

OCA CIRCULAR NO. 35-2013, March 06, 2013

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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 ATTORNEYS OFFICE AND THE INTEGRATED BAR OF THE PHILIPPINES

SUBJECT:

COURT RESOLUTIONS DATED APRIL 13, 2009 AND OCTOBER 22, 2012

For your information and guidance, quoted hereunder are pertinent portions of the Resolutions dated April 13, 2009 and October 22, 2012 of the Honorable Third and First Divisions, respectively in A. C. No. 7179 (Amalgamated Motors Phils., Inc. Represented by Felimon R. Cuevas vs. Atty. Jose Allan M. Tebelin), to wit:

Court Resolution dated April 13, 2009

A.C. No. 7179 (Amalgamated Motors Phils., Inc., Represented by Felimon R. Cuevas vs. Atty. Jose Allan M. Tebellin) - Acting on the complaint against respondent, the Court resolves to ADOPT AND APPROVE the Board Resolution No. XVIII-2008-482 of the Integrated Bar of the Philippines [IBP] Board of Governors. Accordingly, the Court further resolves to SUSPEND respondent from practice of law for one (1) year.

The letter of the IBP transmitting the documents pertaining to this case with information that no motion for reconsideration was filed in this case is NOTED.

Court Resolution dated October 22, 2012

A.C. No. 7179 (Amalgamated Motors Phils., Inc., represented by Felimon R. Cuevas, complainant, versus, Atty. Jose Allan M. Tebelin, respondent).

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On April 13, 2009, the Court suspended respondent Atty. Jose Allan M. Tebelin from the practice of law for one year, to wit:

Acting on the complaint against the respondent, the Court resolves to ADOPT AND APPROVE the Board Resolution No. XVIII-2008- 482 of the Integrated Bar of the Philippines (IBP) Board of Governors. Accordingly, the Court further resolves to SUSPEND respondent from practice of law for one (1) year.

The records show, however, that the copy of the April 13, 2009 Resolution served by registered mail upon respondent Atty. Tebelin was returned to this Court unserved with notation "RTS moved." A copy also of the Court's subsequent Resolution dated June 15, 2009 sent to Atty. Tebelin was likewise returned to this Court

unserved with notation "RTS moved."

On June 22, 2010, the Court received a letter from Attys. Arlene G. Lapuz-Ureta, Elsie S. Ramos and Elvin Michael L. Cruz of Lapuz-Ureta Ramos Arches Cruz and Manlagnit reporting the unauthorized practice of law of one Atty. Jose Allan M. Tebelin. Attys. Lapuz-Ureta, Ramos and Cruz said that Atty. Tebelin filed pleadings before the Regional Trial Court of Pasay City, Branch 108, on August 11, 2009, November 3, 2009, May 4, 2010 and May 13, 2010. They submitted copies of the pleadings filed by Atty. Tebelin which also show his new addresses. They also said that Atty. Tebelin attended a hearing on May 28, 2010.

We find the vigilance of Attys. Lapuz-Ureta, Ramos and Cruz in reporting the violation seemingly committed by Atty. Tebelin. We are unable however to condemn Atty. Tebelin for his continued practice of law. The records show that he did not receive the Court's resolution suspending him from the practice of law. The returned Resolution dated April 13, 2009 should have been reported to the Court for appropriate action. But the records do not bear a resolution on said returned resolution. Thus, all that the Court can fairly do is to serve anew upon Atty. Tebelin, at his new addresses on record, the Resolution dated April 13, 2009 and to dismiss the reported violation by Atty. Tebelin of the Court's order suspending him from the practice of law.

WHEREFORE, the Court DISMISSES the report of unauthorized practice of law by respondent Atty. Jose Allan M. Tebelin, filed by Attys. Arlene G. Lapuz-Ureta, Elsie S. Ramos and Elvin Michael L. Cruz.

The Court further ORDERS that the Resolution dated April 13, 2009 be served personally upon respondent Atty. Jose Allan M. Tebelin at his new addresses on record.

SO ORDERED.

The Resolutions dated April 13, 2009 and October 22, 2012 were personally served on the respondent, thru his authorized agent Ara Jane P. Juanillo, at his new address at TEBELIN MENDEZ LAW OFFICE, 2 nd Floor, Margaphil Technical Institute Unit J, Violeta Court, 2814 F.B. Harrison St., Pasay City 1300 on 31 January 2013.

March 6, 2013

(SGD.) JOSE MIDAS P. MARQUEZ

Court Administrator

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