

FIRST DIVISION

[A.C. No. 5379, May 09, 2003]

**WALTER T. YOUNG, COMPLAINANT, VS. CEASAR G. BATUEGAS,
MIGUELITO NAZARENO V. LLANTINO AND FRANKLIN Q. SUSA,
RESPONDENTS.**

R E S O L U T I O N

YNARES-SANTIAGO, J.:

On December 29, 2000, Atty. Walter T. Young filed a Verified Affidavit-Complaint for disbarment against Attys. Ceasar G. Batuegas, Miguelito Nazareno V. Llantino and Franklin Q. Susa for allegedly committing deliberate falsehood in court and violating the lawyer's oath.^[1]

Complainant is the private prosecutor in Criminal Case No. 00-187627 for Murder, entitled "*People of the Philippines versus Crisanto Arana, Jr.*", pending before the Regional Trial Court of Manila, Branch 27. On December 13, 2000, respondents Batuegas and Llantino, as counsel for accused, filed a Manifestation with Motion for Bail, alleging that the "*accused has voluntarily surrendered to a person in authority. As such, he is now under detention.*"^[2] Upon personal verification with the National Bureau of Investigation (NBI) where accused Arana allegedly surrendered, complainant learned that he surrendered only on December 14, 2000, as shown by the Certificate of Detention executed by Atty. Rogelio M. Mamauag, Chief of the Security Management Division of the NBI.

Respondent Susa, the Branch Clerk of Court of RTC of Manila, Branch 27, calendared the motion on December 15, 2000 despite the foregoing irregularity and other formal defects, namely, the lack of notice of hearing to the private complainant, violation of the three-day notice rule, and the failure to attach the Certificate of Detention which was referred to in the Motion as Annex "1".

Respondents filed their respective comments, declaring that on December 13, 2000, upon learning that a warrant of arrest was issued against their client, they filed the Manifestation with Motion for Bail with the trial court. Then they immediately fetched the accused in Cavite and brought him to the NBI to voluntarily surrender. However, due to heavy traffic, they arrived at the NBI at 2:00 a.m. the next day; hence, the certificate of detention indicated that the accused surrendered on December 14, 2000. They argued that there was neither unethical conduct nor falsehood in the subject pleading as their client has voluntarily surrendered and was detained at the NBI. As regards the lack of notice of hearing, they contend that complainant, as private prosecutor, was not entitled to any notice. Nevertheless, they furnished the State and City prosecutors copies of the motion with notice of hearing thereof. Moreover, the hearing of a motion on shorter notice is allowed under Rule 15, Sec. 4(2) of the Rules of Court.^[3]

For his part, respondent Susa argues in his comment that he was no longer in court when his co-respondents filed the Manifestation with Motion for Bail. Ms. Teofila A. Peñia, Clerk III, received the said Motion and noticed that it was set for hearing on December 15, 2000 and the Certificate of Detention was not attached. However, the presiding judge instructed her to receive the Motion subject to the presentation of the Certificate of Detention before the hearing. Thus, the inclusion of the Motion in the court's calendar on December 15, 2000 was authorized by the presiding judge and, thus, was done by respondent Susa in faithful performance of his ministerial duty.

In a Resolution dated August 13, 2001,^[4] the instant case was referred to the Integrated Bar of the Philippines for investigation, report and recommendation or decision.

On December 7, 2001, the Investigating Commissioner, Rebecca Villanueva-Maala, submitted her report and recommendation as follows:

WHEREFORE, the foregoing premises considered, it is respectfully recommended that Atty. Ceasar G. Batuegas and Atty. Miguelito Nazareno V. Llantino be suspended from the practice of their profession as a lawyer/member of the Bar for a period of six (6) months from receipt hereof. The complaint against Atty. Franklin Q. Susa, upon the other hand, is hereby recommended dismissed for lack of merit.^[5]

The foregoing Report and Recommendation was adopted and approved by the IBP-Commission on Bar Discipline in Resolution No. XV-2002-400, to wit:

RESOLVED to ADOPT and APPROVE, as it is hereby ADOPTED and APPROVED, the Report and Recommendation of the Investigating Commissioner of the above-entitled case, herein made part of this Resolution/Decision as Annex "A"; and, finding the recommendation fully supported by the evidence on record and the applicable laws and rules, and in view of respondents' commission of deliberate falsehood, Atty. Batuegas and Atty. Llantino are hereby SUSPENDED from the practice of law for six (6) months. The complaint against Atty. Susa is hereby DISMISSED for lack of merit.^[6]

We agree with the findings and recommendations of the Investigating Commissioner. Respondents Batuegas and Llantino are guilty of deliberate falsehood.

A lawyer must be a disciple of truth.^[7] 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."^[8] 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.^[9] The courts, on the other hand, are entitled to expect only complete honesty from lawyers appearing and pleading before them.^[10] 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