

EN BANC

[A.C. No. 2655, October 12, 2010]

**LEONARD W. RICHARDS, COMPLAINANT, VS. PATRICIO A. ASOY,
RESPONDENT.**

R E S O L U T I O N

PER CURIAM:

For consideration is the petition of Patricio A. Asoy (respondent) for reinstatement to the Bar. Records disclose that the Ministry of Tourism, by 1st Indorsement of July 2, 1984, forwarded to the Court a June 28, 1984 letter-complaint of Leonard Richards (complainant) against respondent.

By Resolution of November 11, 1985, the Court, noting respondent's failure to comply, despite notice, with its Resolution of August 8, 1984 requiring him to comment on complainant's letter, resolved to require him to show cause why he should not be disciplinarily dealt with or held in contempt and to comply with the said Resolution of August 8, 1984, both within ten days from notice.

In the same Resolution of November 11, 1985, the Court noted several attempts, which were all futile, to serve copy of the August 8, 1984 Resolution at respondent's other addresses, viz: B.F. Homes, Parañaque; the Central Bank Legal Department; Suite 306, Filmanbank Building, Plaza Sta. Cruz, Sta. Cruz; Asia International Builders Corp., 5th Floor, ADC Bldg., Ayala Avenue, Makati (the address given in respondent's calling card); and respondent's provincial address at the Bar Office which was coursed through the IBP Tacloban Chapter.^[1]

Still in the same Resolution of November 11, 1985, the Court noted that "unquestionably, respondent had gone into hiding and was evading service of pleadings/orders/processes of this Court."^[2] The Court accordingly suspended respondent from the practice of law until further orders from this Court. Thus it disposed:

ACCORDINGLY, respondent, Atty. Patricio A. Asoy, is hereby SUSPENDED from the practice of law until further Orders of this Court. Let copies of this Resolution be circularized to all Courts.

Should respondent appear before any lower Court, the latter shall serve upon him a copy of this Resolution and require him to appear, within five (5) days, before the Deputy Clerk of Court and Bar Confidant, who shall furnish him with a copy of the Administrative Complaint and **require him to file an Answer thereto, within five (5) days thereafter**. The lower Court concerned shall furnish this Court with copy of its Order immediately.^[3] (emphasis and underscoring supplied)

On January 9, 1986, respondent filed before the Court a MANIFESTATION/MOTION FOR RECONSIDERATION alleging that on December 2, 1985, he "learned and secured a copy of Supervisory Circular No. 17 wherein the Resolution of the . . . Court, promulgated on November 11, 1985 is quoted . . ."; that he was voluntarily submitting himself to the jurisdiction of the Court even if he had not been formally served a copy of the Resolution and had not been ordered by any lower court to appear before the Deputy Clerk of Court and Bar Confidant; that on account of distance and financial constraints, he could not possibly comply with the Order of this Court for him to appear before the Deputy Clerk of Court and Bar Confidant within the five-day period stated; that he was totally unaware of the existence of the complaint until December 2, 1985; and that to the best of his knowledge, he had not violated his oath as an attorney at law nor is he guilty of any offense to warrant his suspension from the practice of law.

Respondent thus prayed for the lifting of his suspension and for excusing him from personally appearing before the Bar Confidant upon the undertaking that he would answer the complaint in five days from receipt thereof.

On the directive of the Court, the Bar Confidant formalized the complaint against respondent on April 29, 1986.

By Resolution of October 1, 1986, the Court, noting respondent's failure to file comment on the administrative complaint within the period which expired on May 21, 1986, directed the sending of the administrative complaint to respondent at his address in Iligan City for compliance with the Resolution requiring him to file Answer to the Complaint.

On December 18, 1986, the Court received respondent's ANSWER WITH MOTION TO LIFT ORDER OF SUSPENSION, alleging that he received copy of the complaint only on November 19, 1986, "though the same was served and received at this present address (Rm. 302 Aalos Building, Aguinaldo St., Iligan City) on May 6, 1986 and November 5, 1986"; and that he was begging the indulgence of the Court and of the complainant for the delay in the filing of his Answer due to his temporary transfer to Tubud, Lanao del Norte in view of his temporary appointment as Provincial Administrator.

By Resolution of February 10, 1986, the Court denied respondent's prayer to lift the order of suspension from the practice of law but excused him from appearing before the Deputy Clerk of Court and Bar Confidant.

The Court, by Resolution of July 9, 1987, after noting respondent's unquestionable act of going into hiding and evading service of pleadings/orders/processes of the Court which resulted in his suspension, and after reciting the facts of the case which required no further evidentiary hearing as they spoke for themselves, found respondent guilty of grave professional misconduct, viz:

Respondent is guilty of grave professional misconduct. He received from complainant, his client, compensation to handle his case in the Trial Court, but the same was dismissed for lack of interest and failure to prosecute. He had abandoned his client in violation of his contract