OCA CIRCULAR NO. 146-2016, July 01, 2016

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TO :

THE COURT OF APPEALS, SANDIGANBAYAN, COURT OF TAX APPEALS, REGIONAL TRIAL COURTS, SHARI'A DISTRICT COURTS, METROPOLITAN TRIAL COURTS, MUNICIPAL TRIAL COURTS IN CITIES, MUNICIPAL TRIAL COURTS, MUNICIPAL CIRCUIT TRIAL COURTS, SHARI'A CIRCUIT COURTS, THE OFFICE OF THE CHIEF STATE PROSECUTOR, PUBLIC ATTORNEY'S OFFICE AND THE INTEGRATED BAR OF THE PHILIPPINES

SUBJECT :

SUSPENSION FROM THE PRACTICE OF LAW FOR THREE (3) YEARS OF ATTY. RUSTICO B. GAGATE

For your information and guidance, quoted hereunder is the dispositive portion of the Decision of the Court En Banc dated 8 October 2013 in Administrative Case No. 9532, entitled "Maria Cristina Zabaljauregui Pitcher vs. Atty. Rustico B. Gagate," to wit:

> WHEREFORE, respondent Atty. Rustico B. Gagate is found guilty of violating Canon 17, Rule 18.03 of Canon 18, and Rule 19.01 of Canon 19 of the Code of Professional Responsibility. Accordingly, he is hereby SUSPENDED from the practice of law for a period of three (3) years, effective upon the finality of this Decision, with a stern warning that a repetition of the same or similar acts will be dealt with more severely.
>
> Further, respondent is ORDERED to return to complainant Maria Cristina Zabaljauregui Pitcher the £150,000.00 acceptance fee he received from the latter within ninety (90) days from the finality of this Decision. Failure to comply with the foregoing directive will warrant the imposition of a more severe penalty.

In a Resolution dated 11 February 2014, the Court ALLOWED respondent to file within 15 days from notice his motion for reconsideration of the Decision dated 8 October 2013, and DENIED the motion to reopen this case.

In his manifestation, dated 18 November 2013, respondent claimed that he learned the existence of this Decision on 14 November 2013 from the Supreme Court Website. To date, respondent failed to file a motion for reconsideration.

1 July 2016

(SGD.) JOSE MIDAS P. MARQUEZ
Court Administrator

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