

OCA CIRCULARS NO. 51-2002, September 24, 2002

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TO:

THE COURT OF APPEALS, SANDIGANBAYAN, COURT OF TAX APPEALS, REGIONAL TRIAL COURTS, SHARI' A DISTRICT COURTS, METROPOLITAN TRIAL COURTS, MUNICIPAL TRIAL COURTS IN CITIES, MUNICIPAL TRIAL COURTS, MUNICIPAL CIRCUIT TRIAL COURTS, SHARI' A CIRCUIT COURTS, THE OFFICE OF THE STATE PROSECUTOR, PUBLIC DEFENDER'S OFFICE AND THE INTEGRATED BAR OF THE PHILIPPINES

SUBJECT:

SUSPENSION OF ATTY. WENCESLAO C. BARCELONA FOR SIX (6) MONTHS

For the information and guidance of all concerned, quoted hereunder is the decision of the Second Division of the Supreme Court in Administrative Case No. 5668 entitled "Gil T. Aquino vs. Atty. Wenceslao C. Barcelona" dated 19 April 2002, to wit:

"xxx

Complaint engaged the legal services of Atty. Barcelona for restructuring of his loan with the Philippine National Bank which was secured by a mortgage over his real property located in Malibay, Pasay City, and covered by TCT No. 131969. He paid a total amount of P60,000.00 to respondent who claimed to know a certain Gonzalo S. Mericullo, a legal assistant of the PNB, who will help complainant with the bank. The property of complaint found out that there is no Gonzalo S. Mericullo employed at PNB, contrary to the representations of respondent.

Pursuant to the complaint filed by Aquino, the IBP Commission on Bar Discipline (IBP-CBD) issued an Order[2] on July 22, 1999, requiring Atty. Barcelona to file an answer, despite a long lapse of the period given.

Hearing was then set for February 17, 2000. But despite due notice respondent failed to appear. Hence, on the same day, another Order[3] was issued by the IBP-CBD requiring Atty. Barcelona to file his answer to the complaint within ten (10) days from receipt thereof. All to no avail.

xxx

xxx, we find no reason to disturb the findings of the IBP Board of Governors. Respondent, Atty. Wenceslao C. Barcelona, was given ample opportunity to defend himself from the complaint filed against him. Despite a long lapse of time, he did not make any effort to refute the accusations made against him. As found by the Investigating Commissioner and based on the evidenced on record, respondent did not even try, despite notice, to appear and clear his name before the IBP Commission on Bar Discipline. We are thus constrained to agree with the recommendations of the IBP Board of Governors that indeed respondent has committed professional misconduct for which he should be duly disciplined.

WHEREFORE, respondent ATTY. WENCESLAO BARCELONA is found GUILTY of gross dishonesty and

conduct unbecoming a member of the bar. He is hereby ordered SUSPENDED from the practice of law for six (6) months, effective immediately. Further, he is also ordered to account for the amount of P60,000 entrusted to him by his client, with the obligation to return the entire amount, or so much thereof remaining, to complaint."

Copy of the decision was received by Atty. Barcelona on May 2, 2002 as per Registry Return Receipt No. 36405.

24 September 2002

PRESBITERO J. VELASCO, JR.

Court Administrator

[2] Rollo, at 4.

[3] Id, at 9.

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