



REPUBLIC OF THE PHILIPPINES  
SUPREME COURT  
Manila

SECOND DIVISION

**NOTICE**

Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated **February 13, 2023** which reads as follows:*

“A.C. No. 8414 (JULIANA C. COMPLETEO, substituted by her heirs namely, Wilfredo Completo Tan, Manuel Completo Tan, Eugenio Completo Tan, and Rosario Completo Tan, EMITERIA VICENTE AND ASUNCION DE JUAN, Complainants v. ATTY. EDITHA P. TALABOC, Respondent). - By Administrative Complaint<sup>1</sup> dated August 18, 2009, complainants Juliana Completo, Emiteria Vicente, and Asuncion De Juan charged respondent Atty. Editha Talaboc (Atty. Talaboc) with Gross Professional Misconduct. Complainants averred that they are residents of Nos. 43, 45, and 43, Layug Street corner Cuyegkeng, Barangay 2, Zone 1, San Rafael District, Pasay City, respectively. They have been occupying the lot as legitimate tenants since 1950. As such, they had constructed their respective houses thereon.<sup>2</sup>

Sometime in June 2006, complainants learned that First Golden Achiever Realty Development Corporation (First Golden) has sent letters of demand to the occupants of the lot, including themselves, to vacate. First Golden claimed to be the registered owner of the lot. Consequently, complainants engaged the services of Atty. Thelma Jader-Manalo (Atty. Jader-Manalo) to defend their rights as legitimate tenants of the property.<sup>3</sup> Eventually, they found out that the lot had been sold by its previous owner, Benigno Lim Chay Hun, to Alfredo Yu, who, in turn, sold the same to First Golden. The lot was sold without affording them the right of first refusal.<sup>4</sup>

As registered owner of the lot, First Golden filed several complaints with the Metropolitan Trial Court-Pasay City for Unlawful Detainer against all the occupants of the property, including herein complainants, to wit:<sup>5</sup>

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<sup>1</sup> *Rollo*, pp. 1-6.

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

<sup>3</sup> *Id.* at 2.

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

<sup>5</sup> *Id.*

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Civil Case [No.]	Branch	Defendant
609-06 CFM	44	Josefina Carlos
610-06 CFM	47	Lucy Bagsik
611-06 CFM	46	Minihaha Acosta
612-06 CFM	48	Heirs of Fidel Cairme
615-06 CFM	46	Corazon Arriola
<b>614-06 CFM</b>	<b>48</b>	<b>Emeteria Vicente</b>
<b>616-06 CFM</b>	<b>45</b>	<b>Juliana Completo</b>
<b>613-06 CFM</b>	<b>44</b>	<b>Asuncion Villaruel<sup>6</sup></b>

When complainants received their respective summonses in Civil Case Nos. 613-06, 614-06, and 616-06, they were approached by Punong Barangay Danilo Bagsik (Punong Barangay Bagsik) who recommended to them the legal services of Atty. Talaboc. Punong Barangay Bagsik mentioned that five other defendants, who were likewise being ejected by First Golden, had already engaged the legal services of Atty. Talaboc. Complainants, however, decided not to engage Atty. Talaboc because they had already taken in the services of another lawyer, Atty. Jader-Manalo.<sup>7</sup>

Atty. Jader-Manalo handled complainants' defense in Civil Case Nos. 613-06, 614-06, and 616-06, while the defendants in Civil Cases Nos. 609-06, 610-06, 611-06, 612-06, and 615-06 had engaged Atty. Talaboc as their counsel. All the defendants, including themselves, had common defenses, to wit: a) the lot is covered by the Urban Land Reform Zone, b) the occupants are legitimate tenants of the lot, and c) they were deprived of their right to purchase or exercise their right of first refusal.<sup>8</sup>

While the Unlawful Detainer cases pending, complainants jointly filed before the trial court an action against First Golden for Declaration of Nullity of Sale, Cancellation of TCT No. 135849, and Specific Performance for Exercise of Pre-Emptive Right to Buy<sup>9</sup> dated October 5, 2006. The case was docketed as Civil Case No. 06-1202-CFM. The subject matter and allegations in the said action are similar to those pleaded in the Unlawful Detainer cases.<sup>10</sup>

<sup>6</sup> *Id.* at 2.

<sup>7</sup> *Id.* at 2-3.

<sup>8</sup> *Id.* at 2.

<sup>9</sup> *Id.* at 69-75.

<sup>10</sup> *Id.* at 3-4.

On June 16, 2009, the counsel of record for First Golden in Civil Case No. 06-1202-CFM (Specific Performance case), Atty. Emmanuel Emilio P. Vergara, filed a Withdrawal of Appearance.<sup>11</sup> Subsequently, on July 2, 2009, Atty. Talaboc filed her Formal Entry of Appearance as counsel for First Golden in the said case.<sup>12</sup>

Complainants now aver that Atty. Talaboc failed to observe fairness and loyalty in her dealings with her clients in the five Unlawful Detainer cases when she accepted to represent First Golden in the Specific Performance case. By representing First Golden, Atty. Talaboc's actions were tainted with bad faith because she had used the knowledge she acquired in handling the Unlawful Detainer cases in defending First Golden in the Specific Performance case. There is a conflict of interest between the present client, First Golden, and the previous clients, Josefina Carlos (Carlos) in Civil Case No. 609-06, Lucy Bagsik (Lucy) in Civil Case No. 610-06, Minihaha Acosta (Acosta) in Civil Case No. 611-06, Heirs of Fidel Cairme (Heirs of Cairme) in Civil Case No. 612-06, and Corazon Arriola (Arriola) in Civil Case No. 615-06, which amounted to Gross Professional Misconduct.<sup>13</sup> They now seek appropriate disciplinary sanctions against Atty. Talaboc.<sup>14</sup>

By Resolution<sup>15</sup> dated October 28, 2009, the Court required Atty. Talaboc to file her Comment. Atty. Talaboc sought additional time to file the same, which the Court granted under Resolution dated February 1, 2010. Atty. Talaboc was granted an extension of 10 days from December 13, 2009, or until December 23, 2009, within which to file her Comment. Despite the grant of said extension, however, Atty. Talaboc still failed to file the same.

By Resolution dated July 11, 2011,<sup>16</sup> the Court resolved to require Atty. Talaboc to show cause why she should not be held administratively liable or in contempt of court for failing to file her Comment within the period granted. Still, Atty. Talaboc failed to comply with the said order. On September 18, 2017, the Court issued a Resolution<sup>17</sup> imposing a fine of PHP 1,000.00 on Atty. Talaboc for failing to comply with the show cause order.

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<sup>11</sup> *Id.* at 83.

<sup>12</sup> *Id.* at 85–86.

<sup>13</sup> *Id.* at 4–5.

<sup>14</sup> *Id.* at 5.

<sup>15</sup> *Id.* at 114.

<sup>16</sup> *Id.* at 233.

<sup>17</sup> *Id.* at 139.

By Resolution<sup>18</sup> dated June 4, 2018, the Court once again directed Atty. Talaboc anew to fully comply with its previous Resolution dated September 18, 2017, and file her Comment on the complaint. Subsequently, on August 14, 2019, the Court issued a Resolution<sup>19</sup> anew reiterating its June 4, 2018 directive and required Atty. Talaboc to comply and file her Comment within 10 days from notice.

By Resolution<sup>20</sup> dated February 17, 2021, the Court directed the Office of the Bar Confidant (OBC) to report the status of any other disciplinary cases filed against Atty. Talaboc. The OBC, in its Status Report dated December 14, 2022, informed the Court that there are 12 disciplinary cases against Atty. Talaboc pending before the Court.<sup>21</sup>

Finally, on July 3, 2021, Atty. Talaboc filed the required Comment with Motion to Admit.<sup>22</sup> She averred that there is no conflict of interest since she never represented the complainants in any of their cases, including the case they filed against First Golden. As to the belated filing of her Comment, Atty. Talaboc asked the Court for its consideration as she was overwhelmed with several medical concerns and illnesses, including chronic bronchial asthma and myocardial asthma. Too, she stayed in the United States of America for months because she had to donate bone marrow to her brother, who was being treated for leukemia. Lastly, she had to stay in her hometown in Mindanao to settle her family's affairs, as her father, eldest sister, and aunt had died.<sup>23</sup>

### Ruling

Conflict of Interest exists when a lawyer represents inconsistent interests of two or more opposing parties. The test is “whether or not on behalf of one client, it is the lawyer’s duty to fight for an issue or claim, but it is also their duty to oppose it for the other client. In brief, if they argue for one client, this argument will be opposed by them when they argue for the other client.”<sup>24</sup> Another test of the inconsistency of interests is whether the acceptance of a new relation will prevent an attorney from the full discharge of their duty of undivided fidelity and loyalty to their client or invite suspicion of unfaithfulness or double-dealing in the performance of said duty.<sup>25</sup>

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<sup>18</sup> *Id.* at 164-165.

<sup>19</sup> *Id.* at 202.

<sup>20</sup> *Id.* at 208.

<sup>21</sup> *Id.* at 424-427.

<sup>22</sup> *Id.* at 215-231.

<sup>23</sup> *Id.* at 229.

<sup>24</sup> See *Hornilla v. Salamat*, 453 Phil. 108, 111 (2003) [Per J. Ynares-Santiago, First Division].

<sup>25</sup> *Paces Industrial Corp. v. Salandanan*, 814 Phil. 93, 99 (2017) [Per J. Peralta, *En Banc*].

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Here, it is evident that when Atty. Talaboc represented the defendants Carlos, Lucy, Acosta, Heirs of Cairme, and Arriola in the Unlawful Detainer cases in Civil Cases Nos. 609-06, 610-06, 611-06, 612-06, and 615-06, on one hand, and First Golden in the Specific Performance case in Civil Case No. 06-1202-CFM, on the other, there is no conflict of interest to speak of. Consider:

**First.** The cases involve distinct and separate causes of action. In the Unlawful Detainer cases, the only issue sought to be resolved is the physical or material possession of the subject property, independent of any claim of ownership by any of the party litigants.<sup>26</sup> On the other hand, an action for specific performance is the remedy of requiring the exact performance of a contract in the specific form in which it was made, or according to the precise terms agreed upon. Before the remedy of specific performance may be availed of, there must be a breach of the contract.<sup>27</sup>

**Second.** There are different sets of clients involved. The other defendants represented by Atty. Talaboc in the Unlawful Detainer cases are not parties, nor are they involved in any manner, in the Specific Performance case filed by herein complainants against First Golden.

**Third.** There is no Attorney-Client Relationship between complainants and Atty. Talaboc. An attorney-client relationship commences when a lawyer signifies his agreement to handle a client's case and accepts money representing legal fees from the latter. From then on, a lawyer is duty-bound to "serve his client with competence and diligence," and in such regard, "not neglect a legal matter entrusted to him."<sup>28</sup> As it was, complainants declined the recommendation of Punong Barangay Bagsik to engage Atty. Talaboc as their counsel in the Unlawful Detainer cases because they had already taken in Atty. Jader-Manalo to handle their defense in the case. Hence, no lawyer-client nexus at all was established between them and Atty. Talaboc. Atty. Talaboc has not been placed in a position where she has to represent the so called conflicting claims of complainants and First Golden pertaining to the same cause of action and subject matter.

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<sup>26</sup> *Eversley Childs Sanitarium v. Spouses Anastacio Perlabarbarona*, 829 Phil. 111, 130 (2018) [Per J. Leonen, Third Division].

<sup>27</sup> *Ayala Life Assurance, Inc. v. Roy Burton Development Corporation*, 515 Phil. 431, 438 (2006) [Per J. Sandoval-Gutierrez, Second Division].

<sup>28</sup> *Samonte v. Jumamil*, A.C. No. 11668, 313 Phil. 795, 803 (2017) [Per J. Perlas-Bernabe, First Division].

Verily, complainants failed to prove their allegations of bad faith, disloyalty, and gross professional misconduct against Atty. Talaboc. They failed to present any substantial evidence to show that Atty. Talaboc abused confidential knowledge to gain an advantage in defending First Golden against complainants' action for specific performance. Engaging in negotiations with the adverse party is not per se a representation of conflicting interests.<sup>29</sup>

An attorney enjoys the legal presumption that they are innocent of the charges against them until the contrary is proved and that as an officer of the court, they are presumed to have performed their duties in accordance with their oath.<sup>30</sup> In administrative proceedings, the quantum of proof necessary for a finding of guilt is substantial evidence, which is the amount of relevant evidence that a reasonable mind might accept as adequate to support a conclusion. Further, the complainant has the burden of proving by substantial evidence the allegations in his or her complaint.<sup>31</sup> A complainant's failure to dispense the same standard of proof requires no other conclusion than that which stays the hand of the Court from meting out a disbarment or suspension order.<sup>32</sup> Bare allegations of misconduct cannot prevail over the presumption of regularity in the performance of official functions.<sup>33</sup>

Nonetheless, it has not escaped this Court's attention that Atty. Talaboc repeatedly failed to heed the Court's directive for her to file her Comment on the complaint, despite the fact that she herself even sought additional time to do so. *Dumanlag v. Intong*<sup>34</sup> prescribes the penalties that may be imposed on a lawyer who fails to file their comment on an administrative complaint, viz:

It has been stressed that the determination of whether an attorney should be disbarred or merely suspended for a period involves the exercise of sound judicial discretion. **The penalties for a lawyer's failure to file a brief or other pleading range from reprimand, warning with fine, suspension, and, in grave cases, disbarment.** . . .<sup>35</sup> (Emphasis supplied)

<sup>29</sup> *Tan v. Alvarico*, A.C. No. 10933, November 3, 2020 [Per J. Peralta, First Division].

<sup>30</sup> *Jonathan Parungao v. Lacuanan*, A.C. No. 12071, March 11, 2020 [Per J. Hernandez, Second Division].

<sup>31</sup> See *BSA Tower Condominium Corporation v. Atty. Alberto Reyes III*, 833 Phil. 588, 959 (2018) [Per J. Peralta, Second Division].

<sup>32</sup> See *Reyes v. Nieva*, 794 Phil. 360 (2016) [Per J. Perlas-Bernabe, *En Banc*].

<sup>33</sup> See *Coquia v. Lajorteza*, 805 Phil. 400, 408 (2017) [Per J. Peralta, Second Division].

<sup>34</sup> A.C. No. 8638, 797 Phil. 1 (2016) [Per J. Perlas-Bernabe, First Division].

<sup>35</sup> *Id.* at 10.

Indeed, Atty. Talaboc's acts of seeking an extension of time to file her Comment on the complaint but failing to file it within the requested period and even within the additional periods granted by the Court, ignoring the Court's show cause order, and thereafter, filing her Comment only on July 3, 2021, way beyond the additional periods granted by the Court, not only indicated a high degree of irresponsibility but constituted utter disrespect to the judicial institution.<sup>36</sup> Too, she failed to adduce any proof of payment of the PHP 1, 000.00 fine imposed by the Court. The orders of the Court are not to be construed as a mere request, nor should they be complied with partially, inadequately, or selectively.<sup>37</sup>

**FOR THESE REASONS, the Court RESOLVES to:**

- 1) DISMISS** the complaint for lack of merit;
- 2) DENY** the Motion to Admit Comment for failure to comply with the Resolution dated August 14, 2019; and
- 3) IMPOSE a fine** on Atty. Editha P. Talaboc in the amount of **Ten Thousand Pesos (PHP 10,000.00)** for repeatedly failing to meet the Court's directive to file her Comment on the complaint within the given periods, with **STERN WARNING** that a repetition of the same or similar infraction will be severely dealt with.

**SO ORDERED.”**

By authority of the Court:

TERESITA AQUINO TUAZON  
Division Clerk of Court

By:



MA. CONSOLACION GAMINDE-CRUZADA  
Deputy Division Clerk of Court <sup>mg/</sup>klg

17 OCT 2023

<sup>36</sup> See *Sebastian v. Atty. Emily Bajar*, 599 Phil. 211, (2007) [Per J. Carpio, *En Banc*].

<sup>37</sup> *In re: G.R. No. 185806 Abellanos, et al. v. COA and NHA v. Atty. Cipriano P. Lupeba*, A.C. No. 12426, March 5, 2019 [Per Curiam, *En Banc*]

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