EDGAR O. PEREA, COMPLAINANT, VS. ATTY. RUBEN L. ALMADRO, RESPONDENT.

A.C. NO. 5246. May 02, 2006

Ponente: AUSTRIA-MARTINEZ, J.

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AUSTRIA-MARTINEZ, J.:

This refers to an offshoot incident in the disbarment case[1] filed by Edgar O. Perea against Atty. Ruben L. Almadro.

Atty. Ruben L. Almadro engaged the services of the Sua & Alambra Law Offices to represent him in this disbarment case. In their Entry of Appearance with Motion/Manifestation dated November 20, 2000, signed by Atty. Alan Andres B. Alambra, he stated that respondent has yet to receive a copy of the complaint and thus prayed that a copy of the said complaint be furnished him so he can file an answer. Complainant Edgar O. Perea filed a Manifestation dated November 29, 2000, asseverating that he had furnished respondent copies of the complaint through facsimile machine.

In the Resolution dated March 20, 2003, the Court sustained the Integrated Bar of the Philippines' order requiring Atty. Kenton Sua and Atty. Alambra to show cause for their deliberate falsehood and misrepresentation in the preparation of the answer for respondent, and accordingly remanded the case to the IBP for further action on the contempt proceedings.

Before the Court now is the Resolution No. XVII-2005-162 dated December 17, 2005 of the Board of Governors of the IBP finding that Atty. Sua and Atty. Alambra were less than honest and forthright in their representation before the Court and imposing a fine of P2,000.00 each with warning that any further unprofessional conduct will be dealt with more severely.

Let it be emphasized that the subject contumacious act was committed before the Court; thus, the following disposition.

In their Explanation dated September 10, 2002,[2] Atty. Sua and Atty. Alambra avered that: Atty. Sua, a partner in the Sua & Alambra Law Offices, was not and is not, the partner assigned to handle the case for Atty. Almadro and had no participation whatsoever in the case other than to notarize the Affidavit of Service for Atty. Almadro's Answer; Atty. Alambra acted in good faith upon the express instructions and advise of Atty. Almadro that he never received a copy of the complaint up to the time that he referred the case to their Law Office. To bolster their claim of good faith, they attached a photocopy of the letter of Atty. Almadro dated November 9, 2000[3] stating that he had not actually received a copy of the complaint of Mr. Perea.

The Court is not fully convinced.

A perusal of the aforesaid letter of Atty. Almadro reveals that indeed stated that he had not received a copy of the complaint. However, in Atty. Almadro's three Motions for Extension of Time to Comment[4] which he filed before the Court before engaging the services of the law office, there was no mention that he had not received a

copy of the complaint. In fact, in the second paragraph of the second motion for extension, Atty. Almadro stated that:

> He is in the process of reviewing an initial draft of said comment and will need said period of ten (10) days to complete and finalize the draft.

Said statement shows very clearly that Atty. Almadro has received a copy of the complaint. For how can he prepare a draft of his comment if it were not so? This should have alerted Atty. Alambra to verify the veracity of the claim of Atty. Almadro. Atty. Alambra should not have relied on the statement given by Atty. Almadro. Their being classmates in the law school is not a reason to be less cautious in his dealings with the Court. He is an officer of the court, and as such, he owes candor, fairness and good faith to the Court.[5] As explicitly stated in Rule 10.01, Canon 10 of the Code of Professional Responsibility, to wit:

> A lawyer shall not do any falsehood, nor consent to the doing of any in Court; nor shall he misled, or allow the Court to be misled by any artifice.

Considering the admission made by Atty. Alambra regarding the non-participation of Atty. Sua, the latter should be absolved of any liability.

WHEREFORE, finding Atty. Alan Andres B. Alambra guilty of contempt of Court and neglect of his duties as a lawyer as embodied in Canon 10, Rule 10.01 of the Code of Professional Responsibility, he is FINED in the amount of Two Thousand Pesos (P2,000.00) with a WARNING that any similar act will be dealt with more severely. Atty. Kenton Sua is absolved of any liability.

SO ORDERED.

Quisumbing, (Chairperson, Special Second Division), Callejo, Sr., and Tinga, JJ., concur.
Chico-Nazario, J., on official leave.

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[1] Atty. Almadro was suspended from the practice of law for one (1) year and fined in the amount of P10,000.00 with a warning that any or similar acts of dishonesty would be dealt with more severely in the Resolution dated March 20, 2003. The Motion for Reconsideration thereof was denied with finality in the Resolution dated July 23, 2003.

[2] Rollo, p. 94.

[3] Annex "A"; rollo, p. 100.

[4] Rollo, pp. 10-26.

[5] Canon 10, Code of Professional Responsibility.

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