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**SECOND DIVISION**

[A.C. No. 4549. December 2, 2013]

**NESTOR V. FELIPE, ALBERTO V. FELIPE, AURORA FELIPE-ORANTE, ASUNCION FELIPE-DOMINGO, MILAGROS FELIPE-CABIGTING, and RODOLFO V. FELIPE,** *complainants, vs.* **ATTY. CIRIACO A. MACAPAGAL,** *respondent.*

**SYLLABUS**

**1. REMEDIAL LAW; DISCIPLINE OF LAWYERS; DISHONESTY OF LAWYERS; ISSUES WHICH ARE PROPER SUBJECT OF AND MUST BE THRESHED OUT IN A JUDICIAL ACTION CANNOT BE SETTLED IN AN ADMINISTRATIVE CASE; APPLICATION IN CASE AT BAR.—** [C]omplainants charged respondent with dishonesty (1) when he stated in the defendants' Answer in Civil Case No. A-95-22906 that the parties therein are strangers to each other; (2) when he introduced a falsified Certificate of Marriage as part of his evidence in Civil Case No. A-95-22906; and (3) when he knowingly filed a totally baseless pleading captioned as *Urgent Motion to Recall Writ of Execution of the Writ of Preliminary Injunction* in the same case. At the outset, we note that in order to determine whether respondent is guilty of dishonesty, we will have to delve into the issue of whether the complainants are indeed related to the defendants in Civil Case No. A-95-22906 being half-brothers and half-sisters. We would also be tasked to make an assessment on the authenticity of the Certificate of Marriage which respondent submitted in the proceedings in Civil Case No. A-95-22906. Similarly, we will have to make a ruling on whether the *Urgent Motion to Recall Writ of Execution of the Writ of Preliminary Injunction* which respondent filed was indeed baseless and irrelevant to the proceedings in Civil Case No. A-95-22906. Clearly, these prerequisites cannot be accomplished in this administrative case. x x x Clearly, the issue of filiation must be settled in those proceedings, and not in this administrative case. The same is true with regard to the issue of authenticity of the Marriage Certificate which was submitted in evidence as well

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as the relevance of the *Urgent Motion to Recall Writ of Execution of the Writ of Preliminary Injunction.* Besides, as complainants have asserted, a criminal case for Perjury had already been filed against the defendants in Civil Case No. A-95-22906 and docketed as Criminal Case No. 41667 pending before Branch 36 of the Manila MeTC for their alleged "untruthful" statement that they are strangers to each other. They had also filed another Perjury charge against the defendants in Civil Case No. A-95-22906 before the Office of the City Prosecutor of Quezon City, docketed as I.S. No. 95-15656-A for allegedly submitting in evidence a falsified Marriage Certificate. Moreover, they already filed a *Vigorous Opposition* to the *Urgent Motion to Recall Writ of Execution of the Writ of Preliminary Injunction* filed by the respondent. In fine, these issues are proper subjects of and must be threshed out in a judicial action.

**2. ID.; ID.; UNJUSTIFIED DISREGARD OF THE LAWFUL ORDERS OF THE SUPREME COURT AND THE IBP IS NOT ONLY IRRESPONSIBLE BUT ALSO CONSTITUTES UTTER DISRESPECT FOR THE JUDICIARY AND HIS FELLOW LAWYERS; PENALTY.—** It has not escaped our notice that despite receipt of our directive, respondent did not file his comment. Neither did he file his Position Paper as ordered by the IBP. And for this, he must be sanctioned. Respondent's unjustified disregard of the lawful orders of this Court and the IBP is not only irresponsible, but also constitutes utter disrespect for the judiciary and his fellow lawyers. His conduct is unbecoming of a lawyer, for lawyers are particularly called upon to obey court orders and processes and are expected to stand foremost in complying with court directives being themselves officers of the court. As an officer of the court, respondent is expected to know that a resolution of this Court is not a mere request but an order which should be complied with promptly and completely. This is also true of the orders of the IBP as the investigating arm of the Court in administrative cases against lawyers. Under the circumstances, we deem a reprimand with warning commensurate to the infraction committed by the respondent.

**APPEARANCES OF COUNSEL**

*Emilio M. Llanes* for complainants.

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## R E S O L U T I O N

**DEL CASTILLO, *J.*:**

On March 5, 1996, a *Petition*[1] for disbarment was filed against respondent Atty. Ciriaco A. Macapagal, docketed as A.C. No. 4549. In a Resolution[2] dated June 19, 1996, we required respondent to comment. Respondent received a copy of the Resolution on July 16, 1996.[3] On August 15, 1996, respondent filed an *Urgent Ex-Parte Motion For Extension Of Time To File Comment.*[4] He requested for an additional period of 30 days within which to file his comment citing numerous professional commitments. We granted said request in our October 2, 1996 Resolution.[5] The extended deadline passed sans respondent's comment. Thus, on January 29, 1997, complainants filed an *Urgent Motion To Submit The Administrative Case For Resolution Without Comment Of Respondent*[6] claiming that respondent is deemed to have waived his right to file comment.

On February 24, 1997, we referred this administrative case to the Integrated Bar of the Philippines (IBP) for investigation, report, and recommendation.[7]

The case was initially assigned to Investigating Commissioner Elizabeth Hermosisima-Palma who set the hearing on October 22, 1997 at 9:00 a.m.[8] The Minutes of the Hearing[9] showed

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[1] *Rollo*, pp. 1-8. Filed by Nestor V. Felipe, Alberto V. Felipe, Aurora Felipe-Orante, Asuncion Felipe-Domingo, Milagros Felipe-Cabigting and Rodolfo V. Felipe.

[2] *Id*. at 44.

[3] See Registry Return Receipt, *id.* (attached to the dorsal portion).

[4] *Id*. at 49-50.

[5] *Id*. at 51.

[6] *Id*. at 53-54.

[7] *Id*. at 70.

[8] IBP records (attached to the *rollo*), p. 1.

[9] *Id*. at 3.

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that both parties were present. The next hearing was set on November 6, 1997[10] but was postponed upon request of the complainants' counsel.[11] Noting that more than five months had lapsed after the postponement of the last hearing, complainants moved to calendar the case.[12]

The new Investigating Commissioner, Arturo C. Delos Reyes, set the hearing of the case on January 12, 1999.[13] During the scheduled hearing, complainants appeared and were directed to submit their Position Paper. Respondent failed to attend despite receipt of notice.[14] Complainants submitted their Position Paper[15] on January 28, 1999.[16]

It took 11 years, more particularly on February 26, 2010, before the IBP, thru Investigating Commissioner Agustinus V. Gonzaga, submitted its Report and Recommendation.[17]

In his Report, the Investigating Commissioner quoted verbatim the allegations in the *Petition*; he then narrated the proceedings undertaken by the IBP. Unfortunately, no discussion was made regarding the merits of the complaint. However, it was recommended that respondent be suspended from the practice of law for one (1) month.

In Resolution No. XX-2011-246 dated November 19, 2011, the IBP Board of Governors adopted the Report and Recommendation of the Investigating Commissioner with modification that respondent be suspended from the practice of law for one (1) year.

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[10] *Id*.

[11] *Id*. at 4-5.

[12] *Id*. at 6-8.

[13] *Id*. at 9.

[14] *Id*. at 11.

[15] *Id*. at 12-25.

[16] *Id*. at 12.

[17] *Id*., unpaginated.

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In their *Petition*, complainants alleged that they are co-plaintiffs in Civil Case No. A-95-22906 pending before Branch 216 of the Regional Trial Court of Quezon City while respondent is the counsel for the defendants therein; that respondent committed dishonesty when he stated in the defendants' Answer in Civil Case No. A-95-22906 that the parties therein are strangers to each other despite knowing that the defendants are half-brothers and half-sisters of complainants; and that they filed a criminal case for Perjury [against the defendants in Civil Case No. A-95-22906] docketed as Criminal Case No. 41667 pending before Branch 36 of the Metropolitan Trial Court (MeTC) of Quezom City.

Complainants also alleged that respondent introduced a falsified Certificate of Marriage as part of his evidence in Civil Case No. A-95-22906; and that they filed another Perjury charge [against the defendants in Civil Case No. A-95-22906] before the Office of the City Prosecutor of Quezon City, docketed as I.S. No. 95-15656-A.

Next, complainants averred that respondent knowingly filed a totally baseless pleading captioned as *Urgent Motion to Recall Writ of Execution of the Writ of Preliminary Injunction*; that said pleading is not in accordance with the rules of procedure; that the said filing delayed the proceedings in Civil Case No. A-95-22906; and that they filed a *Vigorous Opposition* to the said pleading.

Complainants insisted that by the foregoing actuations, respondent violated his duty as a lawyer and prayed that he be disbarred and ordered to pay complainants the amount of ₱500,000 representing the damages that they suffered.

In fine, complainants charged respondent with dishonesty (1) when he stated in the defendants' Answer in Civil Case No. A-95-22906 that the parties therein are strangers to each other; (2) when he introduced a falsified Certificate of Marriage as part of his evidence in Civil Case No. A-95-22906; and (3) when he knowingly filed a totally baseless pleading captioned as *Urgent Motion to Recall Writ of Execution of the Writ of Preliminary Injunction* in the same case.

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At the outset, we note that in order to determine whether respondent is guilty of dishonesty, we will have to delve into the issue of whether the complainants are indeed related to the defendants in Civil Case No. A-95-22906 being half-brothers and half-sisters. We would also be tasked to make an assessment on the authenticity of the Certificate of Marriage which respondent submitted in the proceedings in Civil Case No. A-95-22906. Similarly, we will have to make a ruling on whether the *Urgent Motion to Recall Writ of Execution of the Writ of Preliminary Injunction* which respondent filed was indeed baseless and irrelevant to the proceedings in Civil Case No. A-95-22906. Clearly, these prerequisites cannot be accomplished in this administrative case.

The resolution of whether the parties are related to each other appears to be one of the issues brought up in Civil Case No. A-95-22906 which is a complaint for *Partition, Reconveyance, Declaration of Nullity of Documents and Damages*. The complainants claimed that they are the legitimate children of the late Gregorio V. Felipe, Sr. This was rebutted by the defendants therein, as represented by the respondent, who denied their filiation with the complainants. Clearly, the issue of filiation must be settled in those proceedings, and not in this administrative case. The same is true with regard to the issue of authenticity of the Marriage Certificate which was submitted in evidence as well as the relevance of the *Urgent Motion to Recall Writ of Execution of the Writ of Preliminary Injunction.* Besides, as complainants have asserted, a criminal case for Perjury had already been filed against the defendants in Civil Case No. A-95-22906 and docketed as Criminal Case No. 41667 pending before Branch 36 of the Quezon City MeTC for their alleged "untruthful" statement that they are strangers to each other. They had also filed another Perjury charge against the defendants in Civil Case No. A-95-22906 before the Office of the City Prosecutor of Quezon City, docketed as I.S. No. 95-15656-A for allegedly submitting in evidence a falsified Marriage Certificate. Moreover, they already filed a *Vigorous Opposition* to the *Urgent Motion to Recall Writ of Execution of the Writ of Preliminary Injunction* filed by the respondent. In fine, these

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issues are proper subjects of and must be threshed out in a judicial action.

We held in *Anacta v. Resurreccion*[18] that —

> x x x it is imperative to first determine whether the matter falls within the disciplinary authority of the Court or whether the matter is a proper subject of judicial action against lawyers. If the matter involves violations of the lawyer's oath and code of conduct, then it falls within the Court's disciplinary authority. However, if the matter arose from acts which carry civil or criminal liablity, and which do not directly require an inquiry into the moral fitness of the lawyer, then the matter would be a proper subject of a judicial action which is understandably outside the purview of the Court's disciplinary authority. x x x[19]

Similarly, we held in *Virgo v. Amorin*,[20] *viz*:

> While it is true that disbarment proceedings look into the worthiness of a respondent to remain as a member of the bar, and need not delve into the merits of a related case, the Court, in this instance, however, cannot ascertain whether Atty. Amorin indeed committed acts in violation of his oath as a lawyer concerning the sale and conveyance of the Virgo Mansion without going through the factual matters that are subject of the aforementioned civil cases, x x x. As a matter of prudence and so as not to preempt the conclusions that will be drawn by the court where the case is pending, the Court deems it wise to dismiss the present case without prejudice to the filing of another one, depending on the final outcome of the civil case.[21]

Thus, pursuant to the above pronouncements, the *Petition* filed by complainants must be dismissed without prejudice.

However, we cannot end our discussion here. It has not escaped our notice that despite receipt of our directive, respondent did

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[18] A.C. No. 9074, August 14, 2012, 678 SCRA 352.

[19] *Id*. at 365-366.

[20] A.C. No. 7861, January 30, 2009, 577 SCRA 188.

[21] *Id*. at 199.

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not file his comment. Neither did he file his Position Paper as ordered by the IBP. And for this, he must be sanctioned.

Respondent's unjustified disregard of the lawful orders of this Court and the IBP is not only irresponsible, but also constitutes utter disrespect for the judiciary and his fellow lawyers. His conduct is unbecoming of a lawyer, for lawyers are particularly called upon to obey court orders and processes and are expected to stand foremost in complying with court directives being themselves officers of the court.

As an officer of the court, respondent is expected to know that a resolution of this Court is not a mere request but an order which should be complied with promptly and completely. This is also true of the orders of the IBP as the investigating arm of the Court in administrative cases against lawyers.[22]

Under the circumstances, we deem a reprimand with warning commensurate to the infraction committed by the respondent.[23]

**ACCORDINGLY,** respondent Atty. Ciriaco A. Macapagal is **REPRIMANDED** for failing to give due respect to the Court and the Integrated Bar of the Philippines. He is **WARNED**

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[22] *Sibulo v. Ilagan*, 486 Phil. 197, 203-204 (2004).

[23] In *Sibulo v. Ilagan*, *id.* at 204-205, the Court also reprimanded the therein respondent ratiocinating in this wise:

Considering, however, that respondent was absolved of the administrative charge against him and is being taken to task for his intransigence and lack of respect, the Court finds that the penalty of suspension would not be warranted under the circumstances.

In previously decided cases where a respondent lawyer was likewise found to have ignored lawful orders of this Court, suspension was imposed only where the respondent was also found guilty of violating his duties as a lawyer, such as the duty to observe good faith and fairness in dealing with his client, or to serve his client with diligence and competence.

To the Court's mind, a reprimand and a warning are sufficient sanctions for respondent's disrespectful actuations directed against the Court and the IBP. The imposition of these sanctions in the present case would be more consistent with the avowed purpose of a disciplinary case, which is "not so much to punish the individual attorney as to protect the dispensation of justice by sheltering the judiciary and the public from the misconduct or inefficiency of officers of the court."

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that commission of a similar infraction will be dealt with more severely. Resolution No. XX-2011-246 dated November 19, 2011 of the Integrated Bar of the Philippines is **SET ASIDE.** A.C. No. 4549 is **DISMISSED** without prejudice.

Let a copy of this Resolution be entered in the personal records of respondent as a member of the Bar, and copies furnished the Office of the Bar Confidant, the Integrated Bar of the Philippines, and the Office of the Court Administrator for circulation to all courts in the country.

**SO ORDERED.**

*Carpio (Chairperson), Brion, Perez,* and *Perlas-Bernabe, JJ.,* concur.

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**SECOND DIVISION**

[A.C. No. 5044. December 2, 2013]

**FELIPE C. DAGALA,** *complainant, vs.* **ATTY. JOSE C. QUESADA, JR. and ATTY. AMADO T. ADQUILEN,**[*] *respondents.*

**SYLLABUS**

**1. LEGAL ETHICS; CODE OF PROFESSIONAL RESPONSIBILITY; THE RELATIONSHIP BETWEEN A LAWYER AND HIS CLIENT IS ONE IMBUED WITH UTMOST TRUST AND CONFIDENCE; SUSTAINED.—** The Court has repeatedly emphasized that the relationship between a lawyer and his client is one imbued with utmost trust and confidence. In this regard, clients are led to expect

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[*] Passed away on June 22, 2008 as shown in the certificate at Death; see *rollo*, pp. 277-278.