

SALLY D. BONGALONTA, COMPLAINANT, VS. ATTY. PABLITO M. CASTILLO AND ALFONSO M. MARTIJA, RESPONDENTS.

CBD Case No. 176. January 20, 1995

Ponente: MELO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/9f65c916d3b1/>

MELO, J.:

In a sworn letter-complaint dated February 15, 1995, addressed to the Commission on Bar Discipline, National Grievance Investigation Office, Integrated Bar of the Philippines, complainant Sally Bongalonta charged Pablito M. Castillo and Alfonso M. Martija, members of the Philippine Bar, with unjust and unethical conduct, to wit: representing conflicting interests and abetting a scheme to frustrate the execution or satisfaction of a judgment which complainant might obtain.

The letter-complaint stated that complainant filed with the Regional Trial Court of Pasig, Criminal Case No. 7653-55, for estafa, against the Sps. Luisa and Solomer Abuel. She also filed, a separate civil action Civil Case No. 56934, where she was able to obtain a writ of preliminary attachment and by virtue thereof, a piece of real property situated in Pasig, Rizal and registered in the name of the Sps. Abuel under TCT No. 38374 was attached. Atty. Pablito Castillo was the counsel of the Sps. Abuel in the aforesaid criminal and civil cases.

During the pendency of these cases, one Gregorio Lantin filed Civil Case No. 58650 for collection of a sum of money based on a promissory note, also with the Pasig Regional Trial Court, against the Sps. Abuel. In the said case Gregorio Lantin was represented by Atty. Alfonso Martija. In this case, the Sps. Abuel were declared in default for their failure to file the necessary responsive pleading and evidence ex-parte was received against them followed by a judgment by default rendered in favor of Gregorio Lantin. A writ of execution was, in due time, issued and the same property previously attached by complainant was levied upon.

It is further alleged that in all the pleadings filed in these three (3) aforementioned cases, Atty. Pablito Castillo and Atty. Alfonso Martija placed the same address, the same PTR and the same IBP receipt number, to wit: Permanent Light Center, No. 7, 21st Avenue, Cubao, Quezon City, PTR No. 629411 dated 11-5-89 IBP No 246722 dated 1-12-88.

Thus, complainant concluded that Civil Case No. 58650 filed by Gregorio Lantin was merely a part of the scheme of the Sps. Abuel to frustrate the satisfaction of the money judgment which complainant might obtain in Civil Case No. 56934.

After hearing, the IBP Board of Governors issued its Resolution with the following findings and recommendations:

Among the several documentary exhibits submitted by Bongalonta and attached to the records is a xerox copy of TCT No. 38374, which Bongalonta and the respondents admitted to be a faithful reproduction of the original. And it clearly appears under the Memorandum of Encumbrances on aid TCT that the Notice of Levy in favor of Bongalonta and her husband was registered and annotated in said title on February 7, 1989; whereas, that in favor

of Gregorio Lantin, on October 18, 1989. Needless to state, the notice of levy in favor of Bongalonta and her husband is a superior lien on the said registered property of the Abuel spouses over that of Gregorio Lantin.

Consequently, the charge against the two respondents (i.e. representing conflicting interests and abetting a scheme to frustrate the execution or satisfaction of a judgment which Bongalonta and her husband might obtain against the Abuel spouses) has no leg to stand on.

However, as to the fact that indeed the two respondents placed in their appearances and in their pleadings the same IBP No. "246722 dated 1-12-88", respondent Atty. Pablito M. Castillo deserves to be SUSPENDED for using, apparently thru his negligence, the IBP official receipt number of respondent Atty. Alfonso M. Martija. According to the records of the IBP National Office, Atty. Castillo paid P1,040.00 as his delinquent and current membership dues, on February 20, 1990, under IBP O.R. No. 2900538, after Bongalonta filed her complaint with the IBP Committee on Bar Discipline.

The explanation of Atty. Castillo's Cashier-Secretary by the name of Ester Fragonal who alleged in her affidavit dated March 4, 1993 that it was all her fault in placing the IBP official receipt number pertaining to Atty. Alfonso M. Martija in the appearance and pleadings of Atty. Castillo and in failing to pay in due time the IBP membership dues of her employer, deserves scant consideration, for it is the bounded duty and obligation of every lawyer to see to it that he pays his IBP membership dues on time, especially when he practices before the courts, as required by the Supreme Court.

WHEREFORE, it is respectfully recommended that Atty. Pablito M. Castillo be SUSPENDED from the practice of law for a period of six (6) months for using the IBP Official Receipt No. of his co-respondent Atty. Alfonso M. Martija.

The complaint against Atty. Martija is hereby DISMISSED for lack of evidence. (pp. 2--4, Resolution)

The Court agrees with the foregoing findings and recommendations. It is well to stress again that the practice of law is not a right but a privilege bestowed by the State on those who show that they possess, and continue to possess, the qualifications required by law for the conferment of such privilege. One of these requirements is the observance of honesty and candor. Courts are entitled to expect only complete candor and honesty from the lawyers appearing and pleading before them. A lawyer, on the other hand, has the fundamental duty to satisfy that expectation. For this reason, he is required to swear to do no falsehood, nor consent to the doing of any in court.

WHEREFORE, finding respondent Atty. Pablito M. Castillo guilty of committing a falsehood in violation of his lawyer's oath and of the Code of Professional Responsibility, the Court Resolved to SUSPEND him from the practice of law for a period of six (6) months, with a warning that commission of the same or similar offense in the future will result in the imposition of a more severe penalty. A copy of the Resolution shall be spread on the personal record of respondent in the Office of the Bar Confidant.

SO ORDERED.

Feliciano, (Chairman), Bidin, Romero, and Vitug, JJ., concur.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.