



**Republic of the Philippines
Supreme Court
Manila**

FIRST DIVISION

REBECCA MARIE UY A.C. No. 9115
YUPANGCO-NAKPIL,
Complainant, Present:

- versus -

ATTY. ROBERTO L. UY,
Respondent.

SERENO, C.J., Chairperson,
LEONARDO-DE CASTRO,
BERSAMIN,
PEREZ, and
PERLAS-BERNABE, JJ.

Promulgated:

SEP 17 2014

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R E S O L U T I O N

PERLAS-BERNABE, J.:

This is an administrative case against respondent Atty. Roberto L. Uy (respondent) for unprofessional and unethical conduct, stemming from a complaint filed by private complainant Rebecca Marie Uy Yupangco-Nakpil (Rebecca), represented by her attorney-in-fact, Bella Asuncion Pollo (Bella).

The Facts

Rebecca is the natural niece and adopted daughter of the late Dra. Pacita Uy y Lim (Pacita).¹ She was adjudged as the sole and exclusive legal heir of Pacita by virtue of an Order² dated August 10, 1999 issued by the Regional Trial Court of Manila, Branch 34 in SPEC. PROC. No. 95-75201 (SP 95-75201). At the time of her death, Pacita was a stockholder in several corporations primarily engaged in acquiring, developing, and leasing real properties, namely, Uy Realty Company, Inc. (URCI), Jespajo Realty

¹ *Rollo*, p. 4.

² See Order dated December 29, 2003 penned by Judge Romulo A. Lopez; *id.* at 20.

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Corporation, Roberto L. Uy Realty and Development Corporation, Jesus Uy Realty Corporation, Distelleria La Jarolina, Inc., and Pacita Lim Uy Realty, Inc.³

In her Complaint⁴ filed on May 9, 2005,⁵ Rebecca, through her attorney-in fact, Bella, averred that respondent, her alleged illegitimate half-cousin,⁶ continuously failed and refused to comply with the court order in SP 95-75201 declaring her as the successor-in-interest to all of Pacita's properties, as well as her requests for the accounting and delivery of the dividends and other proceeds or benefits coming from Pacita's stockholdings in the aforementioned corporations.⁷ She added that respondent mortgaged a commercial property covered by Transfer Certificate of Title No. T-133606 (subject property) in favor of Philippine Savings Bank in the total amount of ₱54,000,000.00,⁸ despite an existing Trust Agreement⁹ executed on October 15, 1993 (subject Trust Agreement) wherein respondent, in his capacity as President of URCI, already recognized her to be the true and beneficial owner of the same.¹⁰ Accordingly, she demanded that respondent return the said property by executing the corresponding deed of conveyance in her favor together with an inventory and accounting of all the proceeds therefrom, but to no avail.¹¹ In this relation, Rebecca claimed that it was only on September 2, 2005 or after she had already instituted various legal actions and remedies that respondent and URCI agreed to transfer the subject property to her pursuant to a compromise agreement.¹²

In his Answer With Compulsory Counterclaim,¹³ respondent denied Rebecca's allegations and raised the affirmative defenses of forum shopping and prescription. He pointed out that Rebecca had filed several cases raising the single issue on the correct interpretation of the subject trust agreement. He also contended that the parties' transactions in this case were made way back in 1993 and 1995 without a complaint having been filed until Bella came into the picture and instituted various suits covering the same issue.¹⁴ As such, he sought the dismissal of the complaint, and further prayed for the payment of moral damages and attorney's fees by way of counterclaim.¹⁵

On September 8, 2005, Rebecca filed a Motion to Withdraw Complaint¹⁶ in CBD Case No. 05-1484 for the reason that "the facts

³ Id. at 386.

⁴ Id. at 2-13.

⁵ Id. at 2.

⁶ Id. at 8.

⁷ See id. at 6-7.

⁸ See id. at 9.

⁹ Id. at 572-577.

¹⁰ See id. at 8-9.

¹¹ Id. at 11.

¹² Id. at 135-138.

¹³ Id. at 47-55.

¹⁴ Id. at 50-52.

¹⁵ Id. at 53.

¹⁶ Id. at 473-475.

surrounding the same arose out of a misunderstanding and misapprehension of the real facts surrounding their dispute.”¹⁷

However, on October 6, 2005, Bella filed a Manifestation with Leave of Court to File Motion for Intervention,¹⁸ praying that the investigation of the charges against respondent continue in order to weed out erring members of the legal profession.¹⁹

The Report and Recommendation of the IBP

On October 8, 2007, the Integrated Bar of the Philippines (IBP) Investigating Commissioner issued his Report and Recommendation,²⁰ finding respondent guilty of serious misconduct in violation of Rule 1.01, Canon 1 of the Code of Professional Responsibility (Code), and, thus, recommended the penalty of suspension for a period of six (6) months.²¹

On matters of procedure, the Investigating Commissioner opined that Rebecca’s motion to withdraw did not serve as a bar for the further consideration and investigation of the administrative case against respondent. As basis, he cites Section 5, Rule 139-B of the Rules of Court which provides that “[n]o investigation shall be interrupted or terminated by reason of the desistance, settlement, compromise, restitution, withdrawal of the charges, or failure of the complainant to prosecute the same.” Separately, the Investigating Commissioner denied the claim of forum shopping, noting that disciplinary cases are *sui generis* and may, therefore, proceed independently.²²

On the merits of the charge, the Investigating Commissioner observed that respondent lacked the good moral character required from members of the Bar when the latter failed to comply with the demands of Rebecca under the subject trust agreement, not to mention his unworthy and deceitful acts of mortgaging the subject property without the former’s consent. In fine, respondent was found guilty of serious misconduct in violation of Rule 1.01, Canon 1 of the Code, for which the above-stated penalty was recommended.²³

In a Resolution²⁴ dated November 10, 2007, the IBP Board of Governors adopted and approved the Investigating Commissioner’s Report and Recommendation.

¹⁷ Id. at 473.

¹⁸ Id. at 82-84.

¹⁹ Id. at 82.

²⁰ Id. at 385-404. Signed by Commissioner Caesar R. Dulay.

²¹ Id. at 404.

²² See id. at 396-397.

²³ See id. at 403 - 404.

²⁴ See Notice of Resolution signed by National Secretary Tomas N. Prado; id. at 384.

The Issue Before the Court

The basic issue in this case is whether or not respondent should be held administratively liable.

The Court's Ruling

Rule 1.01, Canon 1 of the Code, as it is applied to the members of the legal profession, engraves an overriding prohibition against any form of misconduct, *viz.*:

CANON 1 - A LAWYER SHALL UPHOLD THE CONSTITUTION, OBEY THE LAWS OF THE LAND AND PROMOTE RESPECT FOR LAW AND LEGAL PROCESSES.

Rule 1.01 - A lawyer shall not engage in unlawful, dishonest, immoral or deceitful conduct.

The gravity of the misconduct – determinative as it is of the errant lawyer's penalty – depends on the factual circumstances of each case.

Here, the Court observes that the squabble which gave rise to the present administrative case largely constitutes an internal affair, which had already been laid to rest by the parties. This is clearly exhibited by Rebecca's motion to withdraw filed in this case as well as the compromise agreement forged in Civil Case No. 04-108887 which involves the subject property's alleged disposition in violation of the subject trust agreement. As the Court sees it, his failure to comply with the demands of Rebecca – which she takes as an invocation of her rights under the subject trust agreement – as well as respondent's acts of mortgaging the subject property without the former's consent, sprung from his own assertion of the rights he believed he had over the subject property. The propriety of said courses of action eludes the Court's determination, for that matter had never been resolved on its merits in view of the aforementioned settlement. Rebecca even states in her motion to withdraw that the allegations she had previously made arose out of a "misapprehension of the real facts surrounding their dispute" and even adds that respondent "had fully explained to [her] the real nature and extent of her inheritance x x x to her entire satisfaction," leading her to state that she is "now fully convinced that [her] complaint has no basis in fact and in law."²⁵ Accordingly, with the admitted misstatement of facts, the observations of the Investigating Commissioner, as adopted by the IBP, hardly hold water so as to support the finding of "serious misconduct" which would warrant its recommended penalty.

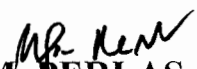
²⁵ Id. at 473.

Be that as it may, the Court, nonetheless, finds that respondent committed some form of misconduct by, as admitted, mortgaging the subject property, notwithstanding the apparent dispute over the same. Regardless of the merits of his own claim, respondent should have exhibited prudent restraint becoming of a legal exemplar. He should not have exposed himself even to the slightest risk of committing a property violation nor any action which would endanger the Bar's reputation. Verily, members of the Bar are expected at all times to uphold the integrity and dignity of the legal profession and refrain from any act or omission which might lessen the trust and confidence reposed by the public in the fidelity, honesty, and integrity of the legal profession.²⁶ By no insignificant measure, respondent blemished not only his integrity as a member of the Bar, but also that of the legal profession. In other words, his conduct fell short of the exacting standards expected of him as a guardian of law and justice. Although to a lesser extent as compared to what has been ascribed by the IBP, the Court still holds respondent guilty of violating Rule 1.01, Canon 1 of the Code. Considering that this is his first offense as well as the peculiar circumstances of this case, the Court believes that a fine of ₱15,000.00 would suffice.


WHEREFORE, respondent Atty. Roberto L. Uy is found **GUILTY** of violating Rule 1.01, Canon 1 of the Code of Professional Responsibility. Accordingly, he is ordered to pay a **FINE** of ₱15,000.00 within ten (10) days from receipt of this Resolution. Further, he is **STERNLY WARNED** that a repetition of the same or similar acts will be dealt with more severely.

Let a copy of this Resolution be attached to respondent's record in this Court as attorney. Further, let copies of this Resolution be furnished the Integrated Bar of the Philippines and the Office of the Court Administrator, which is directed to circulate them to all the courts in the country for their information and guidance.

SO ORDERED.


ESTELA M. PERLAS-BERNABE
Associate Justice

WE CONCUR:


MARIA LOURDES P. A. SERENO
Chief Justice
Chairperson

²⁶ *Malhabour v. Sarmiento*, 520 Phil. 529, 536 (2006); citations omitted.

Teresita Leonardo de Castro
TERESITA J. LEONARDO-DE CASTRO
Associate Justice

Lucas P. Bersamin
LUCAS P. BERSAMIN
Associate Justice

Jose Portugal Perez
JOSE PORTUGAL PEREZ
Associate Justice