



REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila

SECOND DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, Second Division, issued a Resolution dated 10 February 2021 which reads as follows:

“A.C. No. 10785 (*Preciosa C. Labadan v. Atty. Jaime C. Del Rosario*).

Rule 15.03, Canon 15 of the Code of Professional Responsibility provides that “[a] lawyer shall not represent conflicting interests except by written consent of all concerned given after a full disclosure of the facts.”¹ In *Quiambao v. Atty. Bamba*,² the Court discussed the application of the rule on conflict of interest, viz.:

In broad terms, lawyers are deemed to represent conflicting interests when, in behalf of one client, it is their duty to contend for that which duty to another client requires them to oppose. Developments in jurisprudence have particularized various tests to determine whether a lawyer’s conduct lies within this proscription. **One test is whether a lawyer is duty-bound to fight for an issue or claim in behalf of one client for the other client. Thus, if a lawyer’s argument for one client has to be opposed by that same lawyer in arguing for the other client, there is a violation of the rule.**

Another test of inconsistency of interests is whether the acceptance of a new relation would prevent the full discharge of the lawyer’s duty of undivided fidelity and loyalty to the client or invite suspicion of unfaithfulness or double-dealing in the performance of that duty. Still another test is whether the lawyer would be called upon in the new relation to use against a former client any confidential information acquired through their connection or previous employment.

The proscription against representation of conflicting interests applies to a situation where the opposing parties are present clients in the same action or in an unrelated action. It is of no moment that the lawyer would not be called upon to contend for one client that which the lawyer has to oppose for the other client, or that there would be no occasion to use the confidential information acquired from one to the disadvantage of the other as the two actions are wholly

¹ *Aniñon v. Atty. Sabitsana, Jr.*, 685 Phil. 322, 326 (2012).

² 505 Phil. 126 (2005).

unrelated. It is enough that the opposing parties in one case, one of whom would lose the suit, are present clients and the nature or conditions of the lawyer's respective retainers with each of them would affect the performance of the duty of undivided fidelity to both clients.³ (Emphases supplied.)

Here, the complainant and her siblings engaged Atty. Jaime C. Del Rosario's (Atty. Del Rosario) services in the preparation and notarization of a deed of partition. Atty. Del Rosario likewise represented the complainant in a case for the reconstitution of title. Yet, Atty. Del Rosario acted as counsel in an action against the complainant and her siblings seeking to nullify the deed of partition. Obviously, Atty. Del Rosario violated the rule against conflict of interest. It is pellucid that the rights of the plaintiffs in the action for nullity of the deed of partition is opposed to the interests of the complainant who invokes the legality of the assailed instrument. The acceptance of a new client requires Atty. Del Rosario to perform an act which will injuriously affect the complainant. Differently stated, Atty. Del Rosario, in behalf of one client, has duty to fight for an issue or claim, but it is his duty to oppose it for the other client. Contrary to Atty. Del Rosario's theory, the termination of the attorney-client relationship does not justify him to represent an interest in conflict with that of the complainant. The confidence of a client once given should not be stripped by the mere expiration of the professional employment.⁴

As regards the appropriate penalty, the Court had suspended erring lawyers for a period of six months for violating the rule against conflict of interest. In *Romero v. Atty. Evangelista*,⁵ the respondent retained clients who have cases against the complainant without all the parties' written consent. Similarly, in *Atty. Nuique v. Atty. Sedillo*⁶ and *Tulio v. Atty. Buhangin*,⁷ the respondents represented opposing clients in unrelated cases.

FOR THESE REASONS, Atty. Jaime C. Del Rosario is **SUSPENDED** for six (6) months from the practice of law, effective upon the receipt of this Resolution. He is **WARNED** that a repetition of the same or a similar act will be dealt with more severely.

Atty. Del Rosario is **DIRECTED** to report the date of his receipt of this Resolution to enable this Court to determine when his suspension shall take effect.

Let a copy of this Resolution be furnished the Office of the Bar Confidant, to be appended to the personal record of Atty. Del Rosario as a member of the Bar; the Integrated Bar of the Philippines, for distribution to all its chapters; and the Office of the Court Administrator, for circulation to

³ *Id.* at 134-135.

⁴ *Luyim v. Espina* (Notice), A.C. No. 12332, March 18, 2019.

⁵ 826 Phil. 593 (2018).

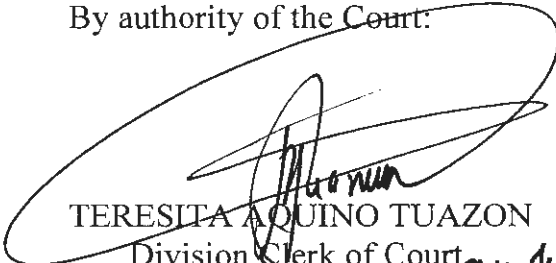
⁶ 715 Phil. 304, 315 (2013).

⁷ 785 Phil. 292 (2016).

all courts in the country for their information and guidance.

SO ORDERED.” (Rosario, J., designated additional Member per Special Order No. 2797 dated November 5, 2020.)

By authority of the Court:



TERESITA AQUINO TUAZON
Division Clerk of Court
06 MAY 2021

MS. PRECIOSA C. LABADAN (reg)
Complainant
No. 3419 Masikap Homeowners
Col. Licsi Street, Barracks, Caniogan
1605 Pasig City

ATTY. JAIME C. DEL ROSARIO (reg)
Respondent
No. 089 Canuto Street, San Vicente
Pili, 4418 Camarines Sur

INTEGRATED BAR OF THE PHILIPPINES (reg)
Doña Julia Vargas Avenue
Ortigas Center, 1605 Pasig City

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