Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

CIRCULAR NO. 3-90

TO: COURT OF APPEALS, SANDIGANBAYAN, COURT OF TAX APPEALS, REGIONAL TRIAL COURTS, METROPOLITAN TRIAL COURTS, MUNICIPAL TRIAL COURTS, MUNICIPAL CIRCUIT TRIAL COURTS, SHARI'A DISTRICT COURTS AND SHARI'A CIRCUIT COURTS, AND ALL MEMBERS OF THE INTEGRATED BAR OF THE PHILIPPINES

SUBJECT: Suspension of Atty. Jose S. Lu

Quoted hereunder, for your information, is a resolution of the First Division dated May 30, 1990, suspending Atty. Jose S. Lu, as Member of the Philippine Bar, for a period of three (3) months, effective upon notice.

"Administrative Case No. 1143 (Consolacion and Virginia Benjamin and Vicente Kua, Jr. vs. Atty. Jose S. Lu). - Before this Court is the 'Report and Recommendation' submitted by the Solicitor General under date of February 27, 1990, relative to the complaint of Consolacion and Virginia Benjamin and Vicente Kua, Jr. praying for disciplinary action against Atty. Jose S. Lu. It appears that in the afternoon of December 28, 1972, respondent entered the house of one of the complainants without permission 'to have exploratory talks with the complainants regarding the possible settlement of the squabble between them and the clients of herein respondent.' The evidence on record also shows that respondent admitted in his sworn statement dated October 30, 1973 that he told the complainants: 'Bakit ba kayo habla ng hable samantalang alam naman natin kung kaninong lahat itong mga ari-ariang pinaguusapan, pati itong bahay na ito, x x x. Bueno, kung ganito ng ganito ay wala ring mangyayari sa ating usapan, kaya't wala tayong hinanakitan kung ako ay tumestigo sa juzgado tungkol sa mga nalalaman ko sa pinag-aawayan ninyo.'

We agree with the Solicitor General that the aforementioned facts constitute malpractice and that same ought to be severely condemned and that respondent be corrected by disciplinary action. Respondent's alleged attempts at compromise without coursing the same through complainant's counsel of record is violative of No. 9 of the Canons of Professional Ethics which commands that a lawyer should not in any way communicate upon the subject of controversy with a party represented by counsel; much less should he undertake to negotiate or compromise the matter with him, but should deal only with counsel.

ACCORDINGLY, the Court Resolved to SUSPEND Atty. Jose S. Lu as member of the Philippine Bar for a period of three (3) months, effective from notice. Let copies of this Resolution be furnished the Integrated Bar of the Philippines and circularized to all courts."

Please be guided accordingly.

May 31, 1990

MEYNARDO A. TIRO
Court Administrator