



Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, First Division, issued a Resolution dated October 5, 2022 which reads as follows:

“A.C. No. 11566 [Formerly CBD Case No. 18-5532] (*Charmaine Cheryle C. Eleazar-Hopkins v. Atty. David D. Jaranilla*). – Before the Court is a Complaint¹ for disbarment filed by complainant Charmaine Cheryle C. Eleazar-Hopkins (complainant) against respondent Atty. David D. Jaranilla (respondent) for violation of Canon 1, Rules 1.02, 1.03 and 1.04; Canon 8, Rule 8.01; Canon 10, Rules 10.01 and 10.03; Canon 12, Rule 12.02 and 12.04; and Canon 19, Rule 19.01 of the Code of Professional Responsibility (CPR).²

This case stemmed from an ejectment case filed by complainant against her relatives Imelda Eleazar *et al.* (Eleazars) in the Municipal Circuit Trial Court (MCTC). Respondent was the counsel of the Eleazars. Complainant won the case, as well as the appeal to the Regional Trial Court (RTC). The RTC decision became final and the sheriff proceeded to implement it by virtue of a *Writ of Execution*. Allegedly, when the Sheriff directed the removal of protruding roofing and other parts of the house of Eleazars, the latter refused to comply upon respondent’s advice. Complainant claimed that respondent tried to delay the implementation of the *Writ of Execution* by filing a *Manifestation/Compliance with Motion to Conduct Joint Survey*. According to complainant, respondent also used threatening and harsh words against her and her counsel.³

In its Report and Recommendation, the Investigating Commissioner of the Integrated Bar of the Philippines (IBP) ruled that there is no showing that respondent’s acts are aimed at defying the law or at lessening

¹ *Rollo*, pp. 1-10 (*sans annexes*).

² *Id.*

³ *Id.* at 1-10; 550-554.

confidence in the legal system.⁴

On 11 July 2020, the IBP Board of Governors (IBP Board) issued a Resolution⁵ adopting the findings and recommendation of the Investigating Commissioner.

The Court **NOTES** the Report and Recommendation of the Investigating Commissioner and the Resolution dated 11 July 2020 of the IBP Board, and resolves to **ADOPT** and **APPROVE** the findings of fact, conclusions of law, and recommendations therein.

As aptly noted by the IBP, the allegations of complainant that respondent advised his client not to heed the lawful orders of the court are mere surmises. The *Sheriff's Report* belies complainant's allegations.⁶ Said report revealed that respondent's clients have already commenced complying with the *Writ of Execution*. While there are issues raised in the *Sheriff's Report* on the protruded GI roofing, 10 inches of the structure that remains over lie on complainant's properties, and unpaid monetary awards,⁷ there is no evidence that these can be attributed to respondent's ill or malicious advice. More importantly, in the Order dated 18 May 2017 of the RTC relative to the *Petition for Indirect Contempt* filed against respondent and his clients, the court noted that respondents had already removed the protruding roof being complained of and there is a proper procedure to be followed under the Rules of Court on the implementation of money judgment.⁸ Finally, there is no sufficient proof that respondent used abusive, offensive, or otherwise improper language towards complainant or her counsel.

As correctly emphasized by the IBP, this Court exercises the power to disbar with great caution. Being the most severe form of disciplinary sanction, it is imposed only for the most imperative reasons and in clear cases of misconduct affecting the standing and moral character of the lawyer as an officer of the court and a member of the bar.⁹

At any rate, respondent should be reminded for filing a *Manifestation/Compliance with Motion to Conduct Joint Survey* while a writ of execution is being implemented in favor of complainant. Aside from the truncated narrative surrounding the execution of judgment, the part where respondent caused the filing of a *Motion to Conduct Joint Survey* has the effect of delaying the execution process. Every litigation must come to an end once a judgment becomes final, executory, and unappealable,¹⁰ and this

⁴ Id. at 550-554.

⁵ Id. at 548.

⁶ Id. at 550-554.

⁷ Id. at 13-14.

⁸ Id. at 197-201.

⁹ *Re: SC decision dated May 20, 2008 in G.R. No. 161455 under Rule 139-B of the Rules of Court, v. Atty. Rodolfo D. Pactolin*, 686 Phil. 531 (2012).

¹⁰ *Seven Brothers Shipping Corporation v. Oriental Assurance Corporation*, G.R. No. 439 Phil. 663 (2002). Citations omitted.




principle can only be given meaning when lawyers are prevented from unduly exploiting court processes during such stage in the proceedings.

WHEREFORE, premises considered, the instant administrative complaint against respondent is **DISMISSED**. Nonetheless, respondent is **STERNLY WARNED** that a repetition of the same or similar act of filing pleadings which tend to delay the execution of judgments shall be dealt with more severely in the future. Let this case be considered **CLOSED** and **TERMINATED**.

SO ORDERED.” *Marquez, J., on official leave.*

By authority of the Court:


LIBRADA C. BUENA
Division Clerk of Court
11/7

by:

MARIA TERESA B. SIBULO
Deputy Division Clerk of Court

137

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