



MANOLITO A. JARO,
Complainant,

-versus-

LAJ JARO PAWNSHOP INC., and
NELSON A. JARO, CARLOTA V. JARO
GILBERT A. JARO, JOCELYN J. AMPOSTA,
and RHEA JARO-PALAD, in their capacity as
Stockholders, Directors, and Officers,
Respondents.

x-----x

IPV No. 10-2013-00013

For: Trademark Infringement
and/or Unfair Competition and
Violation of Section 165 of the
IP Code of the Protection
of Trade Names, with Prayer
for Temporary Restraining
Order and/or Injunction
and Damages

NOTICE OF ORDER

**THE LAW FIRM OF PARUNGAO MALIMAS
GAPASIN AND DORIA**
Counsel for the Complainant
2180 Chino Roces Avenue (formerly Pasong Tamo)
Makati City


NICOLAS & DE VEGA LAW OFFICES
Counsel for Respondents
16th Floor Suite 1607 AIC Burgundy Empire Tower
ADB Avenue cor. Sapphire & Garnet Roads
Ortigas Center, Pasig City

GREETINGS:

Please be informed that Order No. 2013 - 03 (D) dated November 25, 2013 (copy enclosed) was promulgated in the above entitled case.

Taguig City, November 25, 2013.

For the Director:


Atty. EDWIN DANILO A. DATING
Director III
Bureau of Legal Affairs



MANOLITO A. JARO,

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ORDER No. 2013-03 (D)

X ----- X

ORDER

On 28 May 2013, Manolito A. Jaro filed a Complaint for Trademark Infringement and/or Unfair Competition and Violation of Section 165 of the IP Code of the Protection of Trade Names, with Prayer for Temporary Restraining Order and/or Injunction and Damages against Respondents LAJ Jaro Pawnshop Inc., Nelson A. Jaro, Carlota V. Jaro, Gilbert A. Jaro, Jocelyn J. Amposta and Rhea Jaro-Palad.

On 18 June 2013, a Motion To Dismiss was filed by the Respondents, alleging that: the cause of action of the complainant had already prescribed; and the complaint filed should also be expunged from the records for failure of the counsel to comply with the Mandatory Continuing Legal Education and to indicate his MCLE Certificate of Compliance or Certificate of Exemption as required by Bar Matter No. 1922.

On 4 July 2013, an order was issued directing the Complainant to file his Comment/Opposition and the Respondents to file their Reply if necessary.

On 26 July 2013, the Comment to the Motion to Dismiss was filed by the Complainant. On the said Comment, the Complainant argued, among others, that technical rules of court and other administrative issuances must be liberally construed.

From an examination of the complaint, it is evident that the counsel, Atty. Richard Joseph Doria, who prepared and signed the Complaint in this case did not state his MCLE Compliance Number. Instead, the one indicated was a note stating that the release of the MCLE compliance was still pending.

The Respondents further alleged that the complainant's counsel did not only fail to indicate the MCLE compliance number in the pleading but was in fact never attended the required MCLE seminar for the third and fourth compliance period as evidence by the certification from Mandatory Continuing Legal Education Office.

The above allegations were not refuted by the complainant counsel on its Comment. Instead, another lawyer from the same law office, Atty. Napoleon M. Malimas, prepared the Comment and claimed that he was the lead counsel in the present case. He further explained that he was the one supposed to sign the Complaint but failed to do so due to unspecified reason. He then obliged to submit to this Office the MCLE Certificate of Compliance of Atty. Doria. However, up to the present, the said MCLE Certificate of Compliance was not submitted to this Office.

The relevant rule, namely, the Supreme Court Resolution on Bar Matters No. 1922 series of 2008 provides as follows:

The Court further Resolved, upon the recommendation of the Committee on Legal Education and Bar Matters, **to REQUIRE practicing members of the bar to INDICATE in all pleadings filed before the courts or quasi-judicial bodies**, the number and date of issue of their MCLE Certificate of Compliance or Certificate of Exemption, as may be applicable, for the immediately preceding compliance period. **Failure to disclose the required information would cause the dismissal of the case and the expunction of the pleadings from the records.** (Emphasis Supplied)

In *Specificque Garments Manufacturing, Inc. vs. LT2 LLC*¹, the Office of the Director General of the Intellectual Property Office, in dismissing the case, had expressly ruled that:

The requirement [Bar Matter No. 1922] took effect on 01 January 2009 and covers all pleadings filed in court and quasi-judicial bodies. Based on the clear and unequivocal wordings of the Supreme Court, **the dismissal of the case and expunction of the pleadings from the records for non-compliance are mandatory.** (Emphasis Supplied)

Thus, based on the above premises and pursuant to the Supreme Court Resolution on Mandatory Continuing Legal Education particularly Bar Matter No. 1922 in relation to Bar Matter No. 850, this Office has no recourse but to dismiss the case and expunge the Complaint dated 23 May 2013.

WHEREFORE, premises considered, the Complaint dated 23 May 2013 is hereby **EXPUNGED** from the records. Consequently, the instant case is thereby **DISMISSED**.

SO ORDERED.

Taguig City, 25 November 2013.


ATTY. NATHANIEL S. AREVALO
Director IV
Bureau of Legal Affairs

¹ Appeal No. 14-08-43