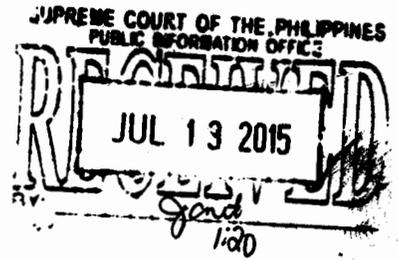




REPUBLIC OF THE PHILIPPINES
 SUPREME COURT
 Manila

SECOND DIVISION

NOTICE



Sirs/Mesdames:

Please take notice that the Court, Second Division, issued a Resolution dated 01 July 2015 which reads as follows:

A.C. No. 10463: CATHERINE S. SANTIAGO and LYKA CHRISTINE R. FERNANDEZ, complainants, v. **ATTY. FRANCIS T. OCA**, respondent.

X ----- X

Before the Court is a complaint¹ for disbarment filed by complainants Catherine S. Santiago and Lyka Christine R. Fernandez against Atty. Francis T. Oca.

On the night of 11 October 2010, complainants went to the Manila Police District's Pritil Outpost in Tondo, Manila to inquire about the arrest of their cousin. As they were leaving the police outpost, Atty. Oca's wife, Fatima Grace, started mauling them and shouting obscenities at complainant Santiago. Atty. Oca then hit Santiago in the face, while another companion, Mark S. Retugual, started kicking and hitting her. When Fernandez tried to help Santiago, Atty. Oca, his wife, and Retugual started hitting her too.²

As a result, complainants sustained injuries for which they obtained medical treatment at the Jose Reyes Memorial Medical Center. According to the medico-legal slips³ they obtained at the hospital, Santiago and Fernandez both suffered abrasions in the arms and shoulders.

After being treated, complainants went back to the police outpost to file their affidavit. Complainants thereafter filed a criminal complaint for physical injury, oral defamation, and grave threats.⁴

On 12 December 2008, complainants also instituted a complaint for disbarment against Atty. Oca before the Integrated Bar of the Philippines-Commission on Bar Discipline (IBP-CBD).

At the proceedings before the IBP-CBD, Atty. Oca failed to appear at any of the mandatory conferences, despite due notice.

In his Report and Recommendation⁵ dated 14 September 2011, Commissioner Romualdo A. Din, Jr. found:

Complainants were able to establish by substantial evidence that they sustained physical injuries and [that] the respondent was one of the

¹ *Rollo*, pp. 1-2.

² *Id.* at 19-20.

³ *Id.* at 32.

⁴ *Id.* at 20.

⁵ *Id.* at 40-43.

mfgp

persons responsible thereto. The respondent failed to exercise the propriety and proper decorum expected from members of the bar. Even in the heat of anger, his actions are uncalled for; further aggravating is the fact that respondent's victims were women.⁶

Finding that respondent exhibited gross misconduct, Commissioner Din recommended that Atty. Oca be suspended from the practice of law for three months.

On 28 September 2013, the IBP Board of Governors adopted the following Resolution:

RESOLUTION NO. XX-2013-96
 CBD Case No. 08-2340
 Catherine S. Santigao and
 Lyka Christine R. Fernandez vs.
 Atty. Francis T. Oca

RESOLVED to ADOPT and APPROVE, as it is hereby unanimously ADOPTED and APPROVED, with modification, the Report and Recommendation of the Investigating Commissioner in the above-entitled case, herein made part of this Resolution as Annex "A", and finding the recommendation fully supported by the evidence on record and the applicable laws and rules and considering that Respondent failed to exercise the propriety and proper decorum expected from the members of the Bar when he maltreated and inflicted physical injuries on complainants, Atty. Francis T. Oca is hereby SUSPENDED from the practice of law for one (1) year.⁷

The Court adopts the IBP's Report and Resolution.

Section 27, Rule 138 of the Revised Rules of Court states:

SEC. 27. Disbarment or suspension of attorneys by Supreme Court; grounds therefor.—A member of the bar may be disbarred or suspended from his office as attorney by the Supreme Court for any deceit, malpractice, or other gross misconduct in such office, grossly immoral conduct, or by reason of his conviction of a crime involving moral turpitude, or for any violation of the oath which he is required to take before admission to practice, or for a willful disobedience of any lawful order of a superior court, or for corruptly or willfully appearing as an attorney for a party to a case without authority so to do. The practice of soliciting cases at law for the purpose of gain, either personally or through paid agents or brokers, constitutes malpractice.

As found by the IBP's Investigating Commissioner, complainants adequately proved that Atty. Oca was one of the parties responsible for the physical injuries that they suffered. Atty. Oca himself inflicted physical harm on the complainants. As a lawyer, Atty. Oca should have exerted every

⁶ Id. at 42.

⁷ Id. at 38.

effort to keep the peace and pacify his companions. He did not do so, and worse, he even joined in the melee, showing his blatant disregard for complainants' rights and his lack of good moral character.

The Court may suspend or disbar a lawyer for "any misconduct showing any fault or deficiency in his moral character, honesty, probity or good demeanor,"⁸ whether in his professional or private life because "good character is an essential qualification for the admission to the practice of law and for the continuance of such privilege."⁹

Thus, it has been ruled:

To note, "the possession of good moral character is both a condition precedent and a continuing requirement to warrant admission to the Bar and to retain membership in the legal profession." This proceeds from the lawyer's duty to observe the highest degree of morality in order to safeguard the Bar's integrity. Consequently, any errant behavior on the part of a lawyer, be it in the lawyer's public or private activities, which tends to show deficiency in moral character, honesty, probity or good demeanor, is sufficient to warrant suspension or disbarment.¹⁰

Further aggravating the offense is Atty. Oca's total disregard for the IBP's authority by failing to appear in the mandatory conferences.

The IBP is tasked by the Court itself to investigate complaints against erring attorneys.¹¹ Thus, "a lawyer must observe and maintain respect not only to the courts, but also to judicial officers and other duly constituted authorities, including the IBP."¹² As such, the proceedings before the IBP are not to be taken lightly and must be accorded due respect.

It is timely to once again reiterate that lawyers are expected to uphold the integrity and dignity of the legal profession in all their professional and personal dealings. Any action they take not only reflects on their individual character but also bears upon the public's trust and confidence in lawyers, in particular, and in the whole justice system, in general.

WHEREFORE, the Court finds Atty. Francis T. Oca **GUILTY** of gross misconduct. He is hereby **SUSPENDED** from the practice of law for one (1) year. He is also **STERNLY WARNED** that a repetition of the same or a similar offense will be dealt with more severely.

Atty. Oca is further **DIRECTED** to submit a manifestation informing the Court of the date when he received a copy of this Resolution, with copies

⁸ *Spouses Donato v. Asuncion, Sr.*, 468 Phil. 329, 335 (2004). Citations omitted.

⁹ *Chu v. Guico*, A.C. No. 10573, 13 January 2015, citing *Spouses Whitson v. Atienza*, 457 Phil. 11, 18 (2003).

¹⁰ *Abella v. Barrios, Jr.*, A.C. No. 7332, 18 June 2013, 698 SCRA 683, 692. Citations omitted.

¹¹ Rule 139-B of the Rules of Court.

¹² *Almendarez, Jr. v. Langit*, 528 Phil. 814, 821 (2006).

furnished to the Office of the Bar Confidant, the Integrated Bar of the Philippines, and the Office of the Court Administrator.

This resolution shall take effect immediately upon its receipt by respondent.

The Office of the Court Administrator is directed to circulate copies of this resolution to all courts.

SO ORDERED. (Brion, J., on leave; Bersamin, J., designated acting member per Special Order No. 2079 dated 29 June 2015)

Very truly yours,

MA. LOURDES C. PERFECTO
 MA. LOURDES C. PERFECTO
 Division Clerk of Court *file 7/6*

ATTY. ELMER DISTOR (reg)
 Counsel for Complainants
 3/F, Viron Building
 697 EDSA Cubao
 1109 Quezon City

ATTY. FRANCISCO T. OCA (reg)
 Respondent
 No. 618-B Perla Street
 Tondo, Manila

INTEGRATED BAR OF THE PHILIPPINES (reg)
 Doña Julia Vargas Avenue
 Ortigas Center, 1605 Pasig City

THE BAR CONFIDANT (x)
 Supreme Court, Manila

*COURT MANAGEMENT OFFICE (x)
 Office of the Court Administrator
 Supreme Court, Manila

PUBLIC INFORMATION OFFICE (x)
 LIBRARY SERVICES (x)
 [For uploading pursuant to A.M. No. 12-7-1-SC]

OFFICE OF THE CHIEF ATTORNEY (x)
 OFFICE OF THE REPORTER (x)
 Supreme Court, Manila

*HON. JOSE MIDAS P. MARQUEZ (x)
 Court Administrator

*Note: For Circularization to all Courts
 Please notify the Court of any change in your address.
 AC10463. 07/01/15(342)URES