



Republic of the Philippines

Supreme Court

Manila

EN BANC

SUPREME COURT OF THE PHILIPPINES
PUBLIC INFORMATION OFFICE

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A.C. No. 5190

HON. MANUEL E. CONTRERAS,
Presiding Judge, Municipal Trial Court,
Ocampo, Camarines Sur,
Complainant,

Present:

GESMUNDO, C.J.,
LEONEN,
CAGUIOA,
HERNANDO,
LAZARO-JAVIER,
INTING,
ZALAMEDA,
LOPEZ, M.,
GAERLAN,
ROSARIO,
LOPEZ, J.,
DIMAAMPAO,
MARQUEZ,
KHO, JR., and
SINGH, JJ.

- versus -

ATTY. FREDDIE A. VENIDA,
Respondent.

Promulgated:
July 26, 2022

X-----*[Signature]*X

DECISION

PER CURIAM:

For the Court's consideration is the letter¹ dated November 25, 1999 of complainant Judge Manuel E. Contreras (Judge Contreras) of the Municipal Trial Court (MTC) of Paracale, Camarines Norte, bringing to the Court's attention his Order² dated October 28, 1999, recommending that respondent Atty. Freddie A. Venida (Atty. Venida) undergo a neuro-psychiatric examination in order to determine: (a) whether or not he is still fit to engage in the practice of law; and (b) whether or not he is competent to stand trial being the accused in numerous cases.

¹ Rollo, pp. 1-2.
² Id. at 5-6.

The Facts

In his letter, Judge Contreras alleged that when he became the acting Presiding Judge of MTC-Paracale, Camarines Norte on July 16, 1999, he found out that the cases wherein Atty. Venida is the accused or counsel for one of the parties had not moved since 1992, due to the latter's employment of dilatory tactics. He claimed that Atty. Venida abused the Court's processes by filing impertinent motions and manifestations which impeded and obstructed the administration of justice. Oftentimes, Atty. Venida was defiant, recalcitrant and belligerent towards the authority of the court.³ He was forced to suspend Atty. Venida as counsel for the cases he handled because of the numerous pro-forma motions for postponement he filed, causing delays in the resolution of the cases. Even if there were no valid grounds, Atty. Venida sought to inhibit Judge Contreras in the criminal cases against him and where he appeared as counsel. Judge Contreras also noted that Atty. Venida's language in his pleadings were offensive, disrespectful, and defiant of the authority of the court. Moreover, his personal appearance was unkempt whenever he showed up in court, which is not to be expected from an officer of the court and a member of the Bar. There were even reports that Atty. Venida was not mentally fit to practice law. Hence, Judge Contreras recommended that Atty. Venida undergo a neuro-psychiatric examination to determine if he is indeed suffering from mental illness.⁴

The Integrated Bar of the Philippines (IBP) Report and Recommendation⁵

On November 15, 2001, the IBP Commission on Bar Discipline found the recommendation⁶ of Judge Contreras well taken, considering that he was in the best position to have seen, heard, and observed the demeanor of Atty. Venida in the courtroom, thus:

WHEREFORE, premises considered, we respectfully recommend that respondent Atty. Freddie A. Venida undergo neuro-psychiatric examination and that he be suspended from the practice of law pending the results of the same.

RESPECTFULLY SUBMITTED.⁷

³ Id. at 281.

⁴ Id. at 282.

⁵ Id. at 281- 283; signed by Commissioner Rebecca Villanueva-Maala.

⁶ Id. at 280-283.

⁷ Id. at 283.



On October 19, 2002, a Resolution⁸ was passed by the IBP Board of Governors, as follows:

RESOLUTION NO. XV-2002-548
Adm. Case No. 5190
Judge Manuel E. Contreras vs.
Atty. Freddie A. Venida

RESOLVED to ADOPT and APPROVE, as it is hereby ADOPTED and APPROVED, the Report and Recommendation of the Investigating Commissioner of the above-entitled case, herein made part of this Resolution/Decision as Annex "A"; and, finding the recommendation fully supported by the evidence on record and the applicable laws and rules, respondent is hereby SUSPENDED INDEFINITELY pending results of his neuro-psychiatric examination.⁹

In a Resolution dated January 20, 2003, the Court noted Resolution No. XV-2002-548 of the IBP Board of Governors suspending Atty. Venida indefinitely pending the IBP's report and recommendation on the results of the test.¹⁰

In another Resolution dated June 16, 2003, the Court, among others, required Atty. Venida to submit himself to the Supreme Court Clinic for a neuro-psychiatric examination within fifteen (15) days from receipt of notice.¹¹ Consequently, on December 20, 2003, Atty. Venida was examined at the Supreme Court Medical and Dental Clinic Services by psychologist Maria Suerte G. Caguingin. Although he was not able to finish the test in one sitting due to pressing commitments, he returned on February 4, 2004, and managed to complete the testing on February 16, 2004.¹²

In a Resolution¹³ dated June 6, 2005, the Court noted the First Indorsement dated April 12, 2005 of Dr. Prudencio Banzon, Jr., (Dr. Banzon) Supreme Court Senior Chief Judicial Staff Officer, Supreme Court Medical and Dental Services, submitting the Neuropsychiatric Evaluation Report of Psychiatrist Dr. Georgina Gozo-Oliver (Dr. Gozo-Oliver) on the case of Atty. Venida.¹⁴

On December 10, 2007, the Court issued a Resolution, which noted the letter of the IBP Director for Bar Discipline Alicia A. Risos-Vidal, stating that the IBP deems it appropriate to return the case records to the Court to resolve

⁸ Id. at 280, signed by National Secretary Jaime M. Vibar.

⁹ Id.

¹⁰ Id. at 284.

¹¹ Id. at 336.

¹² Id. at 348.

¹³ Id. at 364.

¹⁴ Id. at 346-347.

the request of the Supreme Court Medical and Dental Services to proceed with their examination of Atty. Venida's fitness to practice law. The Court further directed the National Center for Mental Health to furnish the Supreme Court Medical and Dental Services a copy of the medical records of Atty. Venida. Likewise, the Court granted the Supreme Court Medical and Dental Services the authority to summon persons who can provide collateral information regarding Atty. Venida's history to come up with a conclusive recommendation on his condition.¹⁵

In a Resolution¹⁶ dated August 4, 2008, we required Judge Contreras to inform the Court of the current and correct address of Atty. Venida, considering that a copy of a previous resolution sent to him at his address in San Isidro, Makati City, per Registry Receipt No. 36487, was returned unserved with the notation "RTS-Moved Out" appearing on the envelope. In his Manifestation¹⁷ dated December 5, 2008, Judge Contreras declared that he had no information as to the whereabouts and present address of Atty. Venida.

On November 10, 2015, the Court required the Office of the Bar Confidant (OBC), the IBP, and the National Bureau of Investigation (NBI) to locate Atty. Venida and report to the Court his whereabouts.¹⁸

On April 5, 2016, the OBC submitted its report,¹⁹ stating that according to the records of their office, the given addresses of Atty. Venida are as follows:

1. Unit 5, Faraday Condominium, 2757 Faraday St., San Isidro, Makati City;
2. Calaburnay, Paracale, Camarines Norte; and
3. 413 D. Laperal Apartments, Recto Avenue, Sampaloc, Manila

The OBC also reported that Dr. Banzon forwarded Dr. Gozo-Oliver's appraisal and assessment report²⁰ dated March 18, 2016.

On June 13, 2016, the Court noted the letter²¹ dated April 4, 2016 of IBP National Secretary Patricia Ann T. Prodigalidad, informing the Court that

¹⁵ Id. at 368-369.

¹⁶ Id. at 408.

¹⁷ Id. at 409.

¹⁸ Id. at 413.

¹⁹ Id. at 412.

²⁰ Id. at 417-418.

²¹ Id. at 420.

the home address of Atty. Venida is at 6891 Washington Street, Makati City. The Court further resolved to await the NBI's compliance with the November 10, 2015 Resolution requiring it to locate Atty. Venida.

On October 14, 2016, Investigation Agent III, Anti-Graft Division of the NBI, Erickson Donn R. Mercado (Agent Mercado), filed his Compliance with Manifestation,²² declaring that he verified the addresses of Atty. Venida using the NBI database, but to no avail. He narrated that on September 29, 2016, he and his team proceeded to Unit 5, Faraday Condominium at San Isidro, Makati City, only to be informed that nobody knows of any Atty. Ferdie Venida residing therein. The team then went to 6891 Washington Street, Makati City, where a certain Lynda Fernandez confirmed that Atty. Venida used to reside there, but he had already left the place for about two (2) years. On October 10, 2016, the team continued to search for Atty. Venida at 413 D. Laperal Apartments, Recto Avenue, Manila, but the apartments' administrator, Manet Masuba, informed them that he was not a registered lessee and that she had not heard of him. Finally, Agent Mercado reported that the latest registered address of Atty. Venida is at Aurora Street, Barangay V, Poblacion Daet, Camarines Norte. However, due to distance and lack of manpower, Agent Mercado deemed it necessary to transmit the matter to the NBI Bicol Regional Office in Naga City.

The Court noted Agent Mercado's compliance in its Resolution²³ dated December 7, 2016.

Our Ruling

Time and again, the Court reminds the bench and bar that the practice of law is not a right but a mere privilege subject to the inherent regulatory power of the Court.²⁴ It is a privilege burdened with conditions.²⁵ As such, lawyers must comply with its rigid standards, which include mental fitness, maintenance of highest level of morality, and full compliance with the rules of the legal profession.²⁶

In his letter, Judge Contreras informed the Court that because of his dilatory tactics employed by Atty. Venida, some of the cases that he handled or where he himself was the accused, had not moved since 1992. Judge Contreras asserted that Atty. Venida abused the Court's processes by filing

²² Id. at 423- 424.

²³ Id. at 426.

²⁴ *Maniago v. Atty. De Dios*, 631 Phil. 139, 145 (2010).

²⁵ *Lingan v. Atty. Calubaquib*, 737 Phil. 191, 209 (2014).

²⁶ Id.

impertinent motions and manifestations, which impeded and obstructed the administration of justice. According to Judge Contreras, the actions of Atty. Venida exhibited that he was defiant, recalcitrant and belligerent towards the authority of the court. Moreover, because of the numerous *pro-forma* motions for postponement he filed, which caused delays in the resolution of the cases, Atty. Venida had to be suspended as counsel for these cases. Atty. Venida also sought to inhibit Judge Contreras in the criminal cases against him and where he appeared as counsel, although there were no valid grounds for his inhibition. Likewise, Judge Contreras pointed out that Atty. Venida's language in his pleadings were offensive, disrespectful, and defiant of the authority of the court.

The Court also takes into consideration Atty. Venida's evasion from the court proceedings in this case for several years, including his previous administrative cases where he was meted the penalty of suspension, and eventually, disbarment. In view of the foregoing, the Court has more than enough reasons to mete out the penalty of indefinite suspension against Atty. Venida.

Disciplinary proceedings against lawyers are *sui generis*. Neither purely civil nor purely criminal, they do not involve a trial of an action or a suit, but are rather investigations by the Court into the conduct of one of its officers. Not being intended to inflict punishment, they are in no sense a criminal prosecution. Accordingly, there is neither a plaintiff nor a prosecutor therein. Public interest is their primary objective, and the real question for determination is whether or not the attorney is still a fit person to be allowed the privileges as such. Hence, in the exercise of its disciplinary powers, the Court merely calls upon a member of the Bar to account for his actuations as an officer of the Court with the end in view of preserving the purity of the legal profession and the proper and honest administration of justice by purging the profession of members who by their misconduct have proven themselves no longer worthy to be entrusted with the duties and responsibilities pertaining to the office of an attorney.²⁷

At this juncture, however, we can no longer impose the penalty of suspension against Atty. Venida, considering that he has already been previously disbarred. On August 23, 2016, the Court promulgated a Decision,²⁸ wherein, Atty. Venida, the same respondent in this case, was ordered disbarred and his name stricken off the Roll of Attorneys. The dispositive portion of the Decision reads:

²⁷ *Gatchalian Promotions Talent Pool, inc. v. Atty. Naldoza*, 374 Phil. 1, 10-11 (1999), citing: *In the Matter of the Proceedings for Disciplinary Action Against Atty. Almacen, et al. v. Yaptinchay*, 142 Phil. 353, 390 (1970).

²⁸ *San Juan v. Atty. Venida*, 793 Phil. 656 (2016)

WHEREFORE, respondent Atty. Freddie A. Venida is found GUILTY of violating Canons 16, 17, and 18, and Rules 1.01, 16.01, 18.03 and 18.04 of the Code of Professional Responsibility. Accordingly, he is hereby DISBARRED from the practice of law and his name is ORDERED stricken off from the Roll of Attorneys, effective immediately.

Atty. Venida is ordered to refund the amount of P29,000 to complainant Ethelene W. San Juan within thirty (30) days from notice. Otherwise, he may be held in contempt of court.

Let copies of this Decision be furnished all courts of the land, the Integrated Bar of the Philippines, and the Office of the Bar Confidant for their information and guidance, and let it be entered in Atty. Freddie A. Venida's record in this Court.

SO ORDERED.²⁹

In the aforementioned case, the Court sustained the findings of the IBP that Atty. Venida acted in bad faith and deceived the complainant, in violation of his sworn duties under the Lawyer's Oath and Code of Professional Responsibility. Records therein show that he was remiss and negligent in handling his client's case, notwithstanding his receipt of his acceptance and filing fees. Instead of filing the petition, Atty. Venida gave his client the runaround and led her to believe that the petition had already been filed. When pressed for updates, he evaded the complainant and refused to return her calls. Worse, the fees remained unaccounted for. The Court ruled that Atty. Venida's actions constitute dishonesty, abuse of trust and confidence, and betrayal of his client's interests. These acts undoubtedly speak of deceit. Such malfeasance is not only unacceptable, disgraceful, and dishonorable to the legal profession; it also reveals a basic moral flaw that makes him unfit to practice law.³⁰

Furthermore, the Court considered the past disbarment complaints filed against Atty. Venida. In G.R. No. 132826 entitled *Saa v. The Integrated Bar of the Philippines, Commission on Bar Discipline*,³¹ he was suspended for one (1) year from the practice of law for his blatant disregard of the Court's order and unduly delaying the complaint against him. Likewise, in A.C. No. 10043 entitled *Cabauatan v. Atty. Venida*,³² the Court found Atty. Venida guilty of violating Canons 17 and 18, and Rules 18.03 to 18.04 and suspended him from the practice of law for one (1) year. Despite having been repeatedly warned that a similar violation will merit a more severe penalty, his reprehensible

²⁹ Id. at 667.

³⁰ Id. at 666, citing *CF Sharp Crew Management Inc. v. Atty. Torres*, 743 Phil. 614, 620 (2014).

³¹ 614 Phil. 203, 209 (2009).

³² 721 Phil. 733, 739 (2013).

conduct has, time and again, brought embarrassment and dishonor to the legal profession.

It bears to reiterate that the penalty of suspension or disbarment can no longer be imposed on a lawyer who had been disbarred except for recording purposes.³³ Once a lawyer is disbarred, there is no penalty that could be imposed regarding his privilege to practice law. Nevertheless, the corresponding penalty should be adjudged for recording purposes on the lawyer's personal file with the OBC, which should be taken into consideration in the event that he subsequently files a petition for reinstatement.³⁴

WHEREFORE, in view of the foregoing, Atty. Freddie A. Venida is hereby **SUSPENDED INDEFINITELY** from the practice of law. However, this penalty can no longer be imposed considering that he is already disbarred. Nevertheless, the penalty should be considered in the event that he should apply for reinstatement.

Let a copy of this Decision be furnished the Office of the Bar Confidant to be entered into Atty. Freddie A. Venida's records. Copies shall likewise be furnished the Integrated Bar of the Philippines for their information and guidance, and the Office of the Court Administrator for circulation to all courts concerned.

SO ORDERED.

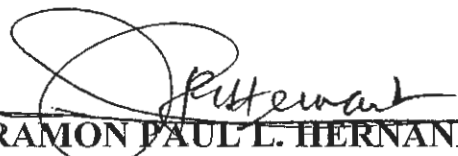

ALEXANDER G. GESMUNDO
Chief Justice



MARVIC M.V.F. LEONEN
Associate Justice


ALFREDO BENJAMIN S. CAGUIOA
Associate Justice

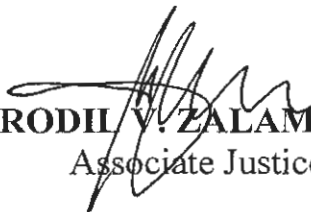
³³ *Sanchez v. Torres, M.D.*, 748 Phil. 18, 24 (2014).

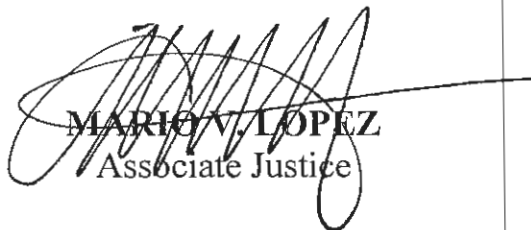
³⁴ *In Re: Order dated October 27, 2016 issued by Branch 137, Regional Trial Court, Makati in Criminal Case No. 14-765, complainant, v. Atty. Marie Frances E. Ramon, respondent*, A.C. No. 12456, September 8, 2020.



RAMON PAUL L. HERNANDO
Associate Justice



AMY C. LAZARO-JAVIER
Associate Justice


HENRI JEAN PAUL B. INTING
Associate Justice

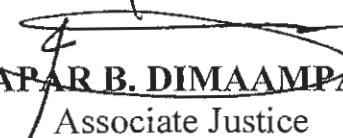

RODIL V. ZALAMEDA
Associate Justice


MARIO V. LOPEZ
Associate Justice


SAMUEL B. GAERLAN
Associate Justice


RICARDO R. ROSARIO
Associate Justice


JHOSEP Y. LOPEZ
Associate Justice


JAPAR B. DIMAAMPAO
Associate Justice


JOSE MIDAS P. MARQUEZ
Associate Justice


ANTONIO T. KHO, JR.
Associate Justice


MARIA FILOMENA D. SINGH
Associate Justice