



REPUBLIC OF THE PHILIPPINES

**Sandiganbayan**

QUEZON CITY

\*\*\*

**SEVENTH DIVISION**

*MINUTES of the proceedings held on February 8, 2024.*

*Present:*

*Justice MA. THERESA DOLORES C. GOMEZ-ESTOESTA ----- Chairperson*

*Justice ZALDY V. TRESPESES ----- Member*

*Justice GEORGINA D. HIDALGO ----- Member*

*The following resolution was adopted:*

**SB-23-CRM-0044 – People v. Herbert Constantine M. Bautista, et al.**

This resolves the following:

1. Prosecution’s **“OMNIBUS MOTION (TO COMPEL WITHDRAWAL OF APPEARANCE AND FILE AN OFFICIAL ENTRY OF APPEARANCE FOR ACCUSED ALDRIN CHIN CUÑA)”** dated February 1, 2024;

**GOMEZ-ESTOESTA, J.:**

In its *Omnibus Motion*, the prosecution alleged that all communications sent to the address on record of accused Aldrin C. Cuña’s (**accused Cuña**) counsel, Atty. Angel Enrico E. Mira, Jr. (**Atty. Mira**), have been returned for non-acceptance. Relatedly, the prosecution underscored that said counsel’s address has suddenly changed without the filing by him of any official entry of appearance, as follows:

<b>Address of counsel for accused Cuña</b>	
<i>Counsel’s address on record</i>	<i>Counsel’s address in the Comment/Opposition dated January 31, 2024</i>
Vergara Mira Law  2 <sup>nd</sup> Floor, West Wing Tower, 107 West Avenue, Quezon City (hereinafter <b>“Quezon City address”</b> )	The Law Office of Atty. Angel Enrico E. Mira, Jr.  Unit 12-M San Lorenzo Place, EDSA cor. Chino Roces Avenue, San Lorenzo, Makati City 1223 ( <b>“Makati City address”</b> for brevity)

*[Handwritten signature]*

**Resolution**

*People v. Herbert Constantine M. Bautista, et al.*

SB-23-CRM-0044

Page 2 of 4

X-----X

In light of the change of address, and to ensure proper service of pleadings and other papers to the accused, the prosecution thus prayed that Atty. Mira be directed to file a proper withdrawal for Vergara Mira Law and an official entry of appearance.

**THE COURT'S RULING**

The court is tasked two-fold with determining: (1) the necessity, if any, of the filing of a formal entry of appearance by Atty. Mira, being the counsel of accused Cuña; and (2) the propriety of the change of address by Atty. Mira without prior notification to the court and the parties.

On the first issue, there is no requirement that a written power of attorney must be obtained before an attorney may represent a certain client, in accordance with Section 5, Canon III of the *Code of Professional Responsibility and Accountability (CPRA)*:

SECTION 5. Authority of Lawyer to Appear. — A lawyer is **presumed** to be properly authorized to represent any cause in which he or she appears, and no written power of attorney is required to authorize him or her to appear in court for the client.

The court, tribunal, or other government agency may, on its own initiative or on motion of either party, on just cause, require a lawyer to produce or prove the authority to appear on behalf of the client. (Emphasis supplied)

Conformably with the cited provision, while the records do not contain any explicit written power of attorney by accused Cuña appointing Atty. Mira as his counsel, it is nonetheless *presumed* that Atty. Mira has been duly authorized as such because he has consistently been filing pleadings and appearing in open court on behalf of accused Cuña.

It would appear, however, that Atty. Mira's representation was initially made through VERGARA MIRA LAW, or a purported partnership, with office address in Quezon City. Later, Atty. Mira appeared as a solo practitioner in accused Cuña's *Comment/Opposition dated January 31, 2024* by indicating The Law Office of Atty. Angel Enrico E. Mira, Jr. as the counsel for accused Cuña, with office in Makati City. A substitution of counsel apparently pervaded. From a purported partnership to one of solo practice, this ostensibly flags a conflict in representation on who the counsel of record of accused Cuña is. A change in the mailing address likewise became evident, as pointed out by the prosecution.

On the second issue, it is basic that attorneys have the duty to accurately and faithfully indicate their professional information in the pleadings they file.

17-1

**Resolution**

*People v. Herbert Constantine M. Bautista, et al.*

SB-23-CRM-0044

Page 3 of 4

X-----X

It bears stressing that such information is not an empty formality, but necessary solemnities. The professional data “are not ends in themselves but crucial means to enhance the integrity, competence and credibility of the legal profession. They are vital to the dispensation of justice.”<sup>1</sup> The rationale therefor is explained by the Supreme Court in the recent case of *Lim v. Calleja*, “[i]ndicating one's professional information in the pleadings and papers filed before the courts serve to effectuate not only due process, but also make court processes credible, organized and efficient. A counsel's address, specifically, ensures that litigants are notified of incidents or developments in their cases.”<sup>2</sup>

This duty of attorneys to truthfully indicate their professional data stems from their broad ethical duty to commit no falsehood, as enshrined in the following provisions of Canon II of the *CPRA*:

Section 8, *supra*:

SECTION 8. *Prohibition Against Misleading the Court, Tribunal, or Other Government Agency.* — A lawyer shall not misquote, misrepresent, or mislead the court as to the existence or the contents of any document, argument, evidence, law, or other legal authority, or pass off as one's own the ideas or words of another, or assert as a fact that which has not been proven. (Emphasis supplied)

Section 11, *supra*:

SECTION 11. *False Representations or Statements; Duty to Correct.* — A lawyer shall not make false representations or statements. A lawyer shall be liable for any material damage caused by such false representations or statements.

A lawyer shall not, in demand letters or other similar correspondence, make false representations or statements, or impute civil, criminal, or administrative liability, without factual or legal basis.

A lawyer shall correct false or inaccurate statements and information made in relation to an application for admission to the bar, any pleading, or any other document required by or submitted to the court, tribunal or agency, as soon as its falsity or inaccuracy is discovered or made known to him or her. (Emphasis supplied)

Records reveal that Atty. Mira has been indicating his *Quezon City address* in all papers and pleadings filed by him, until the recent submission of his comment and opposition to the prosecution's formal offer of exhibits in which he used his *Makati City address*.<sup>3</sup> Notably, it does not appear that Atty. Mira has filed any manifestation, or other pleading, notifying the court of his change of professional address. Evidently, his use of two different office

<sup>1</sup> *Intestate Estate of Jose Uy v. Maghari*, A.C. No. 10525, September 1, 2015.

<sup>2</sup> A.C. No. 13582, June 14, 2023.

<sup>3</sup> Accused Cufia's Comment and Opposition to the Formal Offer of Evidence of the Prosecution dated January 30, 2024, p. 11.

17-1

**Resolution**

*People v. Herbert Constantine M. Bautista, et al.*

SB-23-CRM-0044

Page 4 of 4

X-----X

addresses understandably caused some confusion, seeming delay even, inasmuch as the prosecution's communications sent to his Quezon City address all appeared to be returned to sender.<sup>4</sup> Under these circumstances, to obviate any possible confusion or delays in the service of court processes or other documents filed by the parties, Atty. Mira should immediately notify the court and the parties the nature of his representation and to which of his office addresses (e.g., either the Quezon City address or the Makati City address) these court-bound documents and pleadings, and court processes, should be served.

**WHEREFORE**, within 72 hours from notice, Atty. Angel Enrico E. Mira, Jr. is directed to:

(i) **EXPLAIN** the nature of his appearance for accused Aldrin Chin Cuña, either through the Vergara Mira Law or The Law Office of Atty. Angel Enrico E. Mira, Jr., or whether substitution of counsel occurred; and

(ii) **SUBMIT** in writing his present and correct office address where he may be served with court-bound pleadings and court processes to ensure proper receipt thereof.

**SO ORDERED.**

  
**MA. THERESA DOLORES C. GOMEZ-ESTOESTA**

*Chairperson  
Associate Justice*

WE CONCUR:

  
**ZALBY V. TRESPESSES**  
*Associate Justice*

  
**GEORGINA D. HIDALGO**  
*Associate Justice*

---

<sup>4</sup> Prosecution's Omnibus Motion (To Compel Withdrawal of Appearance and File an Official Entry of Appearance for Accused Aldrin Chin Cuña), p. 1.