

## EN BANC

[ A.C. No. 8313, July 14, 2015 ]

**PILAR IBANA-ANDRADE AND CLARE SINFOROSA ANDRADE-CASILIHAN, COMPLAINANTS, VS. ATTY. EVA PAITA-MOYA, RESPONDENT.**

### DECISION

**SERENO, C.J.:**

This is an administrative case filed against Atty. Eva Paita-Moya by Pilar Ibane-Andrade and Clare Sinforosa Andrade-Casilihan. On 7 December 2009, this Court, through the First Division, issued a Resolution<sup>[1]</sup> referring the case to the Integrated Bar of the Philippines (IBP) for investigation, report and recommendation or decision within ninety (90) days from the receipt of records.

After the proceedings, the IBP Commission on Bar Discipline transmitted to the Supreme Court on 18 November 2013 its Notice of Resolution,<sup>[2]</sup> alongside the Records of the case. The IBP Board of Governors also passed a Resolution<sup>[3]</sup> on 13 February 2013 adopting and approving the Report and Recommendation<sup>[4]</sup> of the Investigating Commissioner for this case.

The Report and Recommendation summarizes the facts of this case as follows:

Here is complainants' version. On October 3, 2007, complainant Pilar Andrade, stockholder and Treasurer of Mabini College Inc. filed Civil Case No. 7617 for Injunction, Mandamus and Damages before the Regional Trial Court of Daet, Camarines Norte when she was illegally suspended by Luz Ibane-Garcia, Marcel Lukban and respondent Atty. Eva Paita-Moya. In the said case then pending before the Honorable Executive Judge Arniel Dating, respondent Atty. Eva Paita-Moya appeared as counsel for all respondents.

Complainant Clare Sinforosa I. Andrade-Casilihan likewise filed an illegal dismissal case against Mabini College Inc. and now pending before the Honorable Court of Appeals. In the said labor case, respondent stood as counsel for Mabini College, Inc. and co-respondent Luz I. Garcia and Marcel Lukban.

In another illegal dismissal case filed by Alven Bernardo I. Andrade on September 28, 2005 currently pending before the Court of Appeals, respondent acted as counsel for Mabini College, Inc. Luz I. Garcia and Marcel Lukban.

After the aforementioned cases were filed, complainants had found out that on June 27, 2008, the Honorable Supreme Court promulgated a

resolution in the case entitled Wilson Cham versus Atty. Eva Paita-Moya docketed as A.C. No. 7484 suspending respondent from the practice of law for one month.

Complainants were surprised. They later got a copy of the Office of the Bar Confidant's certification confirming that until date (apparently May 6, 2009, the dare [sic] OR No. 0304748 was issued) respondent's suspension order has not yet been lifted.

On June 2, 2009, complainants were able to obtain a copy of the Supreme Court Circular No. 51-2009 informing all courts that respondent was suspended from the practice of law for one month and said suspension was received by respondent on June 15, 2008.

However, despite of the subject June 27, 2009 Resolution on July 15, 2008 and despite knowledge of her suspension from the practice of law, the said resolution having been further posted in the website of the Supreme Court and is available in CD Asia's Lex Libris, respondent continued to practice law in wilful disobedience of the Supreme Court's suspension order in A.C. No. 7494.

In fact from June 27, 2008 until May 2009, respondent filed the following papers and pleadings as counsel in Civil Case No. 7617, to wit:

Comment to Motion for Voluntary Inhibition dated July 15, 2008.

Motion to Admit Answer which was undated but submitted on November 12, 2008.

An undated Comments/Opposition to the Petitioner's Formal Offer of Evidence in Support of the Application for Writ of Preliminary Mandatory Injunction which was received by petitioners' counsel on November 26, 2008. Motion to Admit Amended Motion for Reconsideration dated February 9, 2009 which was received by petitioners' counsel on February 12, 2009.

Motion for Reconsideration dated January 23, 2009. Motion to File Position Paper dated April 13, 2009; and Pre-Trial Brief for Respondents dated May 13, 2009.

Also in connection with complainant Casahilan's Petition for Certiorari with the Court of Appeals, respondent never withdrew her appearance. The same is true in the case of Alven Bernardo Andrade. Respondent never withdrew her appearance therein.

Likewise and notwithstanding such suspension, respondent continued to practice law and respondent clients in other cases before the four (4) branches of the Regional Trial Court in Daet, Camarines Norte. Supporting this truthful assertion are the following:

CERTIFICATION dated May 29, 2009 issued by Atty. Michael Angelo S. Rieo, Branch Clerk of Court, Branch 38, Regional Trial Court, Daet,

Camarines Norte.

CERTIFICATION dated November 24, 2009 issued by Atty. Elaine Gay R. Belen, Branch Clerk of Court, Branch 39, Regional Trial Court, Daet, Camarines Norte.

CERTIFICATION dated November 19, 2009 issued by Mr. Eddie E. Balonzo, Acting Clerk of Court, Branch 40, Regional Trial Court, Daet, Camarines Norte; and

CERTIFICATION dated November 5, 2009 issued by Mr. Chito B. Pacao, OIC/Legal Researcher II, Branch 41, Regional Trial Court, Daet, Camarines Norte.

And per the November 5, 2009 letter of Atty. Michael Mortimer G. Pajarillo, Chapter President, Integrated Bar of the Philippines, Camarines Norte Chapter, Daet, Camarines Norte, respondent xxx Atty. Eva Paita-Moya has not complied with the order of the Supreme Court relative to her suspension from the practice of law from June 27, 2008 up to the present.<sup>[5]</sup>

Respondent's version, as stated in the Report,<sup>[6]</sup> is that she started serving the suspension order on 20 May 2009. This was also her position in her Manifestation and Motion to Suspend Proceedings<sup>[7]</sup> dated 30 September 2010. She likewise alleged therein that she had filed with the Supreme Court in December 2009 an Urgent Motion to Lift Order of Suspension with the Supreme Court, which was unresolved as of the date of her Manifestation.<sup>[8]</sup> Additionally, she argued that the resolution of the initial administrative case docketed as A.M. No. 7464 was material to her position in this particular case.<sup>[9]</sup>

The issue in this case falls solely on the question of whether Respondent engaged in the unauthorized practice of law, that is, the practice of law despite the clear language of this Court's suspension order.

The Report and Recommendation recommended that Respondent be found liable. We adopt the same, with modification.

The suspension order was received by Respondent on July 15, 2008.<sup>[10]</sup> Despite this, she continued to practice law in various cases, as shown by the pleadings she filed and the certifications noted by the Report.<sup>[11]</sup> In fact, she continued receiving various fees for her services throughout the duration of her suspension.<sup>[12]</sup>

It is important to note that her defense consists of an admission that she was indeed suspended, and allegedly served her suspension.<sup>[13]</sup> She claimed that she never received the resolution that had allegedly suspended her.<sup>[14]</sup> By logical inference therefore, her sole defense is ignorance of the resolution that suspended her.

However, the records of this very Court belie her statements. Office of the Court Administrator Circular No. 51-2009 stated the following: