



Republic of the Philippines  
**Supreme Court**  
Manila

**THIRD DIVISION**

**NOTICE**

Sirs/Mesdames:

*Please take notice that the Court, Third Division, issued a Resolution dated **June 22, 2022**, which reads as follows:*

**“A.C. No. 13233 [Formerly CBD Case No. 18-5508] (Carlos P. Ty, Complainant vs. Atty. Oscar Carlo F. Cajucom, Respondent). –** This resolves the Complaint<sup>1</sup> filed by Carlos P. Ty (complainant) praying for the immediate suspension of Atty. Oscar Carlo F. Cajucom (respondent) for alleged violations of the Code of Professional Responsibility (CPR).<sup>2</sup>

Records disclose that complainant, on behalf of Manila Paper Mills International, Inc. (MPMII), filed several civil, criminal, and administrative cases against Filinvest Land, Inc. (Filinvest), Royal Ventures Development Corporation, and their responsible officers, in connection with various properties in Dasmariñas City, Cavite. In turn, Antonio Cenon (Cenon), an officer of Filinvest, filed against complainant a criminal case for perjury before the Office of the City Prosecutor (OCP) of Dasmariñas City, Cavite. In its Resolution<sup>3</sup> dated December 21, 2016, the OCP ruled in favor of complainant and dismissed the perjury case for lack of probable cause. On February 20, 2017, Cenon, through respondent as his counsel, filed a Motion for Reconsideration<sup>4</sup> (subject Motion) assailing the OCP’s Resolution dated December 21, 2016. However, respondent, as Cenon’s counsel, failed to furnish complainant with a copy of the subject Motion in his residence at 212 C. Santos St., Brgy. Ugong, Pasig City (Pasig City address). Complainant only came to know of the subject Motion’s existence when he followed up the case with the OCP.<sup>5</sup>

Hence, the complaint.

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<sup>1</sup> Rollo, pp. 2-6.

<sup>2</sup> Id. at 5.

<sup>3</sup> Id. at 51-52. Penned by Prosecutor Jordan J. Teafio.

<sup>4</sup> Id. At 59-64.

<sup>5</sup> Id at 2-4.

Complainant alleged that respondent violated not only his right to due process, but also Rule 1.01,<sup>6</sup> Canon 1, and Rule 7.03,<sup>7</sup> Canon 7 of the CPR when he: (1) made it appear that the subject Motion was filed on time; and (2) deliberately failed to furnish complainant a copy of the subject Motion in his Pasig City address.<sup>8</sup>

In his Answer,<sup>9</sup> respondent asserted that: (1) the subject Motion was filed on time per Department of Justice Circular No. 70 (2000 NPS Rules of Appeal) and (2) he did not deliberately fail to furnish complainant with a copy of the subject Motion. *First*, he reasoned out that the perjury case was consolidated with a criminal case for syndicated estafa (Estafa case) filed by complainant, as MPMII's representative, against the officers and directors of Filinvest. In the Estafa case, MPMII's address was indicated as 331 Sen. Gil Puyat Ave., Makati City (Makati City address). Similarly, the OCP, in its Resolution<sup>10</sup> in the perjury case, indicated the Makati City address as complainant's address.<sup>11</sup> *Second*, he instructed his staff to mail copies of the subject Motion to both the Makati City address and the Pasig City address. Unfortunately, the two envelopes containing copies of the subject Motion to be mailed to complainant's Pasig City address and Makati City address were both mailed to the latter, because both envelopes indicated only the Makati City address.<sup>12</sup> Nonetheless, complainant admitted that he received a copy of the subject Motion. In fact, complainant even filed a Comment/Opposition<sup>13</sup> to the subject Motion, which belies his allegation that he was denied due process of law.<sup>14</sup>

In his Report and Recommendation<sup>15</sup> dated October 1, 2018, Investigating Commissioner Ernesto A. Altamira III recommended the dismissal of the complaint after finding that respondent did not commit any act amounting to a violation of the CPR.<sup>16</sup> Then, on June 18, 2019, the Integrated Bar of the Philippines (IBP) Board of Governors resolved to adopt the findings of fact and the recommendation of the Investigating Commissioner to dismiss the complaint.<sup>17</sup>

<sup>6</sup> Rule 1.01 - A lawyer shall not engage in unlawful, dishonest, immoral or deceitful conduct.

<sup>7</sup> Rule 7.03 - A lawyer shall not engage in conduct that adversely reflects on his fitness to practice law, nor shall he, whether in public or private life, behave in a scandalous manner to the discredit of the legal profession.

<sup>8</sup> *Rollo*, pp. 4-5.

<sup>9</sup> *Id.* at 91-104.

<sup>10</sup> *Id.* at 51-52.

<sup>11</sup> *Id.* at 96.

<sup>12</sup> *Id.* at 97.

<sup>13</sup> *Id.* at 55-58.

<sup>14</sup> *Id.* at 98.

<sup>15</sup> *Id.* at 371-379.

<sup>16</sup> *Id.* at 379.

<sup>17</sup> *Id.* at 369-370.

Complainant moved for reconsideration,<sup>18</sup> but the IBP Board of Governors denied it in its Resolution<sup>19</sup> dated January 9, 2021, viz.:

RESOLVED to DENY, as it is hereby DENIED, the Motion for Reconsideration filed by the complainant, there being no new reason and/or new argument adduced to reverse the Resolution dated June 18, 2019 of the Board of Governors.<sup>20</sup>

### *The Issue*

The issue to be resolved in this case is whether respondent should be held administratively liable.

### *The Court's Ruling*

The Court adopts the findings of fact and the recommendation of the IBP Board of Governors.

In administrative proceedings, the quantum of proof necessary for a finding of guilt is substantial evidence, *i.e.*, that amount of relevant evidence that a reasonable mind might accept as adequate to support a conclusion.<sup>21</sup>

In the case, the acts attributed to respondent were rebutted, proven to be factually inaccurate, or were not sufficiently proven by complainant with substantial evidence. Record shows that Cenon received a copy of the OCP Resolution dated December 21, 2016 on February 10, 2017.<sup>22</sup> Per 2000 NPS Rules of Appeal,<sup>23</sup> Cenon still had 15 days from receipt of the OCP Resolution or until February 25, 2017 within which to file his motion for reconsideration. Respondent, therefore, did not violate the CPR by making it appear that the subject Motion was filed on time considering that it was actually filed on time or on February 20, 2017. Moreover, complainant's allegation that

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<sup>18</sup> See Motion for Reconsideration dated November 26, 2019, *id.* at 337-341.

<sup>19</sup> *Id.* at 367-368.

<sup>20</sup> *Id.* at 367.

<sup>21</sup> *Atty. Aguirre v. Atty. Reyes*, A.C. No. 4355, January 8, 2020.

<sup>22</sup> *Rollo*, p. 291.

<sup>23</sup> Section 3 of Department Circular No. 70 provides, "*Period to appeal.* The appeal shall be taken within fifteen (15) days from receipt of the resolution, or of the denial of the motion for reconsideration/reinvestigation if one has been filed within fifteen (15) days from receipt of the assailed resolution. Only one motion for reconsideration shall be allowed."

respondent deliberately failed to furnish him a copy of the subject Motion, and in effect, depriving him of due process of law clearly lacks factual and legal basis because complainant himself admitted that he received a copy of the subject Motion through his Makati City address. In fact, he even filed a Comment/Opposition to the subject Motion.<sup>24</sup>

On this note, while the 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, the Court will also not hesitate to offer a mantle of meaningful protection from questionable suits as the case under consideration appears to be.<sup>25</sup>

**WHEREFORE**, the complaint against Atty. Oscar Carlo F. Cajucum is **DISMISSED** for utter lack of merit.

The Notice of Resolution dated June 18, 2019 of the Integrated Bar of the Philippines Board of Governors which resolved to adopt the findings of fact and recommendation of the Investigating Commissioner to dismiss the complaint, transmitted by letter dated November 9, 2021 of Atty. Avelino V. Sales, Jr., Director for Bar Discipline, together with the records of the case and flash drive file, is **NOTED**. The Notice of Resolution No. CBD-2021-01-01 dated January 9, 2021 of the Integrated Bar of the Philippines Board of Governors which denied complainant's Motion for Reconsideration is likewise **NOTED**.

**SO ORDERED."**

By authority of the Court:

*Misael Domingo C. Battung III*  
**MISAELO DOMINGO C. BATTUNG III**  
Division Clerk of Court  
*MSB*

Mr. Carlos P. Ty  
Complainant  
No. 212, C. Santos St.  
Brgy. Ugong, 1604 Pasig City

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<sup>24</sup> *Rollo*, p. 378.

<sup>25</sup> *Anacin v. Atty. Salonga*, A.C. No. 8764 (Notice), January 8, 2020.

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