



Republic of the Philippines
Supreme Court
Manila

EN BANC

NEMESIO FLORAN and
CARIDAD FLORAN,
Complainants,

A.C. No. 5325

Present:

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

- versus -

ATTY. ROY PRULE EDIZA,
Respondent.

Promulgated:

February 9, 2016

x-----*Roy Prule Ediza*-----x

DECISION

PER CURIAM:

In a Decision dated 19 October 2011, the Court found respondent Atty. Roy Prule Ediza (Atty. Ediza) administratively liable for violating Rule 1.01 of Canon 1, Canon 15, and Rule 18.03 of Canon 18 of the Code of Professional Responsibility. The Court upheld the findings of the Integrated Bar of the Philippines (IBP) and suspended Atty. Ediza from the practice of law for six months.

Atty. Ediza's liability stemmed from a Complaint/Affidavit¹ dated 8 September 2000 filed by the spouses Nemesio and Caridad Floran

* On leave.
** On official leave.
¹ Rollo, pp. 2-5.

(complainants). The subject of the complaint was a 3.5525 hectare parcel of unregistered land located in San Martin, Villanueva, Misamis Oriental, which was covered by a tax declaration in the name of Sartiga Epal, a relative, who gave the property to complainants.

From the records, the Court found that Atty. Ediza deceived complainants when he asked them to unknowingly sign a deed of sale transferring a portion of their land to him. When the sale of complainants' land pushed through, Atty. Ediza received half of the amount of the proceeds given by the buyer and falsely misled complainants into thinking that he would register, using the same proceeds, the remaining portion of their land. These actions, which deprived complainants of their property, showed Atty. Ediza's behavior as unbecoming a member of the legal profession.

The Court, in its Decision dated 19 October 2011, (1) suspended Atty. Ediza from the practice of law for six months, effective upon receipt of the Decision; (2) directed him to return to complainants the two sets of documents that he misled them and Sartiga Epal into signing; and (3) ordered Atty. Ediza to pay complainants the amount of ₱125,463.38, representing the amount he deceived them into paying him, with legal interest from 8 September 2000 until fully paid. The Court further warned Atty. Ediza that a repetition of the same or similar acts in the future shall be dealt with more severely.

Thereafter, Atty. Ediza filed a Motion for Reconsideration² dated 18 November 2011 which was denied by the Court in a Resolution³ dated 8 February 2012 for lack of substantial merit.

Atty. Ediza then filed a Manifestation of Compliance (On the Order of Suspension)⁴ dated 29 May 2012 through the Office of the Bar Confidant. He also attached a sworn statement⁵ attesting that he desisted from the practice of law for six months from receipt of the decision on 18 November 2011 until 29 May 2012.

In a Resolution⁶ dated 3 September 2012, the Court deferred action on the Manifestation of Compliance and adopted the recommendations of the Office of the Bar Confidant that Atty. Ediza be required to (1) submit certifications from the IBP Local Chapter where he is a member and the Office of the Executive Judge where he practices his profession, both stating that he had desisted from the practice of law from 18 November 2011 to 29 May 2012; and (2) show proof of payment to complainants of ₱125,463.38 plus legal interest, and the return of the two sets of documents

² Id. at 318-337.

³ Id. at 340.

⁴ Id. at 353-354.

⁵ Id. at 355.

⁶ Id. at 365-366.

49/2/12/2012/Ediza

that Atty. Ediza misled complainants and Sartiga Epal to sign. The Court also required complainants to manifest whether Atty. Ediza had already paid the said amount and returned the said documents.

In an undated letter written in the vernacular, complainants wrote the Court that Atty. Ediza had yet to comply with the Court's Decision and asked the Court's assistance in implementing the same. Later, in a Verified Compliance with Manifestation executed with the assistance of the Public Attorney's Office, complainants informed the Court that as of 17 October 2012, Atty. Ediza had not paid any single centavo and neither had he returned the required documents.

In a Resolution⁷ dated 25 February 2013, the Court noted the manifestations and further ordered Atty. Ediza to show cause why he should not be disciplinarily dealt with or be held in contempt and to comply with the Decision.

In a Manifestation Showing Cause⁸ dated 22 April 2013, Atty. Ediza claimed that he had no intention to defy the Court's authority or challenge its orders and that he had served his suspension, but asked the Court to consider that the two sets of documents were merely fictional. He also claimed that he was at a loss as to which 'documents' the Decision was referring to because the same were supposedly not alleged with particularity and he had been barred by the Rules of Procedure of the IBP Committee on Bar Discipline from requesting a bill of particulars. Atty. Ediza alleged that due to the ambiguity about the 'documents,' the judgment was incomplete and unenforceable. Moreover, Atty. Ediza claimed that the alleged lack of due process in the administrative case rendered the entire proceedings void; and consequently, even the order to pay the sum should be stricken off.

The Court, in its 15 July 2013 Resolution,⁹ found this last explanation unsatisfactory and further required Atty. Ediza to comply with the 19 October 2011 Decision within ten days from notice, warning him of a more severe penalty in the event of his continued failure to do so.

On 22 November 2013, the Office of the Chief Justice received a handwritten letter, in the vernacular, from complainants requesting information on the status of the administrative case. Again, complainants wrote the Court two letters in February 2014, one dated 5 February and another an undated letter received by the Court on 18 February, requesting for the immediate resolution and information on the status of the administrative case.

⁷ Id. at 380-381.

⁸ Id. at 383-386.

⁹ Id. at 389-390.

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show cause why he should not be disciplinarily dealt with or be held in contempt for his failure to abide by the Court's orders. However, Atty. Ediza repeatedly and blatantly disregarded and obstinately defied these orders from the Court. Instead, Atty. Ediza responded by (1) claiming ignorance over the documents stated in the Decision, and worse, adjudged that the documents were fictional; (2) alleging newly discovered evidence; (3) demanding to stay the execution of the Decision; and (4) reporting that he has complied with the order of suspension without submitting any required certifications from the IBP and the Office of the Executive Judge.

The intentional delay and utter refusal to abide with the Court's orders is a great disrespect to the Court which cannot be tolerated. Atty. Ediza willfully left unheeded all the warnings imposed upon him, despite the earlier six-month suspension that was meted out to him for his administrative liability. In *Tugot v. Judge Coliflores*,¹¹ the Court held that its resolutions should not be construed as mere requests from the Court. They should be complied with promptly and completely. The failure of Atty. Ediza to comply betrays not only a recalcitrant streak in his character, but also disrespect for the Court's lawful orders and directives.

As a member of the legal profession, Atty. Ediza has the duty to obey the orders and processes of this Court without delay and resistance. Rule 12.04 of Canon 12 of the Code of Professional Responsibility states:

CANON 12

A LAWYER SHALL EXERT EVERY EFFORT AND CONSIDER IT HIS DUTY TO ASSIST IN THE SPEEDY AND EFFICIENT ADMINISTRATION OF JUSTICE.

x x x x

Rule 12.04 – A lawyer shall not unduly delay a case, impede the execution of a judgment or misuse Court processes.

In the present case, Atty. Ediza had previously been found guilty of violating the Code of Professional Responsibility and was suspended from the practice of law for six months. Despite the suspension, Atty. Ediza is once again demonstrating to this Court that not only is he unfit to stay in the legal profession for failing to protect the interests of his clients but is also remiss in following the dictates of the Court, which has administrative supervision over him. In *Martinez v. Zoleta*,¹² we held that the Court should not and will not tolerate future indifference to administrative complaints and to resolutions requiring comment on such administrative complaints. It bears stressing that a disregard of Court directives constitutes grave or

¹¹ 467 Phil. 391, 402 (2004).

¹² 374 Phil. 35, 47 (1999).

79 Pulgarone

serious misconduct¹³ and gross or willful insubordination¹⁴ which warrant disciplinary sanction by this Court.¹⁵

Section 5(5), Article VIII of the Constitution recognizes the disciplinary authority of the Court over members of the Bar. Reinforcing the execution of this constitutional authority is Section 27, Rule 138 of the Rules of Court which gives this Court the power to remove or suspend a lawyer from the practice of law. The provision states:

Section 27. *Disbarment or suspension of attorneys by Supreme Court; grounds therefor.* — A member of the bar may be disbarred or suspended from his office as attorney by the Supreme Court for any deceit, malpractice, or other gross misconduct in such office, grossly immoral conduct, or by reason of his conviction of a crime involving moral turpitude, or for any violation of the oath which he is required to take before admission to practice, or **for a willful disobedience of any lawful order of a superior court**, or for corruptly or willfully appearing as an attorney for a party to a case without authority so to do. The practice of soliciting cases at law for the purpose of gain, either personally or through paid agents or brokers, constitutes malpractice. (Emphasis supplied)

In imposing the penalty of disbarment upon Atty. Ediza, we are 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.¹⁶ However, Atty. Ediza's stubborn attitude and unwillingness to comply with the Court's directives, which we deem to be an affront to the Court's authority over members of the Bar, warrant an utmost disciplinary sanction from this Court.

The practice of law is not a vested right but a privilege, a privilege clothed with public interest because a lawyer owes substantial duties not only to his client, but also to his brethren in the profession, to the courts, and to the nation, and takes part in one of the most important functions of the State – the administration of justice – as an officer of the court.¹⁷ To enjoy the privileges of practicing law, lawyers must adhere to the rigid standards of mental fitness, maintain the highest degree of morality, and faithfully comply with the rules of the legal profession.¹⁸ Clearly, Atty. Ediza's conduct has made him unfit to remain in the legal profession.

WHEREFORE, respondent Atty. Roy Prule Ediza, having violated the Code of Professional Responsibility by committing grave misconduct

¹³ Supra note 11, at 402.

¹⁴ *Judge Necesario v. Dinglasa*, 556 Phil. 47, 51 (2007).

¹⁵ See also *Palon, Jr. v. Judge Vallarta*, 546 Phil. 453 (2007).

¹⁶ *Tapucar v. Tapucar*, 355 Phil. 66, 74 (1998).

¹⁷ *In the Matter of the IBP Membership Dues Delinquency of Atty. Marcial A. Edillon*, 174 Phil. 55, 62 (1978).

¹⁸ *Foronda v. Atty. Guerrero*, 516 Phil. 1, 3 (2006).

49 Bolosan-Alana

and willful insubordination, is **DISBARRED** and his name ordered STRICKEN OFF the Roll of Attorneys effective immediately.

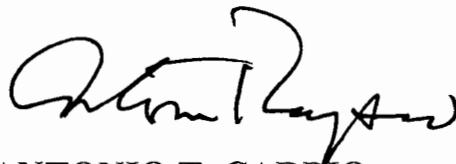
Let a copy of this Decision be entered in the records of respondent. Further, let other copies be served on the Integrated Bar of the Philippines and on the Office of the Court Administrator, which is directed to circulate them to all the courts in the country for their information and guidance.

This Decision is immediately executory.

SO ORDERED.



MARIA LOURDES P. A. SERENO
Chief Justice



ANTONIO T. CARPIO
Associate Justice



PRESBITERO J. VELASCO, JR.
Associate Justice

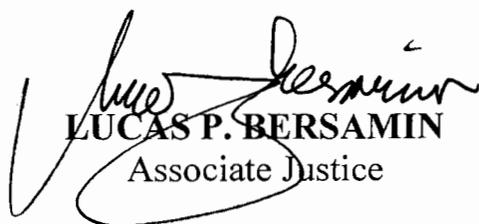


TERESITA J. LEONARDO-DE CASTRO
Associate Justice

(on leave)
ARTURO D. BRION
Associate Justice

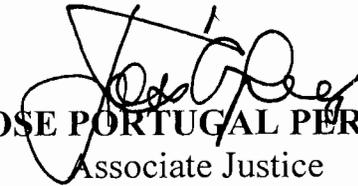


DIOSDADO M. PERALTA
Associate Justice



LUCAS P. BERSAMIN
Associate Justice


MARIANO C. DEL CASTILLO
Associate Justice

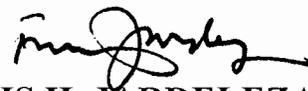

JOSE PORTUGAL PEREZ
Associate Justice


JOSE CATRAL MENDOZA
Associate Justice


BIENVENIDO L. REYES
Associate Justice


ESTELA M. PERLAS-BERNABE
Associate Justice


MARVIC M.V.F. LEONEN
Associate Justice


FRANCIS H. JARDELEZA
Associate Justice

(on official leave)
ALFREDO BENJAMIN S. CAGUIOA
Associate Justice

CERTIFIED XEROX COPY:


FELIPA B. ANAMA
CLERK OF COURT, EN BANC
SUPREME COURT