



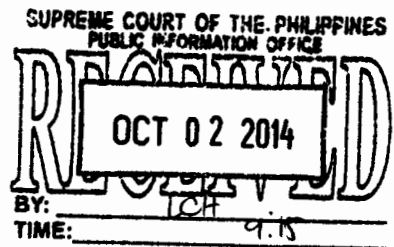
Republic of the Philippines

Supreme Court

Manila

EN BANC

NOTICE



Sirs/Mesdames:

Please take notice that the Court en banc issued a Resolution dated **AUGUST 19, 2014**, which reads as follows:

**“A.C. No. 6622 (Manuel G. Villatuya, Complainant v. Atty. Bede S. Tabalingcos, Respondent).** – Before us is the letter dated 08 May 2014 sent by Tan Venturanza and Valdez Law Offices<sup>1</sup> (law firm) to report to this Court that Mr. Bede S. Tabalingcos, who has previously been disbarred, is still engaged in the practice of law. The law firm is requesting this Court to conduct an investigation of the alleged unauthorized practice of law by Mr. Tabalingcos and to impose on him the necessary sanctions.

#### BACKGROUND

In a *per curiam* Decision dated 10 July 2012, the Court en banc disbarred Bede S. Tabalingcos for engaging in bigamy, a grossly immoral conduct. As a result, his name was ordered stricken off the Roll of Attorneys.<sup>2</sup>

On 31 July 2012, Mr. Tabalingcos filed a Motion for Reconsideration.<sup>3</sup> His motion was denied with finality by the Court en banc on 28 August 2012 and the case was considered closed and terminated.<sup>4</sup> The records show that he received a copy of the Resolution on 2 October 2012.

#### LETTER REQUEST

The law firm, through the aforementioned letter, informed this Court that Mr. Tabalingcos continues to perform acts that constituted practice of law even after being disbarred and without being reinstated. In support of its allegations, the law firm appended copies of motions he had signed while acting as counsel for a party to a case.

<sup>1</sup>Attys. Reno R. Gonzales, Jr. and Robin Bryan F. Concepcion signed the letter-request on behalf of Tan Venturanza and Valdez Law Offices.

<sup>2</sup>Rollo, pp. 373-388.

<sup>3</sup>Id. at 389-409.

<sup>4</sup>Id. at 414.

Attached to the law firm's letter as Annexes "A" and "B" are Motions for Extension dated 18 September 2012 and 18 October 2012, both signed by Bede S. Tabalingcos<sup>5</sup> as counsel for complainant Uniwide Holdings, Inc., which was represented by Mr. Jimmy Gow. The administrative proceeding was docketed as OSI Adm. Case No. 2012-027, now pending before the Office of Special Investigation of the *Bangko Sentral ng Pilipinas* (BSP).

A Motion for Reconsideration dated 28 January 2014, which was attached as Annex "L" in Civil Case No. 13-0139, shows that Mr. Tabalingcos is the representative of complainant Asia Amalgamated Holdings Corporation. The case is pending before the Regional Trial Court of Parañaque City, Branch 257.<sup>6</sup>

Likewise attached to the letter was Annex "M," which is a copy of the Notice of Change of Address. By this notice, Tabalingcos and Associates Law Office, as counsel for Uniwide Holdings, Inc., is informing the BSP of the former's change of address in OSI Adm. Case No. 2012-027.<sup>7</sup>

Annexes "C" to "J," which were also attached, were various orders issued by the legal officer of the BSP's Office of Special Investigation from 6 September 2012 to 22 November 2013.<sup>8</sup> These annexes indicate that copies thereof were furnished to Mr. Tabalingcos as counsel for Uniwide Holdings, Inc.

The law firm cites several other instances in which Mr. Tabalingcos was allegedly involved in questionable transactions that made use of his legal knowledge to circumvent the law for financial gain. These allegations, however are unsupported by documentary evidence.<sup>9</sup>

Lastly, the law firm also requests an investigation of the alleged continued use of the name of Mr. Tabalingcos by his former law office and its lawyers Attys. Socrates Rivera and Cres Dan Bangoy for possible violation of the proscription on assisting in the unauthorized practice of law under the Code of Professional Responsibility.<sup>10</sup>

### OUR RULING

From the above, it is apparent that Mr. Tabalingcos continues to engage in the practice of law despite having been disbarred and without having been reinstated to the bar.

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<sup>5</sup> Id. at 429-434.

<sup>6</sup> *Rollo*, pp. 449-453.

<sup>7</sup> Id. at 487-488.

<sup>8</sup> Id. at 435-448.

<sup>9</sup> Id. at 460.

<sup>10</sup> Id. at 461.



In *Aguirre v. Rana*,<sup>11</sup> citing *Philippine Lawyers Association v. Agrava*<sup>12</sup> and *Cayetano v. Monsod*,<sup>13</sup> we clarified what constitutes practice of law:

The practice of law is not limited to the conduct of cases or litigation in court; it embraces the preparation of pleadings and other papers incident to actions and special proceedings, the management of such actions and proceedings on behalf of clients before judges and courts, and in addition, conveyancing. In general, all advice to clients, and all action taken for them in matters connected with the law, incorporation services, assessment and condemnation services contemplating an appearance before a judicial body, the foreclosure of a mortgage, enforcement of a creditor's claim in bankruptcy and insolvency proceedings, and conducting proceedings in attachment, and in matters of estate and guardianship have been held to constitute law practice, as do the preparation and drafting of legal instruments, where the work done involves the determination by the trained legal mind of the legal effect of facts and conditions. (5 Am. Jur. p. 262, 263).

In *Cayetano v. Monsod*, the Court held that "practice of law" means any activity, in or out of court, which requires the application of law, legal procedure, knowledge, training and experience. To engage in the practice of law is to perform acts which are usually performed by members of the legal profession. Generally, to practice law is to render any kind of service which requires the use of legal knowledge or skill.

In the instant case, the motions filed by Mr. Tabalingcos before an administrative body exercising quasi-judicial function and before a regular court clearly constituted practice of law. When he asked for an extension of time to file reply, he clearly represented himself as counsel for complainant Uniwide Holdings, Inc. in OSI Adm. Case No. 2012-027. This misrepresentation is easily discerned from the opening sentence of the motion and from his signature therein, together with his PTR and IBP numbers, his roll number, and his MCLE Compliance number.<sup>14</sup>

The misrepresentation by Mr. Tabalingcos is further established by the fact that the Office of Special Investigation of the BSP furnished him copies of numerous Orders issued in OSI Adm. Case No. 2012-027 from September 2012 until November 2013. These Orders indicate that he is the counsel for complainant Uniwide Holdings, Inc.

We can easily conclude from these facts that despite having been disbarred on 10 July 2012, Mr. Tabalingcos continued to engage in the practice of law, even if he has yet to be re-admitted to the Bar.

<sup>11</sup> B.M. No. 1036, 10 June 2003.

<sup>12</sup> 105 Phil. 173 (1959).

<sup>13</sup> G.R. No. 100113, 3 September 1991, 201 SCRA 210.

<sup>14</sup> *Rollo*, p. 463.

In *San Luis v. Pineda*,<sup>15</sup> we have warned lawyers who have been disbarred not to engage in the practice of law without first being reinstated to the bar. To do so would constitute contempt of court.

Remedies to suppress the unauthorized practice of law include a petition for injunction, declaratory relief and contempt of court,<sup>16</sup> among others. The proceedings may be initiated by an aggrieved or interested party or by a bar association.<sup>17</sup>

In the instant case, Mr. Tabalingcos engaged in unauthorized practice of law before two fora – the OSP-BSP, an administrative body; and the RTC – Parañaque City, Branch 257. The law firm that informed this Court of his unauthorized practice of law should have been aware that on its own, it can initiate indirect contempt proceedings against him under Sections 3, 4 and 5 of Rule 71 of the 1997 Rules of Court.<sup>18</sup>

<sup>15</sup> A.C. No. 205, 31 March 1965.

<sup>16</sup> Ruben E. Agpalo, *Legal and Judicial Ethics* (2002), citing *U.S. v. Ney & Bosque*, 8 Phil. 146 (1907); *People v. De Luna*, 102 Phil. 968, (1958).

<sup>17</sup> *Id.*, citing *Hexter Title & Abstract Co. V. Grievance Committee*, 179 SW2d 946, 157 ALR 268 (1944).

<sup>18</sup> Rule 71, Sec. 3. Indirect contempt to be punished after charge and hearing.

After a charge in writing has been filed, and an opportunity given to the respondent to comment thereon within such period as may be fixed by the court and to be heard by himself or counsel, a person guilty of any of the following acts may be punished for indirect contempt:

- (a) Misbehavior of an officer of a court in the performance of his official duties or in his official transactions;
- (b) Disobedience of or resistance to a lawful writ, process, order, or judgment of a court, including the act of a person who, after being dispossessed or ejected from any real property by the judgment or process of any court of competent jurisdiction, enters or attempts or induces another to enter into or upon such real property, for the purpose of executing acts of ownership or possession, or in any manner disturbs the possession given to the person adjudged to be entitled thereto;
- (c) Any abuse of or any unlawful interference with the processes or proceedings of a court not constituting direct contempt under section 1 of this Rule;
- (d) Any improper conduct tending, directly or indirectly, to impede, obstruct, or degrade the administration of justice;
- (e) Assuming to be an attorney or an officer of a court, and acting as such without authority;
- (f) Failure to obey a subpoena duly served;
- (g) The rescue, or attempted rescue, of a person or property in the custody of an officer by virtue of an order or process of a court held by him.

But nothing in this section shall be so construed as to prevent the court from issuing process to bring the respondent into court, or from holding him in custody pending such proceedings.

#### Sec. 4. How proceedings commenced.


Proceedings for indirect contempt may be initiated *motu proprio* by the court against which the contempt was committed by an order or any other formal charge requiring the respondent to show cause why he should not be punished for contempt.

In all other cases, charges for indirect contempt shall be commenced by a verified petition with supporting particulars and certified true copies of documents or papers involved therein, and upon full compliance with the requirements for filing initiatory pleadings for civil actions in the court concerned. If the contempt charges arose out of or are related to a principal action pending in the court, the petition for contempt shall allege that fact but said petition shall be docketed, heard and decided separately, unless the court in its discretion orders the consolidation of the contempt charge and the principal action for joint hearing and decision.

**WHEREFORE**, from the above, the Court hereby orders the following:

- a) As for the OSP-BSP proceedings, complainant law firm may initiate the filing of contempt charges against Mr. Tabalingcos, as it is clearly the aggrieved or interested party in OSI-AC No. 2012-027. This recommendation is, however, dependent on whether by its existing rules this administrative body, exercising quasi-judicial functions, has the power to cite a party for contempt in its proceedings. The OSP-BSP is hereby furnished a copy of this Resolution to officially inform it that Mr. Tabalingcos is no longer authorized to practice law in view of his disbarment in A.C. No. 6622 in 2012.
- b) As for the proceedings in RTC-Parañaque City, Branch 257 in Civil Case No. 13-0139, the law firm or the RTC can *motu proprio*, initiate indirect contempt proceedings against Mr. Tabalingcos in accordance with Sections 3, 4 and 5 of Rule 71.
- c) In addition, we treat the foregoing letter of the law firm as a complaint against Atty. Socrates Rivera and Atty. Cres Dan Bangoy for possible violation of Canon 9 of the Code of Professional Responsibility on the allegation that they assisted, directly or indirectly, in the unauthorized practice of law by Mr. Tabalingcos. Let a separate docket number be assigned to this matter. Atty. Rivera and Atty. Bangoy are required to file their comment within 10 days from receipt of this Resolution.” Velasco, Jr., J., no part. Villarama, Jr., J., on official leave. (adv18)

Very truly yours,

  
ENRIQUETA E. VIDAL  
Clerk of Court

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Sec. 5. Where charge to be filed.

Where the charge for indirect contempt has been committed against a Regional Trial Court or a court of equivalent or higher rank, or against an officer appointed by it, the charge may be filed with such court. Where such contempt has been committed against a lower court, the charge may be filed with the Regional Trial Court of the place in which the lower court is sitting; but the proceedings may also be instituted in such lower court subject to appeal to the Regional Trial Court of such place in the same manner as provided in section 2 of this Rule.

MR. MANUEL G. VILLATUYA (reg)  
Complainant  
Lot 2, Block 6, Silmer Village  
San Francisco, Biñan City  
4024 Laguna

ATTY. MA. CRISTINA B. LAYUSA (x)  
Deputy Clerk of Court and Bar Confidant  
Supreme Court

INTEGRATED BAR OF THE PHILIPPINES (reg)  
Doña Julia Vargas Avenue, Ortigas Bldg.  
Complex, Pasig City

ATTYS. RENO R. GONZALES, JR. & ROBIN BRYAN  
F. CONCEPCION (reg)  
Tan Venturanza Valdez Law Offices  
2704 East Tower  
Philippine Stock Exchange Centre  
Exchange Road, Ortigas Center, 1605 Pasig City

THE OFFICE OF SPECIAL INVESTIGATION (reg)  
BANGKO SENTRAL NG PILIPINAS  
Roxas Blvd. cor. Pablo Ocampo St.  
1002 Manila

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HON. ANGELINA SANDOVAL-GUTIERREZ (x)  
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HON. JOSE V. MEJIA (x)  
HON. MA. MILAGROS N. FERNAN-CAYOSA(x)  
JBC SECRETARIAT (x)  
Supreme Court

MR. BEDE S. TABALINGCOS (reg)  
Respondent  
Unit 1609 Cityland , Pasong Tamo Tower  
2210 C. Roces Avenue, Pio del Pilar  
1230 Makati City -and-

809 Cityland Pasong Tamo Tower  
2210 C. Roces Avenue, Pio del Pilar  
1230 Makati City

THE PRESIDING JUDGE (reg)  
Regional Trial Court, Branch 257  
Parañaque City

ATTYS. SOCRATES RIVERA & ATTY. CRES DAN  
BANGOY (reg)  
Unit 1609 Cityland , Pasong Tamo Tower  
2210 C. Roces Avenue, Pio del Pilar  
1230 Makati City -and-

809 Cityland Pasong Tamo Tower  
2210 C. Roces Avenue, Pio del Pilar  
1230 Makati City

A.C. No. 6622  
fam/81914 [adv18]

