

**IN THE MATTER OF THE PETITIONS TO AFFIRM RIGHT TO
PRACTICE LAW AND FOR ISSUANCE OF A DUPLICATE
LAWYER'S CERTIFICATE. ANDRES CULANAG ALIAS ATTY.
ROSS V. PANGILINAN, PETITIONER.**

MISC. BAR I-2. September 30, 1971

Ponente: MAKASIAR, J.

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MAKASIAR, J.:

Andres Culanag, representing himself as Atty. Ross V. Pangilinan, filed a petition praying that his right to practice law be affirmed (Misc. Bar-I) and another petition for the issuance of a duplicate lawyer's certificate (Misc. Bar-2); because he allegedly was admitted to the Bar on January 18, 1954.

RE: MISC. BAR-I

On March 29, 1971, Andres Culanag, representing himself as Atty. Ross V. Pangilinan with address at Diversion Road, Cabanatuan City, filed with this Court a petition dated March 22, 1971 praying that his right to practice law be affirmed after alleging that he was admitted to the Philippine Bar on January 18, 1954 under Attorney's Roll No. 5606; and that his duplicate lawyer's certificate and Bachelor of Laws diploma were taken by the National Bureau of Investigation, which was directed to surrender the same to him upon his petition by the Court of First Instance of Rizal in Civil Case No. 11944 entitled "Ross V. Pangilinan vs. NBI Director" in an order dated July 17, 1970, which order became final on August 29, 1970 (pp. 1-2, Vol. I, rec.).

The Answer with Opposition filed on April 27, 1971 by the Solicitor General to the aforesaid petition states that petitioner is an impostor whose real name is Andres Culanag and not Atty. Ross V. Pangilinan; that the NBI agents, in connection with their investigation of Criminal Case No. 671 against petitioner in the Court of First Instance of Lanao del Norte, took from the petitioner the duplicate lawyer's certificate and Bachelor of Laws diploma bearing the name Ross V. Pangilinan; that while the Rizal Court of First Instance in Civil Case No. 11944 (Ross V. Pangilinan vs. NBI Director) in an order dated July 17, 1970 directed the return of the aforementioned two documents to petitioner, the same Court in an order dated March 29, 1971, upon motion of the Solicitor General in behalf of the NBI Director, set aside the aforesaid order of July 17, 1970; that the Solicitor General filed a motion for contempt against petitioner in said Civil Case No. 11944, which is still pending resolution (Annex "C", pp. 67-70, Vol. I, rec.); that petitioner in said Civil Case No. 11944 filed a motion dated April 5, 1971 to withdraw his petition therein (Annex B, pp. 65-66, Vol. I, rec.), to which the Solicitor General filed an opposition, which is also pending resolution; that petitioner filed with the Manila Court of First Instance Civil Case No. 82734 entitled "Ross V. Pangilinan vs. NBI Director" praying for the recovery of possession and ownership of the aforementioned two documents, stating therein his address as Diversion Road corner Paco Roman, Cabanatuan City, which is different from the address he gave to the Rizal Court of First Instance in Civil Case No. 11944 which is 104 Esteban St., New Ilalim, Olangapo City (Annex B, pp. 24-28, Vol. I, rec.); and that, being an impostor, petitioner was convicted of the crime of falsification for assuming and signing as Ross V.

Pangilinan and served sentence in the National Penitentiary (pp. 8-13, Vol. I, rec.).

In an order dated April 17, 1971, Judge Pedro C. Navarro of the Rizal Court of First Instance granted the motion of petitioner to withdraw his petition in Civil Case No. 11944 on the ground that there was no objection thereto (Annex "A", p. 64, Vol. I; Annex "A", p. 187, Vol. II, rec.).

In an order dated June 4, 1971, Judge Guardson Lood of the Rizal Court of First Instance, to whose sala Civil Case No. 11944 pertains, re-affirmed the order of Judge Navarro dated April 17, 1971 and considered the petition therein withdrawn, but did not consider as withdrawn the motion for contempt against petitioner, which was set for hearing on July 5, 1971 and re-set to September 5, 1971, at which the petitioner was required to be personally present (Annexes "B" & "C", pp. 188-189, Vol. II, rec.).

As heretofore stated, petitioner — giving his address as Castillejos, Zambales — filed another complaint dated February 9, 1971 against the NBI Director for the recovery of possession and ownership of his alleged lawyer's certificate and Bachelor of Laws diploma docketed in the Manila Court of First Instance as Civil Case No. 82734 and entitled "Ross V. Pangilinan vs. NBI Director" to which the Solicitor General filed an opposition (Annex "E", pp. 29-31, Vol. I, rec.). On June 25, 1971, petitioner filed an amended complaint in said Civil Case No. 82734, — giving his residence as Diversion Road corner Paco Roman, Cabanatuan City and business address as R-221, Fourth Floor, Manhattan Building, Manila (Annex "A", pp. 49-52, Vol. I, rec.) — followed by a motion dated July 26, 1971, wherein petitioner gave Olongapo City as his address and prayed that he be allowed to dismiss without prejudice said Civil Case No. 82734 (Annexes "A" & "B", pp. 49-52, 65, Vol. I, Annex "D", pp. 185, 190-191, Vol. II, rec.).

RE: MISC. BAR-2

Petitioner, still representing himself as Atty. Ross V. Pangilinan with address at Cabanatuan City, filed on April 7, 1971 another petition dated March 31, 1971 praying that he be issued a duplicate lawyer's certificate upon payment of the required fees on the ground that his lawyer's certificate was lost in the "last strongest typhoon which hit Central Luzon," after alleging that he was admitted to the Bar on January 18, 1954 under Attorney's Roll No. 5606 (p. 26, Vol. II, rec.).

In his comment dated May 26, 1971, the NBI Director stated that petitioner, who claims to be Ross V. Pangilinan, is an impostor, whose real name is Andres Culanag who served sentence in the National Penitentiary his conviction in Criminal Case No. 1322-AF for using fictitious name and in Criminal Case No. 1193-AF for falsification of public documents before the Lanao del Norte Court of First Instance, attaching to the said comment the dossier of the investigation, prosecution and conviction of Andres Culanag for posing as Atty. Ross V. Pangilinan (pp. 30-64, Vol. II, rec.).

In his comment dated June 5, 1971 and filed on June 8, 1971, the real Atty. Ross V. Pangilinan, praying for the denial of the petitions, stated that he is not the one who filed the two petitions before this Court; that he had no participation therein; that he is still in possession of his original lawyer's certificate issued to him by the Clerk of the Supreme Court dated January 26, 1954; that he does not need any duplicate lawyer's certificate; that petitioner's real name is Andres Culanag, who is not a member of the Bar as he finished only the second year of high school; that upon his complaint, because petitioner has been posing publicly as Atty. Ross V. Pangilinan, petitioner was investigated by the National Bureau of Investigation, prosecuted and convicted for using a fictitious name upon his plea of guilty; and that petitioner served two sentences in the New Bilibid Prisons (pp. 66-68, Vol. II, rec.).

When interviewed on September 1, 1960 in her residence at 1555 M. Natividad St., Sta. Cruz, Manila, Mrs.

Eleuteria Testa Vda. de Pangilinan, mother of the true Atty. Ross V. Pangilinan, recounted to the NBI Agent that she is from Minalin, Pampanga; that she was married to Hermogenes Pangilinan of Sto. Tomas, Pampanga; that in 1924, she and her husband migrated to Cebu City (then provincial capital) to engage in business; that her son, Atty. Ross V. Pangilinan, was born on August 13, 1924 in Cebu City; that they never left Cebu City; that after her first husband died in 1926, she remarried; and that she does not know any person by the name of Andres Culanag (p. 51, Vol. II, rec.).

In a motion dated April 26, 1971, petitioner prayed that he be allowed to withdraw his petition before this Court dated March 31, 1971 (pp. 73, 90, Vol. II, rec.), followed by an urgent motion to the same effect dated June 26, 1971 (pp. 88-89, Vol. II, rec.).

In Our resolution dated July 12, 1971, WE denied petitioner's motion to withdraw his petition dated March 31, 1971, ordered the consolidation of the two petitions, and set both petitions for joint hearing on August 13, 1971, requiring the personal appearance both of petitioner and of the real Atty. Ross V. Pangilinan (p. 95, Vol. II, rec.).

In a motion dated July 26, 1971 and filed on July 30, 1971, on the ground that his petition in Civil Case No. 11944 of the Rizal Court of First Instance was considered withdrawn on his motion, that he filed a motion to withdraw or to dismiss his petition in Civil Case No. 82734 with the Manila Court of First Instance and that he is suffering from hypertension and always feeling dizzy, petitioner prayed that he be relieved from appearing personally at the hearing of August 13, 1971 and that his two petitions before US be considered withdrawn (pp. 184-186, Vol II, rec.), which motion was denied in Our resolution dated August 5, 1971 (p. 194, Vol. II, rec.). WE likewise denied his telegraphic motion dated August 12, 1971 from Cabanatuan City for the postponement of the hearing on August 13, 1971 as well as his urgent motion for reconsideration of the resolution of August 5, 1971 and considered these two petitions submitted for resolution after both petitioner and the true Atty. Ross V. Pangilinan failed to appear at said hearing.

It appears from the dossier submitted by the NBI Director together with his comment, the records of the Bureau of Prisons and the comment of the true Atty. Ross V. Pangilinan, that the full name of petitioner is Andres Culanag y Visda, born on August 30, 1933 in Santander, Cebu; that his mother's name is Emelia Visda (or Vista?), also of Santander, Cebu (p. 125, Vol. II, rec.); that he finished only second year high school (p. 66, Vol. II, rec.); and that according to Juan Raymundo Labayos y Ocaba of Iligan City, petitioner was once employed as a clerk-typist of the genuine Atty. Ross V. Pangilinan in his law office at the Quirino Building at Juan Luna and Colon Streets, Cebu City (p. 41, Vol. II, rec.).

Furthermore —

(1) In a resolution dated September 2, 1959, this Court granted his petition as Atty. Ross V. Pangilinan for the issuance of a duplicate lawyer's certificate in his favor on the ground that his lawyer's certificate originally issued to him was burned with his house in the last Ozamis City conflagration (pp. 34, 59, Vol. I; p. 148, Vol II, rec.). This petition could have been filed only by petitioner Andres Culanag; because the genuine Atty. Ross V. Pangilinan categorically stated in his comment dated June 5, 1971 that he does not need a duplicate lawyer's certificate, for he still has his original lawyer's certificate issued to him (pp. 66-68, Vol II, rec.). This is confirmed by the letter of the 4th Deputy Clerk of Court and Bar Confidant of this Court dated September 20, 1966 to Andres M. Culanag, c/o New Bilibid Prisons, Muntinlupa, Rizal, in reply to the latter's letter dated August 16, 1966 to the effect that his request for a copy of a certificate of membership in the Bar of Atty. Ross V. Pangilinan cannot be sent to him (Culanag) unless the request is personally signed by Atty. Ross V. Pangilinan and the legal fee of One Peso (P1.00) is remitted and that enclosed with said letter was a true copy of the resolution of this Court dated September 2, 1959 granting Mr. Pangilinan's request for issuance of a duplicate copy of his lawyer's

certificate (pp. 148-149, Vol. II, rec.).

Having secured the duplicate lawyer's certificate of Atty. Ross V. Pangilinan with facility and impunity in September, 1959, falsely representing himself as Atty. Ross V. Pangilinan, petitioner Andres Culanag was further emboldened to continue with his masquerade and to practice law as Atty. Ross V. Pangilinan outside of Cebu province and Cebu City.

(2) As Atty. Ross V. Pangilinan, petitioner was able to secure from the Registrar of the University of the Visayas an official transcript of the records of the real Atty. Ross V. Pangilinan and a certification that Atty. Pangilinan obtained his Bachelor of Laws degree in April, 1953 from said University (Exhibit "A", p. 80, Vol. II, rec.). This enabled petitioner Andres Culanag to enrol in Master of Arts in Public Administration at the University of the Philippines (p. 32, Vol. II, rec.).

(3) He was likewise prosecuted for using fictitious name (Criminal Case No. 1322-AF) in the municipal court of Iligan City, Lanao del Norte, for falsification of public documents (Criminal Case No. 1193-AF), for practicing law, including teaching law at St. Peter's College, under the name of Atty. Ross V. Pangilinan and securing a commission as notary public for the years 1958 and 1959 in Lanao del Norte, and was arrested by NBI Agents therefor on August 21, 1961 at the U.P. School of Public Administration, Padre Faura Street, Manila where he was taking Master of Arts in Public Administration (pp. 32-36, 38-57, Vol. II, rec.).

(4) He pleaded guilty to the aforesaid charges was accordingly sentenced and served said sentence in the New Bilibid Prisons, Muntinlupa, Rizal (pp. 30, 97-98, Vol. II, rec.).

(5) In Criminal Case No. 671 before the Court of First Instance of Lanao del Norte at Iligan City, he was sentenced by Judge Manuel Estipona in a decision dated December 16, 1961 for falsification of public documents, to from four months and one day of arresto mayor as minimum to two years, four months, and one day of prision correccional as maximum and to pay a fine of One Thousand Pesos (P1,000.00) with subsidiary imprisonment in case of insolvency, plus costs. Thereafter, he was committed to the Bureau of Prisons on April 12, 1962 for said offense and confined in Muntinlupa, Rizal on April 13, 1962 (pp. 97-99, 119-122, Vol. II, rec.).

(6) The municipal court of Mamburao (provincial capital), Occidental Mindoro sentenced him on December 4, 1964 in Criminal Case No. 790 for falsification of public documents to from four months and one day to two years, four months and one day, to pay a fine of Five Hundred Pesos (P500.00) with subsidiary imprisonment in case of insolvency (pp. 100-102, 111-112, Vol. II, rec.) and also in Criminal Case No. 789, which he served until March 5, 1965 (pp. 117, 181, Vol. II, rec.).

(7) He was discharged on parole on July 9, 1962 for his conviction by the City Court of Iligan City in Criminal Case No. 671, but pursuant to an order of the Board of Pardons and Parole on May 18, 1964, he was re-arrested for violating his parole by his failure to report to the City Judge of Iligan by virtue of the warrant for his arrest and re-committment issued on June 3, 1964 (pp. 103-105, 113-114, Vol II, rec.).

(8) He filed a petition for change of name dated July 23, 1965 and docketed as Special Proceedings No. 5198 entitled "In the Matter of a Petition for a Change of Name, Andres Culanag, Petitioner" giving as his address the Administrative Division of the Bureau of Prisons and with Prison No. 51602-P. Upon his motion, he was allowed to litigate therein as a pauper in an order dated September 15, 1965, which order he received in the Bureau of Prisons on September 28, 1965. However, said petition was dismissed for failure to comply with the jurisdictional requirement that petitioner should be a bona fide resident of the province of Rizal for at least three years prior to the date of the filing of the petition on August 16, 1965 and for lack of publication, which order of dismissal was however held in abeyance in an order dated November 12, 1965 giving him fifteen (15) days within which to

prove compliance with the rules. Until this date, he has not complied with the said order (pp. 106-109, Vol II, rec.).

(9) He was discharged from the New Bilibid Prisons, Muntinlupa, Rizal on July 17, 1969 after having served his sentences in Criminal Cases Nos. 789, 790 and 671, for falsification of public documents and for violation of conditional pardon (p. 123, Vol. II, rec.).

(10) In connection with Criminal Case No. 790 in which he was sentenced for falsification of public documents, his petition to be relieved from subsidiary imprisonment on the ground that he owns real properties, was denied by the municipal judge in an order dated May 20, 1968 because the documents and the deeds of conveyance he submitted were in the name of Ross V. Pangilinan as vendee and not in his name and consequently the properties claimed by him are the properties of Ross V. Panigilinan (p. 147, Vol. II, rec.).

(11) He filed Civil Case No. 769-R before Branch III of the Pasay City Court of First Instance entitled "Andres M. Culanag vs. Ross V. Pangilinan," where his motion for release upon payment of fines was denied in an order dated January 20, 1968 (p. 178, Vol II, rec.).

(12) He was prosecuted before the Court of First Instance at Olongapo City, Zambales, Branch I, in Criminal Case No. 4202 entitled "People vs. Andres Culanag," which was dismissed in an order dated March 5, 1968 upon an ex parte motion to dismiss filed by Second Assistant Provincial Fiscal David Rosete. He was accordingly returned to the New Bilibid Prisons in Muntinlupa, Rizal (pp. 144, 179-182, Vol. II, rec.).

The record likewise discloses:

(1) that he practiced law as Atty. Ross V. Pangilinan in 1961 in Balanga, Bataan and actually appeared as counsel in Cadastral Case No. 12 GLRO-388 entitled "Doroteo Rivera vs. Fausto de Castro (Exh. "I", p. 62, Vol. I; Exh. "F", p. 85, Vol. II, rec.);

(2) that he practiced law as Atty. Ross V. Pangilinan in Manila in 1960-61 and actually secured a commission as notary public on April 26, 1960 for the term ending December 31, 1961, which commission was cancelled on October 6, 1960 upon his own petition (Exh. "H", p. 60, Vol. I; Exh. "E", p. 84, Vol. II, rec.);

(3) that his present address is Cabanatuan City where he presumably must also be practicing law as Atty. Ross V. Pangilinan for the medical certificate he secured from Dr. Ricardo J. Soto, refers to him as "Atty. Ross V. Pangilinan" (Annex "E", p. 192, Vol. II, rec.); and

(4) that he also practiced law as Atty. Ross V Pangilinan in Cotabato where he was commissioned notary public for the province and city of Cotabato from June 22, 1960 to December 31, 1961 (pp. 38-39, 52, 56, Vol. II, rec.).

It is patent that the petitioner in these two cases, who claims to be Atty. Ross V. Pangilinan, is really Andres Culanag, an impostor, and thrice convicted for posing as Atty. Ross V. Pangilinan; and that the true Atty. Ross V. Pangilinan is in possession of his original lawyer's certificate and Bachelor of Laws diploma and presently practicing law in Cebu City.

Sensing that this Court has discovered that he is a poseur, Andres Culanag filed a motion to withdraw his two petitions before this Court which as afforsted WE denied. He filed a motion on July 30, 1971 dated July 26, 1971 praying that he be relieved from appearing personally at the hearing on August 13, 1971 which was denied in a resolution dated August 5, 1971 (p. 194, Vol. II, rec.). He likewise filed an urgent motion for reconsideration of the resolution of August 5, 1971 praying for the postponement of the hearing set for August 13, 1971 until after the contempt proceedings against him before the Rizal Court of First Instance is resolved (pp. 197-199, Vol. II, rec.) followed by a telegraphic motion for postponement on the ground that he is sick, which was received by this

Court on August 12, 1971 (p. 195, Vol. II, rec.). These he did, after filing on May 18, 1971 his reply dated May 4, 1971 to the opposition of the Solicitor General to his first petition filed on March 29, 1971 and dated March 22, 1971 (pp. 15-22, Vol. I, rec.), wherein he reiterated his prayer that the aforesaid petition be granted, followed by his motion also filed at 4:00 P.M. on May 18, 1971 and dated May 4, 1971 praying that the said resolution of his first petition be held in abeyance until after the Manila Court of First Instance shall have decided on the merits Civil Case No. 82734 (pp. 36-37, Vol. I, rec.). This was followed by his counter-comment with motion for writ of preliminary injunction filed on June 28, 1971 and dated June 28, 1971 reiterating his prayer that the resolution of his petition be held in abeyance with additional prayer that the Presiding Judge of Branch VI, Rizal Court of First Instance be directed to show cause why injunction should not be issued to restrain him from proceeding with the contempt proceedings against petitioner (pp. 43-48, Vol. I, rec.).

WHEREFORE, the petitions dated March 22, 1971 and March 31, 1971 filed respectively on March 29, 1971 and April 7, 1971 are hereby dismissed.

The NBI Director is hereby directed to deliver to the Supreme Court the duplicate lawyer's certificate and Bachelor of Laws diploma bearing the name of Ross V. Pangilinan, which the NBI agents confiscated from Andres Culanag.

Petitioner Andres Culanag is hereby directed to show cause within ten (10) days from receipt hereof why he should not be punished for contempt for filing the two false petitions.

Let copies of this decision be furnished the Secretary of Justice, NBI Director, the City Fiscals of Manila, Cabanatuan City, Olongapo City, and Cotabato City and the Provincial Fiscals of Rizal, Nueva Ecija, Zambales, Bataan and Cotabato for the institution of such criminal prosecution against Andres Culanag as may be warranted.

Concepcion, C.J., Reyes, J.B.L., Dizon, Makalintal, Zaldivar, Ruiz Castro, Fernando, Teehankee, Barredo, and Villamor, JJ., concur.

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