



Republic of the Philippines
Supreme Court
Manila

EN BANC

**DANTE LA JIMENEZ & LAURO G.
VIZCONDE,**

Complainants,

Adm. Case No. 8108

- versus -

**ATTY. FELISBERTO L. VERANO,
JR.,**

Respondent.

X ----- X

ATTY. OLIVER O. LOZANO,

Complainant,

Adm. Case No. 10299

Present:

- versus -

**ATTY. FELISBERTO L. VERANO,
JR.,**

Respondent.

SERENO, C.J,
CARPIO,
VELASCO, JR.,*
LEONARDO-DE CASTRO,
BRION,**
PERALTA,*
BERSAMIN,
DEL CASTILLO,
VILLARAMA, JR.,
PEREZ,
MENDOZA,
REYES,
PERLAS-BERNABE, and
LEONEN, JJ

Promulgated:

JULY 15, 2014

X ----- X

* On official leave.

** On leave.

RESOLUTION

SERENO, *CJ*:

Before this Court is the Resolution¹ of the Board of Governors of the Integrated Bar of the Philippines (IBP) finding respondent Atty. Felisberto Verano liable for improper and inappropriate conduct tending to influence and/or giving the appearance of influence upon a public official. The Joint Report and Recommendation submitted by Commissioner Felimon C. Abelita III recommended that respondent be issued a warning not to repeat the same nor any similar action, otherwise the Commission will impose a more severe penalty. The Commission adopted the said ruling on 16 April 2013.²

The complainants in Administrative Case (A.C.) No. 8108 are Dante La Jimenez and Lauro G. Vizconde, while complainant in Adm. Case No. 10299 is Atty. Oliver O. Lozano. At the time of the filing of the complaints, respondent Atty. Verano was representing his clients Richard S. Brodett and Joseph R. Tecson.

FACTUAL ANTECEDENTS

Brodett and Tecson (identified in media reports attached to the Complaint as the “Alabang Boys”) were the accused in cases filed by the Philippine Drug Enforcement Agency (PDEA) for the illegal sale and use of dangerous drugs.³ In a Joint Inquest Resolution issued on 2 December 2008, the charges were dropped for lack of probable cause.⁴

Because of the failure of Prosecutor John R. Resado to ask clarificatory questions during the evaluation of the case, several media outlets reported on incidents of bribery and “cover-up” allegedly prevalent in investigations of the drug trade. This prompted the House Committee on Illegal Drugs to conduct its own congressional hearings. It was revealed during one such hearing that respondent had prepared the release order for his three clients using the letterhead of the Department of Justice (DOJ) and the stationery of then Secretary Raul Gonzales.⁵

Jimenez and Vizconde, in their capacity as founders of Volunteers Against Crime and Corruption (VACC), sent a letter of complaint to Chief Justice Reynato S. Puno. They stated that respondent had admitted to drafting the release order, and had thereby committed a highly irregular and unethical act. They argued that respondent had no authority to use the DOJ

¹ *Rollo* (A.C. No. 8108), pp. 200-203.

² *Id.* at 200.

³ In violation of Sections 5 and 11 of Republic Act 9165 or the Comprehensive Dangerous Drugs Act of 2002.

⁴ *Rollo* (A.C. No. 8108), pp. 57-79.

⁵ *Id.* at 8-9; Resolution Condemning the Improper and Highly Unethical Conduct of Lawyer Felisberto Verano, Jr. issued by the IBP, Cebu City Chapter.

letterhead and should be penalized for acts unbecoming a member of the bar.⁶

For his part, Atty. Lozano anchored his Complaint on respondent's alleged violation of Canon 1 of the Code of Professional Responsibility, which states that a lawyer shall uphold the Constitution, obey the laws of the land, and promote respect for legal processes.⁷ Atty. Lozano contended that respondent showed disrespect for the law and legal processes in drafting the said order and sending it to a high-ranking public official, even though the latter was not a government prosecutor.⁸ Atty. Lozano's verified Complaint-Affidavit was filed with the Committee on Bar Discipline of the IBP and docketed as CBD Case No. 09-2356.⁹

Officers of the IBP, Cebu City Chapter, issued a Resolution condemning the unethical conduct of respondent and showing unqualified support for the VACC's filing of disbarment proceedings.¹⁰ On 27 February 2009, Atty. Lozano withdrew his Complaint on the ground that a similar action had been filed by Dante Jimenez.¹¹ On 2 June 2009, the Court referred both cases to the IBP for consolidation, as well as for investigation, report and recommendation.

RESPONDENT'S VERSION

In his Comment, respondent alludes to the Joint Inquest Resolution dropping the charges against his clients for lack of probable cause, arguing that the resolution also ordered the immediate release of Brodett and Tecson. He reasoned that the high hopes of the accused, together with their families, came crashing down when the PDEA still refused to release his clients.¹² Sheer faith in the innocence of his clients and fidelity to their cause prompted him to prepare and draft the release order. Respondent admits that perhaps he was overzealous; yet, "if the Secretary of Justice approves it, then everything may be expedited."¹³ In any case, respondent continues, the drafted release order was not signed by the Secretary and therefore remained "a mere scrap of paper with no effect at all."¹⁴

FINDINGS OF THE INVESTIGATING COMMISSIONER

The Commissioner noted that both complaints remained unsubstantiated, while the letter-complaint of Jimenez and Vizconde had not been verified. Therefore, no evidence was adduced to prove the charges.

⁶ Id. at 1.

⁷ *Rollo* (A.C. No. 10299), p. 2.

⁸ Id. at 3.

⁹ *Rollo* (A.C. No. 8108), p. 201.

¹⁰ *Supra* note 5.

¹¹ *Rollo* (A.C. No. 10299), p. 39.

¹² *Rollo* (A.C. No. 8108), pp. 43-53; Comment.

¹³ Id. at 46-47.

¹⁴ Id.

However, by his own admissions in paragraphs 11 and 12 of his Comment, respondent drafted the release order specifically for the signature of the DOJ Secretary. This act of “feeding” the draft order to the latter was found to be highly irregular, as it tended to influence a public official. Hence, Commissioner Abelita found respondent guilty of violating Canon 13 of the Code of Professional Responsibility and recommended that he be issued a warning not to repeat the same or any similar action.¹⁵

RULING OF THE COURT

We emphasize at the outset that the Court may conduct its own investigation into charges against members of the bar, irrespective of the form of initiatory complaints brought before it. Thus, a complainant in a disbarment case is not a direct party to the case, but a witness who brought the matter to the attention of the Court.¹⁶ By now, it is basic that there is neither a plaintiff nor a prosecutor in disciplinary proceedings against lawyers. The real question for determination in these proceedings is whether or not the attorney is still a fit person to be allowed the privileges of a member of the bar.¹⁷

As to Atty. Lozano’s withdrawal of his verified Complaint, we reiterate our ruling in *Rayos-Ombac v. Rayos*:

The affidavit of withdrawal of the disbarment case allegedly executed by complainant does not, in any way, exonerate the respondent. A case of suspension or disbarment may proceed regardless of interest or lack of interest of the complainant. What matters is whether, on the basis of the facts borne out by the record, the charge of deceit and grossly immoral conduct has been duly proven x x x. The complainant or the person who called the attention of the court to the attorney's alleged misconduct is in no sense a party, and has generally no interest in the outcome except as all good citizens may have in the proper administration of justice. **Hence, if the evidence on record warrants, the respondent may be suspended or disbarred despite the desistance of complainant or his withdrawal of the charges.**¹⁸ (Emphasis supplied)

After a careful review of the records, we agree with the IBP in finding reasonable grounds to hold respondent administratively liable. Canon 13, the provision applied by the Investigating Commissioner, states that “a lawyer shall rely upon the merits of his cause and refrain from any impropriety which tends to influence, or gives the appearance of influencing the court.” We believe that other provisions in the Code of Professional Responsibility likewise prohibit acts of influence-peddling not limited to the regular courts, but even in all other venues in the justice sector, where respect for the rule of law is at all times demanded from a member of the bar.

¹⁵ Id. at 201-203; Joint Report and Recommendation.

¹⁶ *Ylaya v. Gacott*, A.C. No. 6475, 30 January 2013, 689 SCRA 452.

¹⁷ *Pena v. Aparicio*, 552 Phil. 512 (2007).

¹⁸ 349 Phil. 7, 15-16 (1998).

During the mandatory hearing conducted by the Committee on Bar Discipline, respondent stated that the PDEA refused to release his clients unless it received a direct order from the DOJ Secretary. This refusal purportedly impelled him to take more serious action, *viz.*:

ATTY VERANO: x x x By Monday December 22 I think my only recourse was to see the Secretary himself personally. The Secretary is the type of a person who opens his [sic] kasi he is very political also so he opens his office. If I'm not mistaken that day because of the timing we will afraid [sic] that Christmas time is coming and that baka nga sila maipit sa loob ng Christmas time. So the family was very sad x x x kung pwede ko raw gawan ng paraan na total na-dismissed na ang kaso. So, what I did was thinking as a lawyer now...I prepared the staff to make it easy, to make it convenient for signing authority that if he agrees with our appeal he will just sign it and send it over to PDEA. So hinanda ko ho yon. And then I sent it first to the Office of the other Secretary si Blancaflor.

x x x x

So I think it's a Tuesday I had to do something and I said I will see the Secretary first with the parents of Rodette, yong nanay at saka tatay, so we went to see him after 1:00 o'clock or 1:30 in the afternoon. By then, that draft was still with Blancaflor. Andon ho ang Secretary tinanggap naman kami, so we sat down with him x x x Pinaliwanag ho namin in-explain x x x Anyway, sabi niya what can I do if I move on this, they will think that kasama rin ako dyan sa Fifty Million na yan. Sabi ko, Your Honor, wala akong Fifty Million, hindi naman ho milyonaryo ang mga pamilyang ito. So, sabi ko pwede ho bang maki-usap...sabi niya okay I will see what I can do. I will study the matter, those particular words, I will study the matter. Tumuloy pa ho ang kwentuhan, as a matter of fact, 2 oras ho kami ron eh. They were not pushing us away, he was entertaining us, and we were discussing the case.¹⁹

Respondent likewise stated that his "experience with Secretary Gonzales is, he is very open;" and that "because of my practice and well, candidly I belong also to a political family, my father was a Congressman. So, he (Gonzalez) knows of the family and he knows my sister was a Congresswoman of Pasay and they were together in Congress. In other words, I am not a complete stranger to him."²⁰ Upon questioning by Commissioner Rico A. Limpingo, respondent admitted that he was personally acquainted with the Secretary; however, they were not that close.²¹

These statements and others made during the hearing establish respondent's admission that 1) he personally approached the DOJ Secretary despite the fact that the case was still pending before the latter; and 2) respondent caused the preparation of the draft release order on official DOJ stationery despite being unauthorized to do so, with the end in view of "expediting the case."

¹⁹ *Rollo* (A.C. No. 8108), pp. 171-175; Transcript of Stenographic Notes, 4 November 2009.

²⁰ *Id.* at 155-156.

²¹ *Id.* at 156.

The way respondent conducted himself manifested a clear intent to gain special treatment and consideration from a government agency. This is precisely the type of improper behavior sought to be regulated by the codified norms for the bar. Respondent is duty-bound to actively avoid any act that tends to influence, or *may be seen to influence*, the outcome of an ongoing case, lest the people's faith in the judicial process is diluted.

The primary duty of lawyers is not to their clients but to the administration of justice. To that end, their clients' success is wholly subordinate. The conduct of a member of the bar ought to and must always be scrupulously observant of the law and ethics. *Any means, not honorable, fair and honest which is resorted to by the lawyer, even in the pursuit of his devotion to his client's cause, is condemnable and unethical.*²²

Rule 1.02 states: "A lawyer shall not counsel or abet activities aimed at defiance of the law or at lessening confidence in the legal system." Further, according to Rule 15.06, "a lawyer shall not state or imply that he is able to influence any public official, tribunal or legislative body." The succeeding rule, Rule 15.07, mandates a lawyer "to impress upon his client compliance with the laws and the principles of fairness."

Zeal and persistence in advancing a client's cause must always be within the bounds of the law.²³ A self-respecting independence in the exercise of the profession is expected if an attorney is to remain a member of the bar. In the present case, we find that respondent fell short of these exacting standards. Given the import of the case, a warning is a mere slap on the wrist that would not serve as commensurate penalty for the offense.

In *Sylvia Santos vs. Judge Evelyn S. Arcaya- Chua*, the Court saw fit to impose a six-month suspension against a judge who likewise committed acts of influence peddling when she solicited ₱100,000.00 from complainant Santos when the latter asked for her help in the case of her friend Emerita Muñoz, who had a pending case with the Supreme Court, because respondent judge was a former court attorney of the high court.²⁴ We find that the same penalty is appropriate in the present case.

WHEREFORE, in view of the foregoing, Atty. Felisberto L. Verano, Jr. is found **GUILTY** of violating Rules 1.02 and 15.07, in relation to Canon 13 of the Code of Professional Responsibility, for which he is **SUSPENDED** from the practice of law for six (6) months effective immediately. This also serves as an emphatic **WARNING** that repetition of any similar offense shall be dealt with more severely.


Let copies of this Decision be appended to the respondent's bar records. The Court Administrator is hereby directed to inform the different courts of this suspension.

²² *Rural Bank of Calape, Inc. (RBCI) Bohol v. Florido*, A.C. No. 5736, June 18, 2010, 621 SCRA 182, 187.

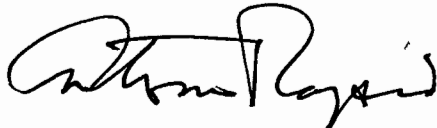
²³ Code of Professional Responsibility, Canon 19.

²⁴ A.M. No. RTJ-07-2093 (Formerly OCA IPI No. 05-2312-RTJ), February 13, 2009.

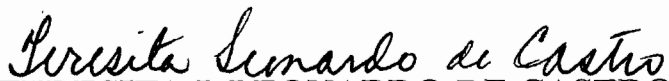
SO ORDERED.


MARIA LOURDES P. A. SERENO
Chief Justice

WE CONCUR:

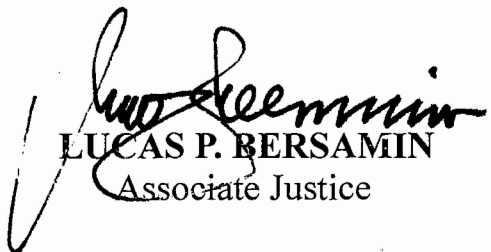

ANTONIO T. CARPIO
Associate Justice


(On official leave)
PRESBITERO J. VELASCO, JR.
Associate Justice

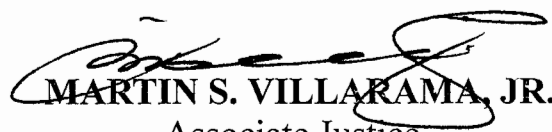

TERESITA J. LEONARDO-DE CASTRO
Associate Justice

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ARTURO D. BRION
Associate Justice

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DIOSDADO M. PERALTA
Associate Justice

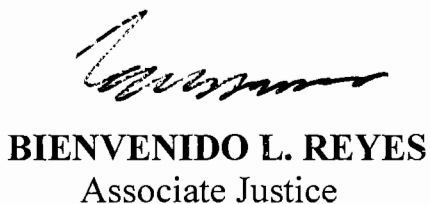

LUCAS P. BERSAMIN
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MARIANO C. DEL CASTILLO
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MARTIN S. VILLARAMA, JR.
Associate Justice


JOSE PORTUGAL PEREZ
Associate Justice


JOSE CATRAL MENDOZA
Associate Justice


BIENVENIDO L. REYES
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ESTELA M. PERLAS-BERNABE
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MARVIC MARIO VICTOR F. LEONEN
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