

**ATTY. LEON L. ASA AND ATTY. JOSE A. OLIVEROS, COMPLAINANTS,
VS. ATTY. PABLITO M. CASTILLO AND ATTY. GINGER ANNE
CASTILLO, RESPONDENTS.**

A.C. NO. 6501 (CBD CASE NOS. 03-1076, 03-1108, 03-1109, 03-1125). August 31, 2006

Ponente: CARPIO MORALES, J.

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CARPIO MORALES, J.:

Subject of the present Decision are four administrative cases, docketed by the Integrated Bar of the Philippines (IBP) as Commission on Bar Discipline (CBD) Case Nos. 03-1076, 03-1108, 03-1109, and 03-1125.

- CBD Case No. 03-1076

In 1996, Atty. Pablito M. Castillo (Castillo), then an associate of the Laurel Law Offices of which Attorneys Leon L. Asa (Asa) and Jose A. Oliveros (Oliveros) are partners, endorsed to the law firm a guardianship case, Special Proceeding No. 5222, "In re: Guardianship of the Minors Honeylyn, Alexandra and Jerill Nonan," which was pending before the Regional Trial Court (RTC) of Angeles City, Branch 59. Castillo appeared as counsel of record for the therein petitioner, Dr. Salvador H. Laurel, guardian ad litem of the minors Nonan who appear to have inherited a sizeable amount of US dollars.

A misunderstanding later occurred between Asa and Castillo as regards their sharing in the attorney's fees in the guardianship case.

On page 6 of a pleading entitled "Reply to Petitioner-Guardian's Comment/Opposition,[1] ETC." dated July 19, 2002 filed before Branch 59 of the Angeles RTC and signed by Castillo's daughter Ginger Anne Castillo (Ginger Anne) as "counsel" for Castillo who filed a Notice Ad Cautelam, it was alleged that, inter alia, "Asa wants to be paid an additional \$75,000.00 for his services in providing coffee and opening doors whenever there is a conference at the Laurel Law Offices." [2]

Finding the above statement of Castillo and Ginger Anne to be a brazen falsehood concocted to besmirch Asa's reputation, Asa and Oliveros filed before IBP an administrative complaint [3] against Castillo and Ginger Anne, for gross violation of the lawyer's oath and the Code of Professional Responsibility. The case was docketed as CBD Case No. 03-1076.

In their complaint, Asa and Oliveros also charged Castillo with machinations and deceit arising from the following alleged incidents:

In a conference held at the Laurel Law Offices prior to January 20, 2000 attended by Dr. Laurel, the Nonan minors' counsel abroad Atty. Benjamin Cassiday III (Cassiday), Asa and Castillo, it was agreed that the amount to be received by Dr. Laurel in trust for the Nonan heirs would be deposited at the Rizal Commercial Banking Corporation (RCBC), St. Francis Square Branch, Pasig City under Dollar Savings Account No. 8-250-00043-0. Castillo, however, proposed that the funds be deposited instead at the United Coconut Planters Bank (UCPB), he explaining that he knew an employee there who could facilitate "the transaction." Dr. Laurel rejected this

proposition and instead instructed Castillo to file the appropriate motion to have the funds deposited at the RCBC.[4]

Without showing to Dr. Laurel the motion he was instructed to prepare, Castillo filed the same with the Angeles trial court. Dr. Laurel subsequently received a copy of a March 2, 2000 RTC Order[5] signed by the then trial Judge Eliezer R. De los Santos granting his motion and accordingly directing that the funds to be held in trust for the Nonan children be deposited at the Trust Department of the UCPB Head Office. Dr. Laurel, Cassiday and Asa thus filed with the Angeles City trial court an Urgent Motion for Reconsideration[6] of the March 2, 2000 Angeles RTC Order in order to have the funds deposited at the RCBC transferred to the RTC, as previously agreed upon. This motion was granted.

Still in the same complaint, Asa and Oliveros alleged that in a "Reply to Answer"[7] dated June 25, 2001 filed by Castillo with the RTC of Makati City, Branch 145 in Civil Case No. 01-506, "Atty. P.M. Castillo v. United Coconut Planters Bank, Lorenzo V. Tan and Angelica S. Hernandez," Castillo again committed a clear falsehood when he therein stated that:

On the other hand, retired Justice Felipe Kalalo of the Court of Appeals who personally knew the plaintiff [Castillo] was also profuse in extolling his academic credentials and accomplishments as a Trial lawyer as follows:

Q: Do you know the claimant Atty. P.M. Castillo?

A: Yes sir, because we were both active Senior Trial lawyers of the Laurel Law Offices,[8] (Underscoring supplied),

he knowing that retired Justice Kalalo had never been at any time a lawyer at the Laurel Law Offices. In support of this allegation, they appended to the complaint a certified true copy of the Service Record[9] of Justice Kalalo which does not show that he was ever connected with the Laurel Law Office.

In their Answer[10] to the complaint, Castillo and Ginger Anne declared:

There is nothing wrong or objectionable to the statement that Asa's services in the guardianship case consisted in providing coffee and opening doors whenever there was a conference at the Laurel Law Offices, as this was in fact the truth, the comportment being "strictly in accordance with long cherished Filipino hospitality," and "he [Castillo] would have done the same with his own visitors." [11] In any event, they claim that the assailed factual narration was material and relevant to Castillo's question why Asa was given the lion's share of attorney's fees when he had not rendered any known material service which redounded to the benefit of the Nonan children.

Moreover, the Castillos declared that the deposit of the Nonan funds at the UCPB was not attended with malice or bad faith, nor was it intended to benefit them as the funds could only be withdrawn by Dr. Laurel who had exclusive access to all the information pertaining to the interest and benefits accruing thereto.

As regards the assailed June 25, 2001 "Reply to Answer" filed with the Makati RTC in Civil Case No. 01-506, the Castillos asserted that Castillo had no control nor influence over the voluntary and spontaneous testimony of retired Justice Kalalo in his favor during the proceedings adverted to.[12]

II. CBD Case No. 03-1108

Castillo subsequently filed a complaint[13] against Oliveros before the IBP, docketed as CBD Case No. 03-1108, for gross violation of lawyer's oath and the Code of Professional Responsibility.

Castillo alleged that: (1) Oliveros assisted Cassiday in embezzling US \$950,000 representing the share adjudicated to the Nonan heirs; (2) in conspiracy with Dr. Laurel and a certain Atty. Douglas Cushnie, Oliveros

resorted to forum shopping to undermine and defeat the jurisdiction of the Philippine court in the guardianship proceedings; (3) Oliveros, along with Asa, Dr. Laurel and Cassiday, perpetuated other acts of fraud in the guardianship proceedings; and (4) Oliveros, together with Asa, deliberately and maliciously filed a groundless administrative complaint against him and Ginger Anne.

In his Answer[14] to the Complaint in CBD Case No. 03-1108, Oliveros, decrying the allegations against him as patently false, baseless and malicious, claimed that the complaint was Castillo's way of retaliating against him for having joined Asa in filing the administrative complaint against him and Ginger Anne (CBD Case No. 03-1076).

III. CBD Case No. 03-1109

Castillo also filed an administrative complaint[15] against Asa before the IBP, charging him with embezzlement, dishonesty, betrayal of trust, grave abuse of confidence and violation of the lawyer's oath and the Code of Professional Responsibility. The case was docketed as CBD Case No. 03-1109.

Castillo alleged that (1) Asa, Cassiday and Dr. Laurel scandalously mismanaged the estate of the Nonan heirs, the bulk of which they indiscriminately pocketed; (2) Asa and Oliveros filed a groundless administrative complaint against him and Ginger Anne to compel him to withdraw his claim for attorney's fees against Dr. Laurel and his bid to replace the latter as guardian of the Nonan heirs; (3) despite an Agreement[16] dated February 16, 2000 between him and Asa that the latter would receive only 25% of whatever he (Castillo) would receive as attorney's fees, Asa secretly pocketed the amounts of \$24,500 and \$160,500 from the guardianship case on April 18, 2000; (4) Asa refused to account for and turn over the amount of \$130,000 in attorney's fees which belonged to him (Castillo); and (5) Asa embarked on a scheme to force him into resigning as counsel for Dr. Laurel to enable them to exercise absolute control over the guardianship case and appropriate for themselves the attorney's fees allocated for him.

In his Answer to the Complaint[17] in CBD Case No. 03-1109, Asa alleged as follows: It was in fact Castillo who reneged on their February 16, 2000 Agreement as the latter had earlier bluntly told him that he changed his mind and that he would not give him (Asa) any share in the attorney's fees he would receive from the guardianship case, Castillo reasoning that he was the therein counsel of record and had endorsed the case to the Laurel Law Offices. He thus reported the matter to Dr. Laurel and informed him that he "would likewise not give Castillo's share in the attorney's fees he [Asa] might receive because [Castillo] has no word of honor." [18]

As regards the \$24,500 that he allegedly secretly pocketed, Asa explained that several days prior to April 18, 2000, Dr. Laurel and Atty. Cassiday fixed the attorney's fees of both Castillo and Asa at \$100,000 each, based on the amount to be paid by the four heirs or \$25,000 per heir. When the first heir Merceditas Feliciano (Merceditas) paid \$1,150,000 on April 18, 2000, he deposited \$24,500 of this amount in his and his wife's joint Dollar Account No. 247-702-9275 at the Philippine National Bank (PNB), Ortigas Branch as his share in the attorney's fees, while he opened a new account in the name of Dr. Laurel to which he deposited the amount of \$160,500.

Asa went on to declare that Castillo received his own \$25,000 plus interest amounting to \$25,023.13 representing full payment of his attorney's fees from Merceditas, as evidenced by a Receipt[19] dated May 2, 2000 signed by Castillo.

Continuing, Asa declared that of the \$160,500 belonging to Dr. Laurel, \$100,000 represented partial payment for his consenting to be the guardian ad litem of the Nonan heirs and \$60,000 represented reimbursement for expenses incurred over several years by Dr. Laurel, the total of which was placed temporarily on April 18, 2000 in his (Asa's) Dollar Account No. 8-250-00047-3 in RCBC. Dr. Laurel, however, withdrew \$160,000.00 the following day from RCBC and placed it in his own Dollar Time Deposit Account for which \$500.00 was spent for the purpose. A Certification[20] to this effect, issued by RCBC Ortigas Business Center Manager Dolores L. Del

Valle, was appended to Asa's Answer.

Finally, Asa declared that Castillo's claim for \$130,000 in attorney's fees is baseless and unconscionable, and that Castillo filed the complaint merely to harass him in retaliation for the complaint he and Oliveros priorly filed against him and Ginger Anne.

IV. CBD Case No. 03-1125

On August 25, 2003, Asa filed yet another administrative complaint,[21] against Castillo before the IBP, for disbarment/suspension, docketed as CBD Case No. 03-1125, charging him with deceit, malpractice, gross misconduct in office, immoral conduct, violation of the lawyer's oath and the Code of Professional Responsibility in light of his baseless, malicious and derogatory allegations in CBD Case No. 03-1109 which were founded on deceit and deliberate falsehood, and of promoting a groundless, false and unlawful suit.

IBP REPORT AND RECOMMENDATION:

By Report and Recommendation[22] of February 27, 2004, the IBP CBD, through Commissioner Rebecca Villanueva-Maala, recommended the dismissal of the consolidated cases in this wise.

From the facts and evidence presented, what have been shown by the counsels are mutual bickerings, unjustified recriminations and offensive personalities between brother lawyers which detract from the dignity of the legal profession and do not deserve the attention of the Commission. The voluminous case record contains but personal peculiarities and idiosyncrasies hurled by the counsels against each other which constitute highly unprofessional conduct. A great part of man's comfort, as well as of his success at the bar, depends upon his relations with his professional brethren. With them he is in daily necessary intercourse, and he must have their respect and confidence, if he wishes to sail along in smooth waters. Hence, the parties are advised to conduct themselves honorably, fairly and candidly toward each other and try to maintain the dignity of the legal profession.[23] (Underscoring supplied)

By Resolution[24] of April 16, 2004, the Board of Governors of the IBP adopted and approved the February 27, 2004 Report and Recommendation and dismissed the consolidated cases for lack of merit.

The records of the cases were then forwarded for final action to this Court.

Asa filed with this Court an August 2, 2004 a Motion for Reconsideration[25] in CBD Case No. 03-1125. He too, together with Oliveros, filed on August 3, 2004 a Motion for Reconsideration[26] in CBD Case No. 03-1076.

Castillo likewise filed with this Court a Consolidated Omnibus Motion for Partial Reconsideration[27] dated August 9, 2004 in CBD Case No. 03-1108 and CBD Case No. 03-1109.

On January 12, 2005, Asa filed his Comment[28] on Castillo's Consolidated Omnibus Motion for Partial Reconsideration in CBD Case No. 03-1109 while also Oliveros filed his Comment on the same motion on February 28, 2005.

On March 16, 2005, Castillo filed his Consolidated Reply to the Comments of Asa and Oliveros, with Omnibus Motion to Appoint a Commissioner.[29]

THIS COURT'S RULING

In his questioned "Reply to Petitioner-Guardian's Comment/Opposition," Castillo's statement reads:

x x x Atty. Leon Asa wants to be paid an additional \$75,000.00 for his services in providing coffee and opening the doors whenever there is a conference at the Laurel Law Offices. He also conveniently provides himself with the Nonan expediente to give assistance to the parties during their so-called conferences. Worse,

his express reluctance to appear before this Honorable Court was repeatedly announced by Atty. Jose Oliveros because of his so-called failing health x x x[30]

Canon 8 of the Code of Professional Responsibility mandates that a lawyer shall conduct himself with courtesy, fairness and candor toward his professional colleagues and shall avoid harassing tactics against opposing counsel. Rule 8.01 of the same Canon mandates that a lawyer shall not, in his professional dealings, use language which is abusive, offensive or otherwise improper.

That a member of the bar is enjoined to observe honorable, candid and courteous dealing with other lawyers[31] and employ respectful and restrained language is in keeping with the dignity of the legal profession.[32] It is through a scrupulous preference for respectful language that a lawyer best demonstrates his observance or respect due to the courts and judicial officers.[33]

In the case at bar, Castillo and Ginger Anne's choice of words manifestly falls short of this criterion. Their disparaging statements in the pleading referred to above belie their proffered good intention and exceed the bounds of civility and propriety.

Castillo's claim that the statement about Asa's services is relevant and pertinent to the claim for attorney's fees and was, for all legal intents and purposes, a "privileged communication"[34] deserves short shrift. Indulging in offensive personalities in the course of judicial proceedings constitutes unprofessional conduct subject to disciplinary action, even if the publication thereof is privileged.[35]

x x x this Court will not be inhibited from exercising its supervisory authority over lawyers who misbehave or fail to live up to that standard expected of them as members of the Bar. Indeed, the rule of absolute privileged communication absolves beforehand the lawyer from civil and criminal liability based on the statements made in the pleadings. But like the member of the legislature who enjoys immunity from civil and criminal liability arising from any speech or debate delivered in the Batasan or in any committee thereof, but nevertheless remains subject to the disciplinary authority of the legislature for said speech or debate, a lawyer equally remains subject to this Court's supervisory and disciplinary powers for lapses in the observance of his duty as a member of the legal profession.[36] (Underscoring supplied)

Castillo and Ginger Anne are thus admonished to exercise greater care and circumspection in the preparation of their pleadings and refrain from using offensive or otherwise improper language.

In support of Asa and Oliveros' allegation that Castillo employed deceit and falsehood in attempting to change the depositary bank for the funds to be held in trust by Dr. Laurel for the Nonan heirs, they presented the March 2, 2000 RTC Order directing Dr. Laurel and his principal counsel Castillo to deposit the balance of the proceeds of the settlement with any and all of the adjudicated heirs with UCPB and the March 14, 2000 RTC Order directing the deposit of the settlement proceeds with the RCBC.

A perusal of the Urgent Motion for Reconsideration dated March 8, 2000 signed by Dr. Laurel, however, fails to establish any wrongdoing on the part of Castillo in having filed the Motion to deposit the funds at UCPB. It simply stated that:

Considering the present raging controversy arising from the P50 Billion coconut levy funds, the stability of the United Coconut Planters Bank (UCPB), Head Office at Makati, may be seriously affected x x x

The Petitioner-Guardian can best protect the deposits of the Nonan children if the proceeds of the settlement will be deposited with a solvent and more conservative bank like the RIZAL COMMERCIAL BANKING CORPORATION (RCBC) x x x[37]

In administrative cases against lawyers, the quantum of proof required is clearly preponderant evidence and the

burden of proof rests upon the complainant. Moreover, an administrative case against a lawyer must show the dubious character of the act done as well as the motivation thereof.[38] In the case at bar, Asa and Oliveros failed to present clear and preponderant evidence to show that Castillo willfully and deliberately resorted to deceit and falsehood in filing the Motion to have the funds deposited at UCPB.

Respecting Castillo's June 25, 2001 Reply to Answer in the Makati RTC Civil Case No. 01-506, he therein alleged:

On the other hand, retired Justice Felipe Kalalo of the Court of Appeals who personally knew the plaintiff, was also profuse in extolling his academic credentials and accomplishments as a Trial lawyer, as follows:

Q:

Do you know the claimant Atty. P.M. Castillo?

A:

Yes sir, because we were both active Senior Trial lawyers at the Laurel Law Offices.

Q:

How could you characterize and rate the trial competency, performance and expertise of Atty. P.M. Castillo?

A:

He is highly competent, low key, aggressive and very brilliant in the conduct of trial, as well as, in the formulation of courtroom strategies. His pleadings are also very well written, direct to the point, convincing, scholarly and exhaustive. To be sure, he is one of the popular trial lawyers of our firm (The Laurel Law Offices), not only because he came from an exclusive school, but also because of his scholastic records at Ateneo de Manila was also impressive. That is why he was taken in by former VP Salvador H. Laurel even before the release of the 1964 bar where he was also No. 2 among the Ateneo bar candidates for the year. He was No. 15 among the bar toppers. This is not to mention his impressive and highly (sic) batting average of winning about 80% to 90% of his load cases and work. He was also one of the busy lawyers of our office, until he went on private practice and excelled as one of the more successful and respected trial practitioners. [39] (Underscore supplied)

To Asa, by the foregoing allegation, Castillo committed clear falsehood for Justice Kalalo had never been a lawyer at any time at the Laurel Law Offices.

Castillo explained, however, that he "can only say that he has no control, nor influence on the voluntary and spontaneous declaration and testimony of Retired Justice Felipe Kalalo of the Court of Appeals in his favor during the highly adversarial proceedings." [40]

Castillo's explanation does not impress, however. The records show that the above-quoted statements attributed by Castillo to Justice Kalalo were lifted from an unsigned and unsubscribed affidavit entitled "Question and Answer Format in Lieu of Direct Testimony of Justice Felipe Kalalo" [41] dated January 21, 1993. This affidavit was earlier filed by Castillo with the Pasig RTC, Branch 154 in connection with his claim for attorney's fees in Civil Cases Nos. 43049 and 56637 which affidavit was subsequently withdrawn, [42] however, as it was unsigned and unsubscribed.

Canon 10 of the Code of Professional Responsibility provides that a lawyer owes candor, fairness and good faith to the courts. Rule 10.01 of said Canon specifically commands that a member of the bar 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. Rule 10.02 of the same Canon provides that a member of the bar shall not knowingly misquote or

misrepresent the contents of a paper or assert as a fact that which has not been proved.

And Section 20(d), Rule 138 of the Rules of Court directs that a lawyer must employ such means only as are consistent with truth and honor, and never seek to mislead the judge or any judicial officer by any artifice or false statement of fact or law.[43]

Complete candor or honesty is thus expected from lawyers, particularly when they appear and plead before the courts.[44] They have an obligation to the court as well as to the opposing party to make only truthful statements in their pleadings.[45] The burden cast on the judiciary would be intolerable if it could not take at face value what is asserted by counsel. The time that will have to be devoted just to the task of verification of allegations submitted could easily be imagined.[46]

In light of the above findings reflecting Castillo's administrative culpability, his charge against Asa and Oliveros of filing groundless disbarment cases against him and Ginger Anne necessarily fails.

As regards Castillo's claim that Asa secretly pocketed \$24,500 and \$160,500, the undated certification issued by RCBC Branch Operation Head Dolores del Valle reading:

This is to certify that on April 18, 2000, Mr. Leon L. Asa opened a Dollar Savings Account at our Business Center. A credit was made to his assigned Dollar Savings Account Number 8-250-00047-3 in the amount of US Dollars: One Hundred Sixty Thousand Five Hundred (USD: 160,500.00) as initial transaction. We further certify that on April 19, 2000, there was a debit made for said account in the amount of US Dollars: One Hundred Sixty Thousand (USD: 160,000.00) and that same amount was placed in the Dollar Time Deposit Account of Salvador H. Laurel. Mr. Leon Asa left the amount of USD: Five Hundred in his account to serve as the maintaining balance requirement. Subject Dollar Savings Account had closed already,[47]

and Dr. Laurel Partial Inventory, Account and Report of Guardian[48] dated February 13, 2002 filed with the Angeles City RTC, Branch 59 in Sp. Proc. No. 5222 stating that:

- On April 18, 2000, Guardian Ad Litem Salvador H. Laurel and his Principal Foreign Legal Counsel, Atty. Benjamin Cassiday III received by way of settlement from one of the duly adjudicated heirs of Larry Lee Hillblom, Mercedita Feliciano, by and through her Guardian Ad Litem, Milagros Feliciano, the amount of ONE MILLION ONE HUNDRED FIFTY THOUSAND US DOLLARS (US\$1,150,000.00) which was deposited with the Rizal Commercial Banking Corporation (RCBC), St. Francis Square Branch, Ortigas Center, Pasig City under Dollar Savings Account No. 8-250-000430-ABA. Routing No. RCBC PH MM in the name of "Salvador H. Laurel, in trust for Honeylyn, Alexandra and Jeril Nonan", in compliance with the Order of this Honorable Court dated April 26, 2000;

- Pursuant to the above-stated Orders of this Honorable Court, the Guardian Ad Litem and Atty. Benjamin Cassiday III disbursed the following amounts for the purposes indicated:

A. ATTORNEY'S FEES & OTHER NECESSARY LEGAL EXPENSES:

x x x x

(7) Partial payment of the fee of Salvador H. Laurel for consenting to be the guardian ad litem of the Nonan children and accepting all responsibilities attached to said positionUS\$100,000.00

(8) Reimbursement to Salvador H. Laurel for expenses incurred during the last six (6) years for airfare, car rentals, overseas calls, and representation and other incidental expenses while in the various states in the United States in order to pursue the claim of the Nonan children against the Hillblom estateUS\$60,000.00

x x x x[49] (Underscore supplied),

validate Asa's explanation that the amount of \$160,500 belonged to Dr. Laurel but was merely temporarily placed in his (Asa's) account.

The Partial Inventory, Account and Report of Guardian shows that \$12,500 was received by Asa as attorney's fees for assisting Dr. Laurel and Castillo from 1996 to 2000.[50] Confirming such disbursement is a Receipt[51] dated April 18, 2000 signed by Asa. The remaining \$12,500 of the \$25,000 attorney's fees of Asa per heir (as priorly agreed upon by Dr. Laurel and Cassidy) were remitted by Asa to the Laurel Law Offices as Official Receipt No. 1766[52] issued by the treasurer/cashier of the Laurel Law Offices dated April 19, 2000 shows:

RECEIVED from Atty. Leon L. Asa the sum of Twelve thousand five hundred US Dollars US\$12,500.00 as fifty percent (50%) share of LLO [Laurel Law Offices] in attorney's fees of US\$25,000 of Atty. Asa in SP Proc. 5222 of RTC Angeles City, Br. 59.

Cash.....US\$12,500-

By: Sgd.

Treasurer/Cashier

On Asa's alleged unjust refusal to turn over Castillo's attorney's fees: It appears that Asa and Castillo each received \$25,000 as attorney's fees but pursuant to their February 2000 Agreement, the aggregate amount of \$50,000 would be divided between them, and Castillo would receive 75% thereof or \$37,500, while Asa would receive 25% or \$12,500. The records show that Asa kept only \$12,500 for himself, he having remitted, as reflected above, the remaining \$12,500 to the Laurel Law Offices.

Dr. Laurel eventually gave Castillo \$10,000 out of the \$12,500 which Asa remitted to the Laurel Law Offices, as reflected in the Partial Inventory, Account and Report of Guardian.[53]

Respecting Castillo's claim that, in violation of the Code of Professional Responsibility, Asa and Oliveros "embarked on another sinister strategy to spite, insult and provoke him to ostracize him and make him feel unwanted to continue as [Dr. Laurel's] lawyer in furtherance of their conspiracy to force him into resignation for them to replace him and have absolute control over the guardianship case, the funds of the estate and the attorney's fees," the same is unsubstantiated, hence, deserves no further consideration.

As to Castillo's charge against Asa and Oliveros of embezzlement due to alleged scandalous mismanagement of the estate of the Nonan heirs, premised on the October 13, 2003 RTC Order[54] in SP No. 5222, this Court finds the evidence presented insufficient to warrant the imposition of sanctions against them.

Finally, on Castillo's Omnibus Motion to Appoint a Commissioner, the matters raised therein[55] being entirely inappropriate, to say the least, for consideration in these administrative proceedings, the same is denied.

A final word. The spectacle of members of the bar being engaged in bickering and recrimination is far from edifying. Mutual bickerings and unjustified recriminations between brother attorneys detract from the dignity of the legal profession and will not receive any sympathy from this Court.[56] Personal colloquies between counsels which promote unseemly wrangling should thus be carefully avoided.[57]

It appears that Castillo had previously been suspended for Six (6) Months by this Court in CBD Case No. 176, Bongalonta v. Castillo,[58] for committing falsehood in violation of his lawyer's oath and of the Code of Professional Responsibility. He was then warned that commission of the same or similar offense in the future would call for the imposition of a more severe penalty. This Court thus imposes upon him a penalty of suspension from the practice of law for a period of One (1) year.

WHEREFORE, the administrative cases filed against Atty. Leon L. Asa and Atty. Jose A. Oliveros are

DISMISSED.

Atty. Ginger Anne Castillo is found GUILTY of breach of Canon 8 of the Code of Professional Responsibility and is hereby admonished to refrain from using offensive and improper language in her pleadings.

Atty. Pablito M. Castillo is likewise found GUILTY of breach of Canons 8, as well as Canon 10 of the Code of Professional Responsibility, and is SUSPENDED from the practice of law for a period of One (1) Year, effective upon receipt of this Decision.

Let copies of this Decision be entered in the respective personal records of Atty. Ginger Anne Castillo and of Atty. Pablito M. Castillo in the Office of the Bar Confidant. Let copies too be furnished the Integrated Bar of the Philippines.

SO ORDERED.

Quisumbing, (Chairperson), Carpio, Tinga and Velasco, Jr., JJ., concur.

[1] Rollo, pp. 16-28.

[2] Id. at 21.

[3] Id. at 1-15.

[4] Id. at 7-8.

[5] Id. at 122-123.

[6] Id. at 375-378.

[7] Id. at 126-135.

[8] Id. at 128.

[9] Id. at 136.

[10] Id. at 173-205.

[11] Id. at 184.

[12] Id. at 188.

[13] Id. at 1077-1088.

[14] Id. at 1094-1114.

[15] Id. at 456-469.

[16] Id. at 472.

[17] Id. at 478-513.

[18] Id. at 488.

[19] Id. at 541.

[20] Id. at 527.

[21] Id. at 1173-1224.

- [22] Id. at 687-698.
- [23] Id. at 697-698.
- [24] Id. at 685-686.
- [25] Id. at 739-753.
- [26] Id. at 719-737.
- [27] Id. at 700-712.
- [28] Id. at 807-878.
- [29] Id. at 1025-1047.
- [30] Id. at 21.
- [31] *Ricafort v. Bansil*, A.C. No. 6298, May 27, 2004, 429 SCRA 194, 201 (2004) (citation omitted).
- [32] *Buenaseda v. Flavier*, G.R. No. 106719, September 21, 1993, 226 SCRA 645, 656 (citation omitted).
- [33] *Lubiano v. Gordolla*, A.C. No. 2343, July 30, 1982, 115 SCRA 459, 461.
- [34] *Rollo*, p. 360.
- [35] *Tolentino v. Baylosis*, 110 Phil. 1010, 1016 (1961).
- [36] *Supra* note 33 at 462-463 (citations omitted).
- [37] *Rollo*, pp. 375-376.
- [38] *Rudecon Management Corporation v. Camacho*, A.C. No. 6403, August 31, 2004, 437 SCRA 202, 208 (citation omitted).
- [39] *Rollo*, p. 128.
- [40] Id. at 188.
- [41] Id. at 262-269.
- [42] Id. at 272-273.
- [43] *Bautista v. Gonzales*, A.M. No. 1625, February 12, 1990, 182 SCRA 151, 163.
- [44] *Silva Vda. de Fajardo v. Bugaring*, A.C. No. 5113, October 7, 2004, 440 SCRA 160, 171-172.
- [45] *Tolentino v. Judge Cabral*, 385 Phil. 631, 652 (2000).
- [46] *Muñoz v. People*, 152 Phil. 570, 575-576 (1973).
- [47] *Rollo*, p. 527.
- [48] Id. at 528-536.
- [49] Id. at 529-531.
- [50] Id. at 530.
- [51]

Pasig City, Metro Manila
18 April 2000

RECEIPT

US\$12,500.00 Received from Dr. Salvador H. Laurel, Guardian Ad Litem for the Nonan Heirs, and Atty. Benjamin Cassiday III, Principal Foreign Legal Counsel for the said Guardian, the amount of TWELVE THOUSAND FIVE HUNDRED US DOLLARS (US\$12,500.00) as full payment of my attorney's fees corresponding to the settlement agreement entered into with one of the four heirs, Mercedita Feliciano through her Guardian Ad Litem Milagros Feliciano, relative to Special Proceedings No. 5222 of the Regional Trial Court of Angeles City, Branch 59 entitled "In Re: Guardianship of the Minors Honelyn, Alexandra and Jeril, all surnamed Nonan, Salvador H. Laurel, Petitioner."

Sgd.

LEON L. ASA

Partner and Assisting Counsel

to the Guardian Dr. Salvador H. Laurel

[52] Rollo, p. 543.

[53] Id. at 530.

[54] Id. at 713-718.

[55] (1) to investigate and determine the liability of Angeles City RTC judges, prosecutors and lawyers who facilitated the escape of Benjamin Cassiday III from the Philippines, despite the existence of a hold departure order and the pendency of the embezzlement case against him involving the estate funds of \$950,000; (2) to rein and keep in tow the different RTC judges of Angeles City to observe strict fidelity to their oath and to attend with dispatch the welfare and well being of the Nonan children by appointing a respectable and credible guardian and in disposing the various long pending incidents of the guardianship case; (3) to rescue the Nonan children who have no house and lot of their own despite their enormous wealth and whose health and welfare are also being neglected and taken for granted by the newly appointed guardian and the guardianship court, (4) to compel the substitution of the heirs of the late guardian to guarantee the restitution of the missing estate funds and (5) to compel the new guardian to post a bond and repatriate expeditiously the remaining estate funds of \$1,541,122.57 to the Philippines to enable the guardianship court to control and exercise jurisdiction over the same.

[56] Atty. Reyes v. Atty. Chiong, Jr., 453 Phil. 100, 106 (2003) (citations omitted), People v. Atty. Sesbreno, 215 Phil. 411, 418 (1984) (citation omitted), Narido v. Atty. Linsangan, 157 Phil. 87, 91 (1974).

[57] Canon 17, Canons of Professional Ethics.

[58] 310 Phil. 320 (1995).

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