

SECOND DIVISION

[A.C. NO. 6396, October 25, 2005]

**ROSALIE DALLONG-GALICINAO, COMPLAINANT, VS. ATTY.
VIRGIL R. CASTRO, RESPONDENT,**

R E S O L U T I O N

TINGA, J.:

This administrative case concerns a lawyer who hurled invectives at a Clerk of Court. Members of the bar decorum must at all times comfort themselves in a manner befitting their noble profession.

Complainant Atty. Rosalie Dallong-Galicinao is the Clerk of Court of the Regional Trial Court (RTC) of Bambang, Nueva Vizcaya. On 8 May 2003, she filed with the Commission on Bar Discipline (CBD) of the Integrated Bar of the Philippines (IBP) a *Complaint-Affidavit*^[1] with supporting documents^[2] against respondent Atty. Virgil R. Castro for Unprofessional Conduct, specifically violation of Canon 7, Rule 7.03, Canon 8 and Rule 8.02 of the Code of Professional Responsibility.^[3] The charge in the complaint is summed up as follows:

Respondent Atty. Castro was a private practitioner and Vice-President of IBP-Nueva Vizcaya Chapter. On 5 May 2003, respondent went to complainant's office to inquire whether the complete records of Civil Case No. 784, entitled *Sps. Crispino Castellano v. Sps. Federico S. Castellano and Felicidad Aberin*, had already been remanded to the court of origin, MCTC Dupax del Norte, Alfonso Castaned, Nueva Vizcaya. It must be noted that respondent was not the counsel of record of either party in Civil Case No. 784.

Complainant informed respondent that the record had not yet been transmitted since a certified true copy of the decision of the Court of Appeals should first be presented to serve as basis for the transmittal of the records to the court of origin. To this respondent retorted scornfully, "Who will certify the Court of Appeals' Decision, the Court of Appeals? You mean to say, I would still have to go to Manila to get a certified true copy?" Surprised at this outburst, complainant replied, "Sir, it's in the Rules but you could show us the copy sent to the party you claim to be representing." Respondent then replied, "Then you should have notified me of the said requirement. That was two weeks ago and I have been frequenting your office since then, but you never bothered to notify me." Complainant replied, "It is not our duty, Sir, to notify you of the said requirement."

Respondent then answered, "You mean to say it is not your duty to remand the record of the case?" Complainant responded, "No, Sir, I mean, it's not our duty to notify you that you have to submit a copy of the Court of Appeals' decision." Respondent angrily declared in Ilocano, "*Kayat mo nga saw-en, awan pakialam yon? Kasdiay?*" ("You mean to say you don't care anymore? Is that the way it is?") He

then turned and left the office, banging the door on his way out to show his anger. The banging of the door was so loud it was heard by the people at the adjacent RTC, Branch 30 where a hearing was taking place.^[4]

After a few minutes, respondent returned to the office, still enraged, and pointed his finger at complainant and shouted, "*Ukinnan, no adda ti unget mo iti kilientek haan mo nga ibales kaniak ah!*" ("Vulva of your mother! If you are harboring ill feelings against my client, don't turn your ire on me!") Complainant was shocked at respondent's words but still managed to reply, "I don't even know your client, Sir." Respondent left the office and as he passed by complainant's window, he again shouted, "*Ukinnam nga babai!*" ("Vulva of your mother, you woman!")^[5]

Complainant suffered acute embarrassment at the incident, as it happened in her office of which she was, and still is, the head and in front of her staff. She felt that her credibility had been tarnished and diminished, eliciting doubt on her ability to command full respect from her staff.^[6]

The *Complaint-Affidavit*, filed three days after the incident, was supported by an *Affidavit*^[7] signed by employees of RTC-Bambang, Nueva Vizcaya who witnessed the incident. The *Affidavit* narrated the same incident as witnessed by the said employees. A *Motion to File Additional Affidavit/Documentary Evidence* was filed by complainant on 25 September 2003.^[8]

On 26 May 2003, the CBD-IBP issued an *Order*^[9] requiring respondent to submit his answer to the complaint. Respondent submitted his *Compliance*^[10] dated 18 June 2003. Respondent explained that he was counsel for the plaintiffs in Civil Case No. 847, entitled *Sps. Federico Castellano, et al. v. Sps. Crispin Castellano, et al.*, filed with the RTC of Nueva Vizcaya, Branch 30. He learned of the finality of the decision of the Court of Appeals in CA-G.R. No. 64962 with respect to Civil Case No. 847 before the lower court. Prior to the incident, he went to the office of the complainant to request for the transmittal of the records of the case to the MCTC and the complainant reassured him of the same.

Respondent admits having inquired about the status of the transmittal of the records on 5 May 2003. However, he has no explanation as to what transpired on that day. Instead, he narrates that on 25 May 2003, twelve days after the incident, the records had not yet been transmitted, and he subsequently learned that these records were returned to the court of origin.

The hearing for the administrative complaint before the CBD was set on 25 September 2003 by the Investigating Commissioner Milagros V. San Juan. However, on said date, only complainant appeared. The latter also moved that the case be submitted for resolution.^[11] Respondent later on filed a *Manifestation* stating that the reason for his non-appearance was because he was still recuperating from physical injuries and that he was not mentally fit to prepare the required pleadings as his vehicle was rained with bullets on 19 August 2003. He also expressed his public apology to the complainant in the same *Manifestation*.^[12]

Complainant filed a *Manifestation* expressing her desire not to appear on the next hearing date in view of respondent's public apology, adding that respondent

personally and humbly asked for forgiveness which she accepted.^[13]

The Investigating Commissioner recommended that respondent be reprimanded and warned that any other complaint for breach of his professional duties shall be dealt with more severely.^[14] The IBP submitted to this Court a Notice of Resolution adopting and approving the recommendation of the Investigating Commissioner.^[15]

At the onset, it should be noted that respondent was not the counsel of record of Civil Case No. 784. Had he been counsel of record, it would have been easy for him to present the required certified true copy of the decision of the Court of Appeals. He need not have gone to Manila to procure a certified true copy of the decision since the Court of Appeals furnishes the parties and their counsel of record a duplicate original or certified true copy of its decision.

His explanation that he will enter his appearance in the case when its records were already transmitted to the MCTC is unacceptable. Not being the counsel of record and there being no authorization from either the parties to represent them, respondent had no right to impose his will on the clerk of court.

Rule 8.02 of the Code of Professional Responsibility states:

Rule 8.02-A lawyer shall not, directly or indirectly, encroach upon the professional employment of another lawyer; however, it is the right of any lawyer, without fear or favor, to give proper advice and assistance to those seeking relief against unfaithful or neglectful counsel.

Through his acts of constantly checking the transmittal of the records of Civil Case No. 784, respondent deliberately encroached upon the legal functions of the counsel of record of that case. It does not matter whether he did so in good faith.

Moreover, in the course of his questionable activities relating to Civil Case No. 784, respondent acted rudely towards an officer of the court. He raised his voice at the clerk of court and uttered at her the most vulgar of invectives. Not only was it ill-mannered but also unbecoming considering that he did all these to a woman and in front of her subordinates.

As held in *Alcantara v. Atty. Pefianco*,^[16] respondent ought to have realized that this sort of public behavior can only bring down the legal profession in the public estimation and erode public respect for it.^[17] These acts violate Rule 7.03, Canon 8 and Rule 8.01, to wit:

Rule 7.03 - A lawyer shall not engage in conduct that adversely reflect on his fitness to practice law, now shall he, whether in public or private life behave in scandalous manner to the discredit of the legal profession.

Canon 8 - A lawyer shall conduct himself with courtesy, fairness and candor toward his professional colleagues, and shall avoid harassing tactics against opposing counsel.

Rule 8.01 - A lawyer shall not, in his professional dealings, use language which is abusive, offensive or otherwise improper.