LEONARD W. RICHARDS, COMPLAINANT, VS. PATRICIO A. ASOY, RESPONDENT.

A.C. No. 2655. October 12, 2010

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PER CURIAM:

For consideration is the petition of Patricio A. Asoy (respondent) for reinstatement to the Bar. Records disclose that the Ministry of Tourism, by 1[st] Indorsement of July 2, 1984, forwarded to the Court a June 28, 1984 letter-complaint of Leonard Richards (complainant) against respondent.

By Resolution of November 11, 1985, the Court, noting respondent's failure to comply, despite notice, with its Resolution of August 8, 1984 requiring him to comment on complainant's letter, resolved to require him to show cause why he should not be disciplinarily dealt with or held in contempt and to comply with the said Resolution of August 8, 1984, both within ten days from notice.

In the same Resolution of November 11, 1985, the Court noted several attempts, which were all futile, to serve copy of the August 8, 1984 Resolution at respondent's other addresses, viz: B.F. Homes, Parañaque; the Central Bank Legal Department; Suite 306, Filmanbank Building, Plaza Sta. Cruz, Sta. Cruz; Asia International Builders Corp., 5[th] Floor, ADC Bldg., Ayala Avenue, Makati (the address given in respondent's calling card); and respondent's provincial address at the Bar Office which was coursed through the IBP Tacloban Chapter.[1]

Still in the same Resolution of November 11, 1985, the Court noted that "unquestionably, respondent had gone into hiding and was evading service of pleadings/orders/processes of this Court."[2] The Court accordingly suspended respondent from the practice of law until further orders from this Court. Thus it disposed:

> ACCORDINGLY, respondent, Atty. Patricio A. Asoy, is hereby SUSPENDED from the practice of law until further Orders of this Court. Let copies of this Resolution be circularized to all Courts.
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> Should respondent appear before any lower Court, the latter shall serve upon him a copy of this Resolution and require him to appear, within five (5) days, before the Deputy Clerk of Court and Bar Confidant, who shall furnish him with a copy of the Administrative Complaint and require him to file an Answer thereto, within five (5) days thereafter. The lower Court concerned shall furnish this Court with copy of its Order immediately.[3] (emphasis and underscoring supplied)

On January 9, 1986, respondent filed before the Court a MANIFESTATION/MOTION FOR RECONSIDERATION alleging that on December 2, 1985, he "learned and secured a copy of Supervisory Circular No. 17 wherein the Resolution of the . . . Court, promulgated on November 11, 1985 is quoted . . ."; that he was voluntarily submitting himself to the jurisdiction of the Court even if he had not been formally served a copy of the Resolution and had not been ordered by any lower court to appear before the Deputy Clerk of Court and Bar Confidant; that on account of distance and financial constraints, he could not possibly comply with the Order of this Court for him to appear before the Deputy Clerk of Court and Bar Confidant within the five-day period stated; that he was totally unaware of the existence of the complaint until December 2, 1985; and that to the best of his knowledge, he had not violated his oath as an attorney at law nor is he guilty of any offense to

warrant his suspension from the practice of law.

Respondent thus prayed for the lifting of his suspension and for excusing him from personally appearing before the Bar Confidant upon the undertaking that he would answer the complaint in five days from receipt thereof.

On the directive of the Court, the Bar Confidant formalized the complaint against respondent on April 29, 1986.

By Resolution of October 1, 1986, the Court, noting respondent's failure to file comment on the administrative complaint within the period which expired on May 21, 1986, directed the sending of the administrative complaint to respondent at his address in Iligan City for compliance with the Resolution requiring him to file Answer to the Complaint.

On December 18, 1986, the Court received respondent's ANSWER WITH MOTION TO LFIT ORDER OF SUSPENSION, alleging that he received copy of the complaint only on November 19, 1986, "though the same was served and received at this present address (Rm. 302 Aalos Building, Aguinaldo St., Iligan City) on May 6, 1986 and November 5, 1986"; and that he was begging the indulgence of the Court and of the complainant for the delay in the filing of his Answer due to his temporary transfer to Tubud, Lanao del Norte in view of his temporary appointment as Provincial Administrator.

By Resolution of February 10, 1986, the Court denied respondent's prayer to lift the order of suspension from the practice of law but excused him from appearing before the Deputy Clerk of Court and Bar Confidant.

The Court, by Resolution of July 9, 1987, after noting respondent's unquestionable act of going into hiding and evading service of pleadings/orders/processes of the Court which resulted in his suspension, and after reciting the facts of the case which required no further evidentiary hearing as they spoke for themselves, found respondent guilty of grave professional misconduct, viz:

> Respondent is guilty of grave professional misconduct. He received from complainant, his client, compensation to handle his case in the Trial Court, but the same was dismissed for lack of interest and failure to prosecute. He had abandoned his client in violation of his contract ignoring the most elementary principles of professional ethics. That Respondent had ignored the processes of this Court and it was only after he was suspended from the practice of law that he surfaced, is highly indicative of his disregard of an attorney's duties to the Court. All the facts and circumstances taken into consideration, Respondent has proven himself unworthy of the trust reposed in him by law as an officer of the court.[4] (emphasis and underscoring supplied)

The Court thereupon resolved to DISBAR him and order him to reimburse complainant the sum of P16,300 within thirty (30) days from notice. Thus the Court disposed:

> ACCORDINGLY, for malpractice and violation of his oath as a lawyer, 1) respondent Atty. Patricio A. Asoy is hereby ordered DISBARRED; and 2) he is hereby ordered to reimburse complainant, Leonard W. Richards, in the sum of P16,300.00 (P15,000.00 + 1,300.00), the only sums substantiated by the evidence on record, within thirty (30) days from notice hereof.
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> Copies of this Resolution shall be circulated to all Courts of the country and spread on the personal record of respondent Atty. Patricio A. Asoy.
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> Copies of this Resolution shall likewise be furnished Complainant Leonard W. Richards, via airmail, at his address of record, 4/169 Avoca Street, Randwick NSW 2031, Australia, with copy furnished the Department of Foreign Affairs for onward transmittal to the Philippine Consulate General, Sydney, Australia.
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> SO ORDERED.[5] (emphasis and underscoring supplied)

After the promulgation of the July 9, 1987 Resolution, complainant, by letter dated November 3, 1987 which was

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received by the Court on November 11, 1987,[6] complained that respondent had not reimbursed him the P16,300.00.

By Resolution of March 15, 1988, the Court, noting respondent's failure to comply with its Resolution of July 9, 1987, resolved to require respondents to show cause why he failed to reimburse the P16,300.00 to complainant as required in its Resolution of July 9, 1987, and to comply with said Resolution of July 9, 1987, both within ten days from notice.

Complainant, by another letter of January 13, 1989[7] which was received by the Court on January 20, 1989, informed that respondent still failed to comply with the order for reimbursement to him of P16,300.00.

Thirteen years after the promulgation of the Court's Resolution disbarring respondent or on July 18, 2000, respondent filed a Petition for "readmission to the practice of law" stating, among other things, that on January 2, 1996 or about nine years after his disbarment and directive to reimbursement complainant was made, he effected payment of P16,300 via consignation with this Court's Office of the Cashier. By Resolution of December 12, 2000, the Court DENIED the petition for lack of merit.

More than nine years after the Court denied his petition for "readmission to the practice of law" or on August 2, 2010, the Court received another Petition from respondent, for "Reinstatement to the Bar," stating that, among other things, on January 2, 1996, he effected payment of P16,300.00 in favor of complainant by consignation of the amount with the Office of the Cashier of the Supreme Court as complainant could no longer be found or located; that he had already suffered and agonized for his shortcomings; and that as "positive evidence of his repentance and rehabilitation," he attached testimonials of "credible institutions and personalities."

Respondent justifies his belated â”€ nine years â”€ compliance with this Court's order for him to reimburse complaint the amount with his alleged inability to locate complainant. If that were the case, respondent could have obtained complainant's address from this Court, either through the Office of the Clerk of Court or the Office of the Bar Confidant. Recall that in his letters of November 3, 1987 and January 20, 1989, complainant's given address was the same as that stated in the Court's July 9, 1987 Resolution â”€ 4/169 Avoca Street, Randwick NSW 2031, Australia.

Respondent's justification for his 9-year belated "compliance" with the order for him to reimburse complainant glaringly speaks of his lack of candor, of his dishonesty, if not defiance of Court orders, qualities that do not endear him to the esteemed brotherhood of lawyers. The solemn oath which all lawyers take upon admission to the bar to dedicate their lives to the pursuit of justice is neither a mere formality nor hollow words meant to be taken lightly, but a sacred trust that lawyers must uphold and keep inviolable at all times.[8] The lack of any sufficient justification or explanation for the nine-year delay in complying with the Court's July 9, 1987 and March 15, 1988 Resolutions to reimburse complainant betrays a clear and contumacious disregard for the lawful orders of this Court. Such disrespect on the part of respondent constitutes a clear violation of the lawyer's Code of Professional Responsibility which maintains that:

> CANON 7 -- A lawyer shall at all times uphold the integrity and dignity of the legal profession, and support the activities of the Integrated Bar.
>
> . . . . . .
>
> CANON 10 -- A lawyer owes candor, fairness and good faith to the court.
>
> Rule 10.01 -- A lawyer shall not do any falsehood, nor consent to the doing of any in court; nor shall he mislead or allow the court to be misled by any artifice.

Respondent denigrates the dignity of his calling by displaying a lack of candor towards this Court. By taking his sweet time to effect reimbursement of the P16,300.00 - and through consignation with this Court at that - he sent out a strong message that the legal processes and orders of this Court could be treated with disdain or impunity.

Parenthetically, respondent's consignation could not even be deemed compliance with the Court's directive to reimburse. The Court does not represent complainant; the latter's postal address was readily ascertainable from the records had respondent wished to communicate with complainant for the purpose of making amends. The records are bereft of proof that respondent had actually resorted to reimbursing the complainant directly. In short, evidence of atonement for respondent's misdeeds is sorely wanting.

WHEREFORE, respondent Patricio A. Asoy's petition for reinstatement in the Roll of Attorneys is DENIED.

SO ORDERED.

Corona, C.J., Carpio Morales, Velasco, Jr., Nachura, Leonardo-De Castro, Brion, Bersamin, Del Castillo, Villarama, Jr., Perez, Mendoza, and Sereno, JJ., concur.
Carpio and Abad, JJ., on official Leave.
Peralta, J., on Leave.

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[1] Rollo, p. 127.

[2] Id. at 130.

[3] Id. at 71.

[4] Id. at 135.

[5] Id. at 136.

[6] Id. at 98.

[7] Records, p. 100.

[8] Ting-Dumali v. Torres, A.C. No. 5161, April 14, 2004, 427 SCRA 108, 115; Radjaie v. Alovera, A.C. No. 4748, August 4, 2000, 337 SCRA 244, 255-256.

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