

FIRST DIVISION

[A.C. No. 10757, December 05, 2016]

**LOUISITO N. CHUA, COMPLAINANT, V. ATTY. OSCAR A. PASCUA,
RESPONDENT.**

DECISION

BERSAMIN, J.:

The administrative complaint herein was brought by Dr. Louisito N. Chua (Dr. Chua) before the Integrated Bar of the Philippines (IBP)^[1] accusing respondent Atty. Oscar A. Pascua of violating several provisions of the *Code of Professional Responsibility*.^[2]

Atty. Pascua was the co-plaintiff in the ejectment suit filed against the complainant and his mother in the Metropolitan Trial Court of Manila (MeTC).^[3] After the MeTC dismissed the ejectment suit, Atty. Pascua and his co-plaintiff appealed. Although the RTC initially dismissed the appeal,^[4] it reversed itself and rendered judgment in favor of Atty. Pascua and his co plaintiff upon their motion for reconsideration.^[5] According to Dr. Chua, Atty. Pascua, in filing the motion for reconsideration, did not furnish a copy of the motion to Dr. Chua and his mother, thereby employing a fraudulent scheme designed to prevent him and his mother from having their day in court. Dr. Chua further stated that only Atty. Pascua appeared at the hearing of the motion for reconsideration at which he made his oral arguments. Thereby, Atty. Pascua allegedly "obtained a favorable decision without [their] knowledge."^[6]

Following the rendition of the adverse judgment, Dr. Chua and his mother moved for reconsideration. In respect to their motion for reconsideration, Atty. Pascua submitted a comment/opposition in which he used foul language and insulting words.^[7]

Alleging that Atty. Pascua had used foul language and insulting words in his other written submissions to the RTC, Dr. Chua declared in his complaint against Atty. Pascua that:

x x x x

12. We filed our Motion for Reconsideration for having been deprived of our day in Court. However, in his Comment/Opposition to Motion for Reconsideration and Omnibus Motion for the Correction of the Order dated July 16, 2010 and to make Entry of Judgment filed on September 17, 2010 he stated the following scurrilous words and sentences to damage of (sic) my name and reputation as a professional doctor and a respectable councilor, and I quote:

Par. 9 - Appellee Chua using undue influence and taking advantage of his being looked upon as a councilor **duped** Ms. Yolanda Salindognd (sic) cause her t[o] make statement dated August 17, 2010 marked as Annex "A" of their motion for reconsideration.

Par. 9.1 The act of Appellant Chua **to take advantage of the innocence** of Ms. Salindog as well as the trust and confidence given to him as a Councilor. Chua was able to cajole Ms. Salindog to state that she was the one who received the Order dated July 20, 2009 and was to show the copy to Chua only in February 2010:

11. However, **his ignorance and abusive manner** led him to say: "Panalo kami sa kaso, paano ako tatlunin (sic) ni Pascua eh isa lang fiscal at ako konsehal na nagbibigay ng allowance sa knila (sic) pati mga judges". (He put put those words into my mouth to make me appear as arrogant and bad to my constituents who elected me for three consecutive terms as councilor when he in fact lost his candidacy).

13.1 Yet, the foolishness of the statement of the Honorable Councilor of the 4th District of Manila is that it is very clear in the 2nd page of the Order that copies were sent only to counsels;

13. **Atty. Pascua even accused the Judge of Branch 36 of bungling with (sic) the case and used foul language** in the Court taking advantage of his experience as a veteran lawyer since 1971. In fact, the Honorable Presiding Judge of RTC Branch 36, Emma S. Young voluntarily inhibited from hearing the case and in her order she stated the following, to wit:

"It caught the ire of counsel for plaintiff-appellee, hence, the foul language in its pleading that the undersigned bungled with (sic) the case".

x x x x^[8]

Dr. Chua further declared that Atty. Pascua had abused court procedures to his advantage, to wit:

16. Respondent Atty. Pascua also played (sic) a mockery of the Court to our prejudice when he alleged that he sent a demand letter to vacate dated April 5, 2006 which was allegedly mailed to me on April 20, 2006 when in truth and in fact it is not April 5, 2006 but April 5, 2005 because it was just superimposed to make it appear as April 5, 2006 and he intentionally did not send said demand letter to me as in fact, he cant (sic) show proof of receipt and/or certification from the post office that he indeed mailed said letter.

17. Similar to this mockery of Atty. Pascua was his act of attaching a different Registry Receipt to his Motion for Reconsideration filed on July 31, 2008. The proof of mailing which the registry receipt attached to the motion filed in Court and the Affidavit of Service attesting to said mailing pertains to two different registry receipts. x x x;
18. Noticeably, the **Registry Receipt with Number 139883** pertaining to the mail sent to counsel for the plaintiff, Atty. Edgardo Abad and the Registry Receipt Number 922640 for MTC Branch 3, although both were mailed at the same time (July 31, 2008) and place (Central Post Office) bore different Registry Numbers. Normally, Registry Receipts for mails (sic) mailed at the same time or simultaneously with each other at the same post office would bear a successive number which is more or less consecutive in character. Respondent is obviously using fraudulent scheme of the prevailing parties which prevented the plaintiff from having his day in court.
19. During the hearing on September 26, 2008, respondent took advantage of the non-appearance of our counsel and despite the objection of the Honorable Judge insisted in having an ex parte presentation of his exhibits which were all photocopies. x x x^[9]

Dr. Chua pointed to the different dates appearing in Atty. Pascua's pleadings indicating the supposed date of issuance of his MCLE certificate.^[10] Dr. Chua mentioned that there were instances when Atty. Pascua did not indicate his MCLE compliance certificate number, or when Atty. Pascua used another lawyer's MCLE compliance certificate number.^[11] Finally, Dr. Chua charged Atty. Pascua with fomenting suits that "would require his clients to execute Deed of Sale of Rights as his payment for Attorney's fees and would make himself as co-plaintiff."^[12]

In his answer to Dr. Chua's complaint, Atty. Pascua focused on the untruthful statements Dr. Chua had supposedly made regarding the ownership of the property subject of the litigation between them.^[13] Anent the issue of his acquiring rights over the property from the client, he asserted that such was a personal matter between him and his client.^[14] He denied using foul language, insisting that "these are part of the pleadings filed by complainant without malice but in good faith taking into consideration the facts under the circumstances."^[15] He claimed that the errors made in indicating the date of issuance of his MCLE compliance certificate number were merely typographical, not intentional.^[16]

After investigation, the Investigating Commissioner of the Commission on Bar Discipline of the Integrated Bar of the Philippines (CBD-IBP) rendered a report with the following recommendation, to wit:

WHEREFORE, it is recommended that for encouraging suit, using intemperate, offensive and foul language in his pleadings, for misusing the legal processes to the ends of justice, for using another lawyers['] MCLE in his pleading and for attributing to a judge motive not supported by the records, RESPONDENT be suspended from the practice of law of six (6) months effective from notice.^[17]