

### Title: Garcia vs. Lopez – A Case of Professional Misrepresentation in Legal Representation

### Facts:

Atty. Wilfredo T. Garcia initiated a complaint against Atty. Beniamino A. Lopez on September 24, 2002, alleging a violation of the lawyer's oath and misrepresentation amounting to perjury. The origin of the complaint was rooted in LRC Case No. 05-M-96, concerning the late Angelina Sarmiento's application for land registration before the Regional Trial Court (RTC) of Malolos, Bulacan, Branch 15. Sarmiento sought to register a tract of land measuring 376,397 sq. m., and the RTC decision in her favor was ultimately upheld by the Supreme Court. The decision directed the Land Registration Authority (LRA) to issue the decree of registration and certificate of title, which did not occur promptly, leading Garcia to motion for contempt against the LRA for non-compliance.

On September 19, 2002, Lopez entered an appearance as counsel for Sarmiento's heirs, which surprised Garcia who had not withdrawn from the case. Garcia alleged Lopez misrepresented himself to the court as the counsel for all heirs without specifying which ones, effectively sidelining Garcia. Garcia argued this was an unethical encroachment at a crucial stage in the proceedings, tantamount to "unfair harvesting" after Garcia's years of work since 1996. The heirs, according to Garcia, were Gina Jarviña and the Ku siblings – Alfredo, Zenaida, Wilson, Jeanette, and Geneva. Affidavits from Gina Jarviña and Alfredo Ku supported Garcia's claim, acknowledging him as their sole counsel.

Lopez counterargued that he was approached by Zenaida and Wilson Ku to represent them on September 19, 2002, just before a scheduled hearing, which prompted a rushed entry of appearance and motion for postponement. He admitted to the oversight of not listing his clients specifically but denied any deliberate misrepresentation or prejudice.

The complaint was escalated to the Commission on Bar Discipline of the Integrated Bar of the Philippines (IBP), where it was ruled that Lopez committed misrepresentation by failing to specify whom among the heirs he represented. Initially, the IBP recommended a strong reprimand, but upon reaching the Supreme Court, a more severe penalty was deemed appropriate.

### Issues:

1. Did Atty. Beniamino A. Lopez misrepresent himself as the counsel for all heirs of Angelita Sarmiento without proper authorization?

2. Did Lopez violate Canons 8 and 10, Rules 8.02 and 10.01 of the Code of Professional Responsibility through his actions?

### Court's Decision:

The Supreme Court affirmed the IBP's factual findings but modified the penalty, suspending Lopez from the practice of law for one month. The Court found Lopez guilty of misrepresentation for suggesting he represented all heirs without specific authorization, breaching his lawyer's oath and violating the specified Canons and Rules of the CPR. His actions were considered a deceit to the court and an unfair practice against Garcia, who had significantly contributed to the case since its inception. The decision stressed the importance of candor, honesty, and respect among legal practitioners, both towards the court and fellow colleagues.

### Doctrine:

The judgment reiterated key principles under the Code of Professional Responsibility, especially:

- Canon 10: Lawyers owe candor, fairness, and good faith to the court.
- Rule 10.01: Lawyers shall not commit falsehoods nor allow the court to be misled.
- Canon 8: Lawyers must conduct themselves with courtesy, fairness, and candor towards their professional colleagues.
- Rule 8.02: Lawyers should not encroach upon the professional employment of another lawyer without proper discourse.

### Class Notes:

- **\*\*Misrepresentation in Legal Representation\*\***: Lawyers must explicitly specify whom they represent, particularly in cases involving multiple parties or heirs to avoid confusion or misdirection of the court.
- **\*\*Professional Ethics and Courtesy\*\***: The legal profession demands a high standard of honesty, fairness, and respect towards the court and fellow practitioners. Encroaching on another lawyer's client without clear communication and authorization violates these standards.
- **\*\*Penalty for Ethical Violations\*\***: Even unintentional mistakes stemming from oversight can lead to penalties including suspension, emphasizing the need for diligence and precision in legal practice.

### Historical Background:

This case underscores the intricate dynamics between legal practitioners and the emphasis

on ethical conduct within the Philippine legal system. It also highlights the process by which grievances against lawyers are adjudicated, from the Integrated Bar of the Philippines to the Supreme Court, delineating the importance of maintaining integrity within the profession.