



Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, First Division, issued a Resolution dated June 15, 2022 which reads as follows:

“A.C. No. 13268 [Formerly CBD Case No. 17-5359] (Yuson Chua and Diana Sicat Chua, vs. Atty. Leonardo M. Real). — Before the Court is an administrative complaint for disbarment filed by spouses Yuson Chua and Diana Sicat Chua against Atty. Leonardo M. Real (Atty. Real) with the Commission on Bar Discipline (CBD), Integrated Bar of the Philippines (IBP), for violation of his suspension order, the Lawyer’s Oath, and Canon 1, Rule 1.02 of the Code of Professional Responsibility (CPR).¹

In their Joint Complaint-Affidavit² for disbarment, complainants alleged that on 31 January 2017, Atty. Real notarized the verification of his client for a Manifestation filed before Branch (Br.) 76, Metropolitan Trial Court (MeTC), Marikina City,³ despite his suspension from the practice of law for a period of six months, or from 12 October 2016 to 11 April 2017.⁴ During his suspension, Atty. Real also signed two motions and appeared before Br. 76, MeTC, Marikina City.⁵ Further, he allegedly acted maliciously by sending a demand letter to complainants despite knowing that they were not the persons involved in the fraudulent acts committed against his client.⁶

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¹ Docketed as CBD Case No. 17-5359.

² *Rollo*, pp. 1-10.

³ *Id.* at 2.

⁴ In *Fabie v. Atty. Real*, A.C. No. 10574 [Formerly CBD No. 11-3047], 795 Phil. 488-501 (2016), Atty. Real was suspended from the practice of law for a period of six (6) months after he was found liable for abandoning his client’s cause and for failing to return the amount of Forty Thousand pesos (P40,000.00) given to him as legal fees.

⁵ *Rollo*, pp. 2-3.

⁶ *Id.* at 3-7. The persons involved were Yuson F. Chua and Diana Salud Chua, who allegedly had unpaid loans with Arris Llenos, Atty. Real’s client. Complainants are Yuson Chua (no middle name) and Diana Sicat Chua, who are different from the alleged defrauders.

In his Answer,⁷ Atty. Real denied the charges against him and claimed that he did not deliberately and willfully disobey the suspension order issued by the Court because he was a duly appointed notary public and the suspension order did not carry the revocation of his notarial commission.⁸ He likewise claimed that the signing of the motions and his appearance in Br. 76, MeTC, Marikina City, were isolated instances, and are not considered practice of law.⁹ As to the demand letter, Atty. Real claimed that writing demand letters was standard practice intended to protect the interests of his client, whom he was obligated to defend.¹⁰

In a Report and Recommendation¹¹ dated 25 June 2019, the IBP Investigating Commissioner¹² held that Atty. Real engaged in the practice of law during the period of his suspension and violated the order of suspension issued against him in *Fabie v. Atty. Real (Fabie)*.¹³ Accordingly, the IBP Investigating Commissioner found Atty. Real administratively liable for violating Section 27, Rule 139-B, Revised Rules of Court, the Lawyer's Oath, and Canon 1, Rule 1.02, CPR, and recommended his suspension from the practice of law for a period of six months.¹⁴

In a Resolution¹⁵ dated 15 December 2019, the IBP Board of Governors approved and adopted the Report and Recommendation of the Investigating Commissioner.¹⁶ On 08 May 2021, Atty. Real's motion for reconsideration was denied by the IBP Board of Governors.¹⁷

The issue before the Court then is whether Atty. Real liable for violating his suspension order by engaging in the practice of law during the period of his said suspension.

This Court rules in the affirmative.

It is undisputed that in *Fabie*,¹⁸ Atty. Real was suspended from the practice of law for six months for abandoning his client's cause

⁷ *Rollo*, pp. 37-42.

⁸ *Id.* at 38.

⁹ *Id.*

¹⁰ *Id.* at 40.

¹¹ *Id.* at 101-118.

¹² Atty. Denise Monina F. Uy.

¹³ *Fabie v. Atty. Real*, supra note 4.

¹⁴ *Rollo*, p. 110.

¹⁵ *Id.* at 121-122.

¹⁶ *Id.* at 101.

¹⁷ *Id.* at 120.

¹⁸ *Fabie v. Atty. Real*, supra.

and for failing to return the amount of Forty Thousand Pesos (P40,000.00) given to him as legal fees. In this present case, he admits the commission of the complained acts, yet asserts that he did not violate his suspension order because such acts, according to him, do not constitute practice of law.¹⁹

*Lingan v. Calubaquib*²⁰ is as clear as day. Any activity, in or out of court, which requires the application of law, legal procedure, knowledge, training, and experience, is practice of law. It includes performing acts which are characteristics of the legal profession, or rendering any kind of service which requires the use in any degree of legal knowledge or skill.²¹ Clearly, the acts committed by Atty. Real during the period of his suspension are unauthorized practice of law. The finding of the IBP Investigating Commissioner, as affirmed by the IBP Board of Governors, that Atty. Real's act of notarizing a verification, filing of pleadings, and appearing in court while he was suspended from the practice of law constituted defiance of the Court's order, is well taken.

Jurisprudence dictates that unauthorized practice of law carries the penalty of suspension of six months.²² However, this can no longer be imposed upon Atty. Real in view of his disbarment.

In *Vda. Eleanor V. Francisco v. Atty. Real*,²³ Atty. Real was disbarred from the practice of law after he was found guilty of gross misconduct for non-payment of just debts and issuance of worthless checks. Consequently, Atty. Real can no longer be suspended from the practice of law. However, in *In Re: Order dated October 27, 2016 issued by Branch 137, Regional Trial Court, Makati in Criminal Case No. 14-765 v. Atty. Marie Frances E. Ramon*,²⁴ this Court nonetheless imposed the corresponding penalty despite the respondent's disbarment "for recording purposes on the lawyer's personal file in the Office of the Bar Confidant [OBC], which should be taken into consideration in the event that he subsequently files a petition for reinstatement."²⁵

¹⁹ *Rollo*, pp. 38-40.

²⁰ 737 Phil. 191, 203 (2014).

²¹ *Id.*

²² *In Re: Order dated October 27, 2016 issued by Branch 137, Regional Trial Court, Makati in Criminal Case No. 14-765 v. Atty. Marie Frances E. Ramon*, A.C. No. 12456, 08 September 2020.

²³ A.C. No. 12689, 01 September 2020.

²⁴ *Supra* note 22.

²⁵ *Id.*

Moreover, in recent cases involving disbarred lawyers who were meted penalties in succeeding administrative cases for records purposes, the penalty of fine was likewise imposed in addition to suspension or disbarment. In *Valmonte v. Quesada, Jr.*,²⁶ a disbarred lawyer was imposed a fine of Forty Thousand Pesos (P40,000.00) after being found to have committed an offense prior to his/her disbarment “as the Court does not lose its exclusive jurisdiction over other offenses committed by a disbarred lawyer while he/she was still a member of the Law Profession. In fact, by imposing a fine, the Court is able ‘to assert its authority and competence to discipline all acts and actuations committed by the members of the Legal Profession.’”²⁷

Accordingly, while Atty. Real has already been disbarred, the penalty of suspension from the practice of law for six months for the purpose of recording it in his personal file in the OBC may still be imposed upon him. In addition, he should be penalized with a fine in the amount of Forty Thousand Pesos (P40,000.00) for having engaged in the unauthorized practice of law prior to his disbarment.

WHEREFORE, the Court finds respondent Atty. Leonardo M. Real **GUILTY** of unauthorized practice of law and **SUSPENDS** him from the practice of law for a period of six months. However, considering that he has already been disbarred, this penalty can no longer be imposed, but nevertheless should be considered in the event that he applies for his reinstatement. In addition, and in view of his disbarment, a **FINE** in the amount of Forty Thousand Pesos (P40,000.00) is imposed upon him.

Let a copy of this Resolution be furnished the Office of the Bar Confidant to be entered into the personal records of respondent Leonardo M. Real. Copies shall likewise be furnished the Integrated Bar of the Philippines and the Office of the Court Administrator, which shall circulate the same to all courts in the country for their information and guidance.

²⁶ A.C. No. 12487, 04 December 2019.

²⁷ Id.

SO ORDERED.”

By authority of the Court:

LIBRADA C. BUENA
Division Clerk of Court *112*

by: *[Signature]*
MARIA TERESA B. SIBULO
Deputy Division Clerk of Court

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JUL 14 2022

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