

JUDGE UBALDINO A. LACUROM, PRESIDING JUDGE, REGIONAL TRIAL COURT, CABANATUAN CITY, BRANCH 29 AND PAIRING JUDGE, BRANCH 30, COMPLAINANT, VS. ATTY. ELLIS F. JACOBA AND ATTY. OLIVI...

A.C. NO. 5921. March 10, 2006

Ponente: CARPIO, J.

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CARPIO, J.:

The Case

This administrative case arose from a complaint filed on 22 October 2001 by Judge Ubalduino A. Lacurom ("Judge Lacurom"), Pairing Judge, Regional Trial Court of Cabanatuan City, Branch 30, against respondent-spouses Atty. Ellis F. Jacoba and Atty. Olivia Velasco-Jacoba ("respondents"). Complainant charged respondents with violation of Rules 11.03,[1] 11.04,[2] and 19.01[3] of the Code of Professional Responsibility.

The Facts

The Jacoba-Velasco-Jacoba Law Firm is counsel for plaintiff Alejandro R. Veneracion ("Veneracion") in a civil case for unlawful detainer against defendant Federico Barrientos ("Barrientos").[4] The Municipal Trial Court of Cabanatuan City rendered judgment in favor of Veneracion but Barrientos appealed to the Regional Trial Court. The case was raffled to Branch 30 where Judge Lacurom was sitting as pairing judge.

On 29 June 2001, Judge Lacurom issued a Resolution ("Resolution") reversing the earlier judgments rendered in favor of Veneracion.[5] The dispositive portion reads:

WHEREFORE, this Court hereby REVERSES its Decision dated December 22, 2000, as well as REVERSES the Decision of the court a quo dated July 22, 1997.

Furthermore, the plaintiff-appellee Alejandro Veneracion is ordered to CEASE and DESIST from ejecting the defendant-appellant Federico Barrientos from the 1,000 square meter homelot covered by TCT No. T-75274, and the smaller area of one hundred forty-seven square meters, within the 1,000 sq.m. covered by TCT No. T-78613, and the house thereon standing covered by Tax Declaration No. 02006-01137, issued by the City Assessor of Cabanatuan City; and Barrientos is ordered to pay Veneracion P10,000.00 for the house covered by Tax Declaration No. 02006-01137.

SO ORDERED.[6]

Veneracion's counsel filed a Motion for Reconsideration (with Request for Inhibition)[7] dated 30 July 2001 ("30 July 2001 motion"), pertinent portions of which read:

II. PREFATORY STATEMENT

This RESOLUTION of REVERSAL is an ABHORRENT NULLITY as it is entirely DEVOID of factual and legal basis. It is a Legal MONSTROSITY in the sense that the Honorable REGIONAL TRIAL COURT acted

as if it were the DARAB (Dept. of Agrarian Reform ADJUDICATION BOARD)! x x x HOW HORRIBLE and TERRIBLE! The mistakes are very patent and glaring! x x x

x x x x

III. GROUNDS FOR RECONSIDERATION

1. The Honorable Pairing Court Presiding Judge ERRED in Peremptorily and Suddenly Reversing the Findings of the Lower Court Judge and the Regular RTC Presiding Judge:

x x x The defendant filed a Motion for Reconsideration, and after a very questionable SHORT period of time, came this STUNNING and SUDDEN REVERSAL. Without any legal or factual basis, the Hon. Pairing Judge simply and peremptorily REVERSED two (2) decisions in favor of the plaintiff. This is highly questionable, if not suspicious, hence, this Motion for Reconsideration.

x x x x

[The Resolution] assumes FACTS that have not been established and presumes FACTS not part of the records of the case, all "loaded" in favor of the alleged "TENANT." Clearly, the RESOLUTION is an INSULT to the Judiciary and an ANACHRONISM in the Judicial Process. Need we say more?

x x x x

4. The Honorable Pairing Court Presiding Judge ERRED in Holding That the Defendant is Entitled to a Homelot, and That the Residential LOT in Question is That Homelot:

THIS ERROR IS STUPENDOUS and a real BONER. Where did the Honorable PAIRING JUDGE base this conclusion? x x x This HORRENDOUS MISTAKE must be corrected here and now!

x x x x

6. The Honorable Pairing Court Presiding Judge ERRED Grievously in Holding and Declaring that The [court] A QUO Erroneously Took Cognizance of the Case and That It Had No Jurisdiction over the Subject-Matter:

Another HORRIBLE ERROR! Even an average Law Student knows that JURISDICTION is determined by the averments of the COMPLAINT and not by the averments in the answer! This is backed up by a Litany of Cases!

x x x x

7. FINALLY, the Honorable Pairing Court Presiding Judge Ridiculously ERRED in Ordering the Defendant To Pay P10,000.00 to the Plaintiff As Payment for Plaintiff's HOUSE:

THIS IS the Last STRAW, but it is also the Best ILLUSTRATION of the Manifold GLARING ERRORS committed by the Hon. Pairing Court Judge.

x x x x

This Order of the Court for the plaintiff to sell his RESIDENTIAL HOUSE to the defendant for the ridiculously LOW price of P10,000.00 best illustrates the Long Line of Faulty reasonings and ERRONEOUS conclusions of the Hon. Pairing Court Presiding Judge. Like the proverbial MONSTER, the Monstrous Resolution should be slain on sight![8]

The 30 July 2001 motion prayed that (1) Judge Lacurom inhibit himself "in order to give plaintiff a fighting chance" and (2) the Resolution be reconsidered and set aside.[9] Atty. Olivia Velasco-Jacoba ("Velasco-Jacoba") signed the motion on behalf of the Jacoba-Velasco-Jacoba Law Firm.

On 6 August 2001, Judge Lacurom ordered Velasco-Jacoba to appear before his sala and explain why she should not be held in contempt of court for the "very disrespectful, insulting and humiliating" contents of the 30 July 2001 motion.[10] In her Explanation, Comments and Answer,[11] Velasco-Jacoba claimed that "His Honor knows beforehand who actually prepared the subject Motion; records will show that the undersigned counsel did not actually or actively participate in this case." [12] Velasco-Jacoba disavowed any "conscious or deliberate intent to degrade the honor and integrity of the Honorable Court or to detract in any form from the respect that is rightfully due all courts of justice." [13] She rationalized as follows:

x x x at first blush, [the motion] really appears to contain some sardonic, strident and hard-striking adjectives. And, if we are to pick such stringent words at random and bunch them together, side-by-side x x x then collectively and certainly they present a cacophonous picture of total and utter disrespect. x x x

x x x x

We most respectfully submit that plaintiff & counsel did not just fire a staccato of incisive and hard-hitting remarks, machine-gun style as to be called contumacious and contemptuous. They were just articulating their feelings of shock, bewilderment and disbelief at the sudden reversal of their good fortune, not driven by any desire to just cast aspersions at the Honorable Pairing judge. They must believe that big monumental errors deserve equally big adjectives, no more no less. x x x The matters involved were [neither] peripheral nor marginalized, and they had to call a spade a spade. x x x [14]

Nevertheless, Velasco-Jacoba expressed willingness to apologize "for whatever mistake [they] may have committed in a moment of ungarded discretion when [they] may have 'stepped on the line and gone out of bounds'." She also agreed to have the allegedly contemptuous phrases stricken off the record.[15]

On 13 September 2001, Judge Lacurom found Velasco-Jacoba guilty of contempt and penalized her with imprisonment for five days and a fine of P1,000.[16]

Velasco-Jacoba moved for reconsideration of the 13 September 2001 order. She recounted that on her way out of the house for an afternoon hearing, Atty. Ellis Jacoba ("Jacoba") stopped her and said "O, pirmahan mo na ito kasi last day na, baka mahuli." (Sign this as it is due today, or it might not be filed on time.) She signed the pleading handed to her without reading it, in "trusting blind faith" on her husband of 35 years with whom she "entrusted her whole life and future." [17] This pleading turned out to be the 30 July 2001 motion which Jacoba drafted but could not sign because of his then suspension from the practice of law.[18]

Velasco-Jacoba lamented that Judge Lacurom had found her guilty of contempt without conducting any hearing. She accused Judge Lacurom of harboring "a personal vendetta," ordering her imprisonment despite her status as "senior lady lawyer of the IBP Nueva Ecija Chapter, already a senior citizen, and a grandmother many times over." [19] At any rate, she argued, Judge Lacurom should have inhibited himself from the case out of delicadeza because "[Veneracion] had already filed against him criminal cases before the Office of the City Prosecutor of Cabanatuan City and before the Ombudsman." [20]

The records show that with the assistance of counsel Jacoba and the Jacoba-Velasco-Jacoba Law Firm, Veneracion had executed an affidavit on 23 August 2001 accusing Judge Lacurom of knowingly rendering unjust judgment through inexcusable negligence and ignorance[21] and violating

Section 3(e) of Republic Act No. 3019 ("RA 3019").[22] The first charge became the subject of a preliminary investigation[23] by the City Prosecutor of Cabanatuan City. On the second charge, Veneracion set forth his allegations in a Complaint-Affidavit[24] filed on 28 August 2001 with the Office of the Deputy Ombudsman for Luzon.

Judge Lacurom issued another order on 21 September 2001, this time directing Jacoba to explain why he should not be held in contempt.[25] Jacoba complied by filing an Answer with Second Motion for Inhibition, wherein he denied that he typed or prepared the 30 July 2001 motion. Against Velasco-Jacoba's statements implicating him, Jacoba invoked the marital privilege rule in evidence.[26] Judge Lacurom later rendered a decision[27] finding Jacoba guilty of contempt of court and sentencing him to pay a fine of P500.

On 22 October 2001, Judge Lacurom filed the present complaint against respondents before the Integrated Bar of the Philippines (IBP).

Report and Recommendation of the IBP

Respondents did not file an answer and neither did they appear at the hearing set by IBP Commissioner Atty. Lydia A. Navarro ("IBP Commissioner Navarro") despite sufficient notice.[28]

IBP Commissioner Navarro, in her Report and Recommendation of 10 October 2002, recommended the suspension of respondents from the practice of law for six months.[29] IBP Commissioner Navarro found that "respondents were prone to us[ing] offensive and derogatory remarks and phrases which amounted to discourtesy and disrespect for authority." [30] Although the remarks were not directed at Judge Lacurom personally, they were aimed at "his position as a judge, which is a smack on the judiciary system as a whole." [31]

The IBP Board of Governors ("IBP Board") adopted IBP Commissioner Navarro's Report and Recommendation, except for the length of suspension which the IBP Board reduced to three months.[32] On 10 December 2002, the IBP Board transmitted its recommendation to this Court, together with the documents pertaining to the case.

Several days later, Velasco-Jacoba sought reconsideration of the IBP Board decision, thus:[33]

x x x x

3. For the information of the Honorable Commission, the present complaint of Judge Lacurom is sub judice; the same issues involved in this case are raised before the Honorable Court of Appeals presently pending in CA-G.R. SP No. 66973 for Certiorari and Mandatory Inhibition with TRO and Preliminary Injunction x x x;

4. We filed an Administrative Case against Judge Lacurom before the Supreme Court involving the same issues we raised in the aforementioned Certiorari case, which was dismissed by the Supreme Court for being premature, in view of the pending Certiorari case before the Court of Appeals;

5. In like manner, out of respect and deference to the Court of Appeals, the present complaint should likewise be dismissed and/or suspended pending resolution of the certiorari case by the Court of Appeals.[34] (Emphasis supplied)

The Court's Ruling

On a preliminary note, we reject Velasco-Jacoba's contention that the present complaint should be considered sub judice in view of the petition for certiorari and mandatory inhibition with preliminary injunction ("petition for certiorari") [35] filed before the Court of Appeals.

The petition for certiorari, instituted by Veneracion and Velasco-Jacoba on 4 October 2001, seeks to nullify the following orders issued by Judge Lacurom in Civil Case No. 2836: (1) the Orders dated 26 September 2001 and 9 November 2001 denying respondents' respective motions for inhibition; and (2) the 13 September 2001 Order which found Velasco-Jacoba guilty of contempt. The petitioners allege that Judge Lacurom acted "with grave abuse of discretion [amounting] to lack of jurisdiction, in violation of express provisions of the law and applicable decisions of the Supreme Court." [36]

Plainly, the issue before us is respondents' liability under the Code of Professional Responsibility. The outcome of this case has no bearing on the resolution of the petition for certiorari, as there is neither identity of issues nor causes of action.

Neither should the Court's dismissal of the administrative complaint against Judge Lacurom for being premature impel us to dismiss this complaint. Judge Lacurom's orders in Civil Case No. 2836 could not be the subject of an administrative complaint against him while a petition for certiorari assailing the same orders is pending with an appellate court. Administrative remedies are neither alternative nor cumulative to judicial review where such review is available to the aggrieved parties and the same has not been resolved with finality. Until there is a final declaration that the challenged order or judgment is manifestly erroneous, there will be no basis to conclude whether the judge is administratively liable.[37]

The respondents are situated differently within the factual setting of this case. The corresponding implications of their actions also give rise to different liabilities. We first examine the charge against Velasco-Jacoba.

There is no dispute that the genuine signature of Velasco-Jacoba appears on the 30 July 2001 motion. Velasco-Jacoba's responsibility as counsel is governed by Section 3, Rule 7 of the Rules of Court:

SEC. 3. Signature and address.—Every pleading must be signed by the party or counsel representing him x x x.

The signature of counsel constitutes a certificate by him that he has read the pleading, that to the best of his knowledge, information, and belief there is good ground to support it, and that it is not interposed for delay.

x x x Counsel who x x x signs a pleading in violation of this Rule, or alleges scandalous or indecent matter therein x x x shall be subject to appropriate disciplinary action. (Emphasis supplied)

By signing the 30 July 2001 motion, Velasco-Jacoba in effect certified that she had read it, she knew it to be meritorious, and it was not for the purpose of delaying the case. Her signature supplied the motion with legal effect and elevated its status from a mere scrap of paper to that of a court document.

Velasco-Jacoba insists, however, that she signed the 30 July 2001 motion only because of her husband's request but she did not know its contents beforehand. Apparently, this practice of signing each other's pleadings is a long-standing arrangement between the spouses. According to Velasco-Jacoba, "[s]o implicit is [their] trust for each other that this happens all the time. Through the years, [she] already lost count of the number of pleadings prepared by one that is signed by the other." [38] By Velasco-Jacoba's own admission, therefore, she violated Section 3 of Rule 7. This violation is an act of falsehood before the courts, which in itself is a ground for subjecting her to disciplinary action, independent of any other ground arising from the contents of the 30 July 2001 motion.[39]

We now consider the evidence as regards Jacoba. His name does not appear in the 30 July 2001 motion. He asserts the inadmissibility of Velasco-Jacoba's statement pointing to him as the author of the motion.

The Court cannot easily let Jacoba off the hook. Firstly, his Answer with Second Motion for Inhibition did not contain a denial of his wife's account. Instead, Jacoba impliedly admitted authorship of the motion by stating that he "trained his guns and fired at the errors which he perceived and believed to be gigantic and monumental." [40]

Secondly, we find Velasco-Jacoba's version of the facts more plausible, for two reasons: (1) her reaction to the events was immediate and spontaneous, unlike Jacoba's defense which was raised only after a considerable time had elapsed from the eruption of the controversy; and (2) Jacoba had been counsel of record for Veneracion in Civil Case No. 2836, supporting Velasco-Jacoba's assertion that she had not "actually participate[d]" in the prosecution of the case.

Moreover, Jacoba filed a Manifestation in Civil Case No. 2836, praying that Judge Lacurom await the outcome of the petition for certiorari before deciding the contempt charge against him.[41] This petition for certiorari anchors some of its arguments on the premise that the motion was, in fact, Jacoba's handiwork.[42]

The marital privilege rule, being a rule of evidence, may be waived by failure of the claimant to object timely to its presentation or by any conduct that may be construed as implied consent.[43] This waiver applies to Jacoba who impliedly admitted authorship of the 30 July 2001 motion.

The Code of Professional Responsibility provides:

Rule 11.03.—A lawyer shall abstain from scandalous, offensive or menacing language or behavior before the Courts.

Rule 11.04.—A lawyer shall not attribute to a Judge motives not supported by the record or have no materiality to the case.

No doubt, the language contained in the 30 July 2001 motion greatly exceeded the vigor required of Jacoba to defend ably his client's cause. We recall his use of the following words and phrases: abhorrent nullity, legal monstrosity, horrendous mistake, horrible error, boner, and an insult to the judiciary and an anachronism in the judicial process. Even Velasco-Jacoba acknowledged that the words created "a cacophonic picture of total and utter disrespect." [44]

Respondents nonetheless try to exculpate themselves by saying that every remark in the 30 July 2001 motion was warranted. We disagree.

Well-recognized is the right of a lawyer, both as an officer of the court and as a citizen, to criticize in properly respectful terms and through legitimate channels the acts of courts and judges.[45] However, even the most hardened judge would be scarred by the scurrilous attack made by the 30 July 2001 motion on Judge Lacurom's Resolution. On its face, the Resolution presented the facts correctly and decided the case according to supporting law and jurisprudence. Though a lawyer's language may be forceful and emphatic, it should always be dignified and respectful, befitting the dignity of the legal profession.[46] The use of unnecessary language is proscribed if we are to promote high esteem in the courts and trust in judicial administration.[47]

In maintaining the respect due to the courts, a lawyer is not merely enjoined to use dignified language but also to pursue the client's cause through fair and honest means, thus:

Rule 19.01.—A lawyer shall employ only fair and honest means to attain the lawful objectives of his client and shall not present, participate in presenting or threaten to present unfounded criminal charges to obtain an improper advantage in any case or proceeding.

Shortly after the filing of the 30 July 2001 motion but before its resolution, Jacoba assisted his client in instituting two administrative cases against Judge Lacurom. As we have earlier noted, Civil Case No. 2836 was then pending before Judge Lacurom's sala. The Court's attention is drawn to the fact that the timing of the filing of these administrative cases could very well raise the suspicion that the cases were intended as leverage against Judge Lacurom.

Respondent spouses have both been the subject of administrative cases before this Court. In Administrative Case No. 2594, we suspended Jacoba from the practice of law for a period of six months because of "his failure to file an action for the recovery of possession of property despite the lapse of two and a half years from receipt by him of P550 which his client gave him as filing and sheriff's fees." [48] In Administrative Case No. 5505, Jacoba was once again found remiss in his duties when he failed to file the appellant's brief, resulting in the dismissal of his

client's appeal. We imposed the penalty of one year suspension.[49]

As for Velasco-Jacoba, only recently this Court fined her P5,000 for appearing in barangay conciliation proceedings on behalf of a party, knowing fully well the prohibition contained in Section 415 of the Local Government Code.[50]

In these cases, the Court sternly warned respondents that a repetition of similar acts would merit a stiffer penalty. Yet, here again we are faced with the question of whether respondents have conducted themselves with the courtesy and candor required of them as members of the bar and officers of the court. We find respondents to have fallen short of the mark.

WHEREFORE, we SUSPEND Atty. Ellis F. Jacoba from the practice of law for two (2) years effective upon finality of this Decision. We also SUSPEND Atty. Olivia Velasco-Jacoba from the practice of law for two (2) months effective upon finality of this Decision. We STERNLY WARN respondents that a repetition of the same or similar infraction shall merit a more severe sanction.

Let copies of this Decision be furnished the Office of the Bar Confidant, to be appended to respondents' personal records as attorneys; the Integrated Bar of the Philippines; and all courts in the country for their information and guidance.

SO ORDERED.

Quisumbing (Chairperson), Carpio Morales and Tinga, JJ., concur.

[1] Rule 11.03.—A lawyer shall abstain from scandalous, offensive or menacing language or behavior before the Courts.

[2]Rule 11.04.—A lawyer shall not attribute to a Judge motives not supported by the record or have no materiality to the case.

[3] Rule 19.01.—A lawyer shall employ only fair and honest means to attain the lawful objectives of his client and shall not present, participate in presenting or threaten to present unfounded criminal charges to obtain an improper advantage in any case or proceeding.

[4]Docketed as Civil Case No. 2836 in the Regional Trial Court of Cabanatuan City.

[5] The original presiding judge of Branch 30, Judge Federico B. Fajardo, Jr., had previously rendered a decision affirming the judgment of the Municipal Trial Court in toto. Defendant filed a motion for reconsideration but before a decision could be reached, Judge Fajardo retired and was replaced by Judge Lacurom.

[6] Rollo, p. 10.

[7] Id. at 11-19.

[8] Id. at 12-17. Capitalization and emphasis in original document.

[9]Id. at 17.

[10] Id. at 20-21.

[11] Id. at 32-37.

[12] Id. at 32. Velasco-Jacoba was referring to a personal visit she made on Judge Lacurom where she explained to him that Atty. Ellis Jacoba had drafted the motion.

[13] Id. at 33.

[14] Id. at 33, 36.

[15] Id. at 36.

[16] Id. at 46. Judge Lacurom issued a warrant for the arrest of Atty. Olivia Velasco-Jacoba. On the day the warrant of arrest was to be implemented, 17 September 2001, Velasco-Jacoba could not be found in her Cabanatuan City residence as she was in Metro Manila. Thus, Police Chief Inspector Reynaldo M. Mecayer of the Criminal Investigation and Detention Group (CIDG) merely gave Atty. Ellis Jacoba copies of the order and the warrant.

[17] Id. at 63.

[18] Id. at 61.

[19] Id. at 64-65.

[20] Id. at 67.

[21] Punished under Article 205 of the Revised Penal Code, to wit:

ART. 205. Judgment rendered through negligence.—Any judge who, by reason of inexcusable negligence or ignorance, shall render a manifestly unjust judgment in any case submitted to him for decision shall be punished by arresto mayor and temporary special disqualification.

[22] Otherwise known as the "Anti-Graft and Corrupt Practices Act." Sec. 3(e) of this law provides:

SEC. 3. Corrupt Practices of Public Officers.— In addition to acts or omissions of public officers already penalized by existing law, the following shall constitute corrupt practices of any public officer and are hereby declared to be unlawful:

x x x x

(e) Causing any undue injury to any party, including the Government, or giving any private party any unwarranted benefits, advantage or preference in the discharge of his official, administrative or judicial functions through manifest partiality, evident bad faith or gross inexcusable negligence. This provision shall apply to officers and employees of offices or government corporations charged with the grant of licenses or permits or other concessions.

[23] Rollo, p. 22.

[24] Id. at 25-31.

[25] Id. at 74-76.

[26] Section 24(a), Rule 130 of the Rules of Court. The provision reads:

SEC. 24. Disqualification by reason of privileged communication.—The following persons cannot testify as to matters learned in confidence in the following cases:

(a) The husband or the wife, during or after the marriage, cannot be examined without the consent of the other as to any communication received in confidence by one from the other during the marriage except in a civil case by one against the other, or in a criminal case for a crime committed by one against the other or the latter's direct descendants or ascendants;

x x x x

[27] Rollo, pp. 81-87.

[28] Id. at 105. Respondents were served a copy of an Order dated 22 October 2001 issued by the IBP Director for Bar Discipline and a copy of Notice of Hearing dated 8 August 2002 issued by the Investigating Commissioner.

[29] Id. This penalty is in addition to the individual P500 fine that Judge Lacurom had imposed on respondents separately.

[30] Id. at 104.

[31] Id.

[32] Id. at 100.

[33] The motion for reconsideration was denied by the IBP Board of Governors in Resolution No. XV-2003-48 dated 25 January 2003, on the ground that "the Board has no more jurisdiction to consider and resolve a matter already endorsed to the Honorable Supreme Court."

[34] Rollo, pp. 111-112.

[35] Docketed as CA-G.R. SP No. 66973 and entitled "Alejandro R. Veneracion and Atty. Olivia Velasco-Jacoba v. Hon. Ubaldino A. Lacurom and Federico Barrientos." The petition prays that:

- a) Upon the filing of this petition, a temporary restraining order be issued directing the respondent judge to cease and desist from further implementing the Order dated September 13, 2001 and to recall the warrant of arrest issued;
- b) After hearing, to issue a writ of preliminary injunction enjoining the respondent judge from implementing the said Order and warrant of arrest making the same permanent after judgment on the merits of this petition;
- c) Another order be issued, upon the filing of this petition, for the mandatory inhibition of respondent judge, enjoining him from further acting in Civil Case No. 28360-AF as to the pending incidents therein said case to be re-raffled to another RTC branch;
- d) The petition be given due course;
- e) Judgment be rendered, nullifying and setting aside the Orders of September 13, 2001 and the Warrant of Arrest issued, and the Order dated September 27, 2001 in the matter of the denial of the Motion for Inhibition.

x x x x

[36] Rollo, pp. 115-116.

[37] *Rodriguez v. Gatdula*, 442 Phil. 307 (2002), citing *In Re: Joaquin T. Borromeo*, 311 Phil. 441 (1995).

[38] Rollo, p. 146.

[39] Rule 10.01 of the Code of Professional Responsibility states:

Rule 10.01.—a lawyer not do falsehood, consent doing of in court; nor shall he mislead or allow the court to be misled by any artifice.

[40] Rollo, p. 81.

[41] Id.

[42] Id. at 60-64.

[43] 5 O. Herrera, Remedial Law 322 (1999).

[44] Rollo, p. 33.

[45] In re Almacen, 140 Phil. 353, 369 (1970).

[46] Hueysuwan-Florido v. Florido, A.C. No. 5624, 20 January 2004, 420 SCRA 132, citing Surigao Mineral Reservation Board v. Cloribel, 142 Phil. 1 (1970).

[47] Choa v. Chiongson, A.M. No. MTJ-95-1063, 9 August 1996, 260 SCRA 477.

[48] Ramos v. Jacoba, 418 Phil. 346 (2001).

[49]Id.

[50] Magno v. Velasco-Jacoba, A.C. No. 6296, 22 November 2005.

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