



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. 13071 (Atty. Eldorado T. Lim v. Atty. Ronaldo T. Florido)**. — For resolution is the disbarment complaint<sup>1</sup> dated January 13, 2015 filed by Atty. Eldorado T. Lim (Atty. Lim) against Atty. Ronaldo T. Florido (Atty. Florido), before the Commission on Bar Discipline (CBD) of the Integrated Bar of the Philippines (IBP), docketed as CBD Case No. 15-4481, for allegedly delaying the administration of justice.

**Antecedents.**

An ejectment suit was filed before the Metropolitan Trial Court (MeTC) of Quezon City, Branch 43, docketed as Civil Case No. 11-40641 by a client of Atty. Lim. Accordingly, a decision was rendered in favor of the client of Atty. Lim. Aggrieved, the defendant in the ejectment suit appealed the adverse MeTC ruling before the Regional Trial Court (RTC).<sup>2</sup>

The RTC eventually sustained the ruling of the MeTC and referred back the case to the MeTC for implementation.<sup>3</sup> Meanwhile, the therein defendant engaged the services of the following counsels: (1) Atty. Temanil, who allegedly filed a pleading to delay execution of judgment; and (2) Atty. Florido, who filed a Petition for Relief from the Order to likewise delay the execution of judgment.<sup>4</sup>

Due to the alleged dilatory tactics employed by Atty. Florido, Atty. Lim filed the present disbarment complaint against Atty. Florido. Atty. Lim alleged

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<sup>1</sup> *Rollo*, pp. 1-3.

<sup>2</sup> *Id.* at 1.

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

<sup>4</sup> *Id.* at 1-2.

that the filing of the petition for relief, which is considered a prohibited pleading under Section 13, Rule 70 of the Rules of Court, resulted in the delay of the administration of justice.<sup>5</sup> Interestingly, Atty. Lim, however, failed to specify how the filing of the petition for relief delayed the execution of judgment which thereby constitutes malpractice.

During the scheduled mandatory conference none of the parties appeared.<sup>6</sup> Records reveal that a certain Rey Christopher Pereira received the Notice of Mandatory Conference in behalf of Atty. Florido on May 18, 2017.<sup>7</sup> However, in the subsequent mandatory conference held on May 24, 2017, June 14, 2017, July 28, 2017, March 12, 2018, none of the parties appeared. Neither did Atty. Florido file his answer.

### **Report and Recommendation of the IBP.**

In a Report and Recommendation<sup>8</sup> dated December 4, 2019, the Investigating Commissioner, Dr. Jose I. Dela Rama, Jr., recommended the dismissal of the complaint for lack of merit. He opined that the filing of the petition for relief by Atty. Florido cannot be characterized as a malpractice as he merely discharged his duty of availing remedies allowed by law to protect his client's interest.

In a Resolution<sup>9</sup> dated May 30, 2020, the Board of Governors of the IBP approved and adopted the recommendation of the Investigating Commissioner to dismiss the complaint.

### **Our Ruling**

After a careful review of the records of the case, the Court resolves to adopt the findings and recommendation of the IBP to dismiss the disbarment complaint against Atty. Florido. It is clear that the present administrative complaint has no legal bearings.

We agree with the observations of the IBP that Atty. Lim failed to discharge the burden of proving the allegations in his disbarment complaint. It must be stressed that the irreversible effects of imposed penalties in disciplinary proceedings against lawyers must stand on sufficiently established proof through substantial evidence.<sup>10</sup> Such quantum of proof is a burden that must be discharged by the complainant, in order for the Court to exercise its disciplinary powers.<sup>11</sup>

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<sup>5</sup> Id.

<sup>6</sup> Id. at 22.

<sup>7</sup> Id. at 19.

<sup>8</sup> Id. at 30-33. Penned by Dr. Jose I. Dela Rama, Jr.

<sup>9</sup> Id. at 28-29.

<sup>10</sup> *Goopio v. Maglalang*, 837 Phil. 564, 582 (2018).

<sup>11</sup> Id.

In this case, Atty. Lim failed to establish through substantial evidence how the filing of a petition for relief caused delay in the administration of justice. In his disbarment complaint, complainant primarily alleged that Atty. Florido employed dilatory tactics to further delay the execution of judgment. However, Atty. Lim failed to establish with certainty the participation of Atty. Florido in the proceedings that allegedly caused delay in the execution of judgment. Thus, Atty. Lim failed to prove with substantial evidence that Atty. Florido committed any of the grounds for disbarment as provided under Section 27, Rule 138 of the Rules of Court, *viz.*:

SEC 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 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.

In addition, the Court finds that Atty. Florido did not violate the Lawyer's Oath or the Code of Professional Responsibility (CPR). In fact, Atty. Florido's act is in accord with Canons 17 and 19 of the CPR, *viz.*:

CANON 17 — A LAWYER OWES FIDELITY TO THE CAUSE OF HIS CLIENT AND HE SHALL BE MINDFUL OF THE TRUST AND CONFIDENCE REPOSED IN HIM.

CANON 19 — A LAWYER SHALL REPRESENT HIS CLIENT WITH ZEAL WITHIN THE BOUNDS OF THE LAW.

We concur with the findings of the IBP that Atty. Florido cannot be faulted for filing the necessary pleadings and motions in court for the protection of the interest of his clients. Neither can Atty. Florido's act be considered to have delayed the administration of justice as to warrant a disciplinary action against him. In fine, this Court exercises its power to disbar with great caution.<sup>12</sup> 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.<sup>13</sup>

**WHEREFORE**, the instant administrative complaint against Atty. Ronaldo T. Florido is **DISMISSED** for lack of merit.

The Court **NOTES** the Notice of Resolution dated May 30, 2020 of the Integrated Bar of the Philippines Board of Governors which resolved to adopt

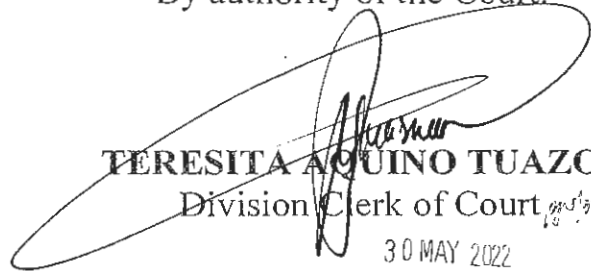
<sup>12</sup> *In re Pactolin*, 686 Phil 351, 355 (2012), citing *Yu v. Palaña*, 580 Phil. 19, 27 (2008).

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

the findings of fact and recommendation of the Investigating Commissioner dated December 4, 2019 to dismiss the case; transmitted by letter dated April 28, 2021 of Director Randall C. Tabayoyong, Commission on Bar Discipline, Integrated Bar of the Philippines, together with the records of the case.

**SO ORDERED.”**

By authority of the Court:

  
**TERESITA AQUINO TUAZON**  
Division Clerk of Court  
30 MAY 2022

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\*ATTY. RANDALL C. TABAYOYONG (reg)  
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Supreme Court, Manila

\*For this resolution only  
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