

THIRD DIVISION

[A.C. No. 8620, January 21, 2011]

JESSIE R. DE LEON, COMPLAINANT, VS. ATTY. EDUARDO G. CASTELO, RESPONDENT.

DECISION

BERSAMIN, J.:

This administrative case, which Jessie R. De Leon initiated on April 29, 2010, concerns respondent attorney's alleged dishonesty and falsification committed in the pleadings he filed in behalf of the defendants in the civil action in which De Leon intervened.

Antecedents

On January 2, 2006, the Government brought suit for the purpose of correcting the transfer certificates of title (TCTs) covering two parcels of land located in Malabon City then registered in the names of defendants Spouses Lim Hio and Dolores Chu due to their encroaching on a public *callejon* and on a portion of the Malabon-Navotas River shoreline to the extent, respectively, of an area of 45 square meters and of about 600 square meters. The suit, entitled *Republic of the Philippines, represented by the Regional Executive Director, Department of Environment and Natural Resources v. Spouses Lim Hio and Dolores Chu, Gorgonia Flores, and the Registrar of Deeds of Malabon City*, was docketed as Civil Case No. 4674MN of the Regional Trial Court (RTC), Branch 74, in Malabon City.^[1]

De Leon, having joined Civil Case No. 4674MN as a voluntary intervenor two years later (April 21, 2008), now accuses the respondent, the counsel of record of the defendants in Civil Case No. 4674MN, with the serious administrative offenses of dishonesty and falsification warranting his disbarment or suspension as an attorney. The respondent's sin was allegedly committed by his filing for defendants Spouses Lim Hio and Dolores Chu of various pleadings (that is, *answer with counterclaim and cross-claim* in relation to the main *complaint*; and *answer to the complaint in intervention with counterclaim and cross-claim*) despite said spouses being already deceased at the time of filing.^[2]

De Leon avers that the respondent committed dishonesty and falsification as follows:

xxx in causing it (to) appear that persons (spouses Lim Hio and Dolores Chu) have participated in an act or proceeding (the making and filing of the Answers) when they did not in fact so participate; in fact, they could not have so participated because they were already dead as of that time, which is punishable under Article 172, in relation to Article 171,

paragraph 2, of the Revised Penal Code.

Respondent also committed the crime of Use of Falsified Documents, by submitting the said falsified Answers in the judicial proceedings, Civil Case No. 4674MN;

Respondent also made a mockery of the aforesaid judicial proceedings by representing dead persons therein who, he falsely made to appear, as contesting the complaints, counter-suing and cross-suing the adverse parties.

12. That, as a consequence of the above criminal acts, complainant respectfully submits that respondent likewise violated:

(a) His Lawyer's Oath:

xxx

(b) The Code of Professional Responsibility:[3]

xxx

On June 23, 2010, the Court directed the respondent to comment on De Leon's administrative complaint.[4]

In due course, or on August 2, 2010,[5] the respondent rendered the following explanations in his *comment*, to wit:

1. The persons who had engaged him as attorney to represent the Lim family in Civil Case No. 4674MN were William and Leonardo Lim, the children of Spouses Lim Hio and Dolores Chu;
2. Upon his (Atty. Castelo) initial queries relevant to the material allegations of the Government's *complaint* in Civil Case No. 4674MN, William Lim, the representative of the Lim Family, informed him:
 - a. That the Lim family had acquired the properties from Georgina Flores;
 - b. That William and Leonardo Lim were already actively managing the family business, and now co-owned the properties by virtue of the *deed of absolute sale* their parents, Spouses Lim Hio and Dolores Chu, had executed in their favor; and
 - c. That because of the execution of the *deed of absolute sale*, William and Leonardo Lim had since honestly assumed that their parents had already caused the transfer of the TCTs to their names.

3. Considering that William and Leonardo Lim themselves were the ones who had engaged his services, he (Atty. Castelo) consequently truthfully stated in the motion seeking an extension to file responsive pleading dated February 3, 2006 the fact that it was "the family of the defendants" that had engaged him, and that he had then advised "the children of the defendants" to seek the assistance as well of a licensed geodetic surveyor and engineer;
4. He (Atty. Castelo) prepared the initial pleadings based on his honest belief that Spouses Lim Hio and Dolores Chu were then still living. Had he known that they were already deceased, he would have most welcomed the information and would have moved to substitute Leonardo and William Lim as defendants for that reason;
5. He (Atty. Castelo) had no intention to commit either a falsehood or a falsification, for he in fact submitted the death certificates of Spouses Lim Hio and Dolores Chu in order to apprise the trial court of that fact; and
6. The Office of the Prosecutor for Malabon City even dismissed the criminal complaint for falsification brought against him (Atty. Castelo) through the resolution dated February 11, 2010. The same office denied the complainant's *motion for reconsideration* on May 17, 2010.

On September 3, 2010, the complainant submitted a *reply*,^[6] whereby he asserted that the respondent's claim in his *comment* that he had represented the Lim family was a deception, because the subject of the *complaint* against the respondent was his filing of the *answers* in behalf of Spouses Lim Hio and Dolores Chu despite their being already deceased at the time of the filing. The complainant regarded as baseless the justifications of the Office of the City Prosecutor for Malabon City in dismissing the criminal complaint against the respondent and in denying his *motion for reconsideration*.

The Court usually first refers administrative complaints against members of the Philippine Bar to the Integrated Bar of the Philippines (IBP) for investigation and appropriate recommendations. For the present case, however, we forego the prior referral of the complaint to the IBP, in view of the facts being uncomplicated and based on the pleadings in Civil Case No. 4674MN. Thus, we decide the complaint on its merits.

Ruling

We find that the respondent, as attorney, did not commit any falsehood or falsification in his pleadings in Civil Case No. 4674MN. Accordingly, we dismiss the patently frivolous complaint.

I

Attorney's Obligation to tell the truth

All attorneys in the Philippines, including the respondent, have sworn to the vows embodied in following *Lawyer's Oath*,^[7] viz:

I, _____, do solemnly swear that I will maintain allegiance to the Republic of the Philippines; I will support its Constitution and obey the 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 or willingly promote or sue any groundless, false or unlawful suit, nor 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 this voluntary obligation without any mental reservation or purpose of evasion. So help me God.

The *Code of Professional Responsibility* echoes the *Lawyer's Oath*, providing:^[8]

CANON 1 - A LAWYER SHALL UPHOLD THE CONSTITUTION, OBEY THE LAWS OF THE LAND AND PROMOTE RESPECT FOR LAW AND LEGAL PROCESSES.

Rule 1.01 - A lawyer shall not engage in unlawful, dishonest, immoral or deceitful conduct.

CANON 10 - A LAWYER OWES CANDOR, FAIRNESS AND GOOD FAITH TO THE COURT.

Rule 10.01 - A lawyer shall not do any falsehood, nor consent to the doing of any in Court; nor shall he mislead, or allow the Court to be misled by any artifice.

The foregoing ordain ethical norms that bind all attorneys, as officers of the Court, to act with the highest standards of honesty, integrity, and trustworthiness. All attorneys are thereby enjoined to obey the laws of the land, to refrain from doing any falsehood in or out of court or from consenting to the doing of any in court, and to conduct themselves according to the best of their knowledge and discretion with all good fidelity as well to the courts as to their clients. Being also servants of the Law, attorneys are expected to observe and maintain the rule of law and to make themselves exemplars worthy of emulation by others.^[9] The least they can do in that regard is to refrain from engaging in any form or manner of unlawful conduct (which broadly includes any act or omission contrary to law, but does not necessarily imply the element of criminality even if it is broad enough to include such element).^[10]

To all attorneys, truthfulness and honesty have the highest value, for, as the Court has said in *Young v. Batuegas*:^[11]

A lawyer must be a disciple of truth. He swore upon his admission to the Bar that he will "do no falsehood nor consent to the doing of any in court" and he shall "conduct himself as a lawyer according to the best of his knowledge and discretion with all good fidelity as well to the courts as to his clients." He should bear in mind that as an officer of the court his high vocation is to correctly inform the court upon the law and the facts of the case and to aid it in doing justice and arriving at correct conclusion. The courts, on the other hand, are entitled to expect only complete honesty from lawyers appearing and pleading before them. While a lawyer has the solemn duty to defend his client's rights and is expected to display the utmost zeal in defense of his client's cause, his conduct must never be at the expense of truth.

Their being officers of the Court extends to attorneys not only the presumption of regularity in the discharge of their duties, but also the immunity from liability to others for as long as the performance of their obligations to their clients does not depart from their character as servants of the Law and as officers of the Court. In particular, the statements they make in behalf of their clients that are relevant, pertinent, or material to the subject of inquiry are absolutely privileged regardless of their defamatory tenor. Such cloak of privilege is necessary and essential in ensuring the unhindered service to their clients' causes and in protecting the clients' confidences. With the cloak of privilege, they can freely and courageously speak for their clients, verbally or in writing, in the course of judicial and quasi-judicial proceedings, without running the risk of incurring criminal prosecution or actions for damages.^[12]

Nonetheless, even if they enjoy a number of privileges by reason of their office and in recognition of the vital role they play in the administration of justice, attorneys hold the privilege and right to practice law before judicial, quasi-judicial, or administrative tribunals or offices only during good behavior.^[13]

II

Respondent did not violate the *Lawyer's Oath* and the *Code of Professional Responsibility*

On April 17, 2006, the respondent filed an *answer with counterclaim and cross-claim* in behalf of Spouses Lim Hio and Dolores Chu, the persons whom the Government as plaintiff *named* as defendants in Civil Case No. 4674MN.^[14] He alleged therein that:

2. The allegations in paragraph 2 of the complaint are ADMITTED. **Moreover, it is hereby made known that defendants spouses Lim Hio and Dolores Chu had already sold the two (2) parcels of land, together with the building and improvements thereon, covered by Transfer Certificate of Title No. (148805) 139876 issued by the Register of Deeds of Rizal, to Leonardo C. Lim and William C. Lim, of Rms. 501 - 502 Dolores Bldg., Plaza del Conde, Binondo, Manila. Hence, Leonardo Lim and William Lim are their successors-in-interest and are the present lawful owners thereof.**