



Republic of the Philippines
Supreme Court
Manila

THIRD DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, Third Division, issued a Resolution dated March 2, 2020, which reads as follows:

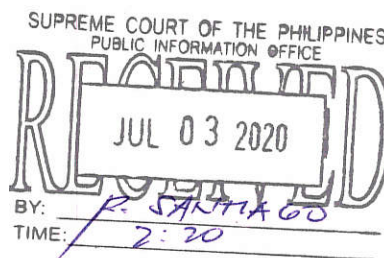
“A.C. No. 12717 [Formerly CBD Case No. 16-4930] (Ricardo L. Devio, Jr. v. Atty. Buenaventura B. Miranda, Atty. Luis Angel G. Aseoche, Atty. Don Carlo R. Ybanez, Atty. Jose C. Laureta, Atty. Stephanie R. Chavez, Atty. Carl Jon P. Mucho, Atty. Sergio Ildefonso Felipe O. Pinlac, Atty. Doreen Grace R. Fermin, Atty. Edison Christian C. Lauang, Atty. Jordan Mae T. Chua and Atty. Jeronimo U. Manzanero). – The November 26, 2019 Letter¹ of the Integrated Bar of the Philippines – Commission on Bar Discipline and the March 22, 2018 Notice of Resolution² of the Board of Governors (*Board*) of the Integrated Bar of the Philippines are **NOTED**. Considering that the findings of fact, conclusions of law, and recommendation of the Investigating Commissioner in the attached January 11, 2018 Report and Recommendation,³ as approved by the Board, are supported by the evidence on record and by applicable laws, the Court **ADOPTS** and **ACCEPTS** these findings and recommendation, and resolves to **DISMISS** the complaint against Atty. Buenaventura B. Miranda, Atty. Luis Angel G. Aseoche, Atty. Don Carlo R. Ybanez, Atty. Jose C. Laureta, Atty. Stephanie R. Chavez, Atty. Carl Jon P. Mucho, Atty. Sergio Ildefonso Felipe O. Pinlac, Atty. Doreen Grace R. Fermin, Atty. Edison Christian C. Lauang, Atty. Jordan Mae T. Chua and Atty. Jeronimo U. Manzanero.

Accordingly, the case is considered **CLOSED** and **TERMINATED**.

¹ *Rollo* (Volume II), p. 78.

² *Id.* at 79-80.

³ *Id.* at 81-87; penned by Commissioner Perpetuo T. Lucero, Jr.



SO ORDERED.”

Very truly yours,

Misael Domingo C. Battung III
MISAELO DOMINGO C. BATTUNG III
Division Clerk of Court *8/17/2020*

Mr. Ricardo L. Devio, Jr.
Complainant
APC Building, Quezon Avenue
1100 Quezon City

Atty. Romir B. Gavino
Counsel for Respondents
CHAVEZ MIRANDA ASEOCHE LAW OFFICES
8/F One Corporate Plaza
845 Arnaiz Avenue, San Lorenzo Village
1223 Makati City

Atty. Amor P. Entilla
Assistant Bar Confidant
OFFICE OF THE BAR CONFIDANT
Supreme Court, Manila

Atty. Randall C. Tabayoyong
INTEGRATED BAR OF THE PHILIPPINES
Doña Julia Vargas Avenue
Ortigas Center, 1600 Pasig City

JUDICIAL & BAR COUNCIL
Supreme Court, Manila

PUBLIC INFORMATION OFFICE
Supreme Court, Manila
[For uploading pursuant to A.M. 12-7-1-SC]

LIBRARY SERVICES
Supreme Court, Manila

A.C. No. 12717

/joy

(58)
URES

*With attached copy of the Report and Recommendation dated January 11, 2018.



Republic of the Philippines
INTEGRATED BAR OF THE PHILIPPINES
COMMISSION ON BAR DISCIPLINE
Pasig City

RICARDO L. DEVIO, JR.,
Complainant,

- versus -

CBD Case No. 16-4930

**ATTYS. BUENAVENTURA B.
MIRANDA, LUIS ANGEL G.
ASEOCHE, DON CARLO R.
YBANEZ, JOSE C. LAURETA,
STEPHANIE R. CHAVEZ, CARL
JON P. MUCHO, SERGIO
ILDEFONSO FELIPE O. PINLAC,
DOREEN GRACE R. FERMIN,
EDISON CHRISTIAN C. LAUANG,
JORDAN MAE T. CHUA and
JERONIMO U. MANZANERO,**
Respondents.

X-----X

REPORT AND RECOMMENDATION

I. STATEMENT OF THE CASE

On 22 March 2016, the Integrated Bar of the Philippines (“IBP”) Commission on Bar Discipline (“Commission”) received the Complaint-Affidavit dated 22 March 2016 (“Complaint”) of the complainant charging all the lawyers of Chavez Miranda Aseoche Law Offices, particularly, the above-named respondents, of violation of the Code of Professional Responsibility (“CPR”), particularly Canon 1, Rule 1.02 and Canon 10, Rule 1.03 for allegedly conspiring with their client in using false document with intention of deceiving the trial court.

On the same day, an Order was issued directing the respondents to file an Answer within fifteen (15) days from receipt. On 17 June 2016, after three motions for extension, respondents filed their Joint Verified Answer dated 07 June 2016.

On 27 July 2016, the Commission issued a Notice of Mandatory Conference/Hearing setting the case for mandatory conference on 01 September 2016 with a directive to the parties to submit their respective Mandatory Conference Briefs, copy furnished the other party, at least

three (3) days prior to the scheduled date of conference. The Commission received the respondents' Conference Brief dated 23 August 2016 on 24 August 2016 while the complainant failed to file his Mandatory Conference Brief to date despite receipt of the Commission's notice.

On the 01 September 2016 scheduled Mandatory Conference, only the counsel for respondents appeared. No appearance on the part of the complainant despite receipt of the Commission's order as evidenced by the return card on record. Consequently, the Mandatory Conference was reset on 13 October 2016 with warning that the conference shall be deemed terminated should complainant be absent again. On the 13 October 2016 Mandatory Conference, only respondents' counsel appeared. There was no appearance again on the part of the complainant despite notice. No Mandatory Conference Brief was likewise filed by complainant. Consequently, the Commission deemed the conference terminated and directed the parties to file their respective Verified Position Paper together with the documentary evidence and/or judicial affidavit/s of their witnesses, if any, within 10 days from receipt of the Order. After which, the case shall be deemed submitted for report and recommendation unless on the basis of the position papers submitted, a clarificatory hearing is still required.

On 07 November 2016, the Commission received respondents' Verified Position Paper of the same date. No Position Paper was filed by the complainant to date.

Hence, this Report and Recommendation.

II. STATEMENT OF THE COMPLAINT

Complainant charged the respondents of violation of the Code of Professional Responsibility ("CPR"), particularly Canon 1, Rule 1.02 and Canon 10, Rule 1.03 for allegedly conspiring with their client in using false document with intention of deceiving the trial court.

The records show that, on 23 February 2016, the Chavez Miranda Aseoche Law Offices, through its lawyer respondent Atty. Mucho, filed a Notice of Third-Party Claim dated 18 February 2016 for and on behalf of its client Friday's Holdings, Inc. ("FHI") before Sheriff IV Ruben Blanco, Jr. of RTC-Quezon City, Branch 95, over Lot 617-PT located at Boracay Island, Malay, Aklan, subject of the scheduled auction sale in the case entitled "Lonavia Properties, Inc. v. Mila Yap-Sumndad", docketed as R-QZN-15-06016 before RTC-QC, Branch 95. The Notice alleged that their client, FHI is the real owner and possessor of the subject lot by virtue of the Deed of Sale executed on 03 March 2014 per Order issued by RTC-Makati, Br. 139, and by virtue of the Tax Declaration (TD) No. 2014-12-

003-01441 in FHI's name which allegedly supersedes the earlier Tax Declaration No. 3676 in the name of judgment obligor Mila Yap-Sumndad over the same property. Attached to said Notice is the Affidavit of Title and Possession (Third-Party Claim) executed by FHI's representative Mauro b. Badiola.

As it turned out, however, and as testified too before the RTC-QC, Br. 95 by the Chief Records Officer of the Office of the Provincial Assessor of Aklan during the Summary Hearing of the Third-Party Claim, the TD No. 3676 under the name of Mila Yap-Sumndad still exist in their records contrary to the allegation in the Affidavit of FHI's Badiola and the TD No. 2014-12-003-01441 in the name of FHI does not exist in their records. Hence, a false document. The Office of the Provincial Assessor of Aklan issued certifications attesting to these facts.

Complainant then alleged that respondents have knowledge of the falsity of said TD No. 2014-12-003-01441 and even allowed the use of it for FHI's gain. Hence, this administrative complaint.

III. STATEMENT OF THE DEFENSE

At the onset, respondents emphasized that FHI is the Firm's client being handled by respondent Atty. Miranda as Handling Partner with respondent Atty. Mucho as Handling Junior Associates, among other lawyers who have since resigned and have not been impleaded in this complaint. The other respondents have absolutely no participation or involvement in any of the cases involving FHI's matters.

Pursuant to the Decision dated 22 July 2009 approving the parties' Compromise Agreement of RTC-Makati, Br. 132 in Civil Case No. 07-762 entitled "Friday's Holdings, Inc. v. Mila Yap Sumndad, et al." and upon FHI's full payment of the purchase price, the court issued a Writ of Execution directing Mila Yap-Sumndad and Atty. Daligid Sumndad to execute a Deed of Absolute Sale in favor of FHI. Upon their refusal to sign said deed, the trial court issued an Order directing its Sheriff to execute a Deed of Absolute Sale in favor of FHI in behalf of Mila Yap-Sumndad and Atty. Daligid Sumndad which will have the same effect as that executed by both. Hence, the court sheriff executed the Deed of Absolute Sale dated 03 March 2014 transferring the ownership of the subject lot to FHI. Hence, FHI is the rightful owner of the subject property. Further, in Civil Case No. 311-M for Forcible Entry entitled "FHI v. Mila Yap-Sumndad et al.", the Municipal Trial Court of Buruanga-Malay, Aklan ordered and turned over the possession of the subject lot to FHI. Hence, from March 2015 to present, FHI is in possession of the subject lot. While Mila Yap-Sumndad filed several cases before the appellate courts, said appeal are still pending.

82

Anent the questioned TD No. 2014-12-003-01441 in the name of FHI, respondents made reference to the Affidavit of FHI's Financial Comptroller John Mark Amita who stated that with the execution of the Deed of Absolute Sale dated 03 March 2014, he paid the required taxes, secured the required documents from concerned government offices, and processed and was issued Certificate Authorizing Registration (CAR) by RDO Eralen De Aro of BIR Revenue District Office No. 71. He paid the registration fees with the Register of Deeds of Kalibo, Aklan and personally submitted the required documents to the office of then Municipal Assessor Erlinda T. Casimero, on 03 October 2014, to secure tax declaration in the name of FHI. On 19 January 2015, upon his return, Mr. Amita was given the original copy of the TD No. 2014-12-003-01441 under the name of FHI which supposedly supersedes the earlier TD No. 3675 in the name of Mila Yap-Sumndad. Since it came from the Office of the Municipal Assessor and bore the name and signature of Provincial Assessor Kokoy Soguion, Mr. Amita believed that said document is genuine and in order.

FHI discovered later on that Mila Yap-Sumndad and Lonavia Properties, with herein complainant Devio as its President, entered into a Compromise Agreement in October 2015 in Civil Case No. R-QZN-15-06016-RV entitled "Lonavia Properties v. Mila Yap-Sumndad" pending before the RTC-QC, Br. 95 and wanted to satisfy Mila Yap-Sumndad's liability thereon by auctioning the subject Property of FHI. Hence, the Third-Party Claim.

The respondents had no participation in the processing and securing the subject TD No. 2014-12-003-01441. Prior to the hearing, none of the respondents had ever handled, seen, used or held the original of said TD. Atty. Mucho only saw and handled the original copy thereof when it was given to him and presented during the hearings of FHI's Third-Party Claim. Atty. Mucho gave full faith and credit on the genuineness of said document at the time it was produced in court as there was no reason to doubt the same. He treated it as any material and relevant evidence that a client provides. Since all the required documents and fees have been regularly secured and paid by FHI, there was no reason for the handling lawyers, Attys. Miranda and Mucho, to doubt or question its authenticity. Insofar as the respondents are concerned, said tax declaration is what it purports to be. Further, there is no reason for respondents, or even for its client FHI, to forge the tax declaration since there are other superior pieces of evidence already existing that would prove FHI's absolute ownership and possession of the subject property for purposes of substantiating the third-party claim. The Deed of Absolute Sale and its actual use and possession thereof proved FHI's ownership of the property. The subject tax declaration was treated simply

as additional evidence to prove that FHI has earlier exercised acts of ownership by paying the real property taxes thereon. Moreover, the subject TD No. 2014-12-003-01441 was issued as early as 2015, long before the need to file the third-party claim. Neither FHI nor the respondent handling lawyers could have foreseen that Mila Yap-Sumndad would attempt to circumvent the outcome of the cases in favor of FHI by volunteering the subject property for sale on auction to Lonavia Properties, Inc. a year after the TD No. 2014-12-003-01441 was issued.

IV. ISSUE

The issue in this case is whether or not respondents committed any act and/or omission constituting any offense for which respondents may be disciplined as member of the Bar.

V. FINDINGS AND RECOMMENDATION

A. FINDINGS

The undersigned finds for the respondents.

At the onset, it must be pointed out that, aside from being a member/lawyer of Chavez Miranda Aseoche Law Offices, which represented Friday's Holdings, Inc. (FHI) in its Third-Party Claim, there is nothing in the Complaint that shows any actual act, involvement or participation committed by respondents **Attys. Buenaventura B. Miranda, Luis Angel G. Aseoche, Don Carlo R. Ybanez, Jose C. Laureta, Stephanie R. Chavez, Sergio Ildefonso Felipe O. Pinlac, Doreen Grace R. Fermin, Edison Christian C. Lauang, Jordan Mae T. Chua and Jeronimo U. Manzanero** in the alleged use of false document with intent to deceive the trial court. While the complainant alleged that they conspire with their client FHI, not even an allegation of a particular act/participation in the alleged conspiracy is present in the Complaint-Affidavit dated 22 March 2016. Being a member of a law firm handling a client's case does not necessarily make any of the respondents a co-conspirator to an alleged unlawful act of one or some of its members. Hence, the administrative complaint against them should be dismissed outright.

Anent respondent **Atty. Carl Jon P. Mucho**, who signed the Notice of Third-Party Claim in behalf of the Firm for its client FHI and who presented the subject TD No. 2014-12-003-01441 during the hearing of the Third-Party Claim, there is nothing in the Complaint nor in the evidence on record that will support the complainant's charge that he conspired with their client in using false document with intention of deceiving the trial court. As pointed out by the respondents, all the

respondents, including respondent Atty. Mucho or his supervising partner respondent Atty. Miranda, had no participation in the processing and securing the subject TD No. 2014-12-003-01441. Atty. Mucho only saw and handled the original copy thereof when it was given to him and presented during the hearings of FHI's Third-Party Claim. Atty. Mucho has no reason to doubt the genuineness and authenticity of TD No. 2014-12-003-01441 at the time it was provided to him by his client and produced in court. It must be noted that these statements of respondents were not controverted by the complainant. Further, the Commission agrees with respondents' contention that there is no reason for respondents, or even for its client FHI, to forge the tax declaration since there are other superior pieces of evidence already existing, like the Deed of Absolute Sale in favor of FHI, that would prove FHI's absolute ownership and possession of the subject property for purposes of substantiating the third-party claim. Moreover, it is apparent that the subject TD No. 2014-12-003-01441 was issued as early as 2015, long before the need to file the third-party claim. Neither FHI nor the respondent handling lawyers could have foreseen that Mila Yap-Sumndad would attempt to circumvent the outcome of the cases in favor of FHI by volunteering the subject property for sale on auction to Lonavia Properties, Inc. a year after the issuance of TD No. 2014-12-003-01441. Finally, since all the required documents had been regularly secured and filed to the concerned government offices, all the required taxes/fees were paid by FHI, as evidenced by the annexes of Mr. Amita's Affidavit¹, and the original copy of TD No. 2014-12-003-01441 were secured from the Office of the Municipal Assessor, the office responsible for issuing the same, complete with the needed signature of the responsible officer, there was no reason for the handling lawyers, Attys. Miranda and Mucho, to doubt or question its genuineness and authenticity. Insofar as the respondents are concerned, said tax declaration is what it purports to be. Hence, no unlawful act can be attributed to them.

B. RECOMMENDATION

In view of the foregoing, it is respectfully recommended that the instant administrative case against respondents Attys. Buenaventura B. Miranda, Luis Angel G. Aseoche, Don Carlo R. Ybanez, Jose C. Laureta, Stephanie R. Chavez, Carl Jon P. Mucho, Sergio Ildefonso Felipe O. Pinlac, Doreen Grace R. Fermin, Edison Christian C. Lauang, Jordan Mae T. Chua And Jeronimo U. Manzanero, be **DISMISSED** for utter lack of merit.

RESPECTFULLY SUBMITTED.

¹ Annex "19" of respondents' Joint Verified Answer.

City of Pasig, Metro Manila, 11 January 2018.

()

PERPETUO T. LUCERO, JR.
Commissioner