

## THIRD DIVISION

**[ A.C. No. 10671, November 25, 2015 ]**

**JOSEPH C. CHUA, COMPLAINANT, VS. ATTY. ARTURO M. DE CASTRO, RESPONDENT.**

### **R E S O L U T I O N**

**REYES, J.:**

In a verified complaint<sup>[1]</sup> 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.

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.<sup>[2]</sup>

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.<sup>[3]</sup>

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.<sup>[4]</sup>

For his defense, Atty. De Castro countered that his pleas for continuance and resetting were based on valid grounds.<sup>[5]</sup> 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.<sup>[6]</sup>

On April 10, 2013, the CBD submitted its Report and Recommendation<sup>[7]</sup> 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 Resolution<sup>[8]</sup> 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 (3) months. Both Chua and Atty. De Castro filed their respective motions for reconsideration dated August 28, 2013<sup>[9]</sup> and August 23, 2013<sup>[10]</sup> but the same were denied in a Resolution<sup>[11]</sup> 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."<sup>[12]</sup> 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.<sup>[13]</sup>

Under Section 27, Rule 138 of the Rules of Court, a lawyer may be removed or