

FIRST DIVISION

[A.C. No. 11830, July 30, 2019]

**SPOUSES NERIE S. ASUNCION AND CRISTITA B. ASUNCION,
COMPLAINANTS, V. ATTY. EDILBERTO P. BASSIG, RESPONDENT.**

DECISION

JARDELEZA, J.:

In this disbarment complaint filed by Spouses Nerie S. Asuncion and Cristita B. Asuncion (Sps. Asuncion) against Atty. Edilberto P. Bassig (Atty. Bassig) before the Integrated Bar of the Philippines (IBP), We reiterate that lawyers are bound by their solemn oath to do no falsehood or consent to its commission, such that any violation of this rule warrants disciplinary action.

On November 6, 2012, Atty. Bassig, on behalf of one Fidel B. Cabangon (Cabangon), filed a complaint for annulment of original titles and all derivative titles emanating from Original Certificate of Title Nos. 17, 18, 19, 20, 1230 and 2640 and for damages^[1] before the Regional Trial Court (RTC) in Antipolo City.

Sps. Asuncion, intervenor in the case for annulment of original title, filed a disbarment complaint against Atty. Bassig for violation of his lawyer's oath under Section 3, Rule 138 of the Rules of Court through the commission of deceit and gross misconduct. They alleged that Cabangon died two years prior to the filing of the complaint, as proven by a copy of Cabangon's Death Certificate issued by the National Statistics Office.^[2]

The IBP Commission on Bar Discipline (IBP-CBD) ordered Atty. Bassig to file his verified answer under pain of being declared in default and waiving his right to further participate in the proceedings.^[3] The IBP-CBD conducted a mandatory conference^[4] where both Sps. Asuncion and Atty. Bassig appeared. However, despite appearing during the conference, Atty. Bassig failed to file his verified answer or position paper.^[5] Nonetheless, pursuant to Section 5 of the Rules of Procedure of the IBP-CBD, the hearing proceeded *ex-parte*, and the case was thereafter submitted for decision.

Commissioner Suzette A. Mamon (Commissioner Mamon), in her Report and Recommendation,^[6] found Atty. Bassig guilty of violating Canon 1, Rule 1.01 of the Code of Professional Responsibility,^[7] as well as Section 3, Rule 138^[8] or the lawyer's oath. Cabangon, who was the purported plaintiff in the case for annulment of original title, had indeed been dead for two years prior to the filing of the complaint by Atty. Bassig; the mere act of having filed a complaint in representation of a deceased client who was ostensibly made to appear still alive constituted deceit and fraud which were grossly immoral; and Atty. Bassig should have known the status of his client before the filing of the complaint.^[9]

Commissioner Mamon recommended the penalty of suspension from the practice of law for two years since Atty. Bassig's act seriously and adversely reflected his unfitness to practice the profession as a lawyer and an officer of the Court.^[10]

In its Notice of Resolution,^[11] the IBP Board of Governors (IBP-Board) adopted and approved the recommendation of Commissioner Mamon.^[12]

Atty. Bassig filed a motion for reconsideration^[13] arguing that he did not commit any falsehood as he did not have prior knowledge that Cabangon was already dead at the time he filed the complaint. He further cited the following circumstances prior to the filing of the complaint: (i) his legal services were engaged by a person claiming to be an agent of Cabangon; (ii) upon examination of the documents presented by the agent, he was satisfied that Cabangon had a valid claim over the properties, hence, he prepared the complaint; (iii) he prepared the format for verification and certification for non-forum shopping which he gave to the agent for Cabangon's signature, and that the same document was returned to him already signed and notarized; and (iv) the agent concealed Cabangon's death from him, and that had he known it earlier, he would have immediately asked for the substitution of Cabangon's heirs in the complaint. Finally, he argued that the recommended penalty of suspension for two years was too harsh, given that he had no knowledge of the misrepresentation of Cabangon's agent.^[14]

In their comment to the motion for reconsideration, Sps. Asuncion added that it was inconceivable for Atty. Bassig to rely and trust the mere representation of an alleged agent of Cabangon in the absence of a written authority to that effect.^[15]

In its Resolutions dated May 28, 2016^[16] and January 26, 2017,^[17] the IBP-Board denied Atty. Bassig's motions for reconsideration.^[18]

We affirm the IBP-Board's findings of fact and recommended penalty.

As members of the profession duty-bound to uphold the law, lawyers are called to conduct themselves with utmost honesty and integrity, and in a manner beyond reproach.^[19] The nature of the office of a lawyer requires that he shall be of good moral character, and this qualification is not only a condition precedent to admission to the legal profession, but its continued possession is essential to maintain one's good standing in the profession,^[20] and is necessary to promote the public's faith in the legal profession.^[21]

That this duty is owed by the lawyer to the public and the Court is, albeit stating the obvious, a necessary iteration as the present case demonstrates, where Atty. Bassig filed a complaint that was false in a critically material aspect—the status of the plaintiff. The mere act of filing such a complaint, alongside the proven deceased status of its purported plaintiff, shows either Atty. Bassig's ill intent on the one hand, or appalling incompetence on the other, neither of which are excusable under the circumstances.

Atty. Bassig's defense, as raised in his motion for reconsideration, does not convince Us. His bare denial of prior knowledge of Cabangon's status during the preparation and filing of the complaint, on the pretext that he only met Cabangon's agent further aggravates his stance. His defensive claims, notwithstanding their lack of proof, indicate respondent's gross negligence in relying on a representation of