

SECOND DIVISION

[A.C. No. 5668 (A.C. No. CBD-99-637), April 19, 2002]

GIL T. AQUINO, COMPLAINANT, VS. ATTY. WENCESLAO C. BARCELONA, RESPONDENT.

RESOLUTION

QUISUMBING, J.:

For resolution is the administrative complaint^[1] filed on May 27, 1999, by Gil T. Aquino against Atty. Wenceslao C. Barcelona for gross dishonesty and conduct unbecoming a lawyer.

Complainant engaged the legal services of Atty. Barcelona for the restructuring of his loan with the Philippine National Bank which was secured by a mortgage over his real estate property located in Malibay, Pasay City, and covered by TCT No. 131969. He paid a total amount of P60,000 to respondent who claimed to know a certain Gonzalo S. Mericullo, a legal assistant of the PNB, who will help complainant with the bank. The property of complainant, however, was subsequently foreclosed. Later, complainant found out that there is no Gonzalo S. Mericullo employed at PNB, contrary to the representations of respondent.

Pursuant to the complaint filed by Aquino, the IBP Commission on Bar Discipline (IBP-CBD) issued an Order^[2] on July 22, 1999, requiring Atty. Barcelona to file an answer within fifteen (15) days from receipt thereof. Respondent failed to give any answer, despite a long lapse of the period given.

Hearing was then set for February 17, 2000. But despite due notice, respondent failed to appear. Hence, on the same day, another Order^[3] was issued by the IBP-CBD requiring Atty. Barcelona to file his answer to the complaint within ten (10) days from receipt thereof. All to no avail.

On July 25, 2000, Commissioner Lydia A. Navarro of the IBP-CBD filed a report, the pertinent portion of which reads:

From the foregoing, it is evident that the respondent was given full opportunity and reasonable notice to answer and defend himself against complainant's charges, but was indifferent and ignored the same, whereby the Commission proceeded under the law to determine the matter ex-parte.

A careful examination and evaluation of the evidences on record showed that respondent deliberately misrepresented to the complainant that he was successful to secure the restructuring of complainant's loan with the PNB through his connection with a certain Gonzalo Mericullo, legal