



Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

THE HEIRS OF THE LATE A.C. No. 9594
SPOUSES JUSTICE AND MRS.

SAMUEL F. REYES, herein Present:
represented by JUDGE

ANTONIO C. REYES,
Complainants,

GESMUNDO, C.J., Chairperson,
CAGUIOA,
INTING,
GAERLAN, and
DIMAAMPAO, JJ.

- versus -

ATTY. RONALD
BRILLANTES,

L. Promulgated:

Respondent. APR 05 2022

X-----X

DECISION

INTING, J.:

The Court resolves the Complaint¹ for disbarment filed by the Heirs of Justice Samuel F. Reyes and Mrs. Antonia C. Reyes (complainants), represented by one of the heirs, Judge Antonio C. Reyes (Judge Reyes), against respondent Atty. Ronald L. Brillantes (Atty. Brillantes) for alleged violation of the rule on forum shopping, the Lawyer's Oath, and the Code of Professional Responsibility (CPR).

The Antecedents

On February 17, 2005, the Estate of the late Justice Samuel F. Reyes and Mrs. Antonia C. Reyes (the Estate), through its administrator, Dr. Samuel C. Reyes, Jr., filed a Complaint² for quieting of title against the Spouses Florencio and Felicitas Divina (collectively, Spouses

¹ Rollo, pp. 1-9.

² Id. at 10-14.

Divina) before Branch 19, Regional Trial Court (RTC), Cauayan City, Isabela.³

Instead of filing an answer, Spouses Divina filed a Motion to Dismiss⁴ raising, among others, the following grounds: (1) lack of jurisdiction; (2) failure to state a cause of action; and (3) failure to implead all indispensable parties.⁵ The RTC, however, denied the motion for lack of merit in the Order⁶ dated January 3, 2006.

Despite the denial of their motion, Spouses Divina still failed to file their answer to the complaint within the period allowed by the Rules of Court. Then, on January 17, 2006, they moved for reconsideration of the Order dated January 3, 2006. This prompted the Estate to file a motion to declare Spouses Divina in default for their failure to file an answer to the Complaint within the reglementary period.⁷

In the Order⁸ dated August 11, 2006, the RTC denied Spouses Divina's motion for reconsideration and declared them in default. Hence, the Estate was allowed to present its evidence *ex-parte*.⁹

Undeterred, Spouses Divina sought a recourse from the Court of Appeals (CA) by filing a *certiorari* petition that assailed the jurisdiction of the RTC over the complaint and prayed for the issuance of injunctive relief in their favor. Notably, the CA dismissed the petition for lack of merit in its Decision¹⁰ dated July 10, 2007 which has already become final and executory per the Corrected Entry of Judgment¹¹ dated August 5, 2007.¹²

On November 21, 2007, the RTC rendered a Decision¹³ in favor of the Estate and cancelled the certificates of title in the names of the

³ Id. at 1-2.

⁴ Id. at 15-23.

⁵ Id. at 16-17.

⁶ Id. at 24-25; penned by Executive Judge Raul V. Babaran.

⁷ Id. at 2.

⁸ Id. at 36.

⁹ Id. at 2.

¹⁰ Id. at 56-65; penned by Associate Justice Normandie B. Pizarro with Associate Justices Edgardo P. Cruz and Fernanda Lampas Peralta, concurring.

¹¹ Id. at 66.

¹² Id. at 3.

¹³ Id. at 68-73.

Spouses Divina. On appeal, the CA affirmed the RTC Decision *in toto* in its Decision¹⁴ dated January 20, 2010. The CA Decision became final and executory on February 16, 2010 as evidenced by the Entry of Judgment¹⁵ dated May 27, 2010.

Consequently, the Estate moved for the execution of the CA Resolution, which the RTC granted in the Order¹⁶ dated July 23, 2010.

Meanwhile, on August 9, 2011, Spouses Divina engaged the services of Atty. Brillantes in relation to the civil case.¹⁷

On September 29, 2011, Spouses Divina, through Atty. Brillantes, filed a Petition for Annulment of Judgment¹⁸ (Annulment Petition) with the CA that prayed for the RTC Decision to be set aside on the grounds of extrinsic fraud and lack of jurisdiction.¹⁹ In the Annulment Petition, Atty. Brillantes argued that his clients' belated receipt of the RTC Decision on August 19, 2011 prevented them from filing a timely appeal thereof with the CA.²⁰

In the Resolution²¹ dated February 29, 2012, the CA denied due course to the Annulment Petition and dismissed the case for being effectively barred by the Rules. The CA likewise denied the motion for reconsideration filed by Atty. Brillantes in its Resolution²² dated July 12, 2012.

In the disbarment complaint, Judge Reyes alleged that by filing the Annulment Petition with the CA, Atty. Brillantes had grossly and deliberately violated: (a) the Lawyer's Oath and the CPR for committing a falsehood and for abusing and misusing the procedural rules and (b) the rule on forum shopping.²³ Specifically, Judge Reyes pointed out that

¹⁴ Id. at 76-94; penned by Associate Justice Antonio L. Villamor with Associate Justices Isaias P. Dicedican and Romeo F. Barza, concurring.

¹⁵ Id. at 95.

¹⁶ Id. at 99.

¹⁷ Id. at 280.

¹⁸ Id. at 102-121.

¹⁹ Id. at 103 and 107-108

²⁰ Id. at 103.

²¹ Id. at 123-125; penned by Associate Justice Hakim S. Abdulwahid with Associate Justices Marlene Gonzales Sison and Leoncia R. Dimagiba, concurring.

²² Id. at 127-128.

²³ Id. at 5.

Spouses Divina received a copy of the RTC Decision on November 27, 2007, and not on August 19, 2011 as Atty. Brillantes claimed in the Annulment Petition. Judge Reyes argued that Atty. Brillantes had known such declaration to be a falsity considering that he himself had attached copies of the RTC Decision and the CA Resolution dated January 20, 2010 to the Annulment Petition that he filed before the CA.²⁴

Finally, Judge Reyes averred that the malicious actions of Atty. Brillantes had caused further delay in the settlement of the Estate, which began in 1995, despite the finality of the CA Decision dated January 20, 2010.²⁵

In his Comment,²⁶ Atty. Brillantes countered that Spouses Divina never disclosed to him that an appeal of the RTC Decision had already been filed and resolved by the CA.²⁷ He explained that he only relied on the interview he conducted with his clients and the documents they submitted to him in order to facilitate the drafting and the filing of the Annulment Petition, which he insisted was done in good faith.²⁸

Consequently, the Court, in its Resolution²⁹ dated March 6, 2013, referred the disbarment complaint to the Integrated Bar of the Philippines (IBP) for investigation, report, and recommendation.³⁰

The Proceedings before the IBP

In his Report and Recommendation³¹ dated November 10, 2014 (the Report), Investigating Commissioner Ricardo M. Espina found Atty. Brillantes guilty of violating the rule on forum shopping, the Lawyer's Oath, and the CPR; he recommended that Atty. Brillantes be suspended from the practice of law for a period of two (2) months.³² The IBP Board of Governors, in the Resolution No. XXI-2015-121³³ dated January 31, 2015, adopted the findings in the Report; but it increased the

²⁴ Id. at 6.

²⁵ Id.

²⁶ Id. at 130-141.

²⁷ Id. at 130-131.

²⁸ Id. at 136-137.

²⁹ Id. at 191-192.

³⁰ Id. at 191.

³¹ Id. at 258-263.

³² Id. at 260-262.

³³ Id. at 257, with the second page of the Resolution unpaginated.

recommended period of suspension from two (2) to three (3) months.

Unsatisfied, Judge Reyes filed a Motion for Reconsideration³⁴ in which he prayed for the imposition of the penalty of disbarment against Atty. Brillantes for his transgressions.³⁵ He argued that the Report failed to consider the other violations of the CPR that were inherent in Atty. Brillantes' act of forum shopping.³⁶

In the Resolution No. XXII-2016-339³⁷ dated May 28, 2016, the IBP Board of Governors increased the recommended penalty to be imposed against Atty. Brillantes to suspension from the practice of law for a period of one (1) year for having deliberately misled the CA when he filed the Annulment Petition despite having knowledge that the RTC Decision had already become final and executory.³⁸

The IBP Board of Governors further resolved to direct Atty. Ramon S. Esguerra, then Director of the IBP Commission on Bar Discipline, to prepare an extended resolution explaining the Board's action.³⁹

In the Extended Resolution⁴⁰ dated February 28, 2017, the IBP Board of Governors noted as follows:

First, Atty. Brillantes already admitted that he relied solely on the interview and representations of his clients as regards their receipt of the RTC Decision purportedly on August 19, 2011. This clearly indicates that Atty. Brillantes had failed to exercise due diligence in checking the status of the civil case at hand and retrieving all relevant documents from the RTC in relation thereto.⁴¹

Second, under the circumstances, Atty. Brillantes had the obligation to personally check the records of the civil case. His failure to do so negates his claim of good faith. The fact that the case had been

³⁴ Id. at 264-268.

³⁵ Id. at 267.

³⁶ Id.

³⁷ Id. at 277-278.

³⁸ Id. at 277.

³⁹ Id. at 278.

⁴⁰ Id. at 279-289.

⁴¹ Id. at 283-285.

passed from one lawyer to another does not excuse him from his duty to diligently study a case he agreed to handle.⁴²

And *third*, Atty. Brillantes' acts of preparing and filing the Annulment Petition without first verifying the status of the civil case and retrieving the pertinent documents from the trial court amount to gross negligence.⁴³

Thus, the IBP Board of Governors concluded that Atty. Brillantes had violated Rules 18.02, 18.03, and 18.04, Canon 18 of the CPR and recommended that he be suspended from the practice of law for a period of one (1) year considering his gross negligence in preparing and filing the Annulment Petition as well as the undue delay he caused in the settlement of the Estate.⁴⁴

Aggrieved, Atty. Brillantes filed a Motion for Reconsideration⁴⁵ with the IBP Board of Governors and prayed for his exoneration from the charges or the reduction of the recommended penalty against him.⁴⁶ In his motion, Atty. Brillantes admitted his shortcomings in handling the civil case and expressed his remorse for having transgressed his duties as an officer of the Court by his reliance on the misrepresentations of his clients.⁴⁷

Despite the opposition⁴⁸ to the motion filed by Judge Reyes, the IBP Board of Governors, in the Resolution⁴⁹ dated June 18, 2019, reduced the recommended period of suspension of Atty. Brillantes from one (1) year to only six (6) months.

The Issue

The sole issue for the Court's resolution is *whether Atty. Brillantes should be held administratively liable for his actions.*

⁴² Id. at 285.

⁴³ Id.

⁴⁴ Id. at 286, 288.

⁴⁵ Id. at 298-304.

⁴⁶ Id. at 304.

⁴⁷ Id. at 300.

⁴⁸ Id. at 308-311.

⁴⁹ Id. at 320-321.

The Court's Ruling

After a careful review of the case, the Court *concur*s with the findings and recommendation of the IBP that Atty. Brillantes be suspended from the practice of law for a period of six (6) months.

A lawyer who agrees to take up the cause of a client is expected to *competently* and *diligently* protect the latter's rights in accordance with his or her duties under the CPR.⁵⁰ Failure to do so would render the lawyer answerable not only to his or her client, but also to the legal profession, the courts, and society.⁵¹

In particular, Rules 18.02 and 18.03, Canon 18 of the CPR provides:

CANON 18 – A lawyer shall serve his client with competence and diligence.

x x x x

Rule 18.02 – A lawyer shall not handle any legal matter without adequate preparation.

Rule 18.03 – A lawyer shall not neglect a legal matter entrusted to him, and his negligence in connection therewith shall render him liable.

In the case, there is no question that Atty. Brillantes had failed to competently handle the case of his clients to the detriment of herein complainants, the courts, and the legal profession itself. His acts of preparing and filing the Annulment Petition with the CA on the *sole basis* of his clients' *misrepresentations* as to the actual status of the civil case shows just exactly how far he fell short of his obligations as an officer of the Court. Indeed, the fact that the civil case had been transferred from one lawyer to another does not excuse Atty. Brillantes from diligently studying the case, which obviously included reviewing the court records himself to determine, among others, the proper recourse to undertake to protect his clients' cause.⁵²

⁵⁰ See *Del Mundo v. Atty. Capistrano*, 685 Phil. 687, 692-693 (2012).

⁵¹ *Id.* at 692.

⁵² See *Hernandez v. Atty. Padilla*, 688 Phil. 329 (2012).

Worse, it appears that Atty. Brillantes had the relevant court records in the civil case *in his possession* when he prepared the Annulment Petition. In fact, by his own admission, he himself had attached thereto copies of the RTC Decision and the Notice of Appeal and the CA Decisions dated July 10, 2007 and January 20, 2010, which dismissed his clients' *certiorari* petition and denied their appeal of the RTC Decision, respectively.⁵³ For clarity and precision, the pertinent portion of his Motion for Reconsideration is quoted below:

Nevertheless, it is the most regret of the undersigned that he has succumbed to his weakness so that he was lured by the representations of his client spouses. x x x *While it may be true that there were documentary attachments annexed to the [Annulment Petition] of his clients, he trusted so much the representation made by them so that respondent-movant had even let [them] execute a Certificate of Non-Forum Shopping.* Although admittedly, it is the lapse of the undersigned that he has reposed so much trust in his clients, being foundation of a lawyer-client relationship.⁵⁴ (Italics supplied.)

Simply put, by fully relying on the *inaccurate information* divulged by his clients during their interview, he allowed himself to be deceived into filing the Annulment Petition. In so doing, he inadvertently committed a falsehood before the CA, which also constitutes a breach of the Lawyer's Oath and Rule 10.01, Canon 10 of the CPR, *viz.*:

CANON 10 – A lawyer owes candor, fairness and good faith to the court.

Rule 10.01 – A lawyer shall not do any falsehood, nor consent to the doing of any in Court; nor shall he mislead, or allow the Court to be misled by any artifice.

More than that, Atty. Brillantes effectively violated the rule on forum shopping when he filed the Annulment Petition with the CA in order to secure a favorable judgment for his clients despite the finality of the CA Decision dated January 20, 2010, which upheld the RTC Decision in the civil case on appeal. This, too, is tantamount to a violation of Rules 12.02 and 12.04, Canon 12 of the CPR, *viz.*:

⁵³ *Rollo*, pp. 6, 260-261.

⁵⁴ *Id.* at 300.

CANON 12 – A lawyer shall exert every effort and consider it his duty to assist in the speedy and efficient administration of justice.

X X X X

Rule 12.02 – A lawyer shall not file multiple actions arising from the same cause.

X X X X

Rule 12.04 – A lawyer shall not unduly delay a case, impede the execution of a judgment or misuse Court processes.

As for the proper penalty, the Court notes these judicial precedents in relation to the violations discussed above as regards the administrative sanctions imposed on the erring lawyers therein:

First, in *Penilla v. Atty. Alcid, Jr.*,⁵⁵ the Court suspended the respondent lawyer from the practice of law for six (6) months for having neglected his client's case in violation of Rules 18.03 and 18.04, Canon 18 of the CPR, among others.

Second, the Court, in *Raz v. Atty. Rivero*,⁵⁶ explained that the penalty for engaging in deceitful conduct under Rule 10.01, Canon 10 of the CPR ranges from suspension from the practice of law for a period of one (1) to three (3) years to disbarment, depending on the circumstances of each case.⁵⁷

And *third*, in the case of *Williams v. Atty. Enriquez*,⁵⁸ the Court suspended the respondent lawyer from the practice of law for six (6) months for violation of the rule on forum shopping and Canon 12 of the CPR.⁵⁹

In determining the proper penalty to be meted out against Atty. Brillantes, the Court also takes into account the peculiarity of the case in

⁵⁵ 717 Phil. 210 (2013).

⁵⁶ A.C. No. 2999, February 12, 2020.

⁵⁷ *Id.*

⁵⁸ 769 Phil. 666 (2015).

⁵⁹ *Id.* at 672-673.

that the actions of Atty. Brillantes caused direct prejudice not against his clients' cause, but towards the opposing parties, or herein complainants, instead. As the IBP pointed out, his negligence in handling the case caused undue delay in the settlement of the Estate, which had been pending since 1995.

However, the Court cannot just disregard the following circumstances which warrant the imposition of a lower penalty against Atty. Brillantes: (1) his *admission* of his shortcomings in the handling of the civil case and his *sincere apology* for his actions; (2) this is his *first infraction*; and (3) the *negative economic impact* of the Coronavirus Disease 2019 pandemic to the country.

All things considered, the Court deems the penalty of suspension from the practice of law for a period of six (6) months, as recommended by the IBP, to be commensurate with Atty. Brillantes' transgressions.

WHEREFORE, the Court finds respondent Atty. Ronald L. Brillantes **GUILTY** of violating the rule on forum shopping, the Lawyer's Oath, and Rule 10.01, Canon 10, Rules 12.02 and 12.04, Canon 12, and Rules 18.02 and 18.03, Canon 18 of the Code of Professional Responsibility. Accordingly, the Court hereby **SUSPENDS** him from the practice of law for a period of six (6) months, with a **STERN WARNING** that a repetition of the same or similar acts shall be dealt with more severely.

The suspension in the practice of law shall take effect immediately upon receipt of this Decision by respondent Atty. Ronald L. Brillantes. He is **DIRECTED** to immediately file a Manifestation to the Court that his suspension has started, copy furnished all courts and quasi-judicial bodies where he has entered his appearance as counsel.


Let copies of this Decision be furnished the Office of the Bar Confidant to be appended to the personal records of respondent Atty. Ronald L. Brillantes, and the Office of the Court Administrator and the Integrated Bar of the Philippines for their information and guidance.

SO ORDERED.



HENRI JEAN PAUL B. INTING
Associate Justice

WE CONCUR:



ALEXANDER G. GESMUNDO
Chief Justice
Chairperson



ALFREDO BENJAMIN S. CAGUIOA
Associate Justice



SAMUEL H. GAERLAN
Associate Justice



JAPAR B. DIMAAMPAO
Associate Justice