

## FIRST DIVISION

[ A.C. No. 4178, July 08, 2019 ]

**PEDRO LUKANG, COMPLAINANT, VS. ATTY. FRANCISCO R. LLAMAS, RESPONDENT.**

### DECISION

**BERSAMIN, C.J.:**

Complainant Pedro Lukang seeks the disbarment of respondent Atty. Francisco R. Llamas for violation of the *Lawyer's Oath*, Section 20, Rule 138 of the Rules of Court, and the *Code of Professional Responsibility*.

The complainant stated in his original petition for disbarment against the respondent dated November 15, 1993<sup>[1]</sup> and in the series of supplemental petitions dated August 19, 1996,<sup>[2]</sup> September 11, 1998,<sup>[3]</sup> and November 3, 1998,<sup>[4]</sup> that:

- (1) he was a party in civil cases seeking the annulment of title, annulment of deed of donation, reconveyance of properties, accounting and receivership of lands; and in criminal cases for falsification of public documents, perjury and false testimony filed in the Municipal Trial Courts (MTC) and the Regional Trial Court (RTC) in Lucena City, while the respondent was the opposing counsel;<sup>[5]</sup>
- (2) during the pendency of the civil and criminal cases, the respondent filed a petition for reconstitution<sup>[6]</sup> of transfer certificates of title involving the lots subject matter of the pending civil cases in the Office of the Register of Deeds in Lucena City;<sup>[7]</sup>
- (3) in said petition for reconstitution, the respondent misleadingly alleged that his clients, Simeon and Rosalina Lukang, the half-siblings of the complainant, and Mercedes Dee, the mother of Simeon and Rosalina, were the true and registered owners of the properties, because he knew fully well that the ownership of the properties was the core issue in the cases then pending before the RTC and MTC;<sup>[8]</sup>
- (4) the respondent further falsely alleged that his clients were in possession of the subject properties, when in fact therein oppositor Leoncia Martinez-Lukang, the mother of the complainant, was in the actual possession thereof;<sup>[9]</sup>
- (5) the respondent, as the attorney-in-fact of Simeon and Rosalina, also falsely claimed that the subject properties were

- free from all liens and encumbrances, and deliberately did not indicate in the petition for reconstitution the pending cases assailing the titles over the subject properties;<sup>[10]</sup>
- (6) the respondent tampered the records of Civil Case No. 89- 87 likewise pending before the RTC in Lucena City by making it appear that he had received the order of non-suit on February 14, 1993, a Sunday, when the post office was closed, despite the order having been actually received by Matilde Castillo, his clerk-secretary, on December 14, 1992;<sup>[11]</sup>
  - (7) the respondent obstructed the settlement of the cases among the members of the Lukang family, thereby causing further family dissensions;<sup>[12]</sup>
  - (8) the respondent was a former judge who had been removed from service due to serious anomalies;<sup>[13]</sup>
  - (9) the respondent committed forum-shopping by filing an intestacy case with petition for letters of administration and adjudication vis-a-vis the estate of the deceased Arsenio Lukang in the RTC in Manila, and subsequently, after the case was dismissed for lack of jurisdiction, by filing another intestacy case concerning the estates of deceased Arsenio Lukang and Mercedes Dee in the RTC in Parañaque City that included the same properties;<sup>[14]</sup>
  - (10) the respondent was convicted as a co-conspirator in the crime of estafa under paragraph 2, Article 316 of the Revised Penal Code entitled *People v. Francisco Llamas, et. al.* and docketed as Criminal Case No. 11787, and such was in violation of his *Lawyer's Oath* and of the duties of an attorney;<sup>[15]</sup> and
  - (11) the respondent also obstructed the resolution of the Lukang family controversies by submitting a delayed and one-sided proposal for the settlement of the issues.<sup>[16]</sup>

The respondent filed his answer on July 13, 1998,<sup>[17]</sup> countering therein that he filed the questioned petition for reconstitution to protect the rights and interests of his clients who were the absolute, true and registered owners of the properties; that with respect to the alleged tampering of records, he confessed that he had committed an honest mistake in writing February 14 instead of February 15; that when he was engaged as counsel, the first thing he did was to encourage the resolution of the issues among the members of the Lukang family; that he did not obstruct the settlement among the Lukang family members; that although there was a resolution dismissing him as a judge for having "committed errors bordering on ignorance of the law," the resolution was ultimately reversed and set aside, and he was thereafter even promoted to the RTC in Makati City by President Ferdinand Marcos; and that anent the charge of forum-shopping, he filed the intestacy cases in venues that he considered appropriate.

In his supplement to the answer dated August 31, 1999,<sup>[18]</sup> the respondent denied having been guilty of the crime of *other forms of swindling*, and argued that his conviction by the trial court was still the subject of an appeal in the Court of Appeals.

### **The IBP's Report and Recommendation**

After investigation, Commissioner Milagros V. San Juan of the Commission on Bar Discipline of the Integrated Bar of the Philippines (CBP-IBP) recommended the disbarment of the respondent, observing as follows:

The charge that respondent tampered with the records of the court by making it appear that he received the copy of the order of non-suit dated 3 December 1992 on 14 February 1993 which is Valentine's Day and a Sunday when the post office was closed, is supported by the confirmation of the Parañaque Central Post Office attached to the Complaint as Annex 'D'.

The charge that respondent committed Forum-Shopping is supported by the Decision rendered by Judge Agnes Reyes-Carpio of Paranaque Regional Trial Court Br. 257 dated 17 June 1996. Considering that the Decision convicting the respondent of the crime of Estafa in Criminal Case No. 11787 is still pending resolution before the Supreme Court, the Commission shall not discuss said case in resolving the complaint.

In view of all the foregoing, it is respectfully recommended that ATTY. FRANCISCO R. LLAMAS be **Disbarred**.<sup>[19]</sup>

On September 8, 2006, the IBP Board of Governors issued Resolution No. XVII-2006-443<sup>[20]</sup> adopting and approving the report of CBP-IBP Commissioner San Juan, but modifying the penalty to suspension from the practice of law for one year.

The respondent moved for reconsideration, but the IBP Board of Governors denied the motion through Resolution No. XX-2013-693<sup>[21]</sup> dated June 20, 2013. However, for humanitarian reasons considering that the respondent was then already 82 years old at the time of resolution, the IBP Board of Governors lowered the penalty to suspension from the practice of law for six months.

### **Ruling of the Court**

We agree with and uphold the findings and recommendation of the IBP Board of Governors.

A lawyer is first and foremost an officer of the court. As such, although he is required to serve his clients with utmost dedication, competence and diligence, his acts must always be within the bounds of law. Graver responsibility is imposed upon