



Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, First Division, issued a Resolution dated **September 3, 2020** which reads as follows:*

“A.C. No. 12742 [Formerly CBD Case No. 15-4688] – VANTAGE EQUITIES, INC. AND EBUSINESS SERVICES, INC., complainants, versus ATTY. VIDA ZORA G. BOCAR, respondent.

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.

- over – four (4) pages ...

190-A

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

² 505 Phil. 126 (2005).

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 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 (Citations omitted.)

Verily, the rule on conflict of interest presupposes a lawyer-client relationship. The purpose of the rule is to protect the fiduciary nature of the ties between an attorney and his client. Conversely, a lawyer may not be precluded from accepting and representing other clients on the ground of conflict of interests, if the lawyer-client relationship does not exist in favor of a party in the first place.⁴

Here, there is no evidence that Rene Guzman (Guzman) engaged Atty. Vida Zora G. Bocar's (Atty. Bocar) professional services. The records belie the complainants' allegations that Atty. Bocar appeared as Guzman's counsel during the single entry approach (SENA) proceedings before the Department of Labor and Employment (DOLE). The minutes of the hearings did not indicate Atty. Bocar's entry of appearance as counsel except her signature for the requesting party.⁵ This is consistent with Atty. Bocar's claim that she attended the proceedings as Guzman's personal representative. Also, Guzman explained in his sworn statement that he was unable to attend the hearings because of previous work arrangements. Thus, he requested Atty. Bocar, whose office was near the DOLE Office, to attend in his stead.⁶ Thereafter, Guzman engaged his own lawyer to assist him in filing a formal complaint before the National Labor Relations Commission.⁷ Corollarily, there would be no need for Guzman to retain the services of another counsel for the same case if he really engaged the services of Atty. Bocar. Absent a lawyer-client relationship between Atty. Bocar and Guzman, there can be no violation of the rule on conflict of interest.

- over -

190-A

³ *Id.* at 134-135.

⁴ *Jimenez v. Atty. Francisco*, 749 Phil. 551, 570 (2014).

⁵ *Rollo*, pp. 20-21.

⁶ *Id.* at 30.

⁷ *Id.* at 31.

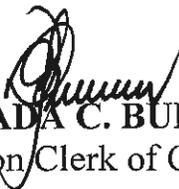
We reiterate that the quantum of proof in administrative complaints against lawyers is clearly preponderant evidence, and the burden rests upon the complainant.⁸ Moreover, in suspension or disbarment proceedings, lawyers enjoy the presumption of innocence.⁹ In this case, the complainants failed to produce preponderant evidence that Atty. Bocar acted in a manner that would render her unfit to practice law.

FOR THESE REASONS, the administrative complaint against Atty. Vida Zora Bocar is **DISMISSED** for insufficiency of evidence.

The Notice of Resolution dated March 22, 2018 of the Integrated Bar of the Philippines' Board of Governors which adopted the findings of fact and recommendation of the Investigating Commissioner in his Report dated July 7, 2016, transmitted by letter dated November 26, 2019 of Director Randall C. Tabayoyong, Integrated Bar of the Philippines' Commission on Bar Discipline, together with the records and compact disc containing the PDF file of the case is **NOTED**.

SO ORDERED."

By authority of the Court:


LIBRADA C. BUENA
Division Clerk of Court

by:

MARIA TERESA B. SIBULO
Deputy Division Clerk of Court
190-A

- over -

⁸ *De Zuzuarregui, Jr. v. Atty. Soguilon*, 589 Phil. 64, 71 (2008).

⁹ *Jimenez v. Atty. Francisco*, 749 Phil. 551, 572 (2014), citing *Rodica v. Lazaro*, 693 Phil. 174, 182 (2012).



Vantage Equities, Inc. and
eBusiness Services, Inc.
Complainants
c/o Ms. Jennifer V. Sebastian
Suite 2005, 20/F, East Tower
Philippine Stock Exchange Centre
Exchange Road, Ortigas Center
1605 Pasig City

VALERO & ASSOCIATES
LAW OFFICES
Counsel for Complainants
17/F, Petron Mega Plaza Building
No. 358 Sen. Gil Puyat Avenue
Salcedo Village, 1227 Makati City

Atty. Vida Zora G. Bocar
Respondent
No. 21 Lear Street, Filinvest Homes II
Bagong Silangan, 1126 Quezon City

Integrated Bar of the Philippines
1605 Pasig City

Office of the Bar Confidant (x)
Supreme Court

Public Information Office (x)
Library Services (x)
Supreme Court
(For uploading pursuant to A.M.
No. 12-7-1-SC)

190-A

UR