



Republic of the Philippines
Supreme Court
 Manila

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 WILFREDO V. LAPITAN
 Division Clerk of Court
 Third Division

JAN 06 2016

THIRD DIVISION

JOSEPH C. CHUA,

Complainant,

A.C. No. 10671

Present:

VELASCO, JR., J.,
Chairperson,

PERALTA,
 BERSAMIN,*
 VILLARAMA, JR., and
 REYES, JJ.

- versus -

ATTY. ARTURO M. DE CASTRO,
 Respondent.

Promulgated:

November 25, 2015

X-----X

RESOLUTION

REYES, J.:

In a verified complaint¹ before the Commission on Bar Discipline (CBD) of the Integrated Bar of the Philippines (IBP), Joseph C. Chua (Chua) sought the disbarment of Atty. Arturo M. De Castro (Atty. De Castro) for his capricious and continuous unethical practice of law in deliberately delaying, impeding and obstructing the administration of justice in his strategy for the defense of his client in Civil Case No. 7939 pending before the Regional Trial Court of Batangas City, Branch 84.

* Designated as Acting Member per Special Order No. 2289 dated November 16, 2015 vice Associate Justice Francis H. Jardeleza.

¹ Rollo (Vol. I), pp. 2-11.

Chua alleged that his company, Nemar Computer Resources Corp. (NCRC), filed a collection case against Dr. Concepcion Aguila Memorial College, represented by its counsel, Atty. De Castro.²

According to Chua, since the filing of the collection case on June 15, 2006, it took more than five (5) years to present one witness of NCRC due to Atty. De Castro's propensity to seek postponements of agreed hearing dates for unmeritorious excuses. Atty. De Castro's flimsy excuses would vary from simple absence without notice, to claims of alleged ailment unbacked by any medical certificates, to claims of not being ready despite sufficient time given to prepare, to the sending of a representative lawyer who would profess non-knowledge of the case to seek continuance, to a plea for the postponement without providing any reason therefore.³

Moreover, Chua averred that when the trial court required Atty. De Castro to explain why he should not be held in contempt for such delays, he belatedly made his explanation, further contributing to the delay of the proceedings.⁴

For his defense, Atty. De Castro countered that his pleas for continuance and resetting were based on valid grounds.⁵ Also, he pointed out that most of the resetting were without the objection of the counsel for NCRC, and that, certain resetting were even at the instance of the latter.⁶

On April 10, 2013, the CBD submitted its Report and Recommendation⁷ addressing the charge against Atty. De Castro. The CBD found Atty. De Castro to have violated Canons 10, 11, 12 and 13 of the Code of Professional Responsibility when he deterred the speedy and efficient administration of justice by deliberately employing delaying tactics in Civil Case No. 7939. The CBD recommended that he be suspended from the practice of law for a period of six (6) months from notice, with a warning that a similar lapse in the future may warrant more severe sanctions.

On April 16, 2013, the IBP Board of Governors issued a Resolution⁸ adopting and approving with modification the Report and Recommendation of the CBD. The Board of Governors modified the penalty meted out to respondent reducing the period of suspension from six (6) months to three

² Id. at 2.

³ *Rollo* (Vol. II), p. 343.

⁴ Id.

⁵ *Rollo* (Vol. I), pp. 57-58.

⁶ Id. at 310.

⁷ *Rollo* (Vol. II), pp. 343-348.

⁸ Id. at 341-342.

(3) months. Both Chua and Atty. De Castro filed their respective motions for reconsideration dated August 28, 2013⁹ and August 23, 2013¹⁰ but the same were denied in a Resolution¹¹ dated May 3, 2014.

Upon review of the records of the instant case, this Court finds the recommendation of the IBP Board of Governors to be proper under the circumstances.

“Lawyers should be reminded that their primary duty is to assist the courts in the administration of justice. Any conduct which tends to delay, impede or obstruct the administration of justice contravenes such lawyers[’] duty.”¹² Rule 1.03 and Rule 10.3 of the Code of Professional Responsibility explicitly states:

Rule 1.03 - A lawyer shall not, for any corrupt motive or interest, encourage any suit or proceeding or delay any man’s cause.

Rule 10.03 - A lawyer shall observe the rules of procedure and shall not misuse them to defeat the ends of justice.

As shown by the records, Atty. De Castro violated his oath of office in his handling of the collection case against his client. Chua was able to show that, through Atty. De Castro’s atrocious maneuvers, he successfully delayed the disposition of the case, causing injury and prejudice to NCRC.

The CBD, in its Report and Recommendation, correctly observed that Atty. De Castro violated his responsibility to attend previously set engagements with the court, absent a truly good reason to be absent. The Report and Recommendation in part states:

Through maneuverings [sic] obviously orchestrated by [Atty. De Castro], who has nonchalantly forgotten or otherwise deliberately disregarded professional commitments, much of the time has been wasted with [Atty. De Castro’s] uncharacteristic reliance on postponements for reasons that may not be termed valid but ones that really border on plain attempts to rile the other side. [Atty. De Castro’s] lack of concern for the other party, that amounted to obvious disrespect to the Court which has accommodated some requests for resettings which may not have solid ground to be granted, does not speak well of [Atty. De Castro’s] attitude towards his lack of concern with the court’s (and adverse parties/counsel’s) time specially reserved to hear the case.¹³

⁹ Id. at 389-398.

¹⁰ Id. at 349-359.

¹¹ Id. at 593.

¹² *Lim v. Atty. Montano*, 518 Phil. 361, 371 (2006).

¹³ *Rollo* (Vol. II), p. 347.

Under Section 27, Rule 138 of the Rules of Court, a lawyer may be removed or suspended on the following grounds: (i) deceit; (ii) malpractice; (iii) gross misconduct in office; (iv) grossly immoral conduct; (v) conviction of a crime involving moral turpitude; (vi) violation of the lawyers oath; (vii) willful disobedience of any lawful order of a superior court; and (viii) corruptly or willfully appearing as a lawyer for a party to a case without authority so to do.

Here, Atty. De Castro clearly caused a mockery of the judicial proceedings and inflicted injury to the administration of justice through his deceitful, dishonest, unlawful and grossly immoral conduct. “Indeed, he abused beyond measure his privilege to practice law.”¹⁴

Undoubtedly, Atty. De Castro failed to live up to the exacting standards expected of him as a vanguard of law and justice. He showed his great propensity to disregard court orders. His acts of wantonly employing dilatory tactics show an utter disrespect for the Court and the legal profession.

In line with jurisprudence, however, this Court held that disbarment is meted out only in clear cases of misconduct that seriously affect the standing and character of the lawyer as an officer of the court.¹⁵ In the present case, this Court, after considering the circumstances and records of the case, finds that the suspension from the practice of law for three (3) months of Atty. De Castro, as recommended by the IBP Board of Governors, is sufficient to discipline him.

WHEREFORE, Atty. Arturo M. De Castro is hereby **SUSPENDED** from the practice of law for a period of **THREE (3) MONTHS** effective from notice, with a **STERN WARNING** that a repetition of the same or similar acts will be dealt with more severely.

Let copies of this Resolution be entered in the record of Atty. Arturo M. De Castro as a member of the Bar and served on the Integrated Bar of the Philippines, as well as on the Office of the Court Administrator for circulation to all courts for their information and guidance.

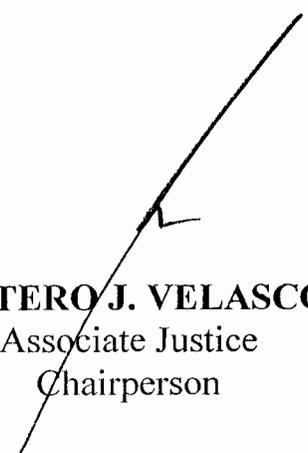
¹⁴ *Re: Administrative Case Against Atty. Occeña*, 433 Phil. 138, 156 (2002).

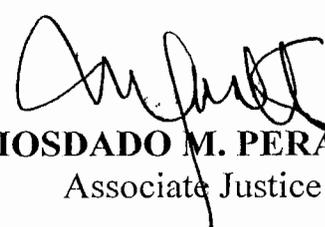
¹⁵ *de Chavez-Blanco v. Atty. Lumasag, Jr.*, 603 Phil. 59, 67 (2009).

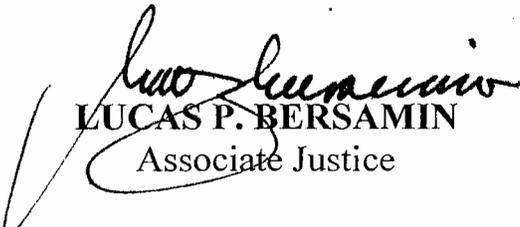
SO ORDERED.

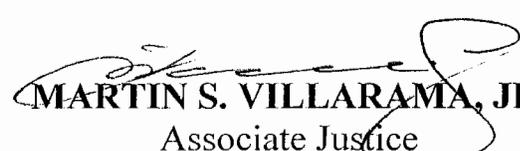

BIENVENIDO L. REYES
Associate Justice

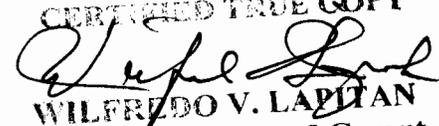
WE CONCUR:


PRESBITERO J. VELASCO, JR.
Associate Justice
Chairperson


DIOSDADO M. PERALTA
Associate Justice


LUCAS P. BERSAMIN
Associate Justice


MARTIN S. VILLARAMA, JR.
Associate Justice

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