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Republic of the Philippines
Supreme Court
Manila

SECOND DIVISION

FE EUFEMIA E. VALMONTE,
Complainant,

A.C. No. 12487

Present:

PERLAS-BERNABE,* J.,
REYES, A. JR.,**
Acting Chairperson,
HERNANDO,
INTING, and
ZALAMEDA,*** JJ.

versus

ATTY. JOSE C. QUESADA, JR.,
Respondent.

Promulgated:

04 DEC 2019

X ----- X

DECISION

HERNANDO, J.:

Before the Court is a Complaint¹ for disbarment dated November 11, 2014 filed by complainant Fe Eufemia Estalilla-Valmonte against respondent Atty. Jose C. Quesada, Jr. for violation of the Supreme Court's directive suspending him from the practice of law for a period of one (1) year pursuant to its December 2, 2013 Resolution in *Dagala v. Atty. Quesada, Jr.*²

The antecedent facts are as follows:

Complainant alleged that she is the wife of Marcelo A. Valmonte, Jr.; that her husband was charged with the murder of her brother, Manolo Estalilla (Manolo); that the murder case, docketed as Crim. Case No. 4573-BG, entitled

* On official business.

** Per Special Order No. 2750 dated November 27, 2019

*** Designated additional member per Special Order No. 2727 dated October 25, 2019; on official leave.

¹ *Rollo*, pp. 5-7.

² 722 Phil. 447 (2013).

People of the Philippines v. Marcelo A. Valmonte, Jr., was raffled to the Regional Trial Court (RTC) of Bauang, La Union, Branch 33; that in March 2014, respondent entered his appearance in the said case as private prosecutor on behalf of the common-law wife of Manolo; that respondent filed several pleadings in the said case; and that complainant later learned that respondent entered his appearance and filed pleadings in court while he was serving his suspension from the practice of law.

Despite due notice, respondent failed to file a comment and to appear during the mandatory conference before the Commission on Bar Discipline of the Integrated Bar of the Philippines (IBP).³

After considering the evidence presented by complainant, the Investigating Commissioner of the IBP submitted his Report and Recommendation⁴ dated June 30, 2017 recommending that respondent be meted the penalty of suspension for another year from the practice of law for his unauthorized practice of law.

Finding the Report and Recommendation of the Investigating Commissioner fully supported by the evidence on record and the applicable laws and jurisprudence, the Board of Governors of the IBP, on June 28, 2018, resolved to adopt the same.⁵

The Court's Ruling

The Court affirms the findings of the IBP, but with modifications as to its recommendations.

On December 2, 2013, the Court promulgated a Resolution in the case of *Dagala* suspending respondent from the practice of law for a period of one year effective from the date of his receipt of the said Resolution for failing to exercise the required diligence in handling the labor case of his client.⁶ In the absence of any contrary evidence, a letter duly directed and mailed is presumed to have been received in the regular course of mail.⁷ Here, respondent is presumed to have duly received the said Resolution.

In March 2014, or three months after the promulgation of the Resolution suspending him from the practice of law, respondent filed the following pleadings before the RTC of Bauang, La Union, in Crim. Case No. 4573-BG:

³ *Rollo*, p. 31.

⁴ *Id.* at 61-63.

⁵ *Id.* at 59-60.

⁶ *Dagala v. Atty. Quesada, Jr.*, *supra* note 2.

⁷ *Agner v. BPI Family Savings Bank, Inc.*, 710 Phil. 82, 87 (2013).

- 1) Notice of Appearance with Motion⁸ on March 20, 2014;
- 2) Comment on the Opposition⁹ on May 9, 2014; and
- 3) Motion to Withdraw Appearance as Private Prosecutor¹⁰ on May 23, 2014.

Respondent's acts of signing and filing of pleadings for his client in Crim. Case No. 4573-BG months after the promulgation of the Resolution are clear proofs that he practiced law during the period of his suspension. And as aptly found by the IBP, respondent's unauthorized practice of law is considered a willful disobedience to a lawful order of the court, which under Section 27,¹¹ Rule 138 of the Rules of Court is a ground for disbarment or suspension.

As to the penalty imposed, a review of recent jurisprudence reveals that the Court has consistently imposed an additional suspension of six months on lawyers who continue to practice law despite their suspension.¹²

However, considering that the Court had already imposed upon respondent the ultimate penalty of disbarment for his gross misconduct and willful disobedience of the lawful orders of the court in an earlier complaint for disbarment filed against him in *Zarcilla v. Quesada, Jr.*,¹³ the penalty of additional six months suspension from the practice of law can no longer be imposed upon him. The reason is obvious: "[o]nce a lawyer is disbarred, there is no penalty that could be imposed regarding his privilege to practice law."¹⁴

⁸ *Rollo*, pp. 8-10.

⁹ *Id.* at 11-13.

¹⁰ *Id.* at 14-15.

¹¹ Section 27. *Disbarment or suspension of attorneys by Supreme Court; grounds therefor.* — A member of the bar may be disbarred or suspended from his office as attorney by the Supreme Court for any deceit, malpractice, or other gross misconduct in such office, grossly immoral conduct, or by reason of his conviction of a crime involving moral turpitude, or for any violation of the oath which he is required to take before admission to practice, or for a willful disobedience of any lawful order of a superior court, or for corruptly or willfully appearing as an attorney for a party to a case without authority so to do. The practice of soliciting cases at law for the purpose of gain, either personally or through paid agents or brokers, constitutes malpractice.

¹² *Paras v. Paras*, 807 Phil. 153, 162 (2017).

¹³ A.C. No. 7186, March 13, 2018. In that case, although the allegations of falsification or forgery against respondent were not proven, the Court, nevertheless, found respondent guilty of violating the notarial law for notarizing a deed of sale and a joint-affidavit despite the fact that the parties therein could no longer execute the said documents and appear before respondent since they have long been deceased as evidenced by their death certificates. The Court also noted in the said case that respondent's act of notarizing the said deed of sale appeared to have been done to perpetuate a fraud.

¹⁴ *Dumlao, Jr. v. Camacho*, A.C. No. 10498, September 4, 2018.

But while the Court can no longer impose the penalty upon the disbarred lawyer, it can still give the corresponding penalty only for the sole purpose of recording it in his personal file with the Office of the Bar Confidant (OBC), which should be taken into consideration in the event that the disbarred lawyer subsequently files a petition to lift his disbarment.¹⁵

In addition, the Court may also impose a fine¹⁶ upon a disbarred lawyer found to have committed an offense prior to his/her disbarment as the Court does not lose its exclusive jurisdiction over other offenses committed by a disbarred lawyer while he/she was still a member of the Law Profession.¹⁷ In fact, by imposing a fine, the Court is able “to assert its authority and competence to discipline all acts and actuations committed by the members of the Legal Profession.”¹⁸

All told, the Court finds respondent guilty of unauthorized practice of law. And although he has already been disbarred, the Court, nevertheless, deems it proper to give the corresponding penalty of six months suspension from the practice of law for the sole purpose of recording it in his personal file in the OBC. The Court, likewise, considers it necessary to impose upon respondent a penalty of fine in the amount of PhP 40,000.00.¹⁹

WHEREFORE, the Court hereby **FINDS** respondent Atty. Jose C. Quesada, Jr. **GUILTY** of unauthorized practice of law and is hereby **SUSPENDED** from the practice of law for a period of six (6) months. However, considering that he has already been disbarred, this penalty can no longer be imposed but nevertheless should be considered in the event that he should apply for the lifting of his disbarment. **ACCORDINGLY**, and **IN VIEW OF HIS CONTINUING DISBARMENT**, a penalty of **FINE** in the amount of PhP 40,000.00 is imposed upon him.

Let a copy of this Decision be furnished to the Office of the Bar Confidant to be entered into the records of respondent Atty. Jose C. Quesada, Jr. Copies shall likewise be furnished to the Integrated Bar of the Philippines and the Office of the Court Administrator, which shall circulate the same to all courts in the country for their information and guidance.

¹⁵ *Id.*

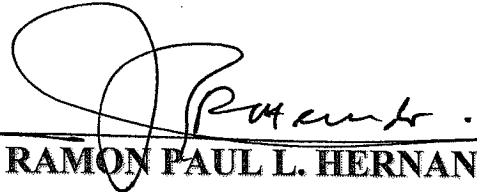
¹⁶ *Punla v. Maravilla-Ona*, A.C. No. 11149, August 15, 2017, 837 SCRA 145.

¹⁷ *Domingo v. Revilla, Jr.*, A.C. No. 5473, January 23, 2018, 852 SCRA 360.

¹⁸ *Id.* at 381.

¹⁹ *Punla v. Maravilla-Ona*, *supra* note 16.

SO ORDERED.



RAMON PAUL L. HERNANDO
Associate Justice

WE CONCUR:

On official business

ESTELA M. PERLAS-BERNABE
Associate Justice

reyes
ANDRES B. REYES, JR.
Associate Justice
Acting Chairperson



HENRI JEAN PAUL B. INTING
Associate Justice

On official leave

RODIL V. ZALAMEDA
Associate Justice