

Title: Atty. Vicente Roy L. Kayaban, Jr. vs. Atty. Leonardo B. Palicte, III [Disbarment Case] (Case Brief / Digest)

Facts:

On June 26, 2015, Atty. Vicente Roy L. Kayaban, Jr., the complainant, filed a disbarment complaint against Atty. Leonardo B. Palicte, III, the respondent, before the Office of the Bar Confidant. The complaint was based on the unauthorized use of Kayaban's name and identity in a civil case pending before the Metropolitan Trial Court (MeTC) of Makati City, specifically in Civil Case No. 82422. Kayaban learned of this unauthorized representation upon receipt of a court order dated February 12, 2014, which prompted him to clarify his non-involvement in the said case through a manifestation to the court.

Kayaban's efforts to disassociate himself from the case and other cases where his name and address were unauthorizedly used by Palicte led to further communications between the two, including a demand letter from Kayaban and an apology letter from Palicte. Despite these communications, Kayaban proceeded with the disbarment complaint due to insufficient actions by Palicte to rectify the misrepresentation.

Additionally, Kayaban filed a complaint for Dishonesty and Grave Misconduct against Palicte before the Office of the Ombudsman. The case was eventually referred to the Integrated Bar of the Philippines (IBP) for investigation, report, and recommendation. During the proceedings, it was discovered that Palicte had indeed used Kayaban's name without authorization, prompting a series of legal maneuvers to correct the record, which were deemed insufficient by Kayaban.

Issues:

1. Whether Atty. Leonardo B. Palicte, III engaged in misrepresentation and unauthorized use of Atty. Vicente Roy L. Kayaban, Jr.'s name and identity.
2. Whether such actions constitute violations of the Lawyer's Oath and the Code of Professional Responsibility.

Court's Decision:

The Supreme Court adopted the findings and recommendations of the IBP, concluding that Palicte was guilty of misrepresentation and dishonesty by unauthorizedly using Kayaban's name and address in legal proceedings. The Court found violations of Canons 1, 7, 10, and

11 of the Code of Professional Responsibility and the Lawyer's Oath, ^(Case Brief / Digest) emphasizing lawyers' duty to uphold decency and honesty in their profession. Palicte was suspended from the practice of law for two years, with a stern warning that repetition of similar acts would result in more severe penalties.

****Doctrine:****

This case reiterates the doctrines concerning lawyers' obligations under the Code of Professional Responsibility, notably:

- A lawyer must engage in lawful, honest, and ethical conduct.
- A lawyer owes the court candor, fairness, and good faith.
- Lawyers must uphold the dignity and integrity of the legal profession, maintaining respect towards the courts and judicial officers.

****Class Notes:****

- ****Misrepresentation****: Presenting false or misleading assertions about one's role or capabilities, particularly in legal representation.
- ****Unauthorized Use of Name and Identity****: Utilizing another individual's personal and professional identifiers without consent for personal gain or to mislead.
- ****Suspension from Practice****: A penalty imposed on lawyers for misconduct, involving a temporary ban from practicing law.

****Historical Background:****

This case underscores the stringent standards to which legal professionals are held, particularly regarding honesty and integrity within and outside the courtroom. It emphasizes the importance of consent and authority in professional representation, serving as a critical reminder of the ethical boundaries governing the practice of law.