



Republic of the Philippines
Supreme Court
Office of the Court Administrator
Manila

OCA CIRCULAR NO. 12-2004

**TO : THE COURT OF APPEALS,
SANDIGANBAYAN, COURT OF TAX
APPEALS, REGIONAL TRIAL COURTS,
SHARI'A DISTRICT COURTS,
METROPOLITAN TRIAL COURTS,
MUNICIPAL TRIAL COURTS IN CITIES,
MUNICIPAL TRIAL COURTS, MUNICIPAL
CIRCUIT TRIAL COURTS, SHARI'A
CIRCUIT COURTS, THE OFFICE OF THE
STATE PROSECUTOR, PUBLIC
DEFENDERS OFFICE AND THE
INTEGRATED BAR OF THE PHILIPPINES**

**SUBJECT: SUSPENSION FROM THE PRACTICE OF
LAW FOR TWO (2) YEARS OF ATTY.
ANGELES A. VELASCO**

For the information and guidance of all concerned, quoted hereunder is the Decision dated October 8, 2003 in Administrative Case No. 4881 entitled "Rau Sheng Mao vs. Atty. Angeles A. Velasco", to wit:

"Complainant is a Taiwanese national. He came to the Philippines to invest in a beach resort for leisure and recreation. He engaged the services of respondent as legal consultant and retained counsel. Complainant now seeks his disbarment for gross misconduct and immorality.¹

Complainant Rau Sheng Mao narrates that sometime in 1993 he hired respondent Atty. Angeles A. Velasco as his legal counsel consultant and counsel for his company, the Foreign Investors Consultancy and Management Inc. (FICMI). As he was new in the country, he trusted the business judgment of respondent who crowed about his being president of the Integrated Bar of the Philippine, Virac, Catanduanes Chapter.

A year later, complainant, in his capacity as President of FICMI, entered into a Management Agreement with Haru Gen

¹ *Rollo, pp. 1-19.*

Beach Resort and Hotel Corporation ("Haru Gen") for the operation and management of Twin Rock Beach Resort in Virac, Catanduanes. Haru Gen was represented in this transaction by respondent as director and stockholder. After concluding the management agreement, respondent sold complainant his ten thousand shares of stock with Haru Gen for P1,000,000.00. Complainant alleges that although he had fully paid for the shares, as evidenced by receipts acknowledged by respondent, the latter failed and refused to deliver the certificates for the purchased shares.

Complainant also alleges that respondent persuaded him to buy three (3) parcels of land belonging to the latter for P3,660,800.00. Although he paid respondent P3,300,000.00, the latter reneged on his obligation to deliver the certificates of title covering the purchased properties.

To further complicate his woes, in the course of FICMI's management of Twin Rock Beach Resort, several complaints were filed against him by former employees of the beach resort. Respondent acted as his counsel and in the course of their professional relationship respondent asked for several sums of money purportedly to be given to the judges hearing his cases. In one of his letters to complainant, respondent wrote – "the Judge (whom he did not identify) was not contented of the P6,000.00 claiming that he dismissed two (2) cases. I suggest that you give additional P5,000.00 x x x"² In another letter he reported to complainant that "Judge Barsaga has already rendered the decision in my case regarding the three (3) parcels of land x x x x He is asking – 'Christmas gift' x x x x"³

Complainant also claims that respondent represented him in the special proceedings involving the settlement of the estate of the deceased Miharuru Matsuzawa where he (complainant) was appointed administrator. Thereafter however their relationship turned sour and respondent did not only sever their professional relationship but went further and moved for the revocation of complainant's appointment as administrator.

Lastly, complainant charges respondent with immorality for flaunting his illicit relationship with a certain Ludy Matienzo despite his being legally married to one Rosita Velasco. Complainant declares that the *affaire d'amour*, which was common knowledge in the place, produced three (3) children, namely, Jesebeth, Jenny and Jenneth, all of whom were acknowledged by respondent as his own.

² *Id.*, p.10.

³ *Id.*, p. 11.

Respondent denies the allegations and insists that he could not have deceived complainant in their business dealings inasmuch as the latter was represented in all their transactions by Atty. Ricardo B. Purog, Jr. Insofar as the charge of non-delivery of the purchased shares of stock is concerned, he asserts that complainant very well knew that he had not paid for his shares hence his failure to immediately deliver the certificates corresponding to the shares sold. As for the non-delivery of the certificates of title covering the three (3) parcels of land, respondent avers that he had told complainant that the purchased properties were still under litigation.

Without disclaiming authorship of any of the letters presented by complainant where respondent bragged about his influence over judges, respondent avers that in all his thirty-five (35) years of practice he had never asked favors from judges nor privately sought an audience with them. He likewise denies having had any relationship with Ludy Matienzo and in support thereof he presented the affidavit of Ludy Matienzo refuting the imputed relationship between them as well as the affidavit of his wife Rosita attesting to his fidelity.⁴

In retort to respondent's denial of fathering any of Ludy Matienzo's daughters, complainant presented in evidence the baptismal certificate of Jenny M. Velasco which listed respondent Angeles Velasco as her father and Ludy Matienzo as her mother.⁵ He likewise presented affidavits of several persons residing within the municipality, including a lawyer, a court employee and a neighbor of the Matienzos, confirming respondent's intimate relationship with Ludy Matienzo.⁶

Consistent with Rule 139-B of the Rules of Court, the matter was referred to the Commission on Bar Discipline of the Integrated Bar of the Philippines for investigation, report and recommendation. After conducting a thorough investigation, the Commission recommended that respondent Atty. Angeles A. Velasco be "suspended for a period of at least two (2) years." Mainly, the recommendation was premised on the ground that notwithstanding complainant's failure to support his allegation that respondent duped him in their business transactions, the evidence on record supports the charge of immorality against respondent. Also, respondent by writing letters to complainant boasting about being able to influence judges undermined the integrity of the judiciary.

⁴ *Id.*, pp. 51-65.

⁵ *Id.*, p. 292.

⁶ *Id.*, pp. 293-297.

Upon a review of the records, we are convinced that respondent's conduct leaves much to be desired. We however agree with the findings of the Investigating Commissioner that complainant was as not as gullible in his business dealings with respondent as he presented himself to be. The Commission found it unlikely for complainant to have been deceived by respondent inasmuch as the former was represented by his own counsel Atty. Purog, Jr. in all his business transactions with the latter. Thus, complainant could not have been misled by respondent with respect to the import of their contracts regarding the sale of the shares of stock with Haru Gen as well as the sale of the three (3) parcels of land. Nonetheless, respondent must still be chastised for his grossly immoral conduct.

Respondent Atty. Angeles A. Velasco has been living an adulterous life with Ludy Matienzo with whom he has three (3) children. The children bear respondent's surname; their school records even refer to their mother Ludy Matienzo as "Ludy M. Velasco." By flaunting his relationship with a woman not his wife respondent has transgressed the high moral standard required for membership in the bar.

Under Rule 1.01 of the Code of Professional Responsibility, a lawyer shall not engage in unlawful, dishonest, immoral or deceitful conduct. It may be difficult to specify the degree of moral delinquency that may qualify an act as immoral, yet, for purposes of disciplining a lawyer, immoral conduct has been defined as that "conduct which is willful, flagrant, or shameless, and which shows a moral indifference to the opinion of respectable members of the community."⁷ Thus, in several cases, the Court did not hesitate to discipline a lawyer for keeping a mistress in defiance of the mores and sense of morality of the community.⁸

As keepers of the public faith, lawyers are burdened with the highest degree of social responsibility and thus must handle their personal affairs with the greatest caution. They are expected at all times to maintain due regard for public decency in the community where they live. Their exalted positions as officers of the court demand no less than the highest degree of morality. Indeed, those who have taken the oath to assist in the dispensation of justice should be more possessed of the

⁷ *Words and Phrases*, Vol. 20, p. 85, citing *In Re Hicks*, 20 P2d, 896, 897.

⁸ *Toledo v. Toledo*, 117 Phil. 768 (1963); *Arciga v. Mamiwang*, Adm. Case No. 1608, 14 August 1981, 106 SCRA 591; *Obusan v. Obusan*, Adm. Case No. 1392, 2 April 1984, 128 SCRA 485; *Mendoza v. Mala*, Adm. Case No. 1129, 27 July 1992, 211 SCRA 839; *Narag v. Narag*, Adm. Case No. 3405, 29 June 1998, 291 SCRA 451.

consciousness and the will to overcome the weakness of the flesh.

What is more, respondent has violated another basic tenet of legal ethics -- he has given complainant the impression that he was in a position to influence the court.⁹ Thus, in a series of letters presented by complainant, which respondent meekly claimed were private communications between them, respondent trumpeted his connection with judges and their supposed demand for money. A lawyer is duty bound to avoid improprieties which give the appearance of influencing the court. Respondent's actions could not but place the integrity of the administration of justice in peril, hence the need for strict disciplinary action.

On these considerations, we feel strongly the impulse to purge respondent from the ranks of our noble profession. However, considering that he is in the declining years of his life¹⁰ and has rendered years of service to the Integrated Bar of the Philippines as President of the Virac, Catanduanes Chapter, we feel that disbarment would be too harsh a penalty for him. Hence, a suspension of two (2) years, as recommended by the Commission on Bar Discipline, would suffice as a punitive but compassionate disciplinary measure.

Indeed, no profession offers greater opportunity for public service than that of a lawyer. For the privilege conferred upon him, a lawyer is tasked with the equally great responsibility of upholding the ethics and ideals established by the learned lawyers of ancient times. Into his hands are entrusted the life, liberty and property of a trusting man. The only guarantee that this trust will be carried with honor is the character of a lawyer. Such character, on the other hand, can only be observed through one's reputation and conduct. Thus, when a lawyer so deports himself that confidence can no longer be rested in him without fear, his usefulness to the court and to the society ceases.

WHEREFORE, respondent Atty. Angeles A. Velasco is **SUSPENDED** from the practice of law for two (2) years from notice, with warning that a repetition of the acts charges will be dealt with more severely. Respondent is further ordered to notify this Court of his receipt of this Decision.

⁹ Canon 13. *A lawyer shall rely upon the merits of his cause and refrain from any impropriety which tends to influence, or gives the appearance of influencing the court.*

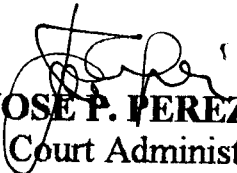
¹⁰ Respondent was sixty (69) years of age when he filed his Comment on 28 August 1998; Rollo, p. 51.

Let copies of this Decision be furnished all courts in the land, the Integrated Bar of the Philippines, the Office of the Bar Confidant, and let it be spread in respondent's personal record.

SO ORDERED.”

Copy of this Decision was received by Atty. Velasco on October 28, 2003.

30 January 2004.


JOSE P. PEREZ
Acting Court Administrator