

Revisiting *Hilado v. David*

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The Article serves to re-examine the doctrines embodied in *Hilado v. David* and essentially seeks to test its tenacity in light of more recent jurisprudence, specifically the case of *Mercado v. Vitriolo*. The Article is divided into several chapters. The first part gives an overview of the case. The second part presents and the doctrines espoused in *Hilado* case. The third, fourth, and fifth parts provide a more in-depth discussion of the attorney-client relationship, the non-necessity of communication of confidential information, and lastly, the requisite that confidentiality must be alleged.

The first doctrine is that mere consultation with a lawyer in his professional capacity is sufficient to establish attorney-client relationship. The second doctrine is that mere fact of existence of previous attorney-client relationship is enough to prohibit the subsequent retainer. The third doctrine is confidentiality exists during and after termination of attorney-client relationship. These three doctrines as laid down in *Hilado v. David* was later on expanded in the case of *Mercado v. Vitriolo*.

The Author concludes that if an attorney-client relationship exists, or has show to exist, the lawyer is prevented from representing another client with opposing interests regarding the same subject matter with which the lawyer previously dealt, at any time and regardless if confidential information was divulged. The soundness of the doctrines rests on their inherent soundness and consistent applicability to contemporary matters. The Author, however, points out that one significant departure made from the doctrine itself, that all communication is not per se confidential, and that a showing of such confidentiality must first be proven, is based on strong considerations of public policy. The Author believes that *Hilado* doctrine will still undergo further modifications in the future, serving as mere improvements to the original.