



Republic of the Philippines
Supreme Court
 Manila

SUPREME COURT OF THE PHILIPPINES
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Spouses NERIE S. ASUNCION and A.C. No. 11830
CRISTITA B. ASUNCION,

Complainants,

- versus -

Atty. EDILBERTO P. BASSIG,

Respondent.

Present:

BERSAMIN, *CJ.*,

CARPIO,

PERALTA,

PERLAS-BERNABE,

LEONEN,

JARDELEZA,

CAGUIOA,

A. REYES, JR.,*

GESMUNDO,

J. REYES, JR.,

HERNANDO,

CARANDANG,

LAZARO-JAVIER, and

INTING, *JJ.*

Promulgated:

July 30, 2019

X -----X

DECISION

JARDELEZA, J.:

In this disbarment complaint filed by Spouses Nerie S. Asuncion and Cristita B. Asuncion (Sps. Asuncion) against Atty. Edilberto P. Bassig (Atty. Bassig) before the Integrated Bar of the Philippines (IBP), We reiterate that lawyers are bound by their solemn oath to do no falsehood or consent to its commission, such that any violation of this rule warrants disciplinary action.

On November 6, 2012, Atty. Bassig, on behalf of one Fidel B. Cabangon (Cabangon), filed a complaint for annulment of original titles and all derivative titles emanating from Original Certificate of Title Nos. 17, 18, 19, 20, 1230 and 2640 and for damages¹ before the Regional Trial Court (RTC) in Antipolo City.

* On official leave.

¹ Docketed as Civil Case No. 12-9838. *Rollo*, pp. 6-13

Sps. Asuncion, intervenor in the case for annulment of original title, filed a disbarment complaint against Atty. Bassig for violation of his lawyer's oath under Section 3, Rule 138 of the Rules of Court through the commission of deceit and gross misconduct. They alleged that Cabangon died two years prior to the filing of the complaint, as proven by a copy of Cabangon's Death Certificate issued by the National Statistics Office.²

The IBP Commission on Bar Discipline (IBP-CBD) ordered Atty. Bassig to file his verified answer under pain of being declared in default and waiving his right to further participate in the proceedings.³ The IBP-CBD conducted a mandatory conference⁴ where both Sps. Asuncion and Atty. Bassig appeared. However, despite appearing during the conference, Atty. Bassig failed to file his verified answer or position paper.⁵ Nonetheless, pursuant to Section 5 of the Rules of Procedure of the IBP-CBD, the hearing proceeded *ex-parte*, and the case was thereafter submitted for decision.

Commissioner Suzette A. Mamon (Commissioner Mamon), in her Report and Recommendation,⁶ found Atty. Bassig guilty of violating Canon 1, Rule 1.01 of the Code of Professional Responsibility,⁷ as well as Section 3, Rule 138⁸ or the lawyer's oath. Cabangon, who was the purported plaintiff in the case for annulment of original title, had indeed been dead for two years prior to the filing of the complaint by Atty. Bassig; the mere act of having filed a complaint in representation of a deceased client who was ostensibly made to appear still alive constituted deceit and fraud which were grossly immoral; and Atty. Bassig should have known the status of his client before the filing of the complaint.⁹

Commissioner Mamon recommended the penalty of suspension from the practice of law for two years since Atty. Bassig's act seriously and

² *Id.* at 2-5.

³ *Id.* at 42.

⁴ *Id.* at 43.

⁵ *Id.* at 93.

⁶ *Id.* at 89-95; dated June 11, 2014.

⁷ Canon 1 - A lawyer shall uphold the constitution, obey the laws of the land and promote respect for law and legal processes.

Rule 1.01 - A lawyer shall not engage in unlawful, dishonest, immoral or deceitful conduct.

⁸ Sec. 3. *Requirements for lawyers who are citizens of the United States of America.* - Citizens of the United States of America who, before July 4, 1946, were duly licensed members of the Philippine Bar, in active practice in the courts of the Philippines and in good and regular standing as such may, upon satisfactory proof of those facts before the Supreme Court, be allowed to continue such practice after taking the following oath of office:

I, having been permitted to continue in the practice of law in the Philippines, do solemnly swear that I recognize the supreme authority of the Republic of the Philippines; I will support its Constitution and obey the laws as well as the legal orders of the duly constituted authorities therein; I will do no falsehood, nor consent to the doing of any in court; I will not wittingly or willingly promote or sue any groundless, false or unlawful suit, nor give aid nor consent to the same; I will delay no man for money or malice, and will conduct myself as a lawyer according to the best of my knowledge and discretion with all good fidelity as well as to the courts as to my clients; and I impose upon myself this voluntary obligation without any mental reservation or purpose of evasion. So help me God.

⁹ *Rollo*, pp. 94-95.

adversely reflected his unfitness to practice the profession as a lawyer and an officer of the Court.¹⁰

In its Notice of Resolution,¹¹ the IBP Board of Governors (IBP-Board) adopted and approved the recommendation of Commissioner Mamon.¹²

Atty. Bassig filed a motion for reconsideration¹³ arguing that he did not commit any falsehood as he did not have prior knowledge that Cabangon was already dead at the time he filed the complaint. He further cited the following circumstances prior to the filing of the complaint: (i) his legal services were engaged by a person claiming to be an agent of Cabangon; (ii) upon examination of the documents presented by the agent, he was satisfied that Cabangon had a valid claim over the properties, hence, he prepared the complaint; (iii) he prepared the format for verification and certification for non-forum shopping which he gave to the agent for Cabangon's signature, and that the same document was returned to him already signed and notarized; and (iv) the agent concealed Cabangon's death from him, and that had he known it earlier, he would have immediately asked for the substitution of Cabangon's heirs in the complaint. Finally, he argued that the recommended penalty of suspension for two years was too harsh, given that he had no knowledge of the misrepresentation of Cabangon's agent.¹⁴

In their comment to the motion for reconsideration, Sps. Asuncion added that it was inconceivable for Atty. Bassig to rely and trust the mere representation of an alleged agent of Cabangon in the absence of a written authority to that effect.¹⁵

In its Resolutions dated May 28, 2016¹⁶ and January 26, 2017,¹⁷ the IBP-Board denied Atty. Bassig's motions for reconsideration.¹⁸

We affirm the IBP-Board's findings of fact and recommended penalty.

As members of the profession duty-bound to uphold the law, lawyers are called to conduct themselves with utmost honesty and integrity, and in a manner beyond reproach.¹⁹ The nature of the office of a lawyer requires that he shall be of good moral character, and this qualification is not only a condition precedent to admission to the legal profession, but its continued

¹⁰ *Id.* at 95.

¹¹ *Id.* at 88; dated December 14, 2014.

¹² *Id.*

¹³ *Rollo*, p. 96-99.

¹⁴ *Id.* at 96-98.

¹⁵ *Id.* at 101-102.

¹⁶ *Id.* at 117.

¹⁷ *Id.* at 118-119.

¹⁸ *Id.* at 96-99, 110-114; dated October 7, 2015 and October 3, 2016, respectively.

¹⁹ *De Guzman v. De Dios*, A.C. No. 4943 (Resolution), January 26, 2001, 350 SCRA 320, 324.

possession is essential to maintain one's good standing in the profession,²⁰ and is necessary to promote the public's faith in the legal profession.²¹

That this duty is owed by the lawyer to the public and the Court is, albeit stating the obvious, a necessary iteration as the present case demonstrates, where Atty. Bassig filed a complaint that was false in a critically material aspect—the status of the plaintiff. The mere act of filing such a complaint, alongside the proven deceased status of its purported plaintiff, shows either Atty. Bassig's ill intent on the one hand, or appalling incompetence on the other, neither of which are excusable under the circumstances.

Atty. Bassig's defense, as raised in his motion for reconsideration, does not convince Us. His bare denial of prior knowledge of Cabangon's status during the preparation and filing of the complaint, on the pretext that he only met Cabangon's agent further aggravates his stance. His defensive claims, notwithstanding their lack of proof, indicate respondent's gross negligence in relying on a representation of agency by a client without so much as the requirement of a written letter of authority or a similar document that would verify the identity of the client. That the supposed agent of Cabangon remains unnamed even in his raising of defenses may even reasonably hint at the complete falsity of the defense itself. And even if We consider Atty. Bassig's defense that he merely relied on the representation of the supposed agent of Cabangon, there is nothing on record to show that Atty. Bassig addressed this mistake in court after Sps. Asuncion manifested that Cabangon already died prior to the filing of the complaint.

In addition, We note that Atty. Bassig did not file an answer, mandatory conference brief and position paper despite repeated orders of Commissioner Mamon.²² This attitude of Atty. Bassig is inexcusable considering that he has been previously sanctioned for his refusal to obey the orders of the IBP, in violation of Canon 11²³ of the Code of Professional Responsibility. Thus, in *Robiñol v. Bassig*,²⁴ We ruled:

WHEREFORE, premises considered, respondent Atty. Edilberto P. Bassig is hereby **ORDERED** to pay a **FINE** in the amount of **Ten Thousand Pesos (P10,000.00)** with the **STERN WARNING** that commission of the same or similar offense in the future will result in the imposition of a more severe penalty.²⁵

²⁰ *Rayos-Ombac v. Rayos*, A.C. No. 2884, January 28, 1998, 285 SCRA 93, 100.

²¹ *San Jose Homeowners Association, Inc. v. Romanillos*, A.C. No. 5580, June 15, 2005, 460 SCRA 105, 112.

²² *Rollo*, p. 93.

²³ Canon 11 – A lawyer shall observe and maintain the respect due to the courts and to judicial officers and should insist on similar conduct by others.

²⁴ A.C. No. 11836, November 21, 2017, 845 SCRA 447.

²⁵ *Id.* at 456.

We will not hesitate to discipline an erring lawyer by imposing an appropriate penalty based on the exercise of sound judicial discretion in consideration of the surrounding facts.²⁶ In several cases, lawyers who committed various acts of dishonesty or consenting to its doing were penalized, even disbarred.²⁷

WHEREFORE, the Court finds **Atty. EDILBERTO P. BASSIG** guilty of violation of Rule 1.01 of Canon 1, Canon 10, and Canon 11 of the Code of Professional Responsibility and the lawyer's oath. Accordingly, he is hereby **SUSPENDED FROM THE PRACTICE OF LAW** for a period of **TWO YEARS** from finality of this Decision. He is **STERNLY WARNED** that a repetition of the same or a similar act will be dealt with more severely.


Let a copy of this Decision be attached to Atty. Bassig's personal record with the Office of the Bar Confidant and be furnished to all chapters of the Integrated Bar of the Philippines and to all the courts in the country for their information and guidance.


SO ORDERED.


FRANCIS H. JARDELEZA
Associate Justice

WE CONCUR:


LUCAS P. BERSAMIN
Chief Justice


ANTONIO T. CARPIO
Associate Justice

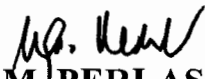

DIOSDADO M. PERALTA
Associate Justice

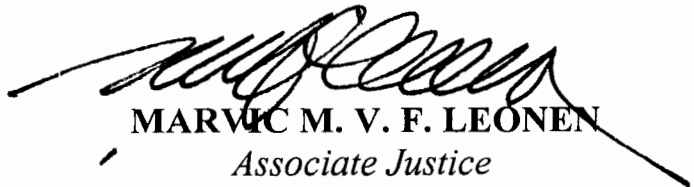
²⁶ *Lim-Santiago v. Sagucio*, A.C. No. 6705, March 31, 2006, 486 SCRA 10, 25.

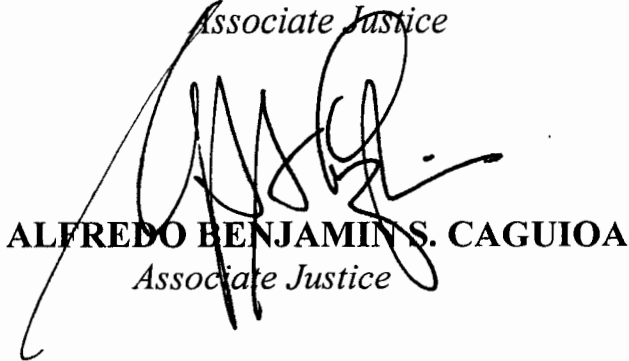
²⁷ In *San Jose Homeowners Association, Inc. v. Romanillos*, *supra* note 21, the respondent lawyer was disbarred for representing himself to be a judge despite having resigned and, later, found administratively liable as to warrant his dismissal from the service.

In *Rayos-Ombac v. Rayos*, *supra* note 20, the lawyer was disbarred for having deceived his 85-year old aunt into entrusting to him all her money, and later refused to return the same despite demand.

In *Anacta v. Resurreccion*, A.C. No. 9074, August 14, 2012, 678 SCRA 352, the lawyer was suspended for four years for misrepresenting to have filed a petition for annulment for a client when no such petition was ever filed.

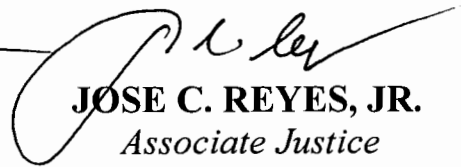

ESTELA M. PERLAS-BERNABE
Associate Justice

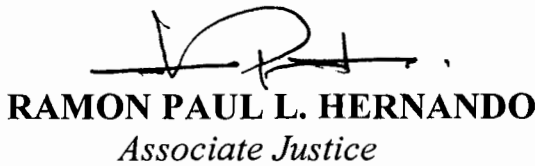

MARVIC M. V. F. LEONEN
Associate Justice

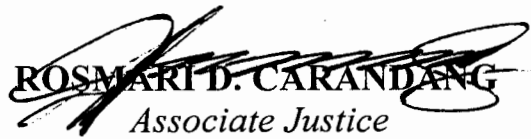

ALFREDO BENJAMIN S. CAGUIOA
Associate Justice

(On Official Leave)
ANDRES B. REYES, JR.
Associate Justice


ALEXANDER G. GESMUNDO
Associate Justice


JOSE C. REYES, JR.
Associate Justice



RAMON PAUL L. HERNANDO
Associate Justice


ROSMARI D. CARANDANG
Associate Justice


AMY C. LAZARO-JAVIER
Associate Justice


HENRI JEAN PAUL B. INTING
Associate Justice

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EDGAR O. ARICHETA
Clerk of Court in Charge
Supreme Court