



REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila

SECOND DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated **March 15, 2023** which reads as follows:*

“A.C. No. 11818 [Formerly CBD Case No. 18-5838] (AYALA ALABANG VILLAGE ASSOCIATION, INC. represented by its BOARD OF GOVERNORS, ANTONIO C. LAUREL, EPIFANIO S. JOAQUIN, and NELSON G. MENDOZA, Complainants v. ATTY. ROGELIO V. QUEVEDO, Respondent). — This administrative case was filed against a lawyer for allegedly violating Rule 6.02 of the Code of Professional Responsibility and causing the law interns he supervises to violate Rule 138-A or the Law Student Practice Rule.

ANTECEDENTS

Complainant Ayala Alabang Village Association, Inc. (AAVAI) is a homeowner’s association in Muntinlupa City.¹ Its board of governors represents the AAVAI in filing this Administrative Complaint.² Some members of the board of governors also filed this Complaint in their personal capacity.³ Respondent Attorney Rogelio Quevedo (Atty. Quevedo) is a resident of Ayala Alabang Village (AAV). Atty. Quevedo is a Professorial Lecturer 1 at the University of the Philippines College of Law (UP Law) and a supervising lawyer at the Office of the Legal Aid (OLA) of University of the Philippines College of Law (UP Law).⁴

¹ *Rollo*, p. 1.

² *Id.* at 1–2; The board of governors, representing AAVAI, is as follows: Antonio C. Laurel (President), Epifanio S. Joaquin (Governor), Constantino A. Marcaida (Governor), and Arturo V. Briones (Village Manager).

³ *Id.* at 2; Antonio C. Laurel, Epifanio S. Joaquin, and Nelson G. Mendoza joined in filing the administrative complaint in their personal capacity.

⁴ *Id.*

In 2016, AAVAI opened a portion of the AAV, which will serve as an ingress and egress for AAV residents and visitors to the Daang Hari Road. It constructed the Champaca Gate by tearing down a portion of the wall of the AAV subdivision. To defray the cost of opening the wall and installing traffic lights at the Champaca Gate, the AAVAI partnered with Brent International School of Manila Inc. (Brent Manila) and the De La Salle Santiago Zobel School (DLSZ).⁵ Brent Manila and DLSZ contributed PHP 1,500,000.00 each. In recognition of the financial contributions, the AAVAI allowed Brent Manila and DLSZ to use the Champaca Gate for their buses, subject to the rules and regulations.⁶

In a letter dated October 25, 2016, Atty. Quevedo demanded that Brent Manila cease contributing funds to the AAVAI. He also warned Brent Manila of lawsuits and claims resulting from the alleged tortious acts of opening the Champaca Gate. He also urged Brent Manila to consider the rights of the AAV residents. The letter bore the UP OLA letterhead and was signed by Atty. Quevedo.⁷

In another letter dated November 7, 2016, Atty. Quevedo demanded the AAVAI to cease (1) operating and maintaining the Champaca Gate, (2) installing traffic lights for the benefit of the Champaca Gate users, (3) defying the writ of injunction issued by the Regional Trial Court of Muntinlupa, and (4) undermining the rights of AAV residents to privacy and exclusivity.⁸ On even date, Atty. Quevedo sent another letter demanding the AAVAI to require a certain Atty. Marcaida to reimburse the amount of PHP 3,364,800.00 for violating the AAVAI by-laws. Both letters bore the UP OLA letterhead and were signed by Atty. Quevedo.⁹

In February 2017, the UP Law Internship Center (UP LIC) entered its appearance in a Petition for Review filed with the Court of Appeals (CA) in CA G.R. SP No. 147420, entitled *Jose Ma. L. Duarte, Roberto A. Sison, Emelita E. Quema, Markatmic, Inc. and Regina's Industries & Development Corporation v. Epifanio S. Joaquin, Nelson Mendoza, Constantino Marcaida, Godofredo Galindez, Antonio Laurel, Briccio Tamparong, and Eugene Dela Cruz*. The UP LIC appeared as counsel for the petitioners against some members of the board of governors of the AAVAI.¹⁰ UP LIC is an extension unit of the UP OLA. The UP LIC Director and a law intern signed the entry of appearance, with Atty. Quevedo's conformity.¹¹

In August 2017, the AAVAI filed an Administrative Complaint¹² for

⁵ *Id.* at 19.

⁶ *Id.*

⁷ *Id.* at 16–17.

⁸ *Id.* at 21.

⁹ *Id.* at 20–23.

¹⁰ *Id.* at 24.

¹¹ *Id.* at 24–26

¹² *Id.* at 1–10.

disbarment against Atty. Quevedo. The AAVAI claimed that Atty. Quevedo should be held liable for malpractice, violation of the lawyer's oath, and Rule 6.02 of the Code of Professional Responsibility (CPR).

The AAVAI alleged that a group of disgruntled AAV residents, including Atty. Quevedo, had filed several baseless criminal and civil cases against the AAVAI. In several of these cases, the UP OLA entered its appearance and represented the interests of these disgruntled AAV residents under the supervision of Atty. Quevedo.¹³ AAVAI claimed that Atty. Quevedo allowed the AAV residents to be represented by UP OLA even if they were not indigent. AAV is a high-end subdivision, and its residents cannot be considered indigents or those whose gross income does not exceed PHP 4,000.00 or who do not own real property with an assessed value exceeding PHP 50,000.00.¹⁴

The AAVAI explained that the law interns were supposed to screen the prospective clients, including their financial eligibility, and recommend to the supervising lawyer or the UP OLA Director whether to accept or reject the prospective client.¹⁵ AAVAI cited the 2013 Draft UP OLA Office Manual (**2013 UP Draft Manual**), providing for the following procedures that a law intern must observe:

3.1. Application/Interview Stage

- 3.1.1. Obtain a Kahilingan Para sa Libreng Tulong Legal and Revised Recommendation for Action Form (RRAF) from the cabinet where OLA forms are kept.

x x x x

- 3.1.9. Accomplish and submit the RRAF. Take note of the following sections:

- 3.1.9.1. Under "**Applicant's Financial Eligibility Profile**", assess the applicant's financial eligibility by asking the applicant for the Information stated therein.

x x x x

3.2. Processing Stage

Submit the duly accomplished RRAF to the Director (through the office clerk) within three days after the interview. **It is part of your training to follow up the matter and personally brief the Director/Supervising**

¹³ *Id.* at 2.

¹⁴ *Id.* at 5.

¹⁵ *Id.*

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Lawyer of the facts of the case and discuss with her the reasons for your recommendation.¹⁶ (Emphasis supplied, citations omitted)

The AAVAI faults Atty. Quevedo for not supervising the UP OLA law interns adequately. Atty. Quevedo caused the law interns to handle his case in violation of Rule 138-A. He allowed the unauthorized handling of cases to advance his private interest. Thus, Atty. Quevedo should be disbarred.

In his Comment,¹⁷ Atty. Quevedo explained that the UP OLA could accept non-indigent and paying clients. The AAV residents paid PHP 40,000.00 for the UP OLA services. The draft manual referred to by the AAVAI, requiring the screening of prospective clients based on a financial eligibility criterion, did not become effective. Although supervising lawyers may recommend to the UP OLA director to accept clients, the application of AAV residents was not submitted to him for approval.¹⁸ The UP OLA's services are also not limited to appearances in courts. It can also provide legal opinions and assist clients in preparing legal documents. Further, the UP OLA did not handle the Petition for Review docketed as CA G.R. SP No. 147420.¹⁹

Report and Recommendation of the Integrated Bar of the Philippines (IBP)²⁰

The Investigating Commissioner found that Atty. Quevedo was a lawyer in the government service. Atty. Quevedo is a lecturer at the UP College of Law, which is a publicly funded educational institution and, at the same time, a supervising lawyer at the UP OLA, which is also a publicly funded office. As a supervising lawyer, Atty. Quevedo has access to UP OLA's funds and resources, which should be used exclusively for UP OLA's operations consistent with its mandate. However, Atty. Quevedo used the UP OLA's resources for his interest, as shown by the UP OLA letterhead in the demand letters, dated October 25, 2016 and November 7, 2016. He took advantage of his position as supervising lawyer, which is inconsistent with Rule 6.02 of the CPR. Although the UP OLA accepts "paying clients," Atty. Quevedo had a hand in accepting the case for UP OLA, even if the case had no "pedagogical value." The Investigating Commissioner observed:

Please note that, by its own criteria, UP-OLA accepts cases with pedagogical value. The case between [Atty. Quevedo] and [AAVAI], however, seem to be nothing pedagogical as it involves intra- corporate dispute among homeowners, who are willing and very much capable of availing the best legal services. If such homeowners dispute were to be considered pedagogical, then probably every case is.²¹

The Investigating Commissioner recommended that Atty. Quevedo be

¹⁶ *Id.* at 36–37.

¹⁷ *Id.* at 74–77.

¹⁸ *Id.* at 75.

¹⁹ *Id.* at 76.

²⁰ *Id.* at 234–239. Penned by Investigating Commissioner Raul E. Canon, Jr.

²¹ *Id.* at 239.

reprimanded and sternly warned that a repetition of similar acts should be dealt with more severely.

On April 23, 2022, the IBP Board of Governors passed Resolution No. CBD-XXV-2022-04-22, adopting the findings and recommendations of the Investigating Commissioner:

RESOLVED, to APPROVE and ADOPT, as it is hereby APPROVED and ADOPTED, the Report and Recommendation of the Investigating Commissioner in the instant case, to impose upon Respondent Atty. Rogelio V. Quevedo the penalty of REPRIMAND, with STERN WARNING that any similar subsequent infraction shall merit a more severe penalty.²²

RULING

Section 4 of Rule 138-A²³, the governing rules pertinent to this case, provides that failure of an attorney to adequately supervise a law student may be a ground for disciplinary action, thus:

Section 4. Standards of conduct and supervision. – The law student shall comply with the standards of professional conduct governing members of the Bar. **Failure of an attorney to provide adequate supervision of student practice may be a ground for disciplinary action.** (Emphasis supplied)

AAVAI failed to establish that UP OLA can only accept indigents as clients. It also failed to prove that UP adopted the 2013 UP Draft Manual, which provides for the law interns' role in screening UP OLA's clients. Director Rowena E.V. Daroy-Morales (Director Daroy-Morales) of the UP Law OLA confirmed in her Affidavit²⁴ that the draft manual never became effective and that UP OLA is allowed to accept paying and non-indigent clients:

x x x x

3. **It has come to my attention that Complainants used a certain document nominates as Draft Manual of the U.P. Office of Legal Aid, attached as Annex A, as basis of their allegations against Respondents.**

4. **The said Draft Manual of the U.P. Office of Legal Aid cited by Complainants is just a draft. I was informed it was a draft made by my predecessors though the draft never came into effect.**

5. The Office of the Legal Aid is a clinical legal education program that trains qualified students in litigation and conflict resolution in various tribunals, not only in the judiciary but also in administrative agencies in their exercise of quasi-judicial or adjudicative functions; contract drafting; investigation; ADR, etc.

²² *Id.* at 231.

²³ Law Student Practice Rule, SC Circular No. 19, December 19, 1986.

²⁴ *Rollo*, p. 212.

6. Contrary to Complainants' assertion, aside from indigent clients, U.P. OLA can also accept paying and non-indigent clients according to Memorandum No. HDDU-2015-C-354 entitled "Proposal to Redefine or Reorient the Purpose of the U.P. College of Law Office of Legal Aid", which was approved by the University of the Philippines Board of Regents on December 11, 2015.²⁵ (Emphasis supplied)

AAVAI also failed to substantiate its claim that UP OLA law interns participated in accepting or handling the case of AAV residents. The documentary evidence, in this case, was signed by Atty. Quevedo, not by any law intern. Meanwhile, the case before the CA was handled by the UP LIC and not by the UP OLA. There is no showing that Atty. Quevedo intervened and supervised the law interns in preparing and filing the petition for review.

In the circumstances, the Court cannot hold Atty. Quevedo liable for violating Section 4, Rule 138-A of the Rules of Court.

As regards Atty. Quevedo's violation of Rule 6.02, Canon 6 of the Code of Professional Responsibility, the Court finds that AAVAI's evidence is insufficient to prove that Atty. Quevedo used his public position to promote his interest.

Canon 6 and Rule 6.02 provides:

CANON 6 – These canons shall apply to lawyers in government service in the discharge of their official tasks.

X X X X

Rule 6.02 [Lawyers] in the government service shall not use [their] public position to promote or advance his private interests nor allow the latter to interfere with [their] public duties.

The Code of Professional Responsibility does not define government service, but the Code of Conduct and Ethical Standards for Public Officials and Employees²⁶ defined government and public officials as:

- (a) "Government" includes the National Government, the local governments, and all other instrumentalities, agencies or branches of the Republic of the Philippines including government-owned or controlled corporations, and their subsidiaries;
- (b) "Public Officials" includes elective and **appointive officials** and employees, permanent or **temporary, whether in the career or non-career service**, including military and police personnel, whether or not they receive compensation, regardless of amount (Emphasis supplied)

²⁵ *Id.*

²⁶ Republic Act No. 6713 (1989).

Contrary to Atty. Quevedo's claim, he is a lawyer in the government service. The term government service is broad enough to cover a lecturer in a national university. It is undisputed that Atty. Quevedo is a lecturer at UP, a national university.²⁷ A lecturer is a designation "given to a non-regular member of the teaching staff who is on a temporary status and paid on an hourly basis."²⁸ A rank of "Lecturer," "Senior Lecturer," or "Professorial Lecturer" may be given depending on the qualifications of the person. Lecturers are appointed in the same process as that of regular faculty.²⁹ They are considered appointees involving non-career service positions or contractual personnel.³⁰ Thus, Canon 6 still applies to Atty. Quevedo. Nevertheless, the Investigating Commissioner's inference that Atty. Quevedo used his public position to promote his interest, in violation of Canon 6, lacks sufficient support.

Foremost, it must be emphasized that the UP OLA may define its standard for accepting prospective clients. As intimated by UP Law OLA Director Daroy-Morales, **the UP OLA Director is responsible for accepting a prospective client and not the supervising lawyer:**

I, as the Director of U.P. OLA,¹ have the authority to approve applications of persons seeking legal assistance taking into consideration the pedagogical value of their cases. The Supervising Lawyer merely recommends the approval or disapproval of the application.³¹

There is no proof that Atty. Quevedo influenced the UP OLA Director to accept the case even if it had no pedagogical value. The mere fact that Atty. Quevedo's interest may be aligned with the AAV residents is insufficient to conclude that the UP OLA would not have accepted the case were it not for Atty. Quevedo. Sufficient proof must still be presented. Bad faith is never presumed.³² It is a conclusion to be drawn from facts. Curiously, the complaint did not mention that Atty. Quevedo unduly influenced the UP OLA Director. Instead, the administrative complaint rests on an erroneous claim that the financial criterion is indispensable in accepting prospective clients.

²⁷ Republic Act No. 9500 (2008).

²⁸ UP DILIMAN FACULTY MANUAL available at <https://osu.up.edu.ph/wp-content/uploads/2014/05/UPD_Faculty_Manual.pdf> (last accessed on February 3, 2023).

²⁹ *Id.*

³⁰ *Id.*; Executive Order No. 292 (1987) Book V, Subtitle A, Title I, sec 9.

SECTION 9. *Non-Career Service.* — The Non-Career Service shall be characterized by (1) entrance on bases other than those of the usual tests of merit and fitness utilized for the career service; and (2) tenure which is limited to a period specified by law, or which is coterminous with that of the appointing authority or subject to his pleasure, or which is limited to the duration of a particular project for which purpose employment was made.

The Non-Career Service shall include:

x x x x

(4) Contractual personnel or those whose employment in the government is in accordance with a special contract to undertake a specific work or job, requiring special or technical skills not available in the employing agency, to be accomplished within a specific period, which in no case shall exceed one year, and performs or accomplishes the specific work or job, under his own responsibility with a minimum of direction and supervision from the hiring agency; and x x x

³¹ *Rollo*, p. 87.

³² *Pagula v. Molina*, 735 Phil. 8, 13 (2014) [Per J. Sereno, First Division].

Anent Atty. Quevedo's use of the UP OLA letterhead, it was not shown that he was unauthorized to sign these letters or prohibited from using the UP OLA letterhead. The case of the AAV residents was accepted by the UP OLA and Atty. Quevedo was a supervising lawyer at UP OLA. Thus, using UP OLA resources in preparing these demand letters is reasonable.

Be that as it may, the Court deems it proper to remind Atty Quevedo that he "should not only avoid all impropriety but also avoid the appearance of impropriety in line with the principle that public office is a public trust."³³ Indeed, using the UP OLA resources and its letterhead is not wrong *per se* because Atty. Quevedo is a supervising lawyer at UP OLA. However, Atty. Quevedo should have refrained from representing the AAV residents to avoid the appearance of impropriety that he is using his position as a supervising lawyer to promote his private interest against AAVAI while enjoying the resources of the UP OLA.

In *Ladignon v. Judge Garong*,³⁴ the Court found it proper to admonish and warn an erring judge for using the court's official letterhead and his designation as a judge for non-official functions, even in the absence of an intent to take undue advantage of the use of letterhead and title. The appearance of impropriety is enough to warrant an admonition and warning for any future inappropriate use of the letterhead and title.

In *Vega v. Atty. Jurado*,³⁵ the Court reprimanded and warned a former government counsel for issuing a legal opinion, disregarding existing law and jurisprudence absent bad faith. The appearance of impropriety was sufficient to reprimand the erring lawyer.

Here, the policy to accept paying clients and redefine the purpose of the UP OLA was approved by UP, not Atty. Quevedo. The insufficiency of evidence that Atty. Quevedo committed impropriety in signing the letters bearing the UP OLA letterhead precludes an administrative sanction against Atty. Quevedo. However, the appearance of impropriety, which he failed to avoid, merits this Court's admonition and warning.

FOR THESE REASONS, Atty. Rogelio V. Quevedo is **ADMONISHED** to be circumspect in his duties as a supervising lawyer at the Office of the Legal Aid of the University of the Philippines and **STERNLY WARNED** that a repetition of the same or similar acts will be dealt with more severely.

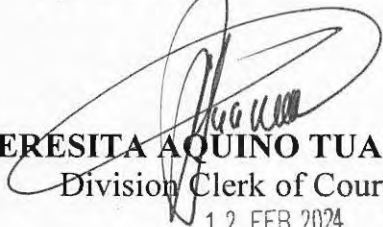
SO ORDERED."

³³ *Vega v. Jurado*, A.C. No. 12247, 888 Phil. 13, 23 (2020) [Per J. Inting, Second Division].

³⁴ 584 Phil. 352, 358 (2008) [Per J. Brion, Second Division].

³⁵ *Supra* note 32.

By authority of the Court:


TERESITA AQUINO TUAZON
Division Clerk of Court *2/12*
12 FEB 2024

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