



Republic of the Philippines  
Supreme Court  
Manila

SECOND DIVISION

**INOCENTES DOMIE  
BALANSAG, JOEL MOLEJON,  
and BONIFACIO CATARATA,**  
Complainants,

- versus -

**ATTY. DAVE DUALLO and  
ATTY. RODOLFO DACALOS,  
JR.,**

Respondents.

A.C. No. 11020

LEONEN, S.A.J., *Chairperson*,  
LAZARO-JAVIER,  
*Acting Chairperson*,  
LOPEZ, M.,  
LOPEZ, J., and  
KHO, JR., JJ.

Promulgated:

MAY 15 2024

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DECISION

**KHO, JR., J.:**

For the Court's resolution is an administrative Complaint<sup>1</sup> dated October 15, 2015 filed by complainants Inocentes Domie Balansag, Joel Molejon, and Bonifacio Catarata (complainants) against respondents Atty. Dave D. Duallo (Duallo) and Atty. Rodolfo Dacalos, Jr. (Dacalos; collectively, respondents) for alleged abuse of the judicial process and for blatantly mocking the administration of justice by filing baseless motions.

\* On official business.

<sup>1</sup> Rollo, pp. 2-4.

### The Facts

The instant Complaint is an offspring of a 1997 labor case filed by complainants against Timothy Bakeshop, a sole proprietorship. In 1999, the labor arbiter (LA) rendered a Decision in favor of complainants. On appeal, the NLRC affirmed the LA ruling with modification, increasing the monetary awards due to complainants. The Rule 65 Petition filed by Timothy Bakeshop to the Court of Appeals was dismissed in 2008. Records reveal that Timothy Bakeshop no longer appealed to the Court; hence, the NLRC ruling attained finality.<sup>2</sup>

Respondents, then entered their appearance at the execution stage as counsels of Timothy Bakeshop before the LA wherein they filed a Motion to Stay Execution of Judgment and to Declare the Proceedings of the Case Null and Void. Said Motion was denied. Aggrieved, respondents, on behalf of Timothy Bakeshop, filed an Appeal to the NLRC but the same was also denied. Respondents then filed a Rule 65 Petition for *Certiorari* before the CA, which was, however, likewise denied in a Decision dated July 31, 2015. In its ruling, the CA held, among others, that “it is worth reiterating that [Timothy Bakeshop, through respondents] had apparently employed dilatory tactics by filing numerous pleadings and motions notwithstanding the fact that the case had already attained finality.” The CA then went on to say that “Under the circumstances, [Timothy Bakeshop’s] recourse cannot but be regarded as dilatory move. It must be borne in mind that an abuse of the judicial process is a blatant mockery of justice.”<sup>3</sup>

Citing the foregoing observations of the CA, complainants filed the instant administrative disciplinary case against respondents, praying that: (a) they be spared from the endless delays and suffering in their quest for justice; and (b) respondents be properly disciplined and stopped from endlessly subverting the administration of justice through abuse of judicial processes.<sup>4</sup>

For their defense, respondents averred that despite the filing and the pendency of the actions taken by respondents, complainants have succeeded in having the Decision executed and fully satisfied. The real properties of respondents’ clients were levied, auctioned, and the titles of the lots were ultimately transferred to the complainants’ names. Hence, it was wrong for complainants to say that respondents’ actions delayed or impeded the execution of the Decision. Further, respondents insisted that Jane Kyamko (Kyamko), the owner of Timothy Bakeshop, went to them for help as to the alleged forged Complaint by complainants. According to Kyamko, complainants confessed to her that they did not actually file the Complaint in the labor case. Respondents believed that Kyamko had a valid grievance.<sup>5</sup>

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<sup>2</sup> *Id.* at 86–87.

<sup>3</sup> *Id.* at 87.

<sup>4</sup> *Id.* at 86–87.

<sup>5</sup> *Id.* at 87–88.

### **The IBP Report and Recommendation**

In a Report and Recommendation<sup>6</sup> dated March 12, 2020, the Integrated Bar of the Philippines (IBP) Investigating Commissioner (IC) recommended that respondents be found administratively liable for violating Canon 10, Rule 10.03 and Canon 12, Rule 12.04 of the Code of Professional Responsibility (CPR), and accordingly, impose on them the penalty of suspension from the practice of law for a period of six months.<sup>7</sup>

Preliminarily, the IC ruled that while respondents may be in good faith and therefore excused from filing the Motion to stay execution due to alleged forgery of the initiatory Complaint, respondents are not however excused from filing the subsequent Petition for *Certiorari* and Motions *after complainants themselves affirmed their signatures in the Complaint.* According to the IC, the filing of the Petition for *Certiorari* and other Motions constitute abuse of the court's processes and improper conduct which tend to impede, obstruct, and degrade the administration of justice. According to the IC, respondents' acts constitute violations of the aforesaid provisions of the CPR.<sup>8</sup>

In a Resolution<sup>9</sup> dated August 14, 2021, the IBP Board of Governors adopted and approved the IC's Report and Recommendation suspending respondents from the practice of law for a period of six months.

### **The Issue Before the Court**

The issue for the Court's resolution is whether respondents should be held administratively liable for the acts complained of.

### **The Court's Ruling**

The Court affirms and adopts the findings and recommendations of the IBP.

While it is true that respondents indeed owe fidelity to the cause of his client and is expected to serve the latter with competence and diligence, professional rules, however, impose limits on a lawyer's zeal and hedge it with necessary restrictions and qualifications.<sup>10</sup> Lawyers are required, under the Code of Professional Responsibility and Accountability (CPRA), to assist

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<sup>6</sup> *Rollo*, pp. 86–89. Signed by Investigating Commissioner Carmelita R. Eleazar.

<sup>7</sup> *Id.* at 89.

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

<sup>9</sup> *Id.* at 84–85.

<sup>10</sup> *Millare v. Montero*, 316 Phil. 29, 34 (1995) [Per J. Quiason, First Division].

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in the speedy and efficient administration of justice.<sup>11</sup> Furthermore, lawyers are required to observe fairness and obedience to the law.<sup>12</sup>

In this regard, case law instructs that a lawyer does not have an unbridled right to file pleadings, motions, and cases, as he or she pleases<sup>13</sup> as limitations thereto may be inferred from, *inter alia*, Canon II, Sections 2 and 5, and Canon III, Sections 2 and 7, all of which respectively read:

CANON II  
Propriety

SECTION 2. *Dignified Conduct.* — A lawyer shall respect the law, the courts, tribunals, and other government agencies, their officials, employees, and processes, and act with courtesy, civility, fairness, and candor towards fellow members of the bar.

. . . .

SECTION 5. *Observance of Fairness and Obedience.* — A lawyer shall, in every personal and professional engagement, insist on the observance of the principles of fairness and obedience to the law.

CANON III  
Fidelity

SECTION 2. *The Responsible and Accountable Lawyer.* — A lawyer shall uphold the constitution, obey the laws of the land, promote respect for laws and legal processes, safeguard human rights, and at all times advance the honor and integrity of the legal profession.

As an officer of the court, a lawyer shall uphold the rule of law and conscientiously assist in the speedy and efficient administration of justice.

As an advocate, a lawyer shall represent the client with fidelity and zeal within the bounds of the law and the CPRA.

SECTION 7. *Prohibition Against Frivolous Suits and Abuse of Court Processes.* — A lawyer shall not:

- (a) file or encourage the filing of any suit or proceeding not authorized by law or jurisprudence and without any evidentiary support;
- (b) unduly impede the execution of an order or judgment which is warranted; or
- (c) abuse court processes.

Pursuant to the foregoing tenets, it is thus unethical for a lawyer to abuse or wrongfully use the judicial process—such as the filing of dilatory

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<sup>11</sup> CODE OF PROF. RESPONSIBILITY & ACCOUNTABILITY, Canon III, sec. 2.

<sup>12</sup> *Id.* at Canon II, sec. 5.

<sup>13</sup> *See Ret. Judge Alpajora v. Atty. Calayan*, 823 Phil. 93 (2018) [Per J. Gesmundo, *En Banc*].

motions, repetitious litigation, and frivolous appeals—for the sole purpose of frustrating and delaying the execution of a judgment.<sup>14</sup>

Here, in an attempt to absolve themselves from administrative liability respondents averred that Kyamko insisted the case was based on a forged Complaint and that complainants never appeared before the LA to subscribe to their Complaint. Respondents believed that Kyamko had a valid grievance to warrant the stay of the execution of the Decision.

Respondents' contentions deserve scant consideration.

Here, the LA rendered a judgment in favor of complainants in 1999. The same was then affirmed by the NLRC and consequently attained finality in 2002. Nevertheless, respondents filed the following actions to delay and disturb the orderly execution of the judgment: (a) Motions to Stay Execution of the Judgment and to Declare the Proceedings of the Case Null and Void dated July 17, 2009, which was denied by the LA in an Order dated December 1, 2010; (b) Appeal before the NLRC questioning the denial of the Motions, which was dismissed by the NLRC on July 29, 2011; and (c) the Rule 65 Petition before the CA, which was dismissed on July 31, 2015.

As aptly pointed out by the IC, respondents caused unjust delays in the administration of justice by filing the Petition for *Certiorari* and the other Motions. This Court thereby agrees with the IC's findings that the Petition for *Certiorari* was no longer necessary as the alleged forgery of the Complaint was laid to rest when complainants themselves affirmed their signatures therein, as reflected in the December 1, 2010 Order of the LA. Verily, respondents cannot hide behind the pretense of advocating their client's cause to escape liability for his actions that delayed and frustrated the administration of justice.<sup>15</sup> It bears pointing out that in doing the foregoing acts, respondents likewise violated the Lawyer's Oath by disregarding their duty to "delay no man for money or malice." In sum, respondents' deplorable acts must not be countenanced, and for this purpose, they must be held administratively liable, as recommended by the IBP.

Respondents' administrative liability having been established, the Court now looks into the proper penalty to be imposed on them. In *Saa v. IBP*,<sup>16</sup> the Court suspended the erring lawyer for one year who was found to have violated Canon 1, Rule 1.03 and Canon 12, Rule 12.04 of the CPR for delaying the resolution of a case. Further, in *David v. Rongal, et al.*,<sup>17</sup> the Court suspended the first-time offenders-lawyers in that case for a period of one year for committing the same violations. In *Heirs of Reyes v. Brillantes*,<sup>18</sup>

<sup>14</sup> *Avida Land Corp. v. Argosino*, 793 Phil. 210 (2016) [Per C.J. Sereno, First Division].

<sup>15</sup> *Id.* at 223.

<sup>16</sup> 614 Phil. 203 (2009) [Per J. Corona, First Division].

<sup>17</sup> 875 Phil. 31 (2020) [Per Curiam, En Banc].

<sup>18</sup> A.C. No. 9594, April 5, 2022 [Per J. Inting, First Division].

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the erring lawyer was suspended for six months for transgressing the same provisions of the CPR. Finally, in *Williams v. Atty. Enriquez*,<sup>19</sup> for violation of Canon 12, the erring lawyer was suspended from the practice of law for six months. Guided by the foregoing, and further considering the circumstances of this case that the judgment in favor of complainants was already executed and fully satisfied, the Court deems it appropriate to affirm the recommended penalty and impose on respondents the penalty of suspension from the practice of law for a period of six months.

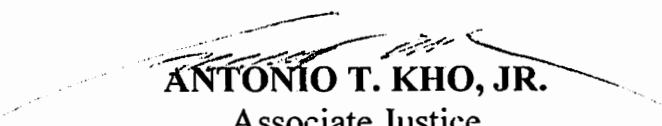
**ACCORDINGLY**, the Court finds respondents Atty. Dave D. Duallo and Atty. Rodolfo Dacalos, Jr. **GUILTY** of violating the Lawyer's Oath and Canons II and III of the Code of Professional Responsibility and Accountability. They are hereby **SUSPENDED** from the practice of law for a period of six months. They are also **STERNLY WARNED** that a repetition of the same or similar acts in the future shall be dealt with more severely.

The suspension from the practice of law shall take effect immediately upon receipt of this Decision by respondents. They are **DIRECTED** to immediately file their respective Manifestations to the Court that their suspensions have started, copy furnished all courts and quasi-judicial bodies where they have entered their appearance as counsel.

Let copies of this Decision be furnished to the Office of the Bar Confidant to be appended to respondents' personal records as attorneys; the Integrated Bar of the Philippines for its information and guidance; and the Office of the Court Administrator for circulation to all courts in the country.

After completing their suspension, respondents shall file with the Office of the Bar Confidant a Sworn Statement pursuant to Section 45 of the Code of Professional Responsibility and Accountability.

**SO ORDERED.**



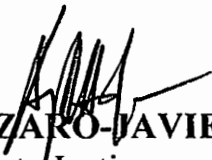
**ANTONIO T. KHO, JR.**  
Associate Justice

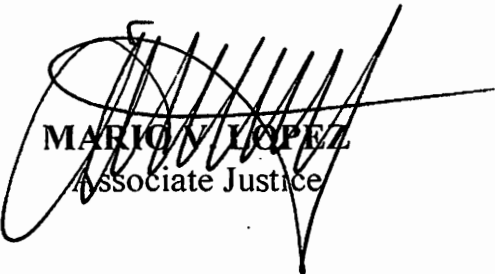
**WE CONCUR:**

**On official business**  
**MARVIC M.V.F. LEONEN**  
Senior Associate Justice

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<sup>19</sup> A.C. No. 6321, July 26, 2023 [Per J. Lazaro-Javier, Second Division].

  
**AMY C. LAZARO-JAVIER**  
Associate Justice  
Acting Chairperson

  
**MARION LOPEZ**  
Associate Justice

  
**JHOSEP Y. LOPEZ**  
Associate Justice