



Republic of the Philippines  
**Supreme Court**  
 Baguio City

EN BANC

**JHYCKE G. PALMA,**

**A.C. No. 13995**

Complainant,

Present:

GESMUNDO, *C.J.*,  
 LEONEN,  
 CAGUIOA,  
 HERNANDO,  
 LAZARO-JAVIER,  
 INTING,  
 ZALAMEDA,  
 LOPEZ, M.,  
 GAERLAN,  
 ROSARIO,  
 LOPEZ, J.,  
 DIMAAMPAO,  
 MARQUEZ,  
 KHO, JR., and  
 SINGH, *JJ.*

- versus -

**ATTY. LADIMIR IAN G.  
 MADURAMENTE,**

Respondent.

**Promulgated:**  
 April 3, 2024

X

X

**DECISION**

***PER CURIAM:***

Before the Court is an administrative Complaint<sup>1</sup> filed by Jhycke G. Palma (Palma) against respondent Ladimir Ian G. Maduramente (Maduramente). Palma imputes negligence to Maduramente and alleges that the latter violated the rule against conflict of interest. Accordingly, she prays

<sup>1</sup> *Rollo*, pp. 2-10.

that Maduramente be disbarred from the practice of law.<sup>2</sup>

### Antecedents

Palma claims to be the duly elected President of The Great Warrior, a homeowner's association purportedly registered with the Housing and Land Use Regulatory Board. Allegedly, The Great Warrior engaged the legal services of Maduramente for several cases.<sup>3</sup>

One of the cases was Civil Case No. 6502-3, filed before Branch 3, Municipal Trial Court in Cities of General Santos City (MTCC) , which involved an action for Injunction against Palma and all other persons claiming rights under her (Palma's group).<sup>4</sup> Plaintiffs in that case prayed for Palma's group to vacate the land they were occupying and pay for the damages they caused.<sup>5</sup>

Notably, Palma stated that plaintiffs therein moved to declare them in default because Maduramente failed to file their Answer on time. Fortunately, the MTCC eventually accepted their belatedly filed Answer and issued the order for the pre-trial conference. However, Maduramente failed to appear during the pre-trial conference and did not even file a pre-trial brief. Thus, the MTCC declared Palma's group in default.<sup>6</sup> Only plaintiffs therein were allowed to present evidence, which ultimately led to the resolution of the case in their favor.<sup>7</sup>

Verily, Maduramente allegedly promised to remedy the situation by filing a motion for reconsideration, which was nonetheless denied. He then filed a notice of appeal but this was not given due course by the MTCC on the ground that it was filed out of time. Palma added that they repeatedly asked Maduramente to withdraw from the case but he took so long to do so. It was only after they made incessant requests did Maduramente eventually withdraw and surrender the records of the case to Palma.<sup>8</sup>

Palma also narrated that Maduramente represented her group, in another case, an action for the Declaration of Nullity of Sale, Cancellation of Certificate of Title, and Damages, docketed as Civil Case No. 8506 before Branch 23, Regional Trial Court of General Santos City (RTC).<sup>9</sup> Palma's

<sup>2</sup> *Id.* at 10.

<sup>3</sup> *Id.* at 2-3.

<sup>4</sup> *Id.* at 12-15.

<sup>5</sup> *Id.* at 15.

<sup>6</sup> *Id.* at 175.

<sup>7</sup> *Id.* at 175-176.

<sup>8</sup> *Id.* at 176.

<sup>9</sup> *Id.* at 69-76.

group intervened in that case on the ground that they have a better right over the property in dispute.<sup>10</sup> However, Palma claimed that Maduramente also represented the plaintiffs, in violation of the rule against conflict of interest.<sup>11</sup>

For Maduramente's part, he stated that he failed to attend the pre-trial conference for Civil Case No. 6502-3 because he was in Manila at the time. As proof, he attached an itinerary ticket. He claimed that it was Palma who did not attend said conference despite being advised to do so.<sup>12</sup> As to the belated filing of the notice of appeal, he stated that this was due to the inadvertence of his staff.<sup>13</sup>

Anent Civil Case No. 8506, Maduramente argued that there was no conflict of interest. He admitted that he was indeed the counsel on record of plaintiffs in that case. However, he only acted as counsel for Palma's group, as intervenors, because they were being harassed by the named landowners through requests for the disconnection of their electricity. Maduramente stated that the Complaint-in-Intervention was filed by Palma's group primarily to save on expenses.<sup>14</sup>

### **Resolution and Recommendation of the IBP**

In its Resolution and Recommendation,<sup>15</sup> the Integrated Bar of the Philippines-Commission on Bar Discipline (IBP-CBD) found Maduramente administratively liable:

WHEREFORE, it is most respectfully recommended that the respondent be suspended for 10 years from the practice of law.

Respectfully submitted.<sup>16</sup>

In relation to Civil Case No. 6502-3, the IBP-CBD explained that Maduramente could have easily filed a motion to cancel the hearing and presented his itinerary as proof of his unavailability for the pre-trial conference.<sup>17</sup> It was wrong for Maduramente to blame Palma for not attending. The IBP-CBD also noted that Maduramente did not respond to the accusation that he failed to file a pre-trial brief, nor conduct interviews for

<sup>10</sup> *Id.* at 77-87.

<sup>11</sup> *Id.* at 176.

<sup>12</sup> *Id.*

<sup>13</sup> *Id.* at 125.

<sup>14</sup> *Id.* at 177.

<sup>15</sup> *Id.* at 175-179. The January 26, 2023 Report and Recommendation was penned by Commissioner Francis B. Beltran of the Integrated Bar of the Philippines-Commission on Bar Discipline.

<sup>16</sup> *Id.* at 179.

<sup>17</sup> *Id.* at 177.

the execution of the judicial affidavits. Thus, this was taken as an admission on the part of Maduramente. Likewise, the IBP-CBD stated that Maduramente neglected to file the notice of appeal on time, and the only excuse he offered was "due to inadvertence."<sup>18</sup> Consequently, Maduramente violated Canons 17 and 18 of the Code of Professional Responsibility (CPR).<sup>19</sup>

As to Civil Case No. 8506, the IBP-CBD stated that there was indeed conflict of interest on the part of Maduramente. The plaintiffs and Palma's group were asserting legal rights amounting to a claim of ownership, *albeit* in different ways, over the same property. Thus, for representing conflicting interests in the same case, the IBP-CBD stated that Maduramente violated Canon 15, Rule 15.03 of the CPR.<sup>20</sup>

The IBP Board of Governors (BOG) affirmed the finding of Maduramente's liability. However, since he had already been previously disbarred, the BOG modified the recommended penalty to the imposition of a fine in the amount of PHP 100,000.00, as follows:

*RESOLVED, to MODIFY, as it is hereby MODIFIED, the Report and Recommendation of the Investigating Commissioner, considering that the respondent had already been disbarred, and accordingly, to recommend instead the imposition upon respondent [Atty. Ladimir Ian G. Maduramente] of a FINE of [PHP] 100,000.00.*<sup>21</sup>

### Issue

The pertinent issue is whether Maduramente should be found administratively liable.

### Ruling of the Court

The Court adopts the recommendation of the IBP BOG.

It is settled that membership in the Bar is a privilege burdened with

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<sup>18</sup> *Id.*

<sup>19</sup> *Id.* at 177-178.

<sup>20</sup> *Id.* at 179.

<sup>21</sup> *Id.* at 173.

conditions.<sup>22</sup> Only those who exhibit special fitness not only in intellect, but also in moral character, may continue to enjoy such privilege.<sup>23</sup> At all times, lawyers are expected to conduct themselves with great propriety, and their behavior must be beyond reproach.<sup>24</sup>

Verily, once a lawyer agrees to take up the cause of a client, they owe fidelity to such cause and must be mindful of the trust and confidence reposed in them.<sup>25</sup> Any dereliction of duty by a lawyer affects the client.<sup>26</sup> Hence, they are expected to commit their entire devotion to the interest of the client, to the end that nothing be taken or withheld from his or her client, save by the rules of law, legally applied.<sup>27</sup>

Similarly, lawyers are duty-bound to avoid representing conflicting interests.<sup>28</sup> This is because the relationship between a lawyer and their client is imbued with the highest level of trust and confidence.<sup>29</sup> They are expected to turn down an offer for professional employment or the engagement of legal services, no matter how attractive the fees may be, if accepting the same would result to a violation of the prohibition against conflict of interest.<sup>30</sup>

The relevant provisions of the CPR in relation to a lawyer's responsibility in handling cases, and avoiding the representation of conflicting interests are as follows:

Canon 17 - A lawyer owes fidelity to the cause of his client and he shall be mindful of the trust and confidence reposed in him.

Canon 18 - A lawyer shall serve his client with competence and diligence.

Canon 15 - A lawyer shall observe candor, fairness and loyalty in all his dealings and transactions with his clients.

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

Nonetheless, the CPR has been repealed by A.M. No. 22-09-01-SC,<sup>31</sup>

<sup>22</sup> *Jumalon v. Atty. Dela Rosa*, A.C. No. 9288, January 31, 2023 [*Per Curiam, En Banc*] at 6. This pinpoint citation refers to the copy of the Decision uploaded to the Supreme Court website.

<sup>23</sup> *Id.*

<sup>24</sup> *Dayos v. Atty. Buri*, A.C. No. 13504, January 31, 2023 [*Per Curiam, En Banc*] at 4. This pinpoint citation refers to the copy of the Decision uploaded to the Supreme Court website.

<sup>25</sup> *Mitchell v. Atty. Amistoso*, 882 Phil. 35, 43 (2020) [Per J. Peralta, *En Banc*].

<sup>26</sup> *See Katipunan, Jr. v. Atty. Carrera*, 871 Phil. 169, 181 (2020) [Per J. Lazaro-Javier, First Division].

<sup>27</sup> *Artates v. Atty. Bello*, A.C. No. 13466, January 11, 2023 [Per J. Kho, Second Division] at 3. This pinpoint citation refers to the copy of the Decision uploaded to the Supreme Court website.

<sup>28</sup> *Legaspi v. Atty. Gonzales*, 874 Phil. 722, 728 (2020). [Per J. Delos Santos, Second Division].

<sup>29</sup> *Id.*

<sup>30</sup> *See id.*

<sup>31</sup> Dated April 11, 2023.



or the Code of Professional Responsibility and Accountability (CPRA).<sup>32</sup> The CPRA includes a transitory provision, which states that it shall be applied to all pending and future cases, unless not feasible or would work injustice.<sup>33</sup> As the exceptions are not present in the instant case, the Court deems the application of the provisions of the CPRA to be proper.<sup>34</sup>

Concomitantly, the following provisions of the CPRA are pertinent to the instant case:

#### CANON IV COMPETENCE AND DILIGENCE

**SECTION 3. *Diligence and punctuality.*** – A lawyer shall diligently and seasonably act on any legal matter entrusted by a client.

A lawyer shall be punctual in all appearances, submissions of pleadings and documents before any court, tribunal or other government agency, and all matters professionally referred by the client, including meetings and other commitments.

**SECTION 4. *Diligence in all undertakings.*** – A lawyer shall observe diligence in all professional undertakings, and shall not cause or occasion delay in any legal matter before any court, tribunal, or other agency.

A lawyer shall appear for trial adequately familiar with the law, the facts of the case, and the evidence to be presented. A lawyer shall also be ready with the object and documentary evidence, as well as the judicial affidavits of the witnesses, when required by the rules or the court.

#### CANON III FIDELITY

**SECTION 6. *Fiduciary duty of a lawyer.*** – A lawyer shall be mindful of the trust and confidence reposed by the client.

To this end, a lawyer shall not abuse or exploit the relationship with a client.

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**SECTION 13. *Conflict of interest.*** – A lawyer shall not represent conflicting interests except by written informed consent of all concerned given after a full disclosure of the facts.

<sup>32</sup> *Ascaño v. Panem*, A.C. No. 13287, June 21, 2023 [Per J. Inting, Third Division].

<sup>33</sup> CODE OF PROFESSIONAL RESPONSIBILITY AND ACCOUNTABILITY, sec. 1.

<sup>34</sup> *Ascaño v. Panem*, A.C. No. 13287, June 21, 2023 [Per J. Inting, Third Division].

There is conflict of interest when a lawyer represents inconsistent or opposing interests of two or more persons. The test is whether in behalf of one client it is the lawyer's duty to fight for an issue or claim, but which is his or her duty to oppose for the other client.

It must be stressed that in administrative cases, the quantum of proof is substantial evidence.<sup>35</sup> This is defined as "that amount of relevant evidence as a reasonable mind might accept as **adequate** to support a conclusion, even if other minds, equally reasonable, might conceivably opine otherwise."<sup>36</sup>

The Court finds that there is substantial evidence proving the allegations against Maduramente.

*Maduramente was grossly negligent in handling Civil Case No. 6502-3*

In the MTCC's Decision dated April 26, 2018 issued in Civil Case No. 6502-3, it was stated that Maduramente failed to appear during the pre-trial conference. In fact, plaintiffs therein were allowed to present their evidence *ex parte* as Palma's group failed to file a pre-trial brief and submit the judicial affidavits of their witnesses.<sup>37</sup> Further, in the MTCC's resolution on the Omnibus Motion for Reconsideration with Motion for New Trial filed by Maduramente for Palma's group, it stated that "no pleading was filed by defendants. . .In fact, no compliance was filed by defendant through counsel to all Orders of the court after the filing of the Answer. This case was practically left unattended to by defendant or counsel."<sup>38</sup>

Maduramente reasoned that he was already in Manila during the pre-trial conference. However, the Court agrees with the IBP-CBD that this is not a justifiable excuse. Indeed, he could have filed a motion to reset the hearing with attached proof to confirm that he would be unavailable during the pre-trial conference. It likewise bears noting that Maduramente failed to explain his failure to file a pre-trial brief and the judicial affidavits of the witnesses of Palma's group.<sup>39</sup>

To make matters worse, the notice of appeal to the MTCC's Decision

<sup>35</sup> *Zamora v. Atty. Mahinay*, 870 Phil. 439, 446 (2020) [Per J. Caguioa, First Division].

<sup>36</sup> *Id.* Emphasis in the original.

<sup>37</sup> *Rollo*, p. 13.

<sup>38</sup> *Id.* at 16.

<sup>39</sup> *Id.* at 177.

filed by Maduramente was denied for being filed out of time.<sup>40</sup> His excuse that it was due to the inadvertence of his staff<sup>41</sup> is far from being acceptable. Clearly, he was grossly negligent in handling Civil Case No. 6502-3, in violation of the CPRA and the duties inscribed in the lawyer's oath.

*Maduramente represented  
conflicting interests in Civil Case  
No. 8506*

Anent Civil Case No. 8506, it bears stressing that plaintiffs were claiming to be the owners of the subject land. They argued that the defendants maliciously secured a certificate of title under their names and prayed for, among others, the declaration of the nullity of the said certificate of title.<sup>42</sup> On the other hand, Palma's group also claimed a right over the same parcel of land, pointing out that they had caused their adverse claim to be annotated on the certificate of title, and thus prayed that defendants respect the same.<sup>43</sup>

The CPRA provides that there is conflict of interest when a lawyer represents inconsistent or opposing interests of two or more persons. The test is whether in behalf of one client it is the lawyer's duty to fight for an issue or claim, but which is their duty to oppose for the other client.<sup>44</sup>

Relatedly, in *Spouses Niles v. Atty. Retardo, Jr.*,<sup>45</sup> the Court found respondent lawyer liable for a violation of the conflict of interest rules, as he rendered legal services to complainants, without disclosing the fact that he previously acted as counsel for the opposing parties. The Court stated that respondent lawyer clearly represented conflicting interests when he advised complainants as to their course of action, and even prepared the necessary documents relative to their claim against the opposing parties.<sup>46</sup> Notably, the Court concluded that respondent lawyer is liable for an *intentional* violation of the conflict of interest rules.<sup>47</sup>

Here, it is evident that plaintiffs in Civil Case No. 8506 and Palma's group have conflicting interests. To repeat, plaintiffs' objective was to have the certificate of title annulled, while Palma's group prayed for their adverse

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<sup>40</sup> *Id.* at 18.

<sup>41</sup> *Id.* at 125.

<sup>42</sup> *Id.* at 22-25.

<sup>43</sup> *Id.* at 33-36.

<sup>44</sup> CODE OF PROFESSIONAL RESPONSIBILITY AND ACCOUNTABILITY, Canon III, sec. 13.

<sup>45</sup> A.C. No. 13229, June 21, 2023 [Per J. Inting, Third Division].

<sup>46</sup> *Id.* at 10. This pinpoint citation refers to the copy of the Decision uploaded to the Supreme Court website.

<sup>47</sup> *Id.* at 12.

claim on the certificate of title to be respected. Despite the opposing reliefs, Maduramente signed the Complaint of plaintiffs and the Complaint-in-Intervention of Palma's group, as the lawyer of both parties.<sup>48</sup> By doing so, he committed a violation of conflict of interest rules. His violation was clearly intentional, as Maduramente actually represented parties with opposing interests in the same case.

Therefore, the Court finds that in relation to Civil Case No. 8506, Maduramente is administratively liable for an intentional violation of the conflict of interest rules.

### *Penalties*

On the imposable penalty, Canon VI, Section 33 of the CPRA treats gross negligence in the performance of duty which results in the client being deprived of his or her day in court, and an intentional violation of the conflict of interest rules, as serious offenses. Canon VI, Section 37(a) provides that any of the following sanctions, or a combination thereof, may be imposed for serious offenses: (1) disbarment; (2) suspension from the practice of law for a period exceeding six months; (3) revocation of notarial commission and disqualification as notary public for not less than two years; or (4) a fine exceeding PHP 100,000.00.

Moreover, Canon VI, Section 40 of the CPRA states that if respondent is found liable for more than one offense arising from separate acts or omissions in a single administrative proceeding, the Court shall impose separate penalties for each offense.

In similar cases where respondent lawyer was found grossly negligent in handling the legal interests of their clients, the Court imposed the penalty of suspension from the practice of law for six months to two years, depending on the factual circumstances of the case.<sup>49</sup>

On the other hand, the Court has imposed the penalty of suspension from the practice of law for a period of six months and one day for an intentional violation of the conflict of interest rules.<sup>50</sup>

Verily, the Court notes that Maduramente has been previously found administratively liable in *Ko v. Maduramente*.<sup>51</sup> In accordance with Canon

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<sup>48</sup> *Rollo*, pp. 19–38.

<sup>49</sup> See *Artates v. Bello*, A.C. No. 13466, January 11, 2023 [Per J. Kho, Second Division].

<sup>50</sup> *Spouses Niles v. Retardo, Jr.*, A.C. No. 13229, June 21, 2023 [Per J. Inting, Third Division].

<sup>51</sup> A.C. No. 11118, July 14, 2020 [*Per Curiam, En Banc*].

VI, Section 38(b)(1) of the CPRA, this previous administrative liability may be treated as an aggravating circumstance. However, in the said previous case, Maduramente was ordered disbarred from the practice of law for violating the CPR and the Lawyer's Oath. While the Court deems it proper to impose on Maduramente the penalty of suspension from the practice of law for a period of one year for each offense, this can no longer be imposed due to his previous disbarment. Nonetheless, the imposition of the penalty shall be recorded in his personal file in case he subsequently applies for the lifting of his disbarment.<sup>52</sup>

The foregoing notwithstanding, the Court has not hesitated to impose a fine on lawyers found administratively liable, even if previously disbarred.<sup>53</sup> This is allowed under Canon VI, Section 42 of the CPRA:

*SECTION 42. Penalty When the Respondent Has Been Previously Disbarred.* — When the respondent has been previously disbarred and is subsequently found guilty of a new charge, the Court may impose a fine or order the disbarred lawyer to return the money or property to the client, when proper. If the new charge deserves the penalty of a disbarment or suspension from the practice of law, it shall not be imposed but the penalty shall be recorded in the personal file of the disbarred lawyer in the Office of the Bar Confidant or other office designated for the purpose. In the event that the disbarred lawyer applies for judicial clemency, the penalty so recorded shall be considered in the resolution of the same.

In view of Maduramente's previous disbarment, the Court deems it proper to impose upon him a fine of PHP 110,000.00 each for: (1) gross negligence in the performance of duty which results in the client being deprived of his or her day in court; and (2) intentional violation of the conflict of interest rules.

**ACCORDINGLY**, the Court finds respondent Atty. Ladimir Ian G. Maduramente **GUILTY** of violating the Code of Professional Responsibility and Accountability and the Lawyer's Oath. The Court imposes the following penalties against him:

1. **SUSPENSION** from the practice of law for a period of one year for gross negligence in the performance of his duty; and
2. **SUSPENSION** from the practice of law for a period of one year for an intentional violation of the conflict of interest rules.

<sup>52</sup> *Fernando v. Atty. Pallugna*, A.C. No. 9338, February 20, 2023 [Per J. J. Lopez, Second Division] at 8. This pinpoint citation refers to the copy of the Decision uploaded to the Supreme Court website.

<sup>53</sup> *See Valmonte v. Atty. Quesada, Jr.*, 867 Phil. 247, 252 (2019) [Per J. Hernando, Second Division].

However, considering that he has already been disbarred, these penalties can no longer be imposed but should nonetheless be considered if he should subsequently apply for the lifting of his disbarment. In view of his continuing disbarment, a penalty of a **FINE** in the amount of PHP 110,000.00 is imposed upon him for each offense.

Let a copy of this Decision be furnished to the Office of the Bar Confidant, to be appended to Atty. Ladimir Ian Maduramente's personal records as attorney. Likewise, let copies of this Decision be furnished to the Integrated Bar of the Philippines and the Office of the Court Administrator for dissemination to all courts in the country.

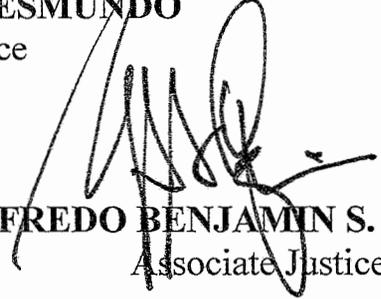
**SO ORDERED.**



**WE CONCUR:**

  
**ALEXANDER G. GESMUNDO**  
Chief Justice

  
**MARVIC M. V. F. LEONEN**  
Associate Justice

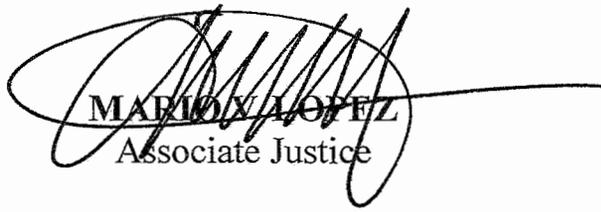
  
**ALFREDO BENJAMIN S. CAGUIOA**  
Associate Justice

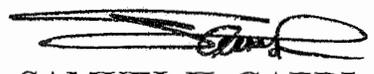
  
**RAMON PAUL L. HERNANDO**  
Associate Justice

  
**AMY C. LAZARO-JAVIER**  
Associate Justice

  
**HENRI JEAN PAUL B. INTING**  
Associate Justice

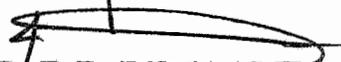
  
**RODIL V. ZALAMEDA**  
Associate Justice

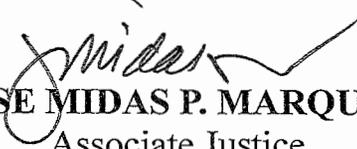
  
**MARIO X. LOPEZ**  
Associate Justice

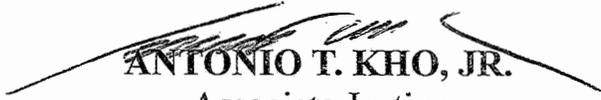
  
**SAMUEL H. GAERLAN**  
Associate Justice

  
**RICARDO R. ROSARIO**  
Associate Justice

  
**JHOSEP V. LOPEZ**  
Associate Justice

  
**JAPAR B. DIMAAMPAO**  
Associate Justice

  
**JOSE MIDAS P. MARQUEZ**  
Associate Justice

  
**ANTONIO T. KHO, JR.**  
Associate Justice

  
**MARIA FILOMENA D. SINGH**  
Associate Justice