



Republic of the Philippines
Supreme Court
 Manila

FIRST DIVISION

**THE CHRISTIAN SPIRITISTS
 IN THE PHILIPPINES, INC. ,
 PICO LOCAL CENTER,
 REPRESENTED BY THEIR
 ATTORNEY-IN-FACT,
 EDWIN A. PANTE,**
 Complainant,

A.C. No. 10483

Present:

SERENO, C.J.,
 LEONARDO-DE CASTRO,
 BERSAMIN,
 PERLAS-BERNABE, and
 CAGUIOA, JJ.

- versus -

**ATTY. DANIEL D.
 MANGALLAY,**
 Respondent.

Promulgated:

MAR 16 2016

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DECISION

BERSAMIN, J.:

This administrative case against the respondent attorney did not arise from any attorney-client relationship gone wrong between the parties but from the ejectment action in which the respondent attorney, as the plaintiff, successfully defeated the local congregation of the Christian Spiritists in the Philippines, Inc., Pico Local Center (CSP-PLC), whose church building and other structures were the objects of the action. After the defendants filed their notice of appeal, the parties agreed to settle among themselves, with the defendants withdrawing the notice of appeal and agreeing to voluntarily vacate and remove their structures by August 31, 2013 in consideration of the respondent's financial assistance of ₱300,000.00. But, despite receiving the respondent's financial assistance, the defendants reneged on their end of the agreement; hence, at the respondent's instance, the trial court issued the writ of execution and the writ of demolition, by virtue of which the structures of the defendants were ultimately demolished.

The demolition impelled the CSP-PLC, represented by its local Minister, Edwin A. Pante (Pante), to bring the disbarment complaint against the respondent based on his allegedly gross misconduct and deceit in causing the demolition of the structures without the demolition order from the court,

violation of the Lawyer's Oath, and disobedience to a lawful order of the court, positing that he thereby abused his legal knowledge.

Antecedents

Pante avers that the CSP-PLC constructed its church building on the land located in JE 176 Pico, La Trinidad, Benguet, which was owned by Maria Omiles who had bought it from Larry Ogas;¹ that on June 11, 2012, Omiles and Pastor Elvis Maliked received the summons issued by the Municipal Trial Court (MTC) of La Trinidad, Benguet requiring them to answer the complaint for unlawful detainer filed against them by the respondent; that based on the allegations of the complaint (docketed as Civil Case No. R-1256 entitled *Daniel Dazon Mangallay v. Maria Tomino Omiles and all persons staying with and/or acting on her behalf, including all Officers and/or patrons of the Church of the Christian Spiritists in the Philippines, represented by Pastor Elvis S. Maliked*), the respondent claimed ownership of the land where the church of the CSP-PLC had been erected, attaching the copy of Transfer Certificate of Title (TCT) No. 45241 issued by the Register of Deeds of Benguet, and the deed of absolute sale executed between him and one Pedro Loy;² that the MTC later on decided the case by declaring the respondent to have the better right of possession; and that the MTC further declared that the CSP-PLC was a builder in good faith, without prejudice to the respondent exercising his option to appropriate the building in accordance with Article 448 of the *Civil Code*.³

As earlier mentioned, the respondent sought and obtained the writ of execution from the MTC after the defendants, including the complainant, reneged on the promise to voluntarily vacate and surrender the premises by August 31, 2013 in consideration of the respondent's financial assistance of ₱300,000.00. The writ of execution was issued on December 13, 2013 and the writ of demolition on December 19, 2013. Sheriffs Joselito S. Tumbaga and John Marie O. Ocasla, accompanied by the respondent and elements of the Philippine National Police, implemented the writ of execution and writ of demolition on January 22 and January 23, 2014 by demolishing the church building and the pastoral house of the CSP-PLC.⁴

¹ *Rollo*, pp. 1-2.

² *Id.*

³ *Id.* at 17. The dispositive portion reads:

WHEREFORE, premises considered, judgment is rendered in the above-entitled case:

1. Declaring the plaintiff as having the better right to the material and physical possession of the subject property in dispute;

2. Declaring defendants as builders in good faith;

3. Directing plaintiff to exercise his option pursuant to the provisions of Article 448 of the New Civil Code of the Philippines, within thirty (30) days from the finality of this judgment insofar as the improvements introduced by the defendants on the subject property.

4. No pronouncement as to damages and costs.

SO ORDERED.

⁴ *Id.* at 56-58.

Pante now insists that the demolition was done without a demolition order from the MTC; that the dismantled materials worth ₱462,236.00 were forcibly taken away by the respondent, who had taken advantage of his legal knowledge to cause the premature demolition of the structures sans the demolition order; that such taking away of the dismantled materials constituted robbery and malicious mischief; and that his act warranted his disbarment.

In response, the respondent denies any wrong doing. He counters that the demolition was backed up by a court order;⁵ that after receiving the decision of the MTC, the parties entered into a compromise agreement by virtue of which the CSP-PLC withdrew its appeal and promised to voluntarily vacate and surrender the disputed premises in consideration of ₱300,000.00 to be paid by him;⁶ that despite his having paid the same, the CSP-PLC did not vacate the premises even within the grace period given to them;⁷ that he then moved for the execution of the judgment, and his motion was granted by the MTC;⁸ that the sheriff's report dated November 21, 2013⁹ stated that after the CSP-PLC did not comply with the writ of execution to remove or demolish its structures on the premises; that he consequently sought from the MTC the writ of demolition; and that the MTC issued the writ of demolition.¹⁰

The respondent avers that it was not he but the sheriffs who implemented the writ of demolition; that the sheriff's report dated January 30, 2014 stated that the conduct of the implementation was peaceful, and that Pante and the other members of the church personally observed the conduct of the demolition; and that the sheriff's report further stated that Pante showed no defiance of the lawful order of the court.¹¹

The respondent submits that there was nothing wrong in his appropriating the dismantled materials to ensure compensation for the expenses incurred in the demolition; and that the complaint for his disbarment should be dismissed.

Ruling of the Court

The complaint for disbarment is absolutely devoid of merit and substance.

⁵ Id. at 53-54.

⁶ Id. at 54-55.

⁷ Id. at 55.

⁸ Id. at 80-81.

⁹ Id. at 82.

¹⁰ Id. at 87-88.

¹¹ Id. at 89.

Section 1, Rule 139-B of the *Rules of Court*, provides as follows:

Section 1. *How Instituted.* — Proceedings for the disbarment, suspension, or discipline of attorneys may be taken by the Supreme Court *motu proprio*, or by the Integrated Bar of the Philippines (IBP) upon the verified complaint of any person. The complaint shall state clearly and concisely the facts complained of and shall be supported by affidavits of persons having personal knowledge of the facts therein alleged and/or by such documents as may substantiate said facts.

The IBP Board of Governors may, *motu proprio* or upon referral by the Supreme Court or by a Chapter Board of Officers, or at the instance of any person, initiate and prosecute proper charges against erring attorneys including those in the government service. *Provided, however,* That all charges against Justices of the Court of Appeals and the *Sandiganbayan*, and Judges of the Court of Tax Appeals and lower courts, even if lawyers are jointly charged with them, shall be filed with the Supreme Court; *Provided, further,* That charges filed against Justices and Judges before the IBP, including those filed prior to their appointment in the Judiciary, shall immediately be forwarded to the Supreme Court for disposition and adjudication

Six (6) copies of the verified complaint shall be filed with the Secretary of the IBP or the Secretary of any of its chapter who shall forthwith transmit the same to the IBP Board of Governors for assignment to an investigator. (*As amended, Bar Matter No. 1960, May 1, 2000.*)

Under the foregoing rule, the proceedings for the disbarment, suspension or discipline of an attorney may be taken by the Court, *motu proprio*, or by the IBP itself upon the verified complaint of any person.

Should the disciplinary complaint against the attorney be filed directly with the Court, the complaint is referred to the IBP for investigation, report and recommendation. The reference to the IBP is resorted to whenever the factual basis for the charge may be contested or disputed, or may require the reception of the evidence of the complainant and the respondent attorney. After the referral and hearings, the IBP renders its findings and recommendations on the complaint, subject to the review by the Court.¹² Yet, the Court may dispense with the referral to the IBP and resolve the charge without delay. This happens particularly when the charge is patently frivolous, or insincere, or unwarranted, or intended only to harass and spite the respondent attorney.

The Court has not enunciated any rule that prohibits the direct filing with it of administrative complaints against attorneys in order to emphasize its role as the guardian of the legal profession with the ultimate disciplinary power over attorneys. The disciplinary power of the Court is both a right

¹² See Section 8 and Section 12 (b) and (c), Rule 139-B, *Rules of Court*.

and a duty.¹³ Quite recently, however, the Court has revised Rule 139-B¹⁴ to eliminate any ambiguity about the authority of the Court to directly receive administrative complaints against attorneys, thus:

Section 1. *How Instituted.* – Proceedings for the disbarment, suspension, or discipline of attorneys may be taken by the Supreme Court *motu proprio*, **or upon the filing of a verified complaint of any person before the Supreme Court** or the Integrated Bar of the Philippines (IBP). The complaint shall state clearly and concisely the facts complained of and shall be supported by affidavits of persons having personal knowledge of the facts therein alleged and/or by such documents as may substantiate said facts.

The IBP shall forward to the Supreme Court for appropriate disposition all complaints for disbarment, suspension and discipline filed against incumbent Justices of the Court of Appeals, Sandiganbayan, Court of Tax Appeals and judges of lower courts, or against lawyers in the government service, whether or not they are charged singly or jointly with other respondents, and whether or not such complaint deals with acts unrelated to the discharge of their official functions. If the complaint is filed before the IBP, six (6) copies of the verified complaint shall be filed with the Secretary of the IBP or the Secretary of any of its chapter who shall forthwith transmit the same to the IBP Board of Governors for assignment to an investigator.

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B. PROCEEDINGS IN THE SUPREME COURT

Section 13. *Investigation of complaints.* – In proceedings initiated by the Supreme Court, or in other proceedings when the interest of justice so requires, the Supreme Court **may refer the case for investigation to the Office of the Bar Confidant, or to any officer of the Supreme Court or judge of a lower court**, in which case the investigation shall proceed in the same manner provided in sections 6 to 11 hereof, save that the review of the report of investigation shall be conducted directly by the Supreme Court.

The complaint may also be referred to the IBP for investigation, report, and recommendation. [bold emphasis supplied to indicate the revisions]

Under the foregoing revisions of Rule 139-B, the administrative complaints against attorneys are generally not dismissed outright but are instead referred for investigation, report and recommendation either to the IBP, or the Office of the Bar Confidant (OBC), or any office of the Court or even a judge of a lower court. Such referral ensures that the parties' right to due process is respected as to matters that require further inquiry and which cannot be resolved by the mere evaluation of the documents attached to the

¹³ *Berbano v. Barcelona*, A.C. No. 6084, September 3, 2003, 410 SCRA 258, 268.

¹⁴ Bar Matter No. 1645, Re: Amendment of Rule 139-B, October 13, 2015.

pleadings.¹⁵ Consequently, whenever the referral is made by the Court, the IBP, the OBC or other authorized office or individual must conduct the formal investigation of the administrative complaint, and this investigation is a mandatory requirement that cannot be dispensed with except for valid and compelling reasons because it serves the purpose of threshing out all the factual issues that no cursory evaluation of the pleadings can determine.¹⁶

However, the referral to the IBP is not compulsory when the administrative case can be decided on the basis of the pleadings filed with the Court, or when the referral to the IBP for the conduct of formal investigation would be redundant or unnecessary, such as when the protraction of the investigation equates to undue delay. Dismissal of the case may even be directed at the outset should the Court find the complaint to be clearly wanting in merit.¹⁷ Indeed, the *Rules of Court* should not be read as preventing the giving of speedy relief whenever such speedy relief is warranted.

It is upon this that we dispense with the need to refer the complaint against the respondent to the IBP for the conduct of the formal investigation. The documents he submitted to substantiate his denial of professional wrongdoing are part of the records of the trial court, and, as such, are sufficient to establish the unworthiness of the complaint as well as his lawful entitlement to the demolition of the structures of the defendants in Civil Case No. R-1256.

Specifically, the demolition was authorized by the order issued by the MTC on December 19, 2013.¹⁸ In the execution of the final and executory decision in Civil Case No. R-1256, the sheriffs dutifully discharged their functions. The presence of the respondent during the execution proceedings was by no means irregular or improper, for he was the plaintiff in Civil Case No. R-1256. The complainant was then represented by Pante and some other members of the congregation, who did not manifest any resistance or objection to any irregularity in the conduct of the execution. After all, elements of the Philippine National Police were also present to ensure the peaceful implementation of the writ of execution.

Neither do we find anything wrong, least of all criminal, in the act of the respondent of taking away the materials of the demolished structures. The parties put an end to their dispute by the defendants, including the complainant and Pante, opting to withdraw their notice of appeal and undertaking to voluntarily vacate and to peacefully turn over the premises to the respondent by August 31, 2013 in exchange for the latter's financial

¹⁵ *Baldomar v. Paras*, Adm. Case No. 4980, December 15, 2000, 348 SCRA 212, 214-215.

¹⁶ *Tabang v. Gacott*, Adm. Case No. 6490, September 29, 2004, 439 SCRA 307, 312.

¹⁷ *Cottam v. Laysa*, Adm. Case No. 4834, February 29, 2000, 326 SCRA 614, 617.

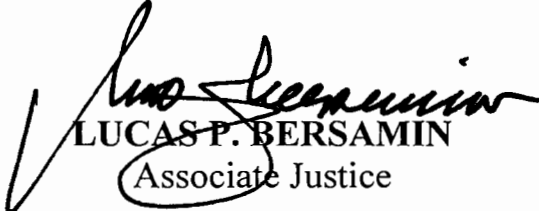
¹⁸ *Rollo*, pp. 87-88.

assistance of the ₱300,000.00. The respondent paid the amount in the MTC on March 20, 2013, and the amount was later on received by Maria Omiles, Feliciano Omiles, Jr., and Noralyn T. Abad as the representatives of the CSP-PLC on the same day.¹⁹ But the latter reneged on their part of the agreement without returning the ₱300,000.00 to the respondent, who was left to exhaust his legal remedies to enforce the judgment against them. It is notable that the judgment expressly directed him “to exercise his option pursuant to the provisions of Article 448 of the New Civil Code of the Philippines within thirty (30) days from the finality of this judgment insofar as the improvements introduced by the defendants on the subject property.”²⁰ Article 448 of the *Civil Code* granted to him as the owner of the premises, among others, “the right to appropriate as his own the works, sowing or planting, after payment of the indemnity provided for in articles 546 and 548.” His act of taking the materials of the demolished structures was undoubtedly the exercise of the right of appropriating them in light of the fact that the ₱300,000.00 earlier delivered as financial assistance was most likely meant to indemnify the supposed builders in good faith.

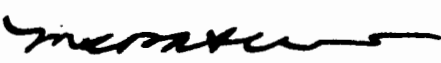
The respondent has called attention to the letter of the Christian Spiritists in the Philippines, Inc.,²¹ the mother organization to which the CSP-PLC belonged, to the effect that it was disavowing knowledge of or participation in the disbarment complaint, and that it was categorically declaring that the complaint had been filed by Pante only for his personal interest at the expense of the congregation. The sentiments expressed in the letter manifested the inanity of the complaint, and the ill motives behind Pante’s filing of the complaint against the respondent. The proper outcome for such a complaint is its immediate dismissal.

WHEREFORE, the Court **DISMISSES** the complaint for disbarment against Atty. Daniel Dazon Mangallay for its utter lack of merit.

SO ORDERED.


LUCAS P. BERSAMIN
Associate Justice

WE CONCUR:


MARIA LOURDES P. A. SERENO
Chief Justice

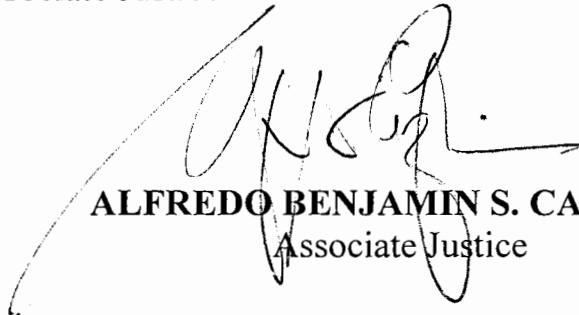
¹⁹ Id. at 75.

²⁰ Supra note 3.

²¹ *Rollo*, p. 46.

Teresita Leonardo de Castro
TERESITA J. LEONARDO-DE CASTRO
Associate Justice

Estela M. Perlas-Bernabe
ESTELA M. PERLAS-BERNABE
Associate Justice


ALFREDO BENJAMIN S. CAGUIOA
Associate Justice