

SECOND DIVISION

[A. C. No. 5398, December 03, 2002]

ANTONIO A. ALCANTARA, COMPLAINANT, VS. ATTY. MARIANO PEFIANCO, RESPONDENT.

DECISION

MENDOZA, J.:

This is a complaint against Atty. Mariano Pefianco for conduct unbecoming a member of the bar for using improper and offensive language and threatening and attempting to assault complainant.

The complainant, Atty. Antonio A. Alcantara, is the incumbent District Public Attorney of the Public Attorney's Office in San Jose, Antique. He alleged that on May 18, 2000, while Atty. Ramon Salvani III was conferring with a client in the Public Attorney's Office (PAO) at the Hall of Justice in San Jose, Antique, a woman approached them. Complainant saw the woman in tears, whereupon he went to the group and suggested that Atty. Salvani talk with her amicably as a hearing was taking place in another room. At this point, respondent Atty. Mariano Pefianco, who was sitting nearby, stood up and shouted at Atty. Salvani and his client, saying, "*Nga-a gina-areglo mo ina, ipapreso ang imo nga kliyente para mahibal-an na anang sala.*" ("Why do you settle that case? Have your client imprisoned so that he will realize his mistake.")

Complainant said he was surprised at respondent Pefianco's outburst and asked him to cool off, but respondent continued to fulminate at Atty. Salvani. Atty. Salvani tried to explain to respondent that it was the woman who was asking if the civil aspect of the criminal case could be settled because she was no longer interested in prosecuting the same. Respondent refused to listen and instead continued to scold Atty. Salvani and the latter's client.

As head of the Office, complainant approached respondent and asked him to take it easy and leave Atty. Salvani to settle the matter. Respondent at first listened, but shortly after he again started shouting at and scolding Atty. Salvani. To avoid any scene with respondent, complainant went inside his office. He asked his clerk to put a notice outside prohibiting anyone from interfering with any activity in the Public Attorney's Office.

Complainant said that he then went out to attend a hearing, but when he came back he heard respondent Pefianco saying: "*Nagsiling si Atty. Alcantara nga pagwa-on na kuno ako dya sa PAO, buyon nga klase ka tawo.*" ("Atty. Alcantara said that he would send me out of the PAO, what an idiot.") Then, upon seeing complainant, respondent pointed his finger at him and repeated his statement for the other people in the office to hear. At this point, according to complainant, he confronted respondent Pefianco and told him to observe civility or else to leave the office if he had no business there. Complainant said respondent resented this and started