



Republic of the Philippines  
**Supreme Court**  
Manila

THIRD DIVISION

NOTICE

SUPREME COURT OF THE PHILIPPINES  
PUBLIC INFORMATION OFFICE  
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Sirs/Mesdames:

*Please take notice that the Court, Third Division, issued a Resolution dated **November 11, 2020**, which reads as follows:*

**“A.C. No. 9994 [Formerly CBD Case No. 16-4941] (Juana A. Castillo, Ireneo A. Villar, and Bibgenrose T. Villar, v. Atty. Angelito D. Cueto and Pros. Miguel Noel T. Ocampo).** – Before the Court is a Complaint<sup>1</sup> for Disbarment dated July 2, 2013 filed by Juana Castillo (Juana), Ireneo A. Villar, and Bibgenrose T. Villar, before the Department of Justice (DOJ) against Atty. Angelito D. Cueto (Atty. Cueto), for failure to render service as counsel for Juana’s daughter, Mary Jane Castillo (Mary Jane), and against Prosecutor Miguel Noel T. Ocampo (Pros. Ocampo), for undue delay in resolving the complaint against Mary Jane.

The antecedent facts are as follows:

Mary Jane was arrested in a buy-bust operation in Calamba City with her live-in partner, Anthony Villar (Anthony). They were both subjected to inquest proceedings before respondent Pros. Ocampo who issued a provisional disposition finding the arrest to be valid and with probable cause to indict them. The records of their case were then transferred to the Administrative Officer of the Office of the City Prosecutor of Calamba City for the preparation of the appropriate resolution and criminal information/s.<sup>2</sup>

The complainant asserted that as of July 2, 2013 or when the disbarment case against respondents was filed before the Secretary of Justice, Pros. Ocampo has yet to issue a resolution and Atty. Cueto has supposedly not performed any legal work for Mary Jane even if his services were retained on May 23, 2013. However, such claim was contradicted by Atty. Cueto who averred that he exerted efforts to examine the case after his receipt of the acceptance fee from Juana. Moreover, Atty. Cueto stated that he could not prevent the filing of the Information since he knew of a practice at the Office of the City Prosecutor of Calamba City wherein complaints involving violation of Republic Act (RA) No. 9165 are usually not dismissed. Hence, he decided

<sup>1</sup> *Rollo*, pp. 2-5.

<sup>2</sup> *Id.* at 89.

to wait until proceedings were initiated before the Regional Trial Court (RTC) of Calamba City.<sup>3</sup>

Atty. Cueto asserted that even if his services were retained on May 23, 2013, Juana only contacted him again in the last week of September. He then learned that Juana and Mary Jane sought the assistance of the Public Attorney's Office to file a petition for *habeas corpus* which was denied on July 16, 2013 because at the time, the criminal Informations have already been filed before the RTC of Calamba City. Juana likewise informed Atty. Cueto that she could no longer pay for the balance of the attorney's fees but the latter reassured the former that he would waive the said fees and continue to defend Mary Jane. On October 17, 2013, Atty. Cueto filed his Entry of Appearance in behalf of Mary Jane before Branch 34 of the RTC of Calamba City. Notably, during the September meeting, Juana did not inform Atty. Cueto that she had filed a disbarment case against him and Pros. Ocampo. Yet, on October 18, 2013, even after receipt of the notice from the Supreme Court regarding the filing of the said disbarment case, Atty. Cueto continued to defend Mary Jane and eventually secured an acquittal for her on May 26, 2014.<sup>4</sup>

Meanwhile, the records showed that on June 18, 2013, Pros. Ocampo issued three Informations against Mary Jane for violation of RA No. 9165. However, these were received by the RTC only on July 2, 2013, on the same day that the complaint for disbarment was filed with the DOJ. Pros. Ocampo explained that the delay was caused by prosecutorial and clerical understaffing in the Office of the City Prosecutor of Calamba City.<sup>5</sup>

The DOJ referred the disbarment case against the respondents to the Office of the Bar Confidant. Subsequently, by Resolution<sup>6</sup> dated December 9, 2015, We referred the case to the Integrated Bar of the Philippines (IBP) for investigation, report and recommendation.

#### **Report and Recommendation of the IBP:**

In a Report and Recommendation<sup>7</sup> dated November 28, 2016, the Investigating Commissioner of the Commission on Bar Discipline (CBD) of the IBP recommended the dismissal of the complaint for lack of merit. He found that Atty. Cueto went above and beyond his duty as a lawyer since he still represented Mary Jane notwithstanding the disbarment case. As a result, Mary Jane was actually acquitted yet she did not compensate Atty. Cueto for his services. He noted that Juana and/or Mary Jane should have consulted with Atty. Cueto before lodging a disbarment case against him in order to clear up any misunderstanding. After May 23, 2013, Juana did not ask for any update

<sup>3</sup> Id. at 89-90.

<sup>4</sup> Id. at 90.

<sup>5</sup> Id.

<sup>6</sup> Id. at 61.

<sup>7</sup> Id. at 88-92.

from Atty. Cueto regarding Mary Jane's case. Instead, Juana merely assumed that Atty. Cueto neglected Mary Jane's case, which is unfair to Atty. Cueto.

As for Pros. Ocampo, the Investigating Commissioner found as acceptable his explanation about the understaffing of the Office of the City Prosecutor of Calamba City which caused the delay in the receipt by the RTC of the Informations. Nonetheless, the Investigating Commissioner stated that Pros. Ocampo or his office should have adequately entertained the queries of the complainant and Anthony's family members and not just leave them to simply await the resolution of the complaint in order to avoid any misunderstanding. In light of these, the Investigating Commissioner found that the respondents did not violate Rule 18.03<sup>8</sup> of the Code of Professional Responsibility (CPR).

In a Resolution<sup>9</sup> dated April 19, 2017, the Board of Governors (BOG) of the IBP affirmed the findings and recommendation of the Investigating Commissioner to dismiss the complaint.

### Our Ruling

The Court adopts the findings of the IBP and approves its recommendation to dismiss the complaint against the respondents for lack of merit.

As found by the Investigating Commissioner, Atty. Cueto still performed his functions as counsel for Mary Jane even if he did not receive compensation for doing so. He actively represented and championed Mary Jane's rights during all stages of the proceedings in her criminal case which, to her benefit, eventually led to an acquittal. More importantly, Atty. Cueto did so even with the knowledge that Juana lodged a disbarment case against him which could have dissuaded him from further representing Mary Jane. Taking these into consideration, We do not find any basis to rule that Atty. Cueto violated Rule 18.03 of the CPR or even the Lawyer's Oath.

With regard to Pros. Ocampo, We believe that the delay in the filing of an Information pertaining to Mary Jane's case is not wholly attributable to him, given that it is reasonable to expect that an understaffed office could not produce the expected output at all times. Nonetheless, Pros. Ocampo should be reminded that as a government employee, he is expected to perform his duties expeditiously, fairly and justly. This is especially because his position demands that he implements the law justly and protects the rights of citizens diligently.

In any case, the complainant should be reminded that frustrations with regard to the pace and effectiveness of the legal and justice system, while a valid concern, do not always justify a disciplinary action upon lawyers. There

<sup>8</sup> Code of Professional Responsibility, Canon 8, Rule 18.03 – A lawyer shall not neglect a legal matter entrusted to him and his negligence in connection therewith shall render him liable.

<sup>9</sup> *Rollo*, p. 86.

should be a valid and adequate basis supported by substantial evidence before a lawyer could be penalized. Unfortunately, the complainant's assertions are not substantial enough and not supported by proof as to warrant disciplinary action upon the respondents. In all likelihood, the complainant filed the complaint due to disappointment on how the criminal case of her daughter is progressing at the time. Such sentiment is understandable. However, it does not automatically equate to a ground for this Court to fully exercise its disciplinary power over members of the Bar. Indeed, "[t]his Court will not hesitate to mete out proper disciplinary punishment upon lawyers who are shown to have failed to live up to their sworn duties, but neither will it hesitate to extend its protective arm to them when the accusation against them is not indubitably proven."<sup>10</sup>

**WHEREFORE**, the Court **ADOPTS** findings of the Integrated Bar of the Philippines and **APPROVES** its recommendation. **ACCORDINGLY**, the Complaint against Atty. Angelito D. Cueto and Pros. Miguel Noel T. Ocampo is hereby **DISMISSED** for lack of merit.

There being no motion for reconsideration or petition for review filed with the Court per records of the Office of the Bar Confidant, this case is declared **CLOSED and TERMINATED**.

The February 28, 2018 Letter of Atty. Marlou B. Ubano, Director for Bar Discipline is **NOTED**.

**SO ORDERED.**" (Inting, J., on official leave.)

By authority of the Court:

*Misael DC Batt*  
**MISAELO DOMINGO C. BATTUNG III**  
Division Clerk of Court  
GER  
3/4/24

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Pros. Miguel Noel T. Ocampo  
Respondent  
CALAMBA CITY PROSECUTORS OFFICE  
4027 Calamba City, Laguna

<sup>10</sup> *Guazon v. Dojillo*, A.C. No. 9850, August 6, 2018. Citations omitted.

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