



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

OCA CIRCULAR NO. 116-2020

TO : THE COURT OF APPEALS, SANDIGANBAYAN, COURT OF TAX APPEALS, REGIONAL TRIAL COURTS, SHARIA DISTRICT COURTS, METROPOLITAN TRIAL COURTS, MUNICIPAL TRIAL COURTS IN CITIES, MUNICIPAL TRIAL COURTS, MUNICIPAL CIRCUIT TRIAL COURTS, SHARIA CIRCUIT COURTS, THE OFFICE OF THE CHIEF STATE PROSECUTOR, PUBLIC ATTORNEY'S OFFICE AND THE INTEGRATED BAR OF THE PHILIPPINES

SUBJECT: SUSPENSION OF ATTY. EDILBERTO C. CARMELO FROM THE PRACTICE OF LAW FOR ONE (1) MONTH

For your information and guidance, quoted hereunder is the dispositive portion of the Resolution dated 14 March 2018 of the Court (Second Division) in A.C. No. 11580, titled "Ariston B. Gomez, Jr. vs. Atty. Edilberto C. Carmelo," to wit:

The Court RESOLVES to ADOPT and APPROVE the findings of fact, conclusions of law, and recommendation of the Integrated Bar of the Philippines in the attached October 11, 2014¹ and February 25, 2016² Resolutions. Accordingly, the Court finds respondent Atty. Edilberto C. Carmelo GUILTY of violations of Rule 1.01, Canon 1, Canon 15, and Canon 16 of the Code of Professional Responsibility, and is thus meted with the penalty of SUSPENSION for a period of one (1) month effective immediately upon receipt of this Resolution, with a STERN WARNING that a repetition of the same infraction will merit a more severe sanction.

He is also ordered to return to complainant Ariston B. Gomez, Jr. the legal fees he received from the latter in the reduced amount of ₱120,000.00, pursuant to the principle of *quantum meruit*. Failure to comply with

¹ Rollo, pp. 122 and 168-169. Signed by National Secretary Nasser A. Marohomsalic.

² Id. at 166-167. Signed by Assistant National Secretary Maria Angela N. Esquivel.

the foregoing directive will warrant the imposition of a more severe penalty.

Let copies of this Resolution be furnished to: (a) the Office of the Bar Confidant to be appended to respondent's personal record as an attorney; (b) the Integrated Bar of the Philippines for its information and guidance; and (c) the Office of the Court Administrator for circulation to all courts in the country.

A copy of the Resolution dated 14 March 2018 was sent to respondent at his given address at Carmelo & Palaypayon Law Offices, Carmelo Compound, Newton Avenue Mayamot, 1870 Antipolo City per Registry Receipt No. 55825, which was received on 19 June 2018.

10 July 2020


JOSE MIDAS P. MARQUEZ
Court Administrator