

THIRD DIVISION

[A.C. No. 5019, April 06, 2000]

**JUDGE ADORACION G. ANGELES, COMPLAINANT, VS. ATTY.
THOMAS C. UY JR., RESPONDENT.**

DECISION

PANGANIBAN, J.:

Lawyers must promptly account for money or property they receive on behalf of their clients. Failure to do so constitutes professional Misconduct and justifies the imposition of disciplinary sanctions.

The Case and the Facts

In a letter dated February 11, 1999 addressed to the Office of the Chief Justice, Judge Adoracion G. Angeles of the Regional Trial Court of Caloocan City (Branch 121) charged Atty. Thomas C. Uy Jr. with violation of Canon 16 of the Code of Professional Responsibility. Complainant states that respondent's acts, which had earlier been held contemptible in her February 10, 1999 Order,^[1] also rendered him administratively liable. In the said Order, she narrated the following facts:

"When the case was called for the second time at 11 :25 o'clock in the morning, the private prosecutor Atty. Thomas C. Uy, Jr. appeared. In open court, accused Norma Trajano manifested that she had already settled in full the civil aspect in Crim. Case No. C-54177 (98) in the total amount of [t]hirty [s]ix [t]housand [f]ive [h]undred (P36,500.00) [p]esos. She further alleged that she paid P20,000.00 directly to the private complainant and the balance of P16,500.00 was delivered to Atty. Thomas C. Uy, Jr., the lawyer of the private complainant and accordingly produced in open court the receipt for such payment signed by no less than the aforesaid lawyer. Indeed, the civil liability of the accused had already been satisfied in full.

"However, the private complainant, Primitiva Malansing [Del Rosario] manifested that she did not receive the amount of [s]ixteen [t]housand [f]ive [h]undred (P16,500.00) [p]esos which was paid to his lawyer Atty. Thomas C. Uy, Jr., thereby constraining this court to direct Atty. Thomas C. Uy to turn over the money to the private complainant which he received in trust for his client. Atty. Uy however argued that his client did not like to accept the money but the assertion of the lawyer was belied by his own client, the herein private complainant, who manifested in open court x x x her willingness to accept the money. The Court again directed Atty. Uy to produce the money but the latter argued that he kept

it in his office. Consequently, the Court suspended the proceedings to enable Atty. Uy to get the money from his law office which is located only at the second floor of the same building where this court is located.

"Unfortunately, it is already 12: 15 o'clock past noon but Atty. Uy did not show up anymore and not even his shadow appeared in Court.

"It cannot be denied that the act of Atty. Thomas Uy in deliberately failing to return to the Court [the] proceedings [of which] were suspended just because of his representations, mirrors not only an undisguised disobedience of a court order but also manifests his propensity to mock the dignity of the Court. Disgustingly, he deliberately ignored his solemn oath to conduct himself as befitting the status of an officer of the court.

"Indeed, this gross misbehavior of Atty. Uy cannot simply be ignored for it is a raw challenge to the authority of the Court.

"It must also be pointedly emphasized that Atty. Thomas Uy committed a brazen violation of the provisions of Canon 16 of the Code of Professional Responsibility, to wit:

"x x x x x x x x x

"Obviously, Atty. Thomas Uy fell short of the duties expected from him as a member of the bar."

In compliance with this Court's March 24, 1999 Resolution, Respondent Uy^[2] filed his Comment on June 7, 1999. Denying that he violated Canon 16 of the Code of Professional Responsibility, he explained:

"1). In a criminal case, then pending before the Regional Trial Court, Branch 121 of Kalookan City, Metro Manila, presided by the complainant Honorable Adoracion G. Angeles, entitled 'People of the Philippines vs. Norma Trajano, et., al', Criminal Case No. C-54176-77 (98), Atty. Thomas C. Uy Jr., herein referred to as [r]espondent, was engaged as [p]rivate [p]rosecutor of the complainant therein, Mrs. Primitiva Malansin Del Rosario. At the outset Norma Trajano, accused in said criminal case, expressed her desire and offered to settle the civil aspect of the criminal case against her to which Primitiva Del Rosario acceded. On separate hearings, Norma Trajano made installment payments to Primitiva Del Rosario some of which payments were duly acknowledged by the latter in the presence of [r]espondent;

"2). On a previously cancelled date of hearing of the aforesaid criminal case x x x on December 14, 1998, Norma Trajano went to the office of the [r]espondent at about 8:45 o'clock in the morning, x x x and met Mr. Romeo C. Jamisola Jr., who is acting as [r]espondent's personal secretary

and at the same time the liason officer of the law firm De Veyra, Uy and Associates x x x. Mr[.] Romeo Jamisola Jr., is the lone staff of the law firm x x x. Respondent was at that time not in the office as he was attending a hearing before the Regional Trial Court, Branch 122, Kalookan City, Metro Manila. x x x

"3). On the aforesaid date and time (December 14, 1998) at the office of the [r]espondent, Norma Trajano told Mr. Romeo Jamisola Jr. that she will make another partial payment to Primitiva M. Del Rosario because she cannot attend the hearing the following day (8[:]30 o'clock a.m. of December 15, 1999) before Judge Adoracion G. Angeles due to a conflict of schedule with her [other] case in the Regional Trial Court, Branch 19, Malolos, Bulacan, where she is likewise the accused for [e]stafa[.] Mr. Romeo Jamisola told Norma Trajano to wait for a while as he will fetch [r]espondent at the ground floor in the sala of the Honorable Remigio E. Zari. Respondent, upon being informed of the presence of Norma Trajano in the office of the [r]espondent by Romeo Jamisola Jr. went to his office and Norma Trajano immediately told [r]espondent that she knew that the setting for that day (December 14, 1998) was previously cancelled and that she cannot attend the hearing the following day (8[:]30 o'clock a.m. December 15, 1998) and further told the [r]espondent that she (Norma Trajano) will make another partial payment to Primitiva M. Del Rosario and that she will just leave her payment in the sum of [s]ixteen [t]housand [five hundred] [p]esos (P16,500.00), Philippine [c]urrency, in the office of the [r]espondent. Respondent then told Norma Trajano to inform Primitiva M. Del Rosario first but Norma Trajano replied that she will just call Primitiva [Del Rosario]. Nonetheless, [r]espondent told Romeo Jamisola Jr. to call Primitiva Del Rosario, using the office phone, and let her talk with Norma Trajano, and, if Primitiva Del Rosario agreed [r]espondent instructed Romeo Jamisola Jr., to just prepare a receipt. Respondent, fearing that his case (People vs. Rommel Senadrin et al. above-stated) might have been called in the calendar, immediately left the office and proceeded [at] the sala of the Honorable Remigio E. Zari. Respondent, after the hearing x x x, returned to his office and upon learning that his signature was affixed by Romeo Jamisola Jr. upon the insistence of Norma Trajano scolded Romeo Jamisola Jr. and for his unsuccessful attempt to contact first Primitiva Del Rosario before receiving the sum of money left by Norma Trajano;

"4). The following day [o]n the morning of December 15, 1998 [r]espondent arrived at his office and met Primitiva Del Rosario and her daughter Aurora Del Rosario and immediately the trio appeared before the sala of Judge Adoracion G. Angeles in the hearing of the Norma Trajano case. Returning [to] the office of the [r]espondent after the hearing, Primitiva Del Rosario and Aurora Del Rosario, being earlier informed that on December 14, 1998 Norma Trajano went [to] his office and made partial payment in the sum of P16,500 thru Mr. Romeo Jamisola Jr., the [r]espondent told Mr. Romeo Jamisola to get the money from the filing cabinet and while the money in the envelope [was] being handed over to Primitiva Del Rosario, [the latter] and her daughter x x x, however, told [r]espondent to just let the money in the sum of P16,500.00 be kept at the office of the [r]espondent so that future

payments of Norma Trajano will be save[d] in whole and for them to avoid spending the same as what had happened to the past installment payments of Norma Trajano. Respondent then acceded to the request of Primitiva Del Rosario and her daughter and told them that they can get the money anytime they want from the [r]espondent's office. Hence, the money was kept locked [in] the filing cabinet of the [r]espondent where he used to keep all his personal file[s].

"5). On December 23, 1998, early before noon, Primitiva Del Rosario and her daughter Aurora Del Rosario, on a prior invitation, attended the Christmas Party of the office of [r]espondent and undersigned counsel. x x x Respondent, after the x x x lunch, instructed Mr. Romeo Jamisola Jr., to give the sum of money (P16,500.00) and for Primitiva Del Rosario to receive the same for fear of a repetition of a burglary incident before, where some cash and minor office appliances of undersigned were lost. Primitiva Del Rosario, however, insisted that said sum of money be kept at the office of the [r]espondent to save in whole the installment payments of Norma Trajano and that [was] the wish of her son Fernando 'Bong' Del Rosario, who is a long time friend and a compadre of the [r]espondent. Respondent, respecting the trust reposed upon him by Primitiva Del Rosario, her daughter Aurora Del Rosario, and son Fernando Del Rosario, acceded to hold in trust the said sum of [s]ixteen [t]housand [f]ive [h]undred (P16,500.00) [p]esos, Philippine [c]urrency, which [was] locked and safely kept [in] the filing cabinet of the [r]espondent until February 12, 1999; x x x;

"6). On February 10, 1999 [during] the hearing of the Norma Trajano case before the Hon. Adoracion G. Angeles, [r]espondent appeared shortly before 10:30 o'clock in the morning, pursuant to a 'Motion to Call Case at 10:30 o'clock in the Morning' x x x.

"7). When the said Norma Trajano [case] x x x was called on second call at 11[:]25 a.m., [i]n said February 10, 1999 hearing, respondent was first scolded by the Honorable Court (Judge Adoracion G. Angeles) x x x [for] giving more preference to the Metropolitan Trial Court than her Court. Resp[o]ndent, however, beg[ged the] indulgence of the Honorable Court (Judge Adoracion G. Angeles) and explained why [he] first attend[ed] the Mandaluyong hearing of Manny Chua's case, to wit; x x x.

"8). That it was during the course of [the] litany of sermon, [i]n that hour, made by the Honorable Court addressed to the [r]espondent that Norma Trajano x x x butted in and informed the Honorable Court (Judge Adoracion G. Angeles) that she will be tendering another partial payment; it was at that moment that Judge Adoracion G. Angeles asked Norma Trajano how much had she paid Primitiva Del Rosario, and, Norma [T]rajano answered that she had already paid P36,500.00 as full payment for one case, and that of the P36,500, P20,000.00 was paid to Primitiva Del Rosario and HESITANTLY said that the P16,500 was paid to the [r]espondent. Judge Angeles then took the receipt from Norma Trajano and had it xeroxed by a personnel of the Court. The carbon duplicate original of the Receipt, dated [D]ecember 14, 1998, showing the receipt by the office of the [r]espondent, through Romeo Jamisola Jr.,

whose printed [name] was pre[ceded] by the word 'By', indicating that he received the sum of money on behalf of or in representation of the [r]espondent, is hereto [attached] and marked as ANNEX '5', to form part hereof;

"9). That it was perhaps due to the belief [in] and the immediate impression of Judge Adoracion G. Angeles [of the] answer of Norma Traiano that prompted Judge Angeles to ask, instantaneously in a loud manner, Primitiva Del Rosario 'IN TAGALOG', the question, 'NATANGGAP MO BA KAY ATTY. UY ANG PERA NA P16,500.00?'. Primitiva Del Rosario, a seventy-year-old, who was shocked by the tone and the manner she was asked by Judge Angeles simply just answered 'HINDI PO, KASI GUSTO [KO] PO NA MABUO ANG PERA'. Primitiva Del Rosario, however, tried to explain her answer 'HINDI PO' and why she did not yet [receive] the money from the [r]espondent by raising her hand but was prevented by Judge Adoracion G. Angeles from further answering by telling Primitiva Del Rosario to stop. With that answer of Primitiva Del Rosario, [r]espondent butted in to explain Primitiva Del Rosario's answer of 'HINDI PO' and her having not yet received the sum of money, subject of the inquisition of Judge Angeles by manifesting to wit; x x x that Primitiva Del Rosario did not get the money when x x x handed the same on December 15, 1998 because she wanted [it] to be save[d] in whole together with the future installment payments of Norma Trajano and to be kept in the office of the [r]espondent as wished by her son Bong Del Rosario; and, that the said sum of money [was] kept in the filing cabinet in the office of the [r]espondent. All explanation[s] of the [r]espondent went to x x x naught as the [r]espondent was cut short by x x x Judge Angeles, [who] in a loud and angry voice orally directed the [r]espondent to get the money from [r]espondent's office and give the same to Primitiva Del Rosario. It was already 11 :45 o'clock in the morning, more or less, an the [r]espondent was given fifteen (15) minutes to comply; [r]espondent requested Judge Angeles to be accompanied by Primitiva Del Rosario and her daughter Aurora Del Rosario but both were ordered to stay in court by Judge Angeles;

"10). Respondent in compliance with the oral order of Judge Angeles immediately proceeded [to] his office but only to find out that Romeo Jamisola Jr., who [held] the only key [to r]espondent's filing cabinet, was on errand x x x that morning of February 10, 1999 [for] Atty. Angel B. De Veyra (the Undersigned Counsel) [who had sent him] to the offices of the solicitor general in Makati City, and, the City Prosecutor's Office of Manila to [furnish copies to] both offices; x x x;

"11). Respondent, expecting that Romeo Jamisola Jr. would [arrive] before 12[:]00 noon, x x x waited for Romeo Jamisola Jr. while at the same time called up [his] wife to immediately [come] to his office to spare the sum of P16,500.00 as Romeo Ja[mi]sola may not [arrive] [within] the time allotted by Judge Angeles. The wife of respondent, however, arrived at about 12:25 P .M., more or less, ahead of Romeo Jamisola Jr. and spared [r]espondent the sum of P16,500.00 and [r]espondent immediately went [to] the fourth floor, where the sala of Judge Angeles [was] located but unfortunately the session was already