

Title:

****De Los Santos II v. Barbosa: Ethics Violation and Suspension of Legal Practice****

Facts:

Melba D. De Los Santos Rodis filed a complaint for Falsification of Public Document against Ricardo D. De Los Santos, Sr. and Rosie P. Canaco, alleging that Canaco falsely declared in her son's birth certificate that she was married to De Los Santos, Sr. Consequently, an Information was filed against Canaco for violation of Presidential Decree No. 651, charging her with making false statements in the Certificate of Live Birth of her son, Victor Canaco De Los Santos.

During the preliminary conference in the Metropolitan Trial Court (MeTC), Quezon City, Atty. Nestor C. Barbosa, counsel for Canaco, objected to the prosecution's evidence, leading to a postponement for the procurement of a certified true copy of the birth certificate. On May 24, 2004, Barbosa sent letters to various institutions to impede the release of the birth certificate, indicating his client had not authorized such release.

The MeTC issued an order on October 19, 2004, for the issuance of a subpoena duces tecum/ad testificandum to the Civil Registrar of Quezon City, compelling the production of the birth certificate. Barbosa filed a motion for reconsideration, which was denied on July 8, 2005. Meanwhile, a complaint for obstruction of justice was filed against Barbosa, which was dismissed for insufficiency of evidence.

Subsequently, Victor D. De Los Santos II filed a Petition for Disbarment against Barbosa, accusing him of gross violations of his oath as a lawyer and multiple ethical standards by obstructing and delaying Canaco's prosecution. The Integrated Bar of the Philippines (IBP) Commissioner found Barbosa administratively liable, recommending a one-year suspension, later modified by the IBP Board of Governors to six months, and upon reconsideration, to three months.

Issues:

1. Whether Atty. Nestor C. Barbosa violated his oath as a lawyer and the Code of Professional Responsibility by unduly delaying the proceedings and obstructing justice.
2. Whether Barbosa's actions constituted misleading the court regarding the identity of his client.

Court's Decision:

The Supreme Court found Barbosa guilty of violating Rules 1.01 and 1.03 of Canon 1, Rule

10.01 of Canon 10, and Rule 12.04 of Canon 12 of the Code of Professional Responsibility. The Court concluded that Barbosa's actions in delaying the proceedings and misleading the court regarding his client's identity were unethical and warranted disciplinary action. The penalty initially recommended by the IBP Commissioner for a one-year suspension was reinstated by the Supreme Court, highlighting the gravity of Barbosa's misconduct.

Doctrine:

The case reaffirmed the doctrines that lawyers must not engage in unlawful, dishonest, deceitful conduct, or any act that impedes the administration of justice. Moreover, it emphasized the duty of lawyers to uphold candor, fairness, and good faith to the court and not to mislead or allow the court to be misled by any artifice.

Class Notes:

- **Rule 1.01, Canon 1 of the CPR**: Lawyers shall not engage in unlawful, dishonest, immoral, or deceitful conduct.
- **Rule 1.03, Canon 1 of the CPR**: Lawyers shall not, for any corrupt motive or interest, encourage any suit or proceeding or delay any man's cause.
- **Rule 10.01, Canon 10 of the CPR**: Lawyers owe candor, fairness, and good faith to the court and must not do any falsehood nor consent to the doing of any in Court.
- **Rule 12.04, Canon 12 of the CPR**: Lawyers shall not unduly delay a case, impede the execution of a judgment, or misuse Court processes.

Historical Background:

This case illustrates the legal and ethical boundaries of legal practice in the Philippines, specifically concerning the conduct expected of lawyers in the representation of their clients. It highlights the imperative for lawyers to facilitate the administration of justice and refrain from practices that obstruct legal processes, underpinning the principles of professionalism and integrity within the legal profession.