

FIRST DIVISION

[A.M. No. P-07-2363, July 31, 2008]

CONCERNED COURT EMPLOYEE, COMPLAINANT, VS. ATTY VIVIAN V. VILLALON-LAPUZ, CLERK OF COURT, REGIONAL TRIAL COURT, BRANCH 137, MAKATI CITY RESPONDENT.

R E S O L U T I O N

CARPIO, J.:

This is an administrative complaint against Atty. Vivian V. Villalon-Lapuz (respondent), Clerk of Court of Branch 137, Regional Trial Court- Makati City (RTC-Makati), for unauthorized practice of law and insubordination.

On 12 May 2005, the Office of the Court Administrator (OCA) received an anonymous letter-complaint from a concerned court employee (complainant) of Branch 137, RTC-Makati. Complainant alleged that respondent appeared as private counsel and signed pleadings in a case entitled "Philippine Shares Corporation v. Spouses Visitacion & Virgilio Villalon." Complainant inquired whether respondent has been authorized to practice law as private counsel.

The OCA conducted an investigation and found out that as early as 4 August 1998, the Supreme Court issued A.M. No. 98-7-217-RTC. This SC Resolution granted the respondent's request "to appear as counsel in Civil Case No. 86-38066 entitled 'Philippine Shares Corporation v. Ma. Visitacion V. Villalon and Heirs of Virgilio V. Villalon' filed before the Regional Trial Court of Manila, Branch 42, provided that she files the corresponding leave of absence on the scheduled dates of hearing thereon and provided, further, that she will not use official time in the preparation of the pleadings for the case."^[1]

Upon the OCA's verification, the records revealed that respondent attended the following hearings and filed the following applications for leave of absence:

Date of Hearings in Branch 42 of RTC-Manila	Application for Leave of Absence ^[2]	Remarks
<u>1999</u>		
4 June 1999		Hearing was canceled and reset
2 July 1999		Hearing was canceled and reset
	4-31 August 1999	Maternity Leave
3 September	1-30 September	Hearing was canceled and

1999 1 October 1999 8 November 1999 6 December 1999	1999 1 October 1999	reset/ Maternity Leave Hearing was canceled and reset/ Maternity Leave Hearing was canceled and reset Hearing was canceled and reset
<u>2000</u>		
24 March 2000 8 May 2000	8-9 February 2000	Sick Leave (Severe cough and colds) Hearing was canceled and reset Testimony of Witness and Presentation of Evidence
5 June 2000	15 May 2000	Birthday Leave Testimony of Witness and Presentation of Evidence
14 July 2000	12, 13, 14 July 2000	Respondent was absent/ Hearing was canceled and reset/ Sick Leave (pneumonia)
14 August 2000 8 September 2000 20 October 2000	3-4 August 2000	Sick Leave (severe cough and colds) Testimony of Witness and Presentation of Evidence Testimony of Witness and Presentation of Evidence Hearing was canceled and reset
<u>2001</u>		
	2-5 January 2001	Sick Leave
	8-12 January 2001	Sick Leave
19 March 2001 20 April 2001 25 May 2001		Cross-examination of witness Hearing was canceled and reset Respondent was absent/ Hearing was canceled and reset
27 July 2001		Hearing was canceled and reset
7 September 2001 16 November 2001		Respondent gave her manifestation Presentation of rebuttal evidence
<u>2002</u>		
22 March 2002		Presentation of rebuttal evidence