

THIRD DIVISION

[A.C. NO. 5921, March 10, 2006]

JUDGE UBALDINO A. LACUROM, PRESIDING JUDGE, REGIONAL TRIAL COURT, CABANATUAN CITY, BRANCH 29 AND PAIRING JUDGE, BRANCH 30, COMPLAINANT, VS. ATTY. ELLIS F. JACOBA AND ATTY. OLIVIA VELASCO-JACOBA, RESPONDENTS.

DECISION

CARPIO, J.:

The Case

This administrative case arose from a complaint filed on 22 October 2001 by Judge Ubalduino A. Lacurom ("Judge Lacurom"), Pairing Judge, Regional Trial Court of Cabanatuan City, Branch 30, against respondent-spouses Atty. Ellis F. Jacoba and Atty. Olivia Velasco-Jacoba ("respondents"). Complainant charged respondents with violation of Rules 11.03,^[1] 11.04,^[2] and 19.01^[3] of the Code of Professional Responsibility.

The Facts

The Jacoba-Velasco-Jacoba Law Firm is counsel for plaintiff Alejandro R. Veneracion ("Veneracion") in a civil case for unlawful detainer against defendant Federico Barrientos ("Barrientos").^[4] The Municipal Trial Court of Cabanatuan City rendered judgment in favor of Veneracion but Barrientos appealed to the Regional Trial Court. The case was raffled to Branch 30 where Judge Lacurom was sitting as pairing judge.

On 29 June 2001, Judge Lacurom issued a Resolution ("Resolution") reversing the earlier judgments rendered in favor of Veneracion.^[5] The dispositive portion reads:

WHEREFORE, this Court hereby REVERSES its Decision dated December 22, 2000, as well as REVERSES the Decision of the court a quo dated July 22, 1997.

Furthermore, the plaintiff-appellee Alejandro Veneracion is ordered to CEASE and DESIST from ejecting the defendant-appellant Federico Barrientos from the 1,000 square meter homelot covered by TCT No. T-75274, and the smaller area of one hundred forty-seven square meters, within the 1,000 sq.m. covered by TCT No. T-78613, and the house thereon standing covered by Tax Declaration No. 02006-01137, issued by the City Assessor of Cabanatuan City; and Barrientos is ordered to pay Veneracion P10,000.00 for the house covered by Tax Declaration No. 02006-01137.

SO ORDERED.^[6]

Veneracion's counsel filed a Motion for Reconsideration (with Request for Inhibition)^[7] dated 30 July 2001 ("30 July 2001 motion"), pertinent portions of which read:

II. PREFATORY STATEMENT

This RESOLUTION of REVERSAL is an ABHORRENT NULLITY as it is entirely DEVOID of factual and legal basis. It is a Legal MONSTROSITY in the sense that the Honorable REGIONAL TRIAL COURT acted as if it were the DARAB (Dept. of Agrarian Reform ADJUDICATION BOARD)! x x x HOW HORRIBLE and TERRIBLE! The mistakes are very patent and glaring! x x x

x x x x

III. GROUNDS FOR RECONSIDERATION

1. The Honorable Pairing Court Presiding Judge ERRED in Peremptorily and Suddenly Reversing the Findings of the Lower Court Judge and the Regular RTC Presiding Judge:

x x x The defendant filed a Motion for Reconsideration, and after a very questionable SHORT period of time, came this STUNNING and SUDDEN REVERSAL. Without any legal or factual basis, the Hon. Pairing Judge simply and peremptorily REVERSED two (2) decisions in favor of the plaintiff. This is highly questionable, if not suspicious, hence, this Motion for Reconsideration.

x x x x

[The Resolution] assumes FACTS that have not been established and presumes FACTS not part of the records of the case, all "loaded" in favor of the alleged "TENANT." Clearly, the RESOLUTION is an INSULT to the Judiciary and an ANACHRONISM in the Judicial Process. Need we say more?

x x x x

4. The Honorable Pairing Court Presiding Judge ERRED in Holding That the Defendant is Entitled to a Homelot, and That the Residential LOT in Question is That Homelot:

THIS ERROR IS STUPENDOUS and a real BONER. Where did the Honorable PAIRING JUDGE base this conclusion? x x x This HORRENDOUS MISTAKE must be corrected here and now!

x x x x

6. The Honorable Pairing Court Presiding Judge ERRED Grievously in Holding and Declaring that The [court] A QUO Erroneously Took Cognizance of the Case and That It Had No Jurisdiction over the Subject-

Matter:

Another HORRIBLE ERROR! Even an average Law Student knows that JURISDICTION is determined by the averments of the COMPLAINT and not by the averments in the answer! This is backed up by a Litany of Cases!

x x x x

7. FINALLY, the Honorable Pairing Court Presiding Judge Ridiculously ERRED in Ordering the Defendant To Pay P10,000.00 to the Plaintiff As Payment for Plaintiff's HOUSE:

THIS IS the Last STRAW, but it is also the Best ILLUSTRATION of the Manifold GLARING ERRORS committed by the Hon. Pairing Court Judge.

x x x x

This Order of the Court for the plaintiff to sell his RESIDENTIAL HOUSE to the defendant for the ridiculously LOW price of P10,000.00 best illustrates the Long Line of Faulty reasonings and ERRONEOUS conclusions of the Hon. Pairing Court Presiding Judge. Like the proverbial MONSTER, the Monstrous Resolution should be slain on sight!^[8]

The 30 July 2001 motion prayed that (1) Judge Lacurom inhibit himself "in order to give plaintiff a fighting chance" and (2) the Resolution be reconsidered and set aside.^[9] Atty. Olivia Velasco-Jacoba ("Velasco-Jacoba") signed the motion on behalf of the Jacoba-Velasco-Jacoba Law Firm.

On 6 August 2001, Judge Lacurom ordered Velasco-Jacoba to appear before his sala and explain why she should not be held in contempt of court for the "very disrespectful, insulting and humiliating" contents of the 30 July 2001 motion.^[10] In her Explanation, Comments and Answer,^[11] Velasco-Jacoba claimed that "His Honor knows beforehand who actually prepared the subject Motion; records will show that the undersigned counsel did not actually or actively participate in this case."^[12] Velasco-Jacoba disavowed any "conscious or deliberate intent to degrade the honor and integrity of the Honorable Court or to detract in any form from the respect that is rightfully due all courts of justice."^[13] She rationalized as follows:

x x x at first blush, [the motion] really appears to contain some sardonic, strident and hard-striking adjectives. And, if we are to pick such stringent words at random and bunch them together, side-by-side x x x then collectively and certainly they present a cacophonic picture of total and utter disrespect. x x x

x x x x

We most respectfully submit that plaintiff & counsel did not just fire a staccato of incisive and hard-hitting remarks, machine-gun style as to be called contumacious and contemptuous. They were just articulating their feelings of shock, bewilderment and disbelief at the sudden reversal of

their good fortune, not driven by any desire to just cast aspersions at the Honorable Pairing judge. They must believe that big monumental errors deserve equally big adjectives, no more no less. x x x The matters involved were [neither] peripheral nor marginalized, and they had to call a spade a spade. x x x [14]

Nevertheless, Velasco-Jacoba expressed willingness to apologize "for whatever mistake [they] may have committed in a moment of unguarded discretion when [they] may have 'stepped on the line and gone out of bounds'." She also agreed to have the allegedly contemptuous phrases stricken off the record.[15]

On 13 September 2001, Judge Lacurom found Velasco-Jacoba guilty of contempt and penalized her with imprisonment for five days and a fine of P1,000.[16]

Velasco-Jacoba moved for reconsideration of the 13 September 2001 order. She recounted that on her way out of the house for an afternoon hearing, Atty. Ellis Jacoba ("Jacoba") stopped her and said "*O, pirmahan mo na ito kasi last day na, baka mahuli.*" (Sign this as it is due today, or it might not be filed on time.) She signed the pleading handed to her without reading it, in "trusting blind faith" on her husband of 35 years with whom she "entrusted her whole life and future." [17] This pleading turned out to be the 30 July 2001 motion which Jacoba drafted but could not sign because of his then suspension from the practice of law.[18]

Velasco-Jacoba lamented that Judge Lacurom had found her guilty of contempt without conducting any hearing. She accused Judge Lacurom of harboring "a personal vendetta," ordering her imprisonment despite her status as "senior lady lawyer of the IBP Nueva Ecija Chapter, already a senior citizen, and a grandmother many times over." [19] At any rate, she argued, Judge Lacurom should have inhibited himself from the case out of delicadeza because "[Veneracion] had already filed against him criminal cases before the Office of the City Prosecutor of Cabanatuan City and before the Ombudsman." [20]

The records show that with the assistance of counsel Jacoba and the Jacoba-Velasco-Jacoba Law Firm, Veneracion had executed an affidavit on 23 August 2001 accusing Judge Lacurom of knowingly rendering unjust judgment through inexcusable negligence and ignorance [21] and violating

Section 3(e) of Republic Act No. 3019 ("RA 3019"). [22] The first charge became the subject of a preliminary investigation [23] by the City Prosecutor of Cabanatuan City. On the second charge, Veneracion set forth his allegations in a Complaint-Affidavit [24] filed on 28 August 2001 with the Office of the Deputy Ombudsman for Luzon.

Judge Lacurom issued another order on 21 September 2001, this time directing Jacoba to explain why he should not be held in contempt. [25] Jacoba complied by filing an Answer with Second Motion for Inhibition, wherein he denied that he typed or prepared the 30 July 2001 motion. Against Velasco-Jacoba's statements implicating him, Jacoba invoked the marital privilege rule in evidence. [26] Judge Lacurom later rendered a decision [27] finding Jacoba guilty of contempt of court and

sentencing him to pay a fine of P500.

On 22 October 2001, Judge Lacurom filed the present complaint against respondents before the Integrated Bar of the Philippines (IBP).

Report and Recommendation of the IBP

Respondents did not file an answer and neither did they appear at the hearing set by IBP Commissioner Atty. Lydia A. Navarro ("IBP Commissioner Navarro") despite sufficient notice.^[28]

IBP Commissioner Navarro, in her Report and Recommendation of 10 October 2002, recommended the suspension of respondents from the practice of law for six months.^[29] IBP Commissioner Navarro found that "respondents were prone to us[ing] offensive and derogatory remarks and phrases which amounted to discourtesy and disrespect for authority."^[30] Although the remarks were not directed at Judge Lacurom personally, they were aimed at "his position as a judge, which is a smack on the judiciary system as a whole."^[31]

The IBP Board of Governors ("IBP Board") adopted IBP Commissioner Navarro's Report and Recommendation, except for the length of suspension which the IBP Board reduced to three months.^[32] On 10 December 2002, the IBP Board transmitted its recommendation to this Court, together with the documents pertaining to the case.

Several days later, Velasco-Jacoba sought reconsideration of the IBP Board decision, thus:^[33]

x x x x

3. For the information of the Honorable Commission, **the present complaint of Judge Lacurom is sub judice; the same issues involved in this case are raised before the Honorable Court of Appeals presently pending in CA-G.R. SP No. 66973 for Certiorari and Mandatory Inhibition with TRO and Preliminary Injunction** x x x;

4. We filed an Administrative Case against Judge Lacurom before the Supreme Court involving the same issues we raised in the aforementioned Certiorari case, which was dismissed by the Supreme Court for being premature, in view of the pending Certiorari case before the Court of Appeals;

5. In like manner, out of respect and deference to the Court of Appeals, the present complaint should likewise be dismissed and/or suspended pending resolution of the certiorari case by the Court of Appeals.^[34] (Emphasis supplied)

The Court's Ruling

On a preliminary note, we reject Velasco-Jacoba's contention that the present