



REPUBLIC OF THE PHILIPPINES  
SUPREME COURT  
Manila

SECOND DIVISION

**NOTICE**

Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated 14 February 2022 which reads as follows:*

“A.C. No. 11705 [Formerly CBD Case No. 17-5479] (*Earlnest\* John Robles and Liezl\*\* Robles v. Atty. Marlon P. Valderama*). – Before the Court is an administrative Complaint<sup>1</sup> filed by Earlnest John Robles and Liezel Robles (complainants) against respondent Atty. Marlon P. Valderama (Atty. Valderama) for alleged excessive charging of fees and expenses in violation of Rule 16.01<sup>2</sup> of the Code of Professional Responsibility and the Monthly Retainer Agreement<sup>3</sup> dated June 29, 2016 (Retainer Agreement).

Complainants alleged that: (1) Atty. Valderama is their lawyer in a criminal case filed against them before the Office of the City Prosecutor (OCP) of Las Piñas; (2) after their case was submitted for resolution, complainants no longer heard from Atty. Valderama and were thus forced to make personal follow-ups on their case before the OCP; (3) in February 2017, complainants received a billing from Atty. Valderama’s law office charging them the amount of almost ₱50,000.00 with various miscellaneous expenses added to the billing, without prior notice, in violation of Item No. 3 of the Retainer Agreement which provides that the “out-of-pocket expenses” shall always be cleared with complainants in advance.<sup>4</sup>

In his Answer,<sup>5</sup> Atty. Valderama narrated that complainants

\* Earnest and Earlnest in some parts of the *rollo*.

\*\* Liezel in some parts of the *rollo*.

<sup>1</sup> Captioned as “Report and Complaint for Conduct Unbecoming a Lawyer;” *rollo*, pp. 1-9.

<sup>2</sup> Rule 16.01 - A lawyer shall account for all money or property collected or received for or from the client.

<sup>3</sup> *Rollo*, pp. 11-14.

<sup>4</sup> *Id.* at 3.

<sup>5</sup> *Id.* at 53-60.

objected to the billing for unpaid fees and expenses and reasoned that their case has not yet been resolved by the OCP. However, Atty. Valderama asserted that he has no control over the OCP's issuance of its resolutions. Hence, he argued that the correct venue for complainants to raise the matter is the OCP and not his law office.<sup>6</sup>

Anent the alleged excessive charging of fees and expenses, Atty. Valderama claimed that the miscellaneous expenses in the total amount of ₱2,685.00 was incurred by the law office in connection with the preparation of complainants' case; while the amount of ₱3,114.00 for the photocopying and printing of the Counter-Affidavit stemmed from the voluminous copies required by the OCP.<sup>7</sup>

As to the alleged violation of the Retainer Agreement,<sup>8</sup> Atty. Valderama argued that it is not only impractical but also absurd to require him to inform and ask for complainants' permission every time that the law office would print or photocopy the necessary pleadings in the case.<sup>9</sup>

On August 7, 2018, during the mandatory conference before the Integrated Bar of the Philippines (IBP), complainants and Atty. Valderama filed a Joint Manifestation and Motion<sup>10</sup> stating that the parties have agreed to settle their differences, which was a mere misunderstanding. Thus, both parties prayed for the dismissal of the case.<sup>11</sup>

In a Report and Recommendation<sup>12</sup> dated June 28, 2019, Investigating Commissioner Jose Ismael B. Valmores recommended that the case be dismissed for lack of merit. The IBP Board of Governors adopted the recommendation in its Resolution<sup>13</sup> dated August 22, 2020.

### *Our Ruling*

The Court resolves to adopt and approve the findings of fact, conclusions of law, and recommendation of the IBP in the attached

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<sup>6</sup> *Id.* at 55.

<sup>7</sup> *Id.* at 54-55.

<sup>8</sup> *Id.* at 11-14.

<sup>9</sup> *Id.* at 54.

<sup>10</sup> *Id.* at 110-111.

<sup>11</sup> *Id.* at 111.

<sup>12</sup> *Id.* at 152-154.

<sup>13</sup> *Id.* at 149.

Report and Recommendation,<sup>14</sup> as adopted and approved by the IBP Board of Governors.

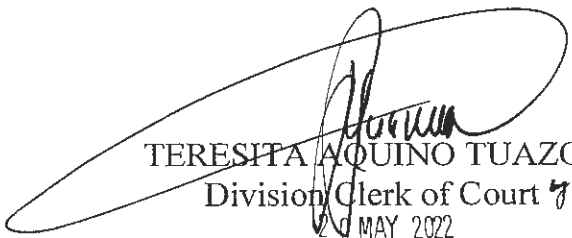
At the outset, it must be stressed that complainants' withdrawal of the charges against Atty. Valderama will not *ipso facto* terminate the proceedings against him,<sup>15</sup> for it is settled that administrative proceedings against lawyers may proceed regardless of interest or lack of interest of the complainants.<sup>16</sup> However, an examination of the records of the case clearly shows that the instant complaint lacks both factual and legal basis.

To begin with, the amount of ₱3,114.00 for the photocopying and printing expenses and the amount of ₱2,685.00 consisting of communication expense, research expense, and travel allowances were neither excessive nor unreasonable. Moreover, assuming the OCP exceeded the period to resolve the case before it, the delay cannot be attributed to Atty. Valderama because he had no hand in the resolution of the case. Time and again, the Court has reiterated that it will not hesitate to mete out the proper disciplinary punishment upon lawyers who are shown to have failed to live up to their sworn duties. In the same vein, it will not hesitate to extend its protective arm when the accusation against them is not indubitably proven.<sup>17</sup>

**ACCORDINGLY**, the Court resolves to **ADOPT** and **APPROVE** the findings of fact, conclusions of law, and recommendation of the IBP as adopted and approved by the IBP Board of Governors. The Complaint for disbarment filed against Atty. Marlon P. Valderama is **DISMISSED** for lack of merit.

**SO ORDERED.”**

By authority of the Court:

  
TERESITA AQUINO TUAZON  
Division Clerk of Court *by 5/19*  
MAY 2022

<sup>14</sup> *Id.* at 152-154.

<sup>15</sup> *Ylaya v. Atty. Gavott*, 702 Phil. 390 (2013).

<sup>16</sup> *Rayos-Ombac v. Atty. Rayos*, 349 Phil. 7, 15 (1998).

<sup>17</sup> *Armillá-Calderon v. Atty. Lapore*, A.C. No. 10619, September 2, 2020.

\*EARNEST JOHN ROBLES, ET AL. (reg)

Complainants

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\*ATTY. MARLON P. VALDERAMA (reg)

Respondent

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Supreme Court, Manila

\*with copy of the IBP Report & Recommendation dated 18 June 2019

*Please notify the Court of any change in your address.*

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12/19