

FIRST DIVISION

[A.C. No. 9115, September 17, 2014]

**REBECCA MARIE UY YUPANGCO-NAKPIL, COMPLAINANT, VS.
ATTY. ROBERTO L. UY, RESPONDENT.**

R E S O L U T I O N

PERLAS-BERNABE, J.:

This is an administrative case against respondent Atty. Roberto L. Uy (respondent) for unprofessional and unethical conduct, stemming from a complaint filed by private complainant Rebecca Marie Uy Yupangco-Nakpil (Rebecca), represented by her attorney-in-fact, Bella Asuncion Pollo (Bella).

The Facts

Rebecca is the natural niece and adopted daughter of the late Dra. Pacita Uy y Lim (Pacita).^[1] She was adjudged as the sole and exclusive legal heir of Pacita by virtue of an Order^[2] dated August 10, 1999 issued by the Regional Trial Court of Manila, Branch 34 in SPEC. PROC. No. 95-75201 (SP 95-75201). At the time of her death, Pacita was a stockholder in several corporations primarily engaged in acquiring, developing, and leasing real properties, namely, Uy Realty Company, Inc. (URCI), Jespajo Realty Corporation, Roberto L. Uy Realty and Development Corporation, Jesus Uy Realty Corporation, Distelleria La Jarolina, Inc., and Pacita Lim Uy Realty, Inc.^[3]

In her Complaint^[4] filed on May 9, 2005,^[5] Rebecca, through her attorney-in fact, Bella, averred that respondent, her alleged illegitimate half-cousin,^[6] continuously failed and refused to comply with the court order in SP 95-75201 declaring her as the successor-in-interest to all of Pacita's properties, as well as her requests for the accounting and delivery of the dividends and other proceeds or benefits coming from Pacita's stockholdings in the aforementioned corporations.^[7] She added that respondent mortgaged a commercial property covered by Transfer Certificate of Title No. T-133606 (subject property) in favor of Philippine Savings Bank in the total amount of P54,000,000.00,^[8] despite an existing Trust Agreement^[9] executed on October 15, 1993 (subject Trust Agreement) wherein respondent, in his capacity as President of URCI, already recognized her to be the true and beneficial owner of the same.^[10] Accordingly, she demanded that respondent return the said property by executing the corresponding deed of conveyance in her favor together with an inventory and accounting of all the proceeds therefrom, but to no avail.^[11] In this relation, Rebecca claimed that it was only on September 2, 2005 or after she had already instituted various legal actions and remedies that respondent and URCI agreed to transfer the subject property to her pursuant to a compromise agreement.^[12]

In his Answer With Compulsory Counterclaim,^[13] respondent denied Rebecca's allegations and raised the affirmative defenses of forum shopping and prescription. He pointed out that Rebecca had filed several cases raising the single issue on the correct interpretation of the subject trust agreement. He also contended that the parties' transactions in this case were made way back in 1993 and 1995 without a complaint having been filed until Bella came into the picture and instituted various suits covering the same issue.^[14] As such, he sought the dismissal of the complaint, and further prayed for the payment of moral damages and attorney's fees by way of counterclaim.^[15]

On September 8, 2005, Rebecca filed a Motion to Withdraw Complaint^[16] in CBD Case No. 05-1484 for the reason that "the facts surrounding the same arose out of a misunderstanding and misapprehension of the real facts surrounding their dispute."^[17]

However, on October 6, 2005, Bella filed a Manifestation with Leave of Court to File Motion for Intervention,^[18] praying that the investigation of the charges against respondent continue in order to weed out erring members of the legal profession.^[19]

The Report and Recommendation of the IBP

On October 8, 2007, the Integrated Bar of the Philippines (IBP) Investigating Commissioner issued his Report and Recommendation,^[20] finding respondent guilty of serious misconduct in violation of Rule 1.01, Canon 1 of the Code of Professional Responsibility (Code), and, thus, recommended the penalty of suspension for a period of six (6) months.^[21]

On matters of procedure, the Investigating Commissioner opined that Rebecca's motion to withdraw did not serve as a bar for the further consideration and investigation of the administrative case against respondent. As basis, he cites Section 5, Rule 139-B of the Rules of Court which provides that "[n]o investigation shall be interrupted or terminated by reason of the desistance, settlement, compromise, restitution, withdrawal of the charges, or failure of the complainant to prosecute the same." Separately, the Investigating Commissioner denied the claim of forum shopping, noting that disciplinary cases are *sui generis* and may, therefore, proceed independently.^[22]

On the merits of the charge, the Investigating Commissioner observed that respondent lacked the good moral character required from members of the Bar when the latter failed to comply with the demands of Rebecca under the subject trust agreement, not to mention his unworthy and deceitful acts of mortgaging the subject property without the former's consent. In fine, respondent was found guilty of serious misconduct in violation of Rule 1.01, Canon 1 of the Code, for which the above-stated penalty was recommended.^[23]

In a Resolution^[24] dated November 10, 2007, the IBP Board of Governors adopted and approved the Investigating Commissioner's Report and Recommendation.