

FIRST DIVISION

[A.C. No. 1571, September 23, 1999]

PARALUMAN B. AFURONG, COMPLAINANT, VS. ATTY. ANGEL G. AQUINO, RESPONDENT.

R E S O L U T I O N

PARDO, J.:

The case before the Court is a verified letter-complaint for disbarment, filed on December 22, 1975, by Paraluman B. Afurong against Atty. Angel G. Aquino, for filing frivolous harassment cases to delay the execution of a final decision, committing falsehood in an Urgent Motion for Postponement, and misrepresenting himself as an attorney for the Citizens Legal Assistance Office.

The antecedent facts show that on April 2, 1974, Paraluman Afurong filed a complaint for ejectment with the City Court of Manila for non-payment of rentals against Victorino Flores.^[1] The court rendered judgment on May 27, 1974 in favor of petitioner Paraluman Afurong. The court then issued a writ of execution on February 17, 1975, which was served on Victorino Flores in March 1975.

Facing eviction from the land he was occupying, Victorino Flores sought the assistance of the Citizens Legal Assistance Office. His case was assigned to Atty. Angel G. Aquino, an employee of said office at the time.

On April 3, 1975, Atty. Angel G. Aquino filed with the City Court of Manila a Petition for Relief from Judgment with prayer for the issuance of a restraining order.^[2] On May 9, 1975, the petition, after due hearing, was dismissed for having been filed out of time.

Atty. Aquino subsequently filed on May 29, 1975, with the Court of First Instance of Manila a Petition for Certiorari and Prohibition.^[3] The court set the pre-trial conference on December 12, 1975.

Notwithstanding the fact that he was separated from the Citizens Legal Assistance Office on October 1, 1975, Atty. Angel G. Aquino filed on December 11, 1975, an Urgent Motion for Postponement, signing his name as counsel for Victorino Flores and indicating the address of the Citizens Legal Assistance Office at 715 Gastambide, Sampaloc, Manila, as his office address.

In the aforesaid Urgent Motion for Postponement, Atty. Aquino stated that he would be unable to attend the pre-trial conference scheduled on December 12, 1975, at 9:00 a.m., of Civil Case No. 97976 because he needed to attend the hearing of a Habeas Corpus Case^[4] before the Juvenile and Domestic Relations Court that same day and hour.

However, a certification from the Clerk of Court of the Juvenile and Domestic Relations Court stated that a decision had been rendered on the aforementioned special proceedings case, and that there was no hearing in connection with the case on December 12, 1975, for there was nothing more to be done in the proceedings and the same was declared closed and terminated.^[5]

Thus, on December 22, 1975, Paraluman Afurong filed a complaint^[6] with this Court for disbarment against Atty. Angel G. Aquino.

According to complainant, appropriate punitive sanction should be meted to Atty. Angel G. Aquino for filing frivolous harassment cases in the form of Civil Case Nos. 97265 and 97976, and for giving false allegations in his Urgent Motion for Postponement.

Complainant emphasized that when Civil Case No. 97976 was set for pre-trial on December 12, 1975, at 9:00 a.m., respondent falsely represented that on the same date and hour, he would attend the hearing also on said date and time of Special Proceedings No. D-00326, entitled "In the Matter of the Petition for the Issuance of a Writ of Habeas Corpus of Lordeliza V. Sohnrey".

Complainant further contended that Atty. Angel G. Aquino misrepresented himself as an attorney of the Citizens Legal Assistance Office, using the name and address of said Office to postpone the pre-trial hearing of Civil Case No. 97976, on December 12, 1975, despite the fact that he had been separated from office at the time.

On February 13, 1976, respondent filed with this Court his Answer^[7] to the complaint denying the charges against him, contending that such acts had been done without malice.

He admitted, however, that at the time of the pre-trial of Civil Case No. 97976 set on December 12, 1975, he was no longer connected with the Citizens Legal Assistance Office, for he was "included as one of the employees purged by the President in a list published in the newspapers last October 1, 1975."^[8] Yet, he reasoned, "Not wanting to remove the case from the Citizens Legal Assistance Office by appearing as private counsel for the petitioner and still unable to wait for my reinstatement which I was informed was forthcoming, I decided to file a motion to postpone the pre-trial conference of the case."

He also conceded that, "In order to give more 'force' to my motion for postponement, I indicated therein that I had to attend the hearing of another case before the Juvenile and Domestic Relations Court."^[9]

He further admitted that the filing of the motion with the facts so stated "might have caused some delay", but justifies such act by stating that "such filing was prompted by some circumstances which we can consider as inevitable and unavoidable at the moment." He adds, "If I shall be given another chance to continue handling the case, I promise that this mistake shall never be repeated."^[10]

In a Reply filed on April 6, 1976,^[11] complainant asserted that Atty. Angel G. Aquino was declared guilty of contempt of court and correspondingly fined by this