sup>19</sup> *Mabini Colleges, Inc. represented by Marcel N. Lukban, et al. v. Atty. Pajarillo*, 764 Phil. 352, 358 (2015).

<sup>20</sup> *Atty. Nuique v. Atty. Sedillo*, 715 Phil. 304, 315 (2013).

<sup>21</sup> *Supra* note 16, at 415.

<sup>22</sup> *Gonzales v. Cabucana, Jr.*, 515 Phil. 296, 304 (2006).

*Meyer*

Considering that this is Atty. Evangelista's first offense in his more than 30 years of practice,<sup>23</sup> the Court finds a six-month suspension from the practice of law to be an adequate and appropriate sanction against him. In *Atty. Nuique vs. Atty. Sedillo*,<sup>24</sup> the Court ordered the suspension of Atty. Eduardo Sedillo from the practice of law for six (6) months, upon a finding that he represented opposing clients in unrelated cases. In *Tulio vs. Atty. Buhangin*,<sup>25</sup> the Court similarly imposed the penalty of suspension for a period of six (6) months against Atty. Gregory Buhangin, who, aside from failing to comply with the orders of the IBP, also filed a complaint against his former client in representation of such client's siblings, involving legal matters which the former entrusted to him.


**WHEREFORE**, in view of the foregoing, the Court finds Atty. Geronimo R. Evangelista, Jr. **GUILTY** of representing conflicting interests in violation of Rule 15.03, Canon 15 of the Code of Professional Responsibility and is **SUSPENDED** from the practice of law **for a period of six (6) months**, effective upon receipt of this Resolution, with a **STERN WARNING** that a commission of the same or similar offense in the future will result in the imposition of a more severe penalty.

Let copies of this Resolution be entered in the personal record of Atty. Geronimo R. Evangelista, Jr. as a member of the Philippine Bar and furnished to the Office of the Bar Confidant, the Integrated Bar of the Philippines and the Office of the Court Administrator for circulation to all courts in the country.

**SO ORDERED.**

  
**ANDRES B. REYES, JR.**  
Associate Justice

**WE CONCUR:**

  
**ANTONIO T. CARPIO**  
Senior Associate Justice  
Chairperson

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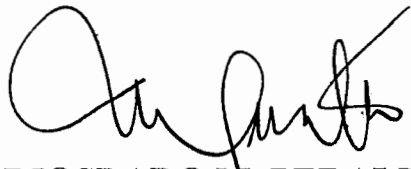
*Rollo*, p. 292

<sup>24</sup>

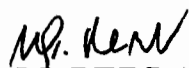
*Supra* note 20, at 317.

<sup>25</sup>

A.C. No. 7110, April 20, 2016. 790 SCRA 508. 519.



**DIOSDADO M. PERALTA**  
Associate Justice



**ESTELA M. PERLAS-BERNABE**  
Associate Justice

(On wellness leave)  
**ALFREDO BENJAMIN S. CAGUIOA**  
Associate Justice