

****Title:**** Judge Lacurom vs. Atty. Ellis F. Jacoba and Atty. Olivia Velasco-Jacoba

****Facts:****

The administrative case stems from a complaint filed by Judge Ubaldino A. Lacurom against attorneys Ellis F. Jacoba and Olivia Velasco-Jacoba for violations of the Code of Professional Responsibility regarding their conduct in a civil case for unlawful detainer. The case, originally decided in favor of their client at the Municipal Trial Court, was reversed upon appeal in the Regional Trial Court (RTC) presided over by Judge Lacurom. The attorneys filed a motion for reconsideration with language described as disrespectful and humiliating towards the judge and the judiciary. The motion led to contempt charges against Atty. Olivia Velasco-Jacoba, who claimed she signed the motion at her husband's behest without reading it, asserting there was no intention to insult the judiciary. The proceeding escalated with additional contempt charges against Atty. Ellis Jacoba, who denied drafting the motion, implicating marital privilege against the admission of his wife's testimony. Subsequent actions included administrative charges filed against Judge Lacurom and a petition for certiorari seeking to nullify the orders regarding the contempt charges.

****Issues:****

1. Whether the language used in the motion for reconsideration constituted disrespectful and humiliating conduct violative of the Code of Professional Responsibility.
2. The liability of Atty. Olivia Velasco-Jacoba for signing a pleading without fully reading its contents.
3. Atty. Ellis Jacoba's denial of his involvement in preparing the motion and the applicability of marital privilege.
4. Whether the filing of administrative charges and a certiorari petition against Judge Lacurom constituted misuse of legal remedies or was an exercise of legal rights.

****Court's Decision:****

The Supreme Court suspended Atty. Ellis F. Jacoba from the practice of law for two years and Atty. Olivia Velasco-Jacoba for two months. It found that the language in the motion for reconsideration was indeed disparaging and violated the respectful communication expected from attorneys. Atty. Velasco-Jacoba's actions in signing the pleading without reading were considered a false certification, violating the rules of court and meriting disciplinary action. Atty. Ellis Jacoba's denial of drafting the motion was not found credible, especially given Velasco-Jacoba's admission and direct evidence to the contrary. The Court differentiated between the proceedings against Judge Lacurom and the professional responsibilities of the attorneys, focusing on the latter's misconduct regardless of the

former's outcome.

****Doctrine:****

The decision reiterated several doctrines, including:

1. Lawyers must use dignified language, abstaining from “scandalous, offensive or menacing language or behavior before the Courts” (Rules 11.03, 11.04 of the Code of Professional Responsibility).
2. Attorneys are responsible for ensuring pleadings are not filed for improper purposes and are grounded in good faith (Rule 19.01 of the Code of Professional Responsibility).

****Class Notes:****

- A lawyer's duty of respect to the judiciary is integral to the legal profession's integrity.
- Signing legal documents without verifying their contents constitutes false certification, a serious offense.
- Marital privilege does not absolve attorneys from responsibility for their professional actions.
- Legal advocacy should be grounded in respectful dialogue, factual accuracy, and legal merit, avoiding any action that undermines the judiciary's dignity or operates outside honest legal pursuit.

****Historical Background:****

This case highlights ongoing tensions between the judiciary's expectation of respect and decorum from attorneys and the latter's advocacy on behalf of their clients. It underscores the balance attorneys must maintain between zealous representation and the boundaries of professional conduct as defined by the Code of Professional Responsibility. The decision serves as a reminder of the consequences of overstepping these boundaries, especially in written submissions to the court.