



REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila

SECOND DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, Second Division, issued a Resolution dated July 20, 2022 which reads as follows:

“A.C. No. 12990 [Formerly CBD Case No. 17-5276] – (Re: In the Matter of the Appearance of Atty. Richard L. Anolin in Criminal Case No. 14-1507 [People of the Philippines v. Roy P. Regalado] v. Atty. Richard L. Anolin). – This administrative case arose from an Order¹ dated August 23, 2016 of Judge Carlo Martin A. Adille (*Judge Adille*) of the 1st Municipal Circuit Trial Court (*MCTC*) of Bato-San Miguel, Catanduanes. The said order is in connection with Criminal Case No. 14-1507 entitled, “*People of the Philippines v. Roy P. Regalado.*” Judge Adille is seeking the necessary action of the Integrated Bar of the Philippines (*IBP*) for Atty. Richard L. Anolin’s (*Atty. Anolin*) unauthorized practice of law.

In Criminal Case No. 14-507, Atty. Anolin was the counsel for the accused. Despite his suspension from the practice of law, which has not been lifted, he actively participated in the proceedings in Criminal Case No. 14-1507. In the said criminal case, he appeared during the March 16,² April 19,³ and May 31, 2016⁴ hearings.⁵ He also filed motions for postponement,⁶ as counsel, and representative of the accused.

The facts of the case are:

On February 10, 2016, this Court, through the Office of the Court Administrator (*OCA*) issued OCA Circular No. 45-2016,⁷ suspending Atty. Anolin from the practice of law for one (1) month. Despite Atty. Anolin’s suspension and without it being lifted from the practice of law, he continued to appear in court.⁸

¹ *Rollo*, pp. 1-2.

² TSN dated March 16, 2016, pp. 23-38.

³ TSN dated April 19, 2016, pp. 39-68.

⁴ TSN dated May 31, 2016, pp. 69-93.

⁵ *Rollo*, p. 13.

⁶ *Id.* at 4.

⁷ *Id.* at 3.

⁸ *Id.* at 206.

Thus, on September 21, 2016, the 1st MCTC of Bato-San Miguel, Catanduanes referred its Order dated August 23, 2016 in connection with Criminal Case No. 14-1507 (*People of the Philippines v. Roy P. Regalado* to the IBP, relative to Atty. Anolin's unauthorized practice of law.⁹

On February 8, 2017, the Commission on Bar Discipline (*CBD*) issued an Order requiring Atty. Anolin to submit his verified Comment/Answer to the attached document within 15 days from receipt of the Order. Atty. Anolin then filed three Urgent Motions for Extension of Time to File Comment or Answer. On July 7, 2017, He filed his verified Comment/Opposition when the case was set for mandatory conference. On the same day, the mandatory conference was terminated and Atty. Anolin was directed to submit his verified Position Paper within 30 days from receipt of the Order dated July 7, 2017.¹⁰

Atty. Anolin filed four Urgent Motions for Extension of Time to File Position Paper. Instead of filing his Position Paper on January 4, 2018, he filed a Manifestation that he is foregoing with the filing of his position paper and instead adopting the Comment/Opposition dated July 7, 2017, he had earlier filed.¹¹

In his Comment/Opposition,¹² dated July 7, 2017, Atty. Anolin admitted that he was **suspended from the practice of law for one month** in A.C. No. 10133 (*formerly CBD Case No. 06-1758* entitled *Atty. Imelda F. Aquino v. Atty. Richard L. Anolin*) by this Court in a **Resolution dated January 13, 2014, which Atty. Anolin received on February 18, 2014**. By March 18, 2014 or after the lapse of one month from receipt of the said resolution, Atty. Anolin, in good faith and honest belief, continued with his practice of law after service of his suspension. It was only when Judge Adille of the 1st MCTC of Bato-San Miguel, Catanduanes informed him that he needs to file a Motion with the Office of the Bar Confidant (*OBC*) to lift his suspension so that he can continue his practice of law, did he come to know of such requirement.¹³

The IBP's Report and Recommendation

On June 20, 2018, Commissioner Gina H. Mirano-Jesena recommended¹⁴ Atty. Anolin's suspension from the practice of law, in the case at bar (formerly CBD Case No. 17-5276), as follows:

⁹ *Id.* at 3-4.

¹⁰ *Id.* at. 205.

¹¹ *Id.* at 205.

¹² *Id.* at 163-169.

¹³ *Id.* at 167.

¹⁴ *Id.* at 204-207.

In view of the foregoing premises, the undersigned Investigating Commissioner respectfully recommends that Atty. Richard L. Anolin be suspended from the practice of law for a period of one (1) month.¹⁵

The Commission found Atty. Anolin's act of appearing in Criminal Case No. 14-1507 and resuming his practice, in the absence of this Court's Order lifting his suspension tantamount to poor judgment and negligence. The Commission, however, found no showing that Atty. Anolin was impelled by bad faith in committing the act for which he is charged.

On December 15, 2019, the Board of Governors of the IBP issued a Resolution,¹⁶ which adopted the finding of fact and recommendation 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 above-entitled case and finding the recommendation fully supported by the evidence on record and the applicable laws and rules, Atty. Richard L. Anolin is hereby SUSPENDED FROM THE PRACTICE OF LAW FOR ONE (1) MONTH.¹⁷

Thereafter, in a Resolution¹⁸ dated June 28, 2021, the records of the case was elevated to this Court.

Our Ruling

Since the practice of law is not a right, but a mere privilege, respondent must adhere to the inherent regulatory power of the Supreme Court to exact compliance with his public responsibilities as a lawyer.¹⁹

It must be pointed out that an order of suspension from the practice of law will not be automatically lifted upon the expiration of the suspension period.²⁰ For the lawyer to resume their practice of law, an order from this Court lifting the suspension at the end of the period is necessary.²¹ Therefore, Atty. Anolin should have first moved for the lifting of his suspension before returning to the practice of law per the following guidelines laid down in *Maniago v. Atty. De Dios*:²²

¹⁵ *Id.* at 207.

¹⁶ *Id.* at 202-203.

¹⁷ *Id.* at 202.

¹⁸ *Id.* at 208-209.

¹⁹ *Ching-Sedurifa v. Unay*, A.C. No. 11336, June 20, 2018. (Notice)

²⁰ *Miranda, Jr. v. Alvarez, Sr.*, A.C. No. 12196, September 3, 2018, 878 SCRA 489, 504.

²¹ *Supra* note 19.

²² 631 Phil. 139 (2010).

- 1) After a finding that respondent lawyer must be suspended from the practice of law, the Court shall render a decision imposing the penalty;
- 2) Unless the Court explicitly states that the decision is immediately executory upon receipt thereof, respondent has 15 days within which to file a motion for reconsideration thereof. The denial of said motion shall render the decision final and executory;
- 3) Upon the expiration of the period of suspension, respondent shall file a Sworn Statement with the Court, through the Office of the Bar Confidant, stating therein that he or she has desisted from the practice of law and has not appeared in any court during the period of his or her suspension;
- 4) Copies of the Sworn Statement shall be furnished to the Local Chapter of the IBP and to the Executive Judge of the courts where respondent has pending cases handled by him or her, and/or where he or she has appeared as counsel;
- 5) The Sworn Statement shall be considered as proof of respondent's compliance with the order of suspension;
- 6) Any finding or report contrary to the statements made by the lawyer under oath shall be a ground for the imposition of a more severe punishment, or disbarment, as may be warranted.²³

A lawyer who engages in the practice of law during the subsistence of an order of suspension may be subjected to six months of suspension for willful disobedience to a lawful order of this Court. In *Ibana-Andrade v. Paita-Moya*,²⁴ this Court ruled:

Previously, we had already stated the standard for discipline upon erring lawyers who continue practicing despite being suspended by the Court, viz.:

Under Section 27, Rule 138 of the Rules of Court, willful disobedience to any lawful order of a superior court is a ground for disbarment or suspension from the practice of law:

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 a 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

²³ *Id.* at 145-146.

²⁴ *Ibana-Andrade, et al. v. Paita-Moya*, 763 Phil. 687 (2015).

the purpose of gain, either personally or through paid agents or brokers, constitutes malpractice.

In *Molina v. Atty. Magat*, this court suspended further Atty. Ceferino R. Magat from the practice of law for six months for practicing his profession despite this court's previous order of suspension.

We impose the same penalty on Atty. Baliga for holding his position as Regional Director despite lack of authority to practice law.²⁵

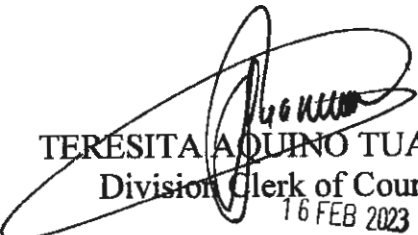
Here, the findings of fact and recommendation of the IBP Board of Governors and the Investigating Commissioners show that respondent was not impelled by bad faith, but merely poor judgment and negligence when he practiced his profession as a lawyer without having the order of his suspension lifted by this Court.

During one of his appearances before the 1st MCTC of Bato-San Miguel, Catanduanes as counsel for the accused, he admitted before the judge that he has not filed a motion to lift the order of his one-month suspension because of his honest belief that it shall be automatically lifted after the lapse of the said period.²⁶ Further, in his Comment/Opposition²⁷ filed before the IBP Commission on Bar Discipline, Atty. Anolin pointed out that he was counsel for the accused in Criminal Case No. 14-1507 out of his generosity and in order to accommodate the accused who is the best friend of his brother-in-law.²⁸ It can be gleaned that it was Atty. Anolin's mere inadvertence that led him to practice of law despite not having filed a motion to lift the order of his suspension after the lapse of his suspension period. With the foregoing circumstances, this Court finds that the penalty of fine in the amount of ₱10,000.00 would already suffice.

FOR THESE REASONS, respondent Atty. Richard L. Anolin is hereby ordered to pay a **FINE** of Ten Thousand Pesos (₱10,000.00) with a **STERN WARNING** that a repetition of the same offense or similar acts in the future shall be dealt with more severely.

SO ORDERED."

By authority of the Court:


TERESITA AQUINO TUAZON
Division Clerk of Court
16 FEB 2023

²⁵ *Id.* at 693-694.

²⁶ *Rollo*, p. 90.

²⁷ *Supra* note 12.

²⁸ *Id.* at 167.

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Municipal Circuit Trial Court
Bato-San Miguel, Bato
Catanduanes

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