

VICENTE LIM, COMPLAINANT, VS. ATTORNEY FRANCISCO G. ANTONIO, RESPONDENT.*Adm. Case No. 1092. October 27, 1983*

Ponente: FERNANDO, C.J.

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The charge imputed to respondent, a member of the bar, is that he changed his name, without any authority from the courts, from Paquito Lim Antonio Clemente, as appearing in his birth certificate, to Francisco G. Antonio. Such an act, complainant contends, was contrary to law.[1]

Respondent was required to answer. He was quite categorical in such answer that at no time had he used an alias and that, therefore, he had not violated the Act in question. Much less had he committed falsification of public documents. He pointed out that his correct surname of Antonio was likewise included in his birth certificate, a photostatic copy of which was en-closed. Submitted likewise was his diploma from Masbate High School in 1953; his certificate of conferment of Bachelor of Business Administration at the University of the East in 1956; his certificate of conferment of Bachelor of Laws from the University of the East in 1961; his official transcript of record from the University of the East; a certification from the Board of Examiners of the Bureau of Civil Service as a registered Certified Public Accountant dated July 22, 1957; and lastly, his certification from the Clerk of Court of the Supreme Court of his admission to the bar in 1962. In all such annexes, the surname mentioned was that of Antonio. He contended that no court order was required because the change of surname amounted to correction of errors in the school records, pointing out that the court order for change or correction of entry must be in connection with that appearing in the civil register. He explained why in his birth certificate the nick-name Paquito was used rather than the correct appellation. No question, according to him, can be raised as to his using the correct name Francisco from birth in all his public or private dealings. He made reference to a previous case, Administrative Case No. 848, which was filed by the same complainant and based on the same evidence. This Court, according to him, dismissed the case in a resolution dated September 30, 1971. The prayer was for the dismissal of the complaint. A reply was required from complainant. It was submitted. Thereafter the case was referred to the Solicitor General for investigation, report and recommendation.

In the Report of Solicitor General Estelito P. Mendoza,[2] submitted on July 18, 1983, the following appears: "Actually, this is a second case for disbarment filed by the same complainant against the same respondent." [3] The previous complaint against respondent was that he is a Chinese citizen and therefore disqualified to be a member of the bar. This Court dismissed the case on September 30, 1971. The Report further stated that he was likewise accused of violating Commonwealth Act No. 142 before the City Court of Manila in Criminal Case No. E-148817, which case was dismissed by Judge Antonio Padua Paredes in a decision dated June 4, 1974. It turned out that the principal prosecution witness in such case was the complainant. It was he who was also responsible for filing Criminal Case No. 307 before the Court of First Instance of Masbate again for an alleged violation of the same Act. On August 5, 1974, the Court of First Instance of Masbate, granted a motion to quash. His persistence in harassing is thus quite evident.

Finally, the Report made clear why there is justification to the allegation of respondent "that complainant has been motivated by 'revenge and bad faith.'" [4] For respondent was the private prosecutor for the falsification of a public document in which the complainant was the accused, the result being the conviction of complainant, and in another case, also for falsification of a public document, with the same result.[5] Moreover, when the complainant was the adverse party, it was respondent who was the defense counsel.

The Solicitor General concluded: "It is clear from all the foregoing that there is no basis in proceeding against respondent." [6]

The Report recommended the dismissal of the complaint. It did not stop there. The Report also called for complainant being admonished. Dismissal of the complaint is warranted. Admonition, however, is too mild a response for the irresponsible conduct of complainant.

The dignity and the honor of the profession require that acts unworthy of membership in the bar should be visited with the appropriate penalty. The charge against respondent is of a serious character. If in fact there was such a violation of the law as charged, he should be duly penalized. It is quite clear, however, that the complaint is unfounded. It was the product of ill-will, the desire of complainant to avenge himself. It certainly was not made in good faith. If it were so, its dismissal would have sufficed. To repeat, such is not the case. As the Report made clear, the complaint arose from a feeling of resentment, even of hate. To allow complainant to trifle with the Court, to make use of the judicial process as an instrument of retaliation, would be a reflection on the rule of law. He should be held to strict accountability, considering that this is his second attempt. Such stubbornness compounds the gravity of his offense. He appears to be incorrigible. At the very least, therefore, he should be censured.

WHEREFORE, the complaint against respondent Attorney Francisco G. Antonio is dismissed and complainant Vicente Lim is hereby censured.

Aquino, Concepcion, Jr., Guerrero, Abad Santos, and Escolin, JJ., concur.

Makasiar, J., Respondent may sue complainant for damages.

De Castro, J., on sick leave.

[1] According to Section 1, Republic Act No. 6085 (1969), amending Section 1 of Commonwealth Act No. 142 (1936): "Except as a pseudonym, solely for literary, cinema, television, radio or other entertainment purposes and in athletic events where the use of pseudonym is a normally accepted practice, no person shall use any name different from the one with which he was registered at birth in the office of the local civil registry, or with which he was baptized for the first time, or, in case of an alien, with which he was registered in the bureau of immigration upon entry; or such substitute name as may have been authorized by a competent court: Provided, That persons, whose births have not been registered in any local civil registry and who have not been baptized, have one year from the approval of this act within which to register their names in the civil registry of their residence. The name shall comprise the patronymic name and one or two surnames."

[2] He was assisted by Asst. Solicitor General Eduardo Montenegro and Solicitor Oswaldo D. Agcaoili.

[3] Report, 2.

[4] Ibid, 8.

[5] Ibid, citing Exhibits 12 and 13 of Answer of Respondent.

[6] Ibid, 7.

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