

FIRST DIVISION

[A.C. No. 6281, January 15, 2020]

VALENTIN C. MIRANDA, COMPLAINANT, VS. ATTY. MACARIO D. CARPIO, RESPONDENT.

R E S O L U T I O N

PERALTA, C.J.:

For the consideration of the Court is the Report and Recommendation^[1] dated June 20, 2019 of the Office of the Bar Confidant (*OBC*), which was submitted pursuant to this Court's Resolution^[2] dated December 3, 2014.

On September 26, 2011, the Court issued a Decision^[3] which suspended respondent from the practice of law for a period of six (6) months, and ordered him to return to complainant the owner's duplicate of OCT No. 0-94 immediately upon receipt of the said Decision. Respondent was warned that a repetition of the same or similar acts shall be dealt with more severely.

In a Resolution^[4] dated July 28, 2014, the Court required the respondent to show cause why he should not be held in contempt of court for failure to comply with the lawful order of the Court; and to comply with the said Order by returning to the complainant the owner's duplicate of OCT No. 0-94. Furthermore, the Court required respondent to file his sworn statement with motion to lift order of suspension with certification to that effect, from the IBP Local Chapter where he is affiliated, and from the Office of the Executive Judge of the courts where he practices his legal profession, to affirm that he has fully served his six (6) months suspension from October 12, 2011 to April 12, 2012, all within ten (10) days from notice.

In a letter^[5] dated August 21, 2014, respondent attached a copy of his last letter^[6] dated May 25, 2014 to the Court, stating that he was always ready to return the owner's duplicate of OCT No. 0-94. He stated, however, that it was complainant who failed to claim the said title from respondent. He reasoned that he cannot release: the said title to anyone but only to the complainant in the interest of security. He also asserted his advanced age as reason to his inability to personally deliver the said title.

In his Explanation/Compliance/Motion to Lift Order of Suspension^[7] dated October 28, 2014, respondent also argued that he cannot return the owner's duplicate of OCT No. 0-94 since it was not complainant who gave it to him. He stressed that he received the said copy as proof of his success in handling LRC Case No. M-226 as complainant's counsel. In the same motion, respondent reiterated complainant's failure to personally claim the said copy of the OCT from him.

Further, respondent argued that he was only forced to accept a case without first

having his suspension lifted by the Court because of financial necessity, and that he firmly believed that his suspension was automatically lifted.

The OBC recommended that the respondent's motion to lift order of suspension be denied, and to impose a more severe penalty due to the continuing failure of respondent to comply with the Court's Decision dated September 26, 2011.

After a careful review of the records of the case, We resolve to adopt the recommendation of the OBC.

Respondent's contentions that (1) it was complainant who failed to personally claim the owner's duplicate of OCT No. 0-94 from him; and (2) he should not be made to return the said copy of the OCT because he secured the same from the court and not from the complainant, are absurd, and shall not be given any weight or consideration.

As a matter of fact, respondent's actuations are violative of the oath he took before admission to the practice of law, which provides:

I, do solemnly swear that I will maintain allegiance to the Republic of the Philippines; I will support its Constitution and **obey laws as well as the legal orders of the duly constituted authorities therein; I will do no falsehood**, nor consent to the doing of any in court; I will not wittingly nor willingly promote or sue any groundless, false or unlawful suit, or give aid nor consent to the same; I will delay no man for money or malice, and **will conduct myself as a lawyer according to the best of my knowledge and discretion, with all good fidelity** as well to the courts as to my clients; and I impose upon myself these voluntary obligations without any mental reservation or purpose of evasion. So help me God.^[8]

As an officer of the court, it is a lawyer's duty to uphold the dignity and authority of the Court. The highest form of respect for judicial authority is shown by a lawyer's obedience to court orders and processes.^[9]

Respondent cannot escape the fact that he disobeyed the order of the Court by reasoning that it was complainant's fault for not personally claiming the copy of the said OCT from him. The order of the Court was clearly directed at him, and for him alone, to comply. He cannot simply pass this obligation to the complainant.

We do not give any credence to respondent's contention that his failure to return the said copy is also due to his advance age and sickly condition. It may be noted that respondent maintains a law office, which is more than capable to effect the delivery of the said document to the complainant, either personally or through mail.

Also, respondent's arguments that he was only forced to accept a case without first having his suspension lifted by the Court because of financial necessity, and that he firmly believed that his suspension was automatically lifted, are untenable.

In *Paras v. Paras*,^[10] We held respondent administratively liable when he accepted new clients and cases and worked on an amicable settlement for his client with the Department of Agrarian Reform even before the Court lifted his suspension order.