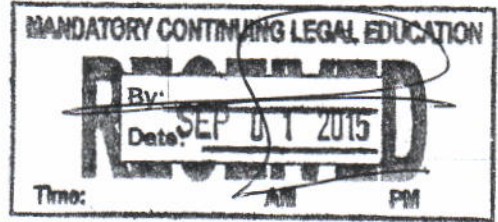




Republic of the Philippines  
Supreme Court  
Manila

SECOND DIVISION



SAMUEL B. ARNADO,  
Complainant,

- versus -

A.C. No. 9834

ATTY. HOMOBONO A. ADAZA,  
Respondent.

X-----X

August 28, 2015

NOTICE OF JUDGMENT

Sir/Madam:

Please take notice that on August 26, 2015 a Decision, copy attached herewith, was rendered by the Supreme Court in the above-entitled case(s), the original of which was received by this Office on August 28, 2015 at 11:00 a.m.

Very truly yours,

**MA. LOURDES C. PERFECTO**  
Division Clerk of Court

By: .

*[Signature]*  
**TERESITA AQUINO TUAZON**  
Deputy Division Clerk of Court

-PAGE 2-

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THE BAR CONFIDANT (x)  
Supreme Court, Manila

\*COURT MANAGEMENT OFFICE (x)  
Office of the Court Administrator  
Supreme Court, Manila

\*HON. JOSE MIDAS P. MARQUEZ (x)  
Court Administrator

\*Note: For dissemination to all courts  
\*\* For dissemination to all Chapters *JK/4*



Republic of the Philippines  
Supreme Court  
Manila

SECOND DIVISION

SAMUEL B. ARNADO,  
Complainant,

A.C. No. 9834

Present:

- versus -

CARPIO, J., Chairperson,  
DEL CASTILLO,  
MENDOZA,  
LEONEN, and  
JARDELEZA,\* JJ.

ATTY. HOMOBONO A. ADAZA,  
Respondent.

Promulgated:  
26 AUG 2015

x-----

DECISION

CARPIO, J.:

The Case

This is an administrative case against Atty. Homobono A. Adaza (respondent) for his failure to comply with the requirements of the Mandatory Continuing Legal Education (MCLE) under Bar Matter No. 850.

The Antecedent Facts

In a letter, dated 15 March 2013, Atty. Samuel B. Arnado (complainant) called the attention of this Court to the practice of respondent of indicating "MCLE application for exemption under process" in his pleadings filed in 2009, 2010, 2011, and 2012, and "MCLE Application for Exemption for Reconsideration" in a pleading filed in 2012. Complainant informed the Court that he inquired from the MCLE Office about the status of respondent's compliance and received the following Certification, dated 2 January 2013, from Prof. Myrna S. Feliciano (Prof. Feliciano), MCLE's Executive Director:

\* Designated acting member per Special Order No. 2147 dated 24 August 2015.



This is to certify that per our records, ATTY. HOMOONO A. ADAZA with Roll Number 14118 of IBP MISAMIS ORIENTAL Chapter did not comply with the requirements of Bar Matter [No.] 850 for the following compliance periods:

- a. First Compliance Period (April 15, 2001 - April 14, 2004)
- b. Second Compliance Period (April 15, 2004 – April 14, 2007)
- c. Third Compliance Period (April 15, 2007 – April 14, 2010)

This is to further certify that Atty. Adaza filed an Application for Exemption from the MCLE requirement on (sic) January 2009 but was DENIED by the MCLE Governing Board on (sic) its January 14, 2009 meeting.<sup>1</sup>

In its Resolution dated 17 June 2013, the Court referred this case to the MCLE Committee for evaluation, report and recommendation.

In a letter, dated 5 August 2013, Atty. Jesusa Jean D. Reyes (Atty. Reyes), Assistant Executive Officer of the MCLE Office, forwarded to the Court the *rollo* of the case together with the MCLE Governing Board's Evaluation, Report and Recommendation.<sup>2</sup> In its Evaluation, Report and Recommendation<sup>3</sup> dated 14 August 2013,<sup>4</sup> the MCLE Governing Board, through retired Supreme Court Associate Justice Bernardo P. Pardo (Justice Pardo), MCLE Chairman, informed the Court that respondent applied for exemption for the First and Second Compliance Periods covering 15 April 2001 to 14 April 2004 and 15 April 2004 to 14 April 2007, respectively, on the ground of "expertise in law" under Section 3, Rule 7 of Bar Matter No. 850. The MCLE Governing Board denied the request on 14 January 2009. In the same letter, the MCLE Governing Board noted that respondent neither applied for exemption nor complied with the Third Compliance period from 15 April 2007 to 14 April 2010.

In its 9 December 2013 Resolution, the Court directed the Second Division Clerk of Court to furnish respondent with complainant's letter of 15 March 2013. The Court likewise required respondent to file his comment within ten days from notice.

In his Compliance and Comment<sup>5</sup> dated 3 February 2014, respondent alleged that he did not receive a copy of the 5 August 2013 letter of Atty. Reyes. He stated that he was wondering why his application for exemption could not be granted. He further alleged that he did not receive a formal denial of his application for exemption by the MCLE Governing Board, and that the notice sent by Prof. Feliciano was based on the letter of complainant

<sup>1</sup> *Rollo*, p. 68.

<sup>2</sup> The MCLE Governing Board's Evaluation, Report and Recommendation was not attached to the letter and was actually forwarded to the Court only on 22 August 2013.

<sup>3</sup> *Rollo*, pp. 73-76.

<sup>4</sup> Not 15 August 2013 as stated in the Court's 9 December 2013 Resolution.

<sup>5</sup> *Rollo*, pp. 84-87.

