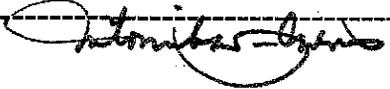


EN BANC

A.C. No. 13471 – MELISSA M. MASAYON and CLIFFORD M. COMPAS, Complainants v. ATTY. RONALDO E. RENTA, Respondent.

Promulgated:

January 17, 2023

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SEPARATE CONCURRING AND DISSENTING OPINION

LEONEN, J.:

I agree with the *ponencia*'s findings on respondent Atty. Ronaldo E. Renta's (Atty. Renta) administrative liability but disagree with the penalty imposed. Atty. Renta should be disbarred. Members of the legal profession are expected to adhere to strict standards of behavior, which require a totality of ethical compliance for continued membership. Atty. Renta's repeated professional and ethical violations, as found by the lower tribunals and affirmed by this Court's majority, render him unfit to practice law.

Melissa M. Masayon (Melissa) and Clifford M. Compas (Clifford) filed a disbarment complaint against Atty. Renta because of the latter's interference in the settlement of the estate of Don Alberto C. Compas (Don Alberto).¹

When Don Alberto died, he left behind two families, which both agreed to sell the properties in his estate and to divide the proceeds of the sales among themselves. Both families executed an Extra-Judicial Deed of Partition and a Special Power of Attorney authorizing Clifford to solely negotiate, facilitate, sign for, and receive the proceeds of all estate property sales. Thus, Clifford was able to sell portions of Don Alberto's estate, including the Kamalig property, which was purchased by Melissa.²

Upon learning from Ms. Siony Sia (Ms. Sia) that the estate's properties could be sold for a higher price through the Conditional Mortgage Program of the Social Housing Finance Corporation (the Corporation), Clifford allegedly convinced the other heirs to execute several other documents allowing him to enter into transactions with the Corporation. Ms. Sia is the president of Mineland Housing Corporation, a registered mobilizer with the Corporation. Clifford had managed to have 50% of the properties' proceeds released to the heirs. He was then informed by the Corporation's

¹ *Ponencia*, p. 2.

² *Id.* at 3.

President, Atty. Arnulfo Cabling, that Atty. Renta had sent the Corporation a letter revoking Clifford's authority to represent the second family, and prohibiting the release of the remaining proceeds. According to the Corporation, Atty. Renta had assumed representation of members of Don Alberto's second family, who had ceased contact with Clifford and inquired with Ms. Sia about their own shares in the properties' proceeds.³

According to Ms. Sia, Atty. Renta approached her several times over the course of several months, insisting that he could "convince his clients to agree on anything," in exchange for a monetary reward. Ms. Sia testified that Atty. Renta priced his offers to guarantee his clients' cooperation at PHP 1 million, which eventually dropped to PHP 200,000.00. When Ms. Sia refused Atty. Renta's offers and insisted that the heirs should resolve their dispute based on their Deed of Extra-Judicial Partition, Atty. Renta allegedly lost his temper. This back and forth between Atty. Renta and Ms. Sia delayed the release of "the remaining proceeds of the [Conditional Mortgage Program]," which has yet to be fully released to either of the two families.⁴

Concurrently, Melissa testified that Atty. Renta entered the Kamalig Property without her permission and proceeded to survey the area despite protests from the property's caretakers. Before leaving, Atty. Renta allegedly threatened the property's caretakers with ejectment and utterances of "*baka nagluluto kayo dito ng shabu, ha?*" The caretakers reported this incident to Melissa and to the local police.⁵

In response to the complaint, Atty. Renta narrated that the second family approached him for representation because Clifford and the supposed first family had the second family join the execution of an Extra-Judicial Deed of Partition, which allegedly misrepresented the first family's relationship to Don Alberto. As such, Clifford and the first family received shares in the sales from Don Alberto's estate, which were greater than they were entitled to by law.⁶

Upon his engagement by the second family, Atty. Renta allegedly had the Extra-Judicial Deed of Partition revoked and then proceeded to communicate with the Corporation as the second family's legal counsel. Atty. Renta claims that the present disbarment case was instituted "in retaliation" for a complaint that he filed against Clifford for falsification of a public document, among other complaints. Atty. Renta also denied visiting the Kamalig property and insisted that the release of proceeds was delayed by Ms. Sia's refusal to heed his request for settlement between the heirs.⁷

³ *Id.*

⁴ *Id.* at 4.

⁵ *Id.*

⁶ *Id.* at 5.

⁷ *Id.*

The Integrated Bar of the Philippines Commission on Bar Discipline found Atty. Renta administratively liable for violating Rules 1.01, 1.03, and 1.04 of Canon 1, and Rule 8.01 of Canon 8 of the Code of Professional Responsibility. Thus, the Commission on Bar Discipline recommended Atty. Renta's suspension from the practice of law for one year. The Integrated Bar of the Philippines Board of Governors adopted this recommendation in Resolution No. CBD-2021-05-08, but increased Atty. Renta's suspension to three years. Atty. Renta moved for reconsideration of the Board of Governors' Resolution but was denied relief.⁸

Thus, this Court must rule on whether respondent Atty. Ronaldo E. Renta merited the administrative penalties as determined by the Integrated Bar of the Philippines Board of Governors.

I agree with the *ponencia's* findings on Atty. Renta's violations of the Code of Professional Responsibility. Members of the legal profession are required to observe "rigid standards of mental fitness, [maintain] the highest degree of morality[,] and [faithfully comply] with the rules of the legal profession."⁹ The *ponencia's* discussion reveals how respondent's actions render him administratively liable under the Rules and Canons cited by the *ponencia*.

The *ponencia* further highlights two other incidents showing respondent's failures as a lawyer, which show violations of the Lawyer's Oath and of the Code of Professional Responsibility.

In this case, this Court notes that respondent was previously warned, in two (2) separate occasions, that repetition of similar acts would be dealt with more severely. In *Cristobal v. Renta* (*Cristobal*), respondent was reprimanded for *failing to safeguard his client's interests when he failed to file the petition for recognition of certain minors, as the client required*. He admitted to his failure and apologized for his negligence. Two years after *Cristobal*, in *Beth Hein Transport v. Volante*, the Court once again warned respondent for *failing to attach material portions of the record, notably the assailed decision, to a petition for review on certiorari*. The Court stated in that case that *the petitioner's cause, if legitimate, "deserved better legal representation: one that knows the fundamental requirements needed to support a case, and one that recognizes that a case should be attended to with more care, prudence, and diligence.*"¹⁰ (Emphasis supplied; citations omitted)

*Villafores v. Limos*¹¹ provides that violations of the Lawyer's Oath, which exhibit "inexcusable negligence," may be punished by suspension and even disbarment in "severely aggravated cases":

⁸ *Id.* at 5-6.

⁹ *Angeles v. Lina-ac*, A.C. No. 12063, January 8, 2019 [Per J. Leonen, *En Banc*]; *Bernardo v. Atty. Mejia*, 558 Phil. 398, 402 (2007) [Per J. Nachura, *En Banc*].

¹⁰ *Ponencia*, pp. 12-13.

¹¹ 563 Phil. 453 (2007) [Per J. Chico-Nazario, Third Division].

In *People v. Cawili*, we held that the failure of counsel to submit the brief within the reglementary period is an offense that entails disciplinary action. *People v. Villar, Jr.* characterized a lawyer's failure to file a brief for his client as *inexcusable neglect*. In *Blaza v. Court of Appeals*, we held that the filing of a brief within the period set by law is a duty not only to the client, but also to the court. *Perla Compania de Seguros, Inc. v. Saquilabon* reiterated *Ford v. Daitol* and *In re: Santiago F. Marcos* in holding that an attorney's failure to file a brief for his client constitutes inexcusable negligence.

In cases involving a lawyer's failure to file a brief or other pleadings before an appellate court, we did not hesitate to suspend the erring member of the Bar from the practice of law for three months, six months, or *even disbarment in severely aggravated cases*.¹² (Emphasis supplied; citations omitted)

Concurrently, a prior opinion highlights how imposing the proper penalty for professional misconduct is important not only to hold a lawyer accountable for violations of their oath, but also to ensure the public of the integrity of the legal profession:

*The imposition of the proper penalty also does justice to those the lawyer has wronged. It communicates to them that her transgressions of her oath as a lawyer and against the canons of the legal profession are not tolerated by this Court. Past serious offenses by the same lawyer should not amount to a mitigation of the penalty to be imposed. If they amount to anything, past transgressions should be aggravating.*¹³ (Emphasis supplied; citations omitted)

Thus, in *Pacao v. Atty. Limos (Pacao)*,¹⁴ the Court disbarred a lawyer found guilty of misconduct, in light of two prior administrative sanctions for "gross negligence and dereliction of duty" and for "deceitful and dishonest conduct." *Pacao* considered the totality of the lawyer's transgressions as "[demonstrative of] her propensity to employ deceit and misrepresentation" and, thus, ordered the loss of her privilege to practice law.

The fact that this is Atty. Limos' third transgression exacerbates her offense. The foregoing factual antecedents demonstrate her propensity to employ deceit and misrepresentation. It is not too farfetched for this Court to conclude that from the very beginning, Atty. Limos had planned to employ deceit on the complainant to get hold of a sum of money. Such a conduct is unbecoming and does not speak well of a member of the Bar.

The present case comes clearly under the grounds given in Section 27, Rule 138 of the Revised Rules of Court. *The Court, however, does not*

¹² *Id.* at 464.

¹³ J. Leonen, Separate Concurring Opinion in *Punla v. Atty. Maravilla-Ona*, 816 Phil. 776, 778-779 (2017) [Per Curiam, *En Banc*].

¹⁴ 787 Phil. 121 (2016) [Per Curiam, *En Banc*].

hesitate to impose the penalty of disbarment when the guilty party has become a repeat offender. Considering the serious nature of the instant offense and in light of Atty. Limos' prior misconduct which grossly degrades the legal profession, the imposition of the ultimate penalty of disbarment is warranted.

In imposing the penalty of disbarment upon Atty. Limos, the Court is aware that the power to disbar is one to be exercised with great caution and only in clear cases of misconduct that seriously affect the standing and character of the lawyer as a legal professional and as an officer of the Court. However, Atty. Limos' recalcitrant attitude and unwillingness to heed with the Court's warning, which is deemed to be an affront to the Court's authority over members of the Bar, warrant an utmost disciplinary sanction from this Court. *Her repeated desecration of her ethical commitments proved herself to be unfit to remain in the legal profession. Worse, she remains apathetic to the need to reform herself.*¹⁵ (Emphasis supplied; citations omitted)

Further, *Mangubat v. Atty. Herrera*¹⁶ emphasizes that a lawyer may be disbarred when their "collective conduct tarnishes the integrity of the legal profession".¹⁷

It is the paramount interest of this Court to ensure that only those who possess and carry out the core values and exacting standards established to preserve the honor and integrity of the Bar are allowed to practice law. *In this case, the collective conduct of Atty. Herrera tarnishes the integrity of the legal profession* and is in clear disregard of his sworn duties in the Lawyer's Oath not to "delay any man's cause for money or malice" and to conduct himself "as a lawyer according to the best of [his] knowledge and discretion with all good fidelity as well to the courts as to [his] clients."

Indeed, restraint must be exercised before imposing the supreme penalty of disbarment that should be reserved only for the most serious and reprehensible acts. *In Canillo v. Angeles, We meted the penalty of disbarment on the erring lawyer who was found to have represented conflicting interests involving a common parcel of land and for committing other fraudulent and deceitful acts. Similarly, in Laurel v. Delute, the erring lawyer was disbarred for selling out his client's cause in order to gain personal benefit.* In both cases, We determined that the acts the erring lawyers committed rendered them unfit to continue practicing law. *Atty. Herrera's collective acts are graver than in these cases.*¹⁸ (Emphasis supplied; citations omitted)

Ethical standards in a profession are valuable not only to the profession that promises to adhere to them, but also to the public meant to be served by the individual members of that profession. However, between the professional and the client, the professional will always have the greater duty of acting in an ethical manner, as a professional engagement allows

¹⁵ *Id.* at 127–128.

¹⁶ A.C. No. 9457, April 5, 2022 [Per Curiam, *En Banc*].

¹⁷ *Mangubat v. Atty. Herrera*, A.C. No. 9457, April 5, 2022 [Per Curiam, *En Banc*].

¹⁸ *Id.*

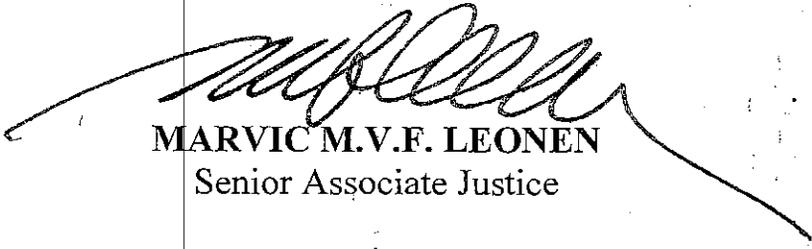
specialized knowledge to be applied to the profession's ultimate goal,¹⁹ which, for the legal profession, involves serving the public and upholding the rule of law.²⁰

Thus, only *complete* adherence or an *entirety* of ethical compliance will assure the public that lawyers are not only competent in carrying out their duties, but also that they will work toward their client's best interests. Variance in time or in degree of a lawyer's failures means little to the layperson whose interests may suffer devastating effects from any and all failures of counsel. Rather, a lawyer's entire ethical character should determine the appropriate penalty for professional misconduct.

Here, the lower courts correctly found—and the *ponencia* correctly affirmed—that respondent violated his oath as a lawyer, to the serious detriment of his clients. Taking the present violations together with his prior offenses, respondent clearly and repeatedly exhibited his clear disregard for his clients and his duties and responsibilities as a lawyer. Respondent is unfit to continue in the practice of law and should be disbarred, regardless of the supposed weight of his current and prior offenses. Rather, his history as a *repeat offender* already proves the utter inadequacy of his character. Respondent has clearly failed to apply his supposed expertise to his client's benefit, over and above his own interests. To date, respondent has failed as a lawyer three times, to the detriment of those he had the professional and pethical duty to serve. He should be disbarred.

ACCORDINGLY, I vote to **AFFIRM** the Integrated Bar of the Philippines Board of Governors Resolution No. CBD-2021-05-08 with **MODIFICATION**.

Respondent Atty. Ronaldo E. Renta is **GUILTY** of violating Rules 1.01 and 1.04, Canon 1; Rule 7.03, Canon 7; Rule 8.01, Canon 8; and Canon 17 of the Code of Professional Responsibility, and should be **DISBARRED** from the practice of law in view of earlier findings of administrative liability against him and for his failure to heed prior warnings of more serious penalties for repeat offenses.



MARVIC M.V.F. LEONEN
Senior Associate Justice

¹⁹ Stephen J. Freeman, Dennis W. Engels, & Michael K. Altekruze, *Foundations of Ethical Standards and Codes: The Role of Moral Philosophy and Theory in Ethics*, 48 COUNSELING AND VALUES 163, 172–173 (2004).

²⁰ RULES OF COURT, Rule 138, sec. 3.