

SC CIRCULAR NO. 55-99, September 10, 1999

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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, MUNICIPAL TRIAL COURTS IN CITIES, MUNICIPAL TRIAL COURTS, MUNICIPAL CIRCUIT TRIAL COURTS, SHARI'A CIRCUIT COURTS, THE OFFICE OF THE STATE PROSECUTOR, PUBLIC ATTORNEYS OFFICE AND THE INTEGRATED BAR OF THE PHILIPPINES

SUBJECT

DISBARMENT OF ATTY. LAURO L. TAPUCAR

In compliance with the directive of the Court, hereunder is the resolution of the Court En Banc in Administrative Case No. 4148 entitled "Remedios Ramirez Tapucar vs. Lauro L. Tapucar" dated August 31, 1999, quoted in full for the information and guidance of all concerned, to wit:

Before the Court is a complaint on April 12, 1999, by complaint Remedios R. Tapucar, through a manifestation and motion alleging that respondent ex-Judge Lauro L. Tapucar continues to practice law despite his disbarment pursuant to our Decision promulgated on July 30, 1998.

"Complaint cited a number of instances in which respondent acted as lawyer, namely:

"1. During the hearing held on March 19, 1999, as counsel for defendant in Rapid City Realty Dev't Corp. v. Rosalina M. Pascual, et. al. Civil Case No. 3504-A, before the Regional Trial Court, Antipolo City, Branch 71;

"2. During a pre-trial held on March 5, 1999, as counsel for plaintiffs in Heirs of Marcos de los Santos v. Jose Esparanga, Civil Case No. 98-4917, before the RTC, Antipolo City, Branch 72;

"3. During a hearing held on March 19, 1999, as counsel for the intervenor in Paz C. Levya, et al, V. Benjamin Leyva, at al., Civil Case No. 96-3949, before the RTC, Antipolo City, Branch 73;

"4. During the hearing held on March 19, 1999, as counsel for the "applicants" in Civil Case No. 95-1611;

"5. During the hearing on March 22, 1999, as counsel for the accused in People v. Ricardo de la Cruz, Criminal Case No. 96-12812, before the RTC, Antipolo, Branch 74.[1]

"Complaint noted that the respondent's petition for a notarial commission, copy of which was attached to her manifestation and motion, respondent stated that

"...he is member of the Philippine Bar now the Integrated Bar of the Philippines of good standing since 1955

up to present with 35 years in the active practice of law and 8 years as District and Executive Judge of the defunct Court of First Instance of Agusan del Norte and Butuan City for 7 years."

"This declaration of respondent was allegedly made in his petition dated December 22, 1998, or after our decision disbarring him was promulgated on July 30, 1998. Complaint pointed out the respondent deliberately omitted to mention in his petition the fact of his earlier disbarment.

"Complaint averred that respondent's act are "willful, vile and malevolent demonstration, no less, of respondent's utter disdain, mockery travesty and scorn for the Honorable Court and of its Decision..."[2]

"In a resolution dated June 15, 1999, we referred the matter to the Office of the Bar Confidant for comment, which said office submitted to the Court on July 19, 1999.

"In its comment, the Office of the Bar Confidant revealed that its office has received a number of inquiries regarding the status of respondent as member of the Philippine Bar. One inquiry came from Asst. Public Prosecutor Ireneo M. Quintano, who stated that respondent entered his appearance as defense counsel in a case before the San Juan Metropolitan Trial Court. According to Prosecutor Quintano, respondent insisted that he could still practice law despite his disbarment, since there is no official certification and memorandum circular from the Supreme Court disallowing him from appearing in court.

"The Office of the Bar Confidant further stated:

"It is our respectful submission that the decision of the Court ordering the disbarment of respondent became final as of the date, i.e., November 5, 1998, he received a copy of the October 6, 1998 resolution. His non-filing of a motion for reconsideration of the said resolution was a tacit acquiescence thereto. But lo and behold, true to his cavalier attitude he once again finds an occasion to display his intellectual arrogance by resorting to technicality which is more imagined than real. Mr. [respondent's name] flawed justification regarding his capacity to still practice law despite his disbarment] is nothing but a lame excuse to deceive judges into allowing him to appear in courts on several occasions. He made matters worse when he [stated in his petition for a notarial commission] that he is a member [in] good standing of the Philippine Bar and the Integrated Bar of the Philippines up to the present. Such misrepresentation was done as respondent knew fully well that membership [in] good standing in the Philippine Bar is a condition sine qua non for appointment as a notary public.

It is thus, our respectful submission that his open and willful defiance of, as well as his flagrant attempt at circumventing, a lawful Court order, which, by the very nature of the acts, constitute contempt of court. Verily, his acts may be viewed as an improper conduct, to say the least, tending to directly impede, obstruct and degrade the administration of justice, for which he should not go unpunished if only to impress upon him that compliance with Court orders is not subject to the whims of the parties."

"We note further that in a Respectful Motion filed by respondent before the Court through the Office of the Bar Confidant on September 3, 1998, respondent stated that he humbly accepts the Honorable Court's verdict,"[3] in regard to his disbarment. He moved to be granted a sufficient period of time to wind up work on cases he handled. But we denied said motion in resolution dated October 6, 1998 for lack of merit, precisely to provide him no excuse to circumvent the decision striking out his name from the roll of attorneys.

"Considering the allegations of complainant and the comments by the Office, of the Bar Confidant, in the light of our decision promulgated on July 30, 1998, ordering the disbarment of respondent and our Resolution dated October 6, 1998, denying respondent's motion for a winding up period, the Court resolved to:

"1. Order respondent to (a) abide faithfully with the above-cited decision and Resolution concerning his disbarment; (b) cease and desist from practicing law, including acting as Notary Public; and (c) within an unextendible period of ten (10) days comment in the above-cited complaint (by way of manifestation and motion) filed by complainant on

Anri! 12, 1999; and show cause why spondsni should not be held in contempt of court with rresponding penalties imposed on him pursuant to the Rules of Court, particularly Ruie71 on contempt, for unauthorised practice iaw and disobedience to the abovecited decision, Resolution and related Orders of this Court.

"2. Order the Executive Judge of the Regional Trial Court of Spoio City to immediately cancel or cause the cancellation of indent's Commission as Notary Public, if such Commission indeed was issued to him for the December 31, 2000, hence already after his disbarment on July 30, 1998.

Attorneys Office as well as lhe InSgrated Bar Confidant to circulize copies of this Resolution to all concerned, particularly the courts, the Office of the State Prosecutor, and the Public Attorneys Office as well as the Integrated Bar of the Philippines and its chapters, for the information and guidance.

"x x x."

September __10__, 1999.

(SGD.) ALFREDO L. BENEPAYO

Court Administrator

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