

SC CIRCULAR NO. 4, January 26, 1988

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TO :

THE COURT OF APPEALS, SANDIGANBAYAN, REGIONAL TRIAL COURTS IN THE ELEVENTH JUDICIAL REGION, MUNICIPAL TRIAL COURTS IN DAVAO CITY, MUNICIPAL TRIAL COURTS AND MUNICIPAL CIRCUIT TRIAL COURTS, SAME REGION

SUBJECT:

Suspension of Atty. SAMUEL C. OCCENA from practice of law

For the information and guidance of all concerned, quoted hereunder is the pertinent portion of the Resolution of the Third Division of this Court, dated January 20, 1988, in G.R. No. 77739, entitled "Bienvenido Toling, et al. vs. RTC, Branch 8, Davao City et al."

"G.R. No. 77739 - (Bienvenido Toling et al. v. RTC Branch 8, Davao city, et al.) — . . .

"It is likewise unethical for respondent Occena to represent Nagsil Village Foundation in a case filed by his former clients over the same price of property involved in the case where he appeared for the petitioners. The estoppel cited by Judge Milagros C. Nartatez in her September 13, 1985 order is of no moment. The petitioners pursued their case in the trial court as pauper litigants and were apparently unaware about the finer points of legal ethics. It is the lawyer who is required to show greater zeal and attention in obeying all the ethical requirements of his profession. He may not represent conflicting interests and is obliged to maintain inviolate confidential information from his former clients. As a matter of fact, whether or not he acquired confidential information from his former clients, he may not represent the latter's adversary against them in any action related to the case where he represented his former clients.

"The Courts notes the cavalier attitude of Occena towards admonitions of this Courts, in administrative cases earlier filed against him. He has been warned in the past about unethical practices as a lawyer. The petitioners cite Pacquing v. Court of Appeals, et al. (115 SCRA 117) Legarda v. Occena (Adm. Case No. 2497, March 21, 1984) and Toling V. Occena (Adm. Case No. 2494, March 21, 1984) as some of the cases where this Court imposed alternative fine or imprisonment against Atty. Occena.

"Considering the foregoing, . . . The Court further Resolved to SUSPEND Atty. Samuel C. Occena from the PRACTICE OF LAW for Three (3) months. . . ."

January 26, 1988.

(Sgd.) CLAUDIO TEEHANKEE

Chief Justice

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