



Republic of the Philippines  
Supreme Court  
Manila

FIRST DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, First Division, issued a Resolution dated February 24, 2020 which reads as follows:*

**“A.C. No. 8651 [Formerly CBD Case No. 12-3310] – MARCHRI, INC. REPRESENTED BY MR. ANTONIO T. BALDOZA, complainant, versus ATTY. VICTORIANO L. TIZON AND ATTY. MICHAEL FRANK V. MIGUEL, respondents.**

A person cannot take the law into his own hands regardless of the merits of his theory.<sup>1</sup> In the same light, a lawyer who failed to use peaceful and legal methods in seeking justice constitutes transgression of the ordinary processes of law. One such instance is present in this administrative case filed by Marchri, Inc. against Atty. Victoriano Tizon and Atty. Michael Frank Miguel.

ANTECEDENTS

Marchri, Inc. owned a beach house in Sac-Sac, Bacong, Negros Oriental leased to Spouses Robert and Flora Higgins. On December 24, 2009, Atty. Victoriano Tizon and Atty. Michael Frank Miguel went to the property and introduced themselves as lawyers of Vilma Colet. Thereafter, Atty. Tizon and Atty. Miguel demanded that they be allowed to enter the premises to retrieve a Mini-Pajero parked in its garage. Allegedly, their client’s husband Raymond Colet used the vehicle and stayed in the beach house until his death in May 2009.<sup>2</sup> However, the caretaker Antonio Baldoza refused them entry. Thus, Atty. Tizon tied one end of a rope to the gate of the beach house, and the other end of the rope to the rear of a pick-up truck. Atty. Tizon drove the pick-up truck, thereby pulling the rope and forcibly opening the gate. Atty. Tizon and Atty. Miguel then took the Mini-Pajero.<sup>3</sup>

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<sup>1</sup> See *Rural Bank of Calape, Inc. (RBCI) Bohol v. Florido*, 635 Phil. 176 (2010).

<sup>2</sup> *Rollo*, p. 162.

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



Aggrieved, Marchri, Inc., represented by Baldoza, filed a complaint<sup>4</sup> for disbarment before the Supreme Court against Atty. Tizon and Atty. Miguel for violation of Canon 1 of the Code of Professional Responsibility (CPR).

In his comment, Atty. Miguel argued that Marchri, Inc. executed a memorandum of agreement dated July 29, 2006 in favor of Raymond Colet pertaining to the lawful possession of the beach house.<sup>5</sup> Yet, Spouses Higgins interfered with their peaceful occupation<sup>6</sup> by forcibly entering and ransacking the house.<sup>7</sup> The Mini-Pajero remained inside prompting Vilma Colet to file an action for ejectment with the trial court and an administrative case with the National Police Commission against Spouses Higgins and their cohorts.<sup>8</sup> Atty. Tizon corroborated the narration but clarified that he merely assisted Atty. Miguel in towing the vehicle.<sup>9</sup> Lastly, Atty. Miguel was armed with a special power of attorney from his client authorizing him to retrieve the vehicle. However, the caretaker refused upon the instructions of Robert Higgins. The incident led to a heated argument where Atty. Tizon forcibly opened the gate and towed the vehicle.<sup>10</sup>

The Court referred the case to the Integrated Bar of the Philippines (IBP) for investigation. In its report,<sup>11</sup> the IBP-Commission on Bar Discipline recommended that the complaint be dismissed because Atty. Tizon and Atty. Miguel had a well-founded right to take possession of the Mini-Pajero pursuant to the special power of attorney. However, the IBP Board of Governors reversed the Commission's findings and suspended Atty. Tizon and Atty. Miguel from the practice of law for six months.<sup>12</sup> Upon motion for

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<sup>4</sup> *Rollo*, pp. 1-5.

<sup>5</sup> *Id.* at 28-29.

<sup>6</sup> *Id.* at 162.

<sup>7</sup> *Id.* at 162-163. First, on June 29, 2009, while Vilma Colet was out of town, Robert Higgins went to the beach house, ransacked it, and destroyed the lock of the gate. Second, on September 11, 2009, Flora Higgins, who is a police officer, in complete police uniform, together with fully armed policemen in SWAT uniforms, barged into the premises, intimidated the caretakers, destroyed the door knob of the beach house, and took personal properties. On the evening of the same day, Spouses Higgins succeeded in occupying the beach house.

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

<sup>9</sup> *Rollo*, p. 164.

<sup>10</sup> *Id.* at 163-164.

<sup>11</sup> *Id.* at 155-160.

<sup>12</sup> *Id.* at 167.

reconsideration,<sup>13</sup> the IBP reduced the penalty from suspension to reprimand.

### RULING

We adopt with modification the IBP's findings and recommendation.

It is undisputed that Atty. Tizon and Atty. Miguel are well aware that the beach house and the Mini-Pajero are in possession of Spouses Higgins. Nevertheless, they forcibly opened the gate of the property to recover the vehicle. As the IBP aptly observed, the respondents took the law into their own hands instead of resorting to the appropriate legal remedies. They should have advised their client on how to peaceably resolve the dispute rather than allowing themselves to be instruments of violence in gross disregard of the well-entrenched laws and procedure regarding the recovery of property – which they ought to respect and uphold.

The fact that the respondents' client owned the vehicle and had won the ejectment case before the trial court do not excuse their failure to maintain the orderly administration of justice. Besides, there is no showing that the Decision in the ejectment case had become final and executory. At any rate, their administrative liability is not anchored in the legitimacy of their client's cause, but on the wrongful manner they decided to champion it. As members of the bar, their acts of personally employing force to advocate their client's interest reflect adversely on the image of the members of the legal profession who are burdened with utmost compliance with and respect to the laws and legal processes.

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<sup>13</sup> *Id.* at 127-135. Atty. Tizon and Atty. Miguel moved for reconsideration on the following grounds: (a) Marchri, Inc. failed to failed to substantiate the charges against them and failed to participate in the proceedings; (b) they merely acted in good faith when they retrieved the vehicle specially that they were expressly authorized by the owner and that their client was unlawfully dispossessed of the beach house; (c) they immediately deposited the vehicle to Bacong PNP Station for safe-keeping and protection; and (d) the penalty of suspension is improper because they acted in good faith, did not cause any material damage to Marchri, Inc., and had no prior record of any administrative case against them.

Taken together, the respondents violated Canon 1,<sup>14</sup> Rules 1.01<sup>15</sup> and 1.02,<sup>16</sup> and Canon 7,<sup>17</sup> Rule 7.03<sup>18</sup> of the CPR when they failed to respect the law and impress upon their client the resort to legal means of settling disputes. In *Catu v. Atty. Rellosa*,<sup>19</sup> the Court emphasized that lawyers are servants of the law, *viz.*:

x x x Lawyers are servants of the law, *vires legis*, men of the law. Their paramount duty to society is to obey the law and promote respect for it. To underscore the primacy and importance of this duty, it is enshrined as the first canon of the Code of Professional Responsibility.

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Indeed, a lawyer who disobeys the law disrespects it. In so doing, he disregards legal ethics and disgraces the dignity of the legal profession.

Public confidence in the law and in lawyers may be eroded by the irresponsible and improper conduct of a member of the bar. Every lawyer should act and comport himself in a manner that promotes public confidence in the integrity of the legal profession.<sup>20</sup> (Citations omitted.)

The case of *Jimenze v. Atty. Francisco*<sup>21</sup> is likewise instructive, thus:

Canon 1 clearly mandates the obedience of every lawyer to laws and legal processes. To the best of his ability, a lawyer is expected to respect and abide by the law and, thus, avoid any act or omission that is contrary thereto. A lawyer's personal deference to the law not only speaks of his character but it also inspires respect and obedience to the law, on the part of the public. Rule 1.0, on the other hand, states the norm of conduct to be observed by all lawyers.

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<sup>14</sup> CANON 1 — A lawyer shall uphold the constitution, obey the laws of the land and promote respect for law and for legal processes.

<sup>15</sup> RULE 1.01 — A lawyer shall not engage in unlawful, dishonest, immoral or deceitful conduct.

<sup>16</sup> RULE 1.02 — A lawyer shall not counsel or abet activities aimed at defiance of the law or at lessening confidence in the legal system.

<sup>17</sup> CANON 7 — A lawyer shall at all times uphold the integrity and dignity of the legal profession, and support the activities of the integrated bar.

<sup>18</sup> RULE 7.03 — A lawyer shall not engage in conduct that adversely reflects on his fitness to practice law, nor shall he, whether in public or private life, behave in a scandalous manner to the discredit of the legal profession.

<sup>19</sup> 569 Phil. 539 (2008).

<sup>20</sup> *Id.* at 550.

<sup>21</sup> 749 Phil. 551 (2014).

Membership in the legal profession is bestowed upon individuals who are not only learned in law, but also known to possess good moral character. Lawyers should act and comport themselves with honesty and integrity in a manner beyond reproach, in order to promote the public's faith in the legal profession. "To say that lawyers must at all times uphold and respect the law is to state the obvious, but such statement can never be overemphasized. Considering that, of all classes and professions, [lawyers are] most sacredly bound to uphold the law, it is imperative that they live by the law."<sup>22</sup> (Citations omitted.)


Anent the appropriate penalty, we deemed it proper to suspend Atty. Tizon and Atty. Miguel from the practice of law for a period of six months. In *Amomopon, Sr. v. Atty. Cabilan*,<sup>23</sup> the Court suspended the respondent lawyer for the same period after taking the law into his hands. In that case, the respondent admitted that he hired men to destroy the padlocks of the roll-up doors of a leased building and took the properties of the school because the complainant forcibly deprived it of the possession for failure to pay rents.

**FOR THESE REASONS**, the Court finds Atty. Victoriano Tizon and Atty. Michael Frank Miguel **GUILTY** of violating Canon 1, Rules 1.01 and 1.02, and Canon 7, Rule 7.03 of the Code of Professional Responsibility and are **SUSPENDED** from the practice of law for a period of six months.

Let copies of this decision be furnished the Office of the Bar Confidant, the Integrated Bar of the Philippines, and all courts all over the country. Let a copy of this decision be attached to the personal records of the respondents.

**SO ORDERED.** *Reyes, J. Jr, J., on official leave.*

Very truly yours,

  
**LIBRADA C. BUENA**  
Division Clerk of Court

by:

**MARIA TERESA B. SIBULO**  
Deputy Division Clerk of Court

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<sup>22</sup> *Id.* at 565-566.

<sup>23</sup> A.C. No. 11133, January 30, 2017 (Notice). See also *Ong v. Atty. Delos Santos*, 728 Phil. 332 (2014), *Tan, Jr. v. Atty. Gumba*, 674 Phil. 317, *Spouses Tejada v. Atty. Palaña*, 557 Phil. 517, *Dr. Sanchez v. Atty. Somoso*, 459 Phil. 209.



Mr. Antonio T. Baldoza  
Complainant's Representative  
Sac-Sac Bacong  
6216 Negros Oriental

Atty. Victoriano L. Tizon  
Respondent  
No. 117 South National Highway  
Tabuctubig, Dumaguete City  
6200 Negros Oriental

Atty. Michael Frank V. Miguel  
Respondent  
Unit 2E, 2<sup>nd</sup> Floor, Yala Building  
Calindagan, Dumaguete City  
6200 Negros Oriental

Integrated Bar of the Philippines  
1605 Pasig City

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