



Republic of the Philippines
Supreme Court
Manila

EN BANC

DIONNIE RICAFORT,
Complainant,

A.C. No. 5179

Present:

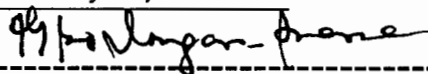
SERENO, C.J.,
CARPIO,
VELASCO, JR.,
LEONARDO-DE CASTRO,*
BRION,
PERALTA,
BERSAMIN,
DEL CASTILLO,
PEREZ,
MENDOZA,
REYES,
PERLAS-BERNABE,**
LEONEN,
JARDELEZA,*** and
CAGUIOA, JJ.

-versus

ATTY. RENE O. MEDINA,
Respondent.

Promulgated:

May 31, 2016



X-----X

RESOLUTION

LEONEN, J.:

Complainant Dionnie Ricafort filed a complaint for disbarment¹

* On official business.

** On official business.

*** On official leave.

¹ Rollo, pp. 1-7.



against respondent Atty. Rene O. Medina on December 10, 1999.²

Complainant alleged that at about 7:30 a.m. on October 4, 1999, his tricycle sideswiped respondent's car along Sarvida Street in Surigao City.³ Respondent alighted from his car and confronted complainant. Respondent allegedly snapped at complainant, saying: "*Wa ka makaila sa ako?*" ("Do you not know me?") Respondent proceeded to slap complainant, and then left.⁴

Later, Manuel Cuizon, a traffic aide, informed complainant of the plate number of respondent's car.⁵ Complainant later learned that the driver of the car was Atty. Rene O. Medina, a provincial board member of Surigao del Norte.⁶

According to complainant, he felt "hurt, embarrassed[,] and humiliated."⁷ Respondent's act showed arrogance and disrespect for his oath of office as a lawyer. Complainant alleged that this act constituted gross misconduct.⁸

Attached to complainant's letter were his Affidavit,⁹ Manuel Cuizon's Affidavit,¹⁰ and a letter¹¹ dated October 27, 1999 signed by Mayor Arlencita E. Navarro (Mayor Navarro), League of Mayors President of Surigao del Norte Chapter. In her letter, Mayor Navarro stated that respondent slapped complainant and caused him great humiliation.¹² Thus, respondent should be administratively penalized for his gross misconduct and abuse of authority:

Dear Mr. Chief Justice:

This is to bring to your attention an incident that occurred last October 4, 1999 in Surigao City, committed by Provincial Board Member Rene O. Medina.

The said public official slapped in full public view a certain **Donnie Ricafort**, a tricycle driver, causing great humiliation on the person. We believe that such conduct is very unbecoming of an elected official. Considering the nature and purpose of your Office, it is respectfully submitted that appropriate action be taken on the matter as

² Id. at 121.

³ Id.

⁴ Id. at 3.

⁵ Id. at 121.

⁶ Id.

⁷ Id. at 4.

⁸ Id. at 5.

⁹ Id. at 9.

¹⁰ Id. at 10.

¹¹ Id. at 21-23.

¹² Id. at 21.

such uncalled for abuse consists of gross misconduct and abuse of authority.

Attached herewith is a copy of the affidavit of the victim and the petition of the Municipal Mayors League of Surigao del Norte.

Thank you very much for your attention and more power.

Very truly yours,

(Sgd.)

Mayor ARLENCITA E. NAVARRO
Mayor's League President
Surigao del Norte Chapter¹³
(Emphasis in the original)

Attached to Mayor Navarro's letter were two (2) pages containing the signatures of 19 Mayors of different municipalities in Surigao Del Norte.¹⁴

In his Comment,¹⁵ respondent denied slapping complainant. He alleged that the incident happened while he was bringing his 10-year-old son to school.¹⁶ He further alleged that complainant's reckless driving caused complainant's tricycle to bump the fender of respondent's car.¹⁷ When respondent alighted from his car to check the damage, complainant approached him in an unfriendly manner.¹⁸ Respondent pushed complainant on the chest to defend himself.¹⁹ Sensing, however, that complainant was not making a move against his son and himself, respondent asked complainant if his tricycle suffered any damage and if they should wait for a traffic officer.²⁰ Both parties agreed that they were both too busy to wait for a traffic officer who would prepare a sketch.²¹ No traffic officer was present during the incident.²²

Four or five days after the traffic incident, respondent became the subject of attacks on radio programs by the Provincial Governor's allies, accusing him of slapping the tricycle driver.²³ He alleged that complainant's Affidavit was caused to be prepared by the Provincial Governor as it was prepared in the English language, which was unknown to complainant.²⁴

¹³ Id. Complainant's name is spelled in his Affidavit is "Dionnie" (Id. at 7).

¹⁴ Id. at 22-23.

¹⁵ Id. at 43-45.

¹⁶ Id.

¹⁷ Id.

¹⁸ Id.

¹⁹ Id.

²⁰ Id.

²¹ Id. at 43-44.

²² Id. at 44.

²³ Id.

²⁴ Id.

Respondent was identified with those who politically opposed the Provincial Governor.²⁵

According to respondent, the parties already settled whatever issue that might have arisen out of the incident during the conciliation proceedings before the Office of the Punong Barangay of Barangay Washington, Surigao City.²⁶ During the proceedings, respondent explained that he pushed complainant because of fear that complainant was carrying a weapon, as he assumed tricycle drivers did.²⁷ On the other hand, complainant explained that he went near respondent to check if there was damage to respondent's car.²⁸ As part of the settlement, respondent agreed to no longer demand any indemnity for the damage caused by the tricycle to his car.²⁹

Attached to respondent's Comment was the Certification³⁰ dated October 27, 2006 of the Officer-in-Charge Punong Barangay stating that the case had already been mediated by Punong Barangay Adriano F. Laxa and was amicably settled by the parties.³¹

On December 5, 2006, this Court referred the case to the Integrated Bar of the Philippines for investigation, report, and recommendation.³²

Only respondent appeared in the Mandatory Conference set by the Integrated Bar of the Philippines on July 20, 2007.³³ Integrated Bar of the Philippines Commissioner Jose I. De La Rama, Jr. (Commissioner De La Rama) noted the Certification from Barangay Washington, Surigao City attesting that the case between the parties had already been settled.³⁴ Commissioner De La Rama supposed that this settlement "could be the reason why the complainant has not been appearing in this case[.]"³⁵ The Mandatory Conference was reset to September 21, 2007.³⁶

In the subsequent Mandatory Conference on September 21, 2007, only respondent appeared.³⁷ Hence, the Commission proceeded with the case ex-parte.³⁸

²⁵ Id.

²⁶ Id.

²⁷ Id.

²⁸ Id.

²⁹ Id.

³⁰ Id. at 49.

³¹ Id. at 44 and 49.

³² Id. at 52.

³³ Id. at 97, Order dated July 20, 2007.

³⁴ Id.

³⁵ Id.

³⁶ Id.

³⁷ Id. at 101, Integrated Bar of the Philippines Order.

³⁸ Id.

In his Report³⁹ dated July 4, 2008, Commissioner De La Rama recommended the penalty of suspension from the practice of law for 60 days from notice for misconduct and violation of Canon 7, Rule 7.03 of the Code of Professional Responsibility, thus:

WHEREFORE, in view of the foregoing, it is with deep regret to recommend for the suspension of Atty. Rene O. Medina from the practice of law for a period of sixty (60) days from notice hereof due to misconduct and violation of Canon 7.03 of the Code of Professional Responsibility, for behaving in a scandalous manner that tends to discredit the legal profession.⁴⁰ (Emphasis in the original)

Commissioner De La Rama found that contrary to respondent's claim, there was indeed a slapping incident.⁴¹ The slapping incident was witnessed by one Manuel Cuizon, based on: (1) the photocopy of Manuel Cuizon's Affidavit attached to complainant's complaint;⁴² and (2) the signatures on the League of Mayors' letter dated October 29, 1999 of the Surigao Mayors who believed that respondent was guilty of gross misconduct and abuse of authority and should be held administratively liable.⁴³

On August 14, 2008, the Integrated Bar of the Philippines Board of Governors issued the Resolution⁴⁴ adopting and approving with modification Commissioner De La Rama's recommendation, thus:

*RESOLVED to ADOPT and APPROVE, as it is hereby unanimously ADOPTED and APPROVED, with modification, the Report and Recommendation of the Investigating Commissioner of the above-entitled case, herein made part of this Resolution as Annex "A"; and, finding the recommendation fully supported by the evidence on record and the applicable laws and rules, and considering Respondent's misconduct and violation of Canon 7.03 of the Code of Professional Responsibility, for behaving in a scandalous manner, Atty. Rene O. Medina is hereby **SUSPENDED** from the practice of law for thirty (30) days.⁴⁵ (Emphasis in the original)*

Respondent moved for reconsideration⁴⁶ of the Board of Governors' August 14, 2008 Resolution. The Motion for Reconsideration was denied by the Board of Governors in the Resolution⁴⁷ dated March 22, 2014.

We resolve whether respondent Atty. Rene O. Medina should be held

³⁹ Id. at 121–128.

⁴⁰ Id. at 128.

⁴¹ Id. at 124.

⁴² Id.

⁴³ Id. at 125.

⁴⁴ Id. at 120.

⁴⁵ Id.

⁴⁶ Id. at 139–142, Motion for Reconsideration dated November 24, 2008.

⁴⁷ Id. at 153.

administratively liable.

There is sufficient proof to establish that respondent slapped complainant.

Respondent's defense consists of his denial that the slapping incident happened.⁴⁸ He stresses complainant's seeming disinterest in and lack of participation throughout the case and hints that this administrative case is politically motivated.⁴⁹

It is true that this Court does not tolerate the unceremonious use of disciplinary proceedings to harass its officers with baseless allegations. This Court will exercise its disciplinary power against its officers only if allegations of misconduct are established.⁵⁰ A lawyer is presumed to be innocent of the charges against him or her. He or she enjoys the presumption that his or her acts are consistent with his or her oath.⁵¹

Thus, the burden of proof still rests upon complainant to prove his or her claim.⁵²

In administrative cases against lawyers, the required burden of proof is preponderance of evidence,⁵³ or evidence that is superior, more convincing, or of "greater weight than the other."⁵⁴

In this case, complainant discharged this burden.

During the fact-finding investigation, Commissioner De La Rama—as the Integrated Bar of the Philippines Board of Governors also adopted—found that the slapping incident actually occurred.⁵⁵

The slapping incident was not only alleged by complainant in detail in his signed and notarized Affidavit;⁵⁶ complainant's Affidavit was also supported by the signed and notarized Affidavit⁵⁷ of a traffic aide present

⁴⁸ Id. at 43, Comment.

⁴⁹ Id. at 44.

⁵⁰ See *Ferancullo v. Atty. Ferancullo, Jr.*, 538 Phil. 501, 511 (2006) [Per J. Tinga, En Banc].

⁵¹ *Aba v. De Guzman, Jr.*, 678 Phil. 588, 599–600 (2011) [Per J. Carpio, Second Division]; *In Re: Atty. Felizardo M. De Guzman*, 154 Phil. 127, 133 (1974) [Per J. Muñoz Palma, First Division]; *In Re: De Guzman v. Tadeo*, 68 Phil. 554, 554–555 and 558–559 (1939) [Per J. Laurel, En Banc,]; *In Re: Atty. Eusebio Tionko*, 43 Phil. 191, 191 and 194 (1922) [Per J. Malcolm, En Banc,]; *Acosta v. Serrano*, 166 Phil. 257, 262 (1977) [Per J. Bernardo, Second Division].

⁵² *Atty. Solidon v. Atty. Macalalad*, 627 Phil. 284, 289 (2010) [Per J. Brion, Second Division].

⁵³ Id.

⁵⁴ *Guevarra v. Eala*, 555 Phil. 713, 725 (2007) [Per Curiam, En Banc].

⁵⁵ *Rollo*, p. 124, Commissioner's Report.

⁵⁶ Id. at 9.

⁵⁷ Id. at 20.

during the incident. It was even the traffic aide who informed complainant of respondent's plate number.⁵⁸

In finding that complainant was slapped by respondent,⁵⁹ Commissioner De La Rama gave weight to the letter sent by the League of Mayors and ruled that "the people's faith in the legal profession eroded"⁶⁰ because of respondent's act of slapping complainant.⁶¹ The Integrated Bar of the Philippines Board of Governors correctly affirmed and adopted this finding.

The League of Mayors' letter, signed by no less than 19 Mayors, strengthened complainant's allegations. Contrary to respondent's claim that it shows the political motive behind this case, the letter reinforced complainant's credibility and motive. The presence of 19 Mayors' signatures only reinforced the appalling nature of respondent's act. It reflects the public's reaction to respondent's display of arrogance.

The purpose of administrative proceedings is to ensure that the public is protected from lawyers who are no longer fit for the profession. In this instance, this Court will not tolerate the arrogance of and harassment committed by its officers.

Canon 7, Rule 7.03 of the Code of Professional Responsibility provides:

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.

By itself, the act of humiliating another in public by slapping him or her on the face hints of a character that disregards the human dignity of another. Respondent's question to complainant, "*Wa ka makaila sa ako?*" ("Do you not know me?") confirms such character and his potential to abuse the profession as a tool for bullying, harassment, and discrimination.

This arrogance is intolerable. It discredits the legal profession by perpetuating a stereotype that is unreflective of the nobility of the profession. As officers of the court and of the law, lawyers are granted the privilege to serve the public, not to bully them to submission.

⁵⁸ Id. at 4.

⁵⁹ Id. at 126.

⁶⁰ Id. at 127.

⁶¹ Id.



Good character is a continuing qualification for lawyers.⁶² This Court has the power to impose disciplinary sanctions to lawyers who commit acts of misconduct in either a public or private capacity if the acts show them unworthy to remain officers of the court.⁶³

This Court has previously established that disciplinary proceedings against lawyers are *sui generis*.⁶⁴ They are neither civil nor criminal in nature. They are not a determination of the parties' rights. Rather, they are pursued as a matter of public interest and as a means to determine a lawyer's fitness to continue holding the privileges of being a court officer. In *Ylaya v. Gacott*:⁶⁵

Public interest is its primary objective, and the real question for determination is whether or not the attorney is still a fit person to be allowed the privileges as such. Hence, in the exercise of its disciplinary powers, the Court merely calls upon a member of the Bar to account for his actuations as an officer of the Court with the end in view of preserving the purity of the legal profession and the proper and honest administration of justice by purging the profession of members who by their misconduct have proved themselves no longer worthy to be entrusted with the duties and responsibilities pertaining to the office of an attorney. In such posture, there can thus be no occasion to speak of a complainant or a prosecutor.⁶⁶

As in criminal cases, complainants in administrative actions against lawyers are mere witnesses. They are not indispensable to the proceedings. It is the investigative process and the finding of administrative liability that are important in disciplinary proceedings.⁶⁷

Hence, complainant's absence during the hearings before the Integrated Bar of the Philippines is not a bar against a finding of administrative liability.

WHEREFORE, the findings of fact of the Integrated Bar of the Philippines are **ADOPTED** and **APPROVED**. Respondent Atty. Rene O. Medina is found to have violated Canon 7, Rule 7.03 of the Code of Professional Responsibility, and is **SUSPENDED** from the practice of law for three (3) months.

Let copies of this Resolution be attached to the personal records of respondent as attorney, and be furnished to the Office of the Bar Confidant, the Integrated Bar of the Philippines, and the Office of the Court

⁶² *Rural Bank of Silay, Inc. v. Pilla*, 403 Phil. 1, 9 (2001) [Per J. Kapunan, En Banc].

⁶³ *Ducat, Jr. v. Villalon, Jr.*, 392 Phil. 394, 402 (2000) [Per J. De Leon, Jr., Second Division].

⁶⁴ *Ylaya v. Gacott*, 702 Phil. 390, 406 (2013) [Per J. Brion, Second Division].

⁶⁵ *Ylaya v. Gacott*, 702 Phil. 390 (2013) [Per J. Brion, Second Division].

⁶⁶ *Id.* at 407.

⁶⁷ *Id.*


Administrator for proper dissemination to all courts throughout the country.

SO ORDERED.




MARVIC M.V.F. LEONEN
Associate Justice

WE CONCUR:



MARIA LOURDES P. A. SERENO
Chief Justice



ANTONIO T. CARPIO
Associate Justice

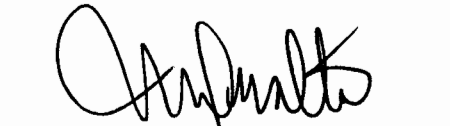


PRESBITERO J. VELASCO, JR.
Associate Justice

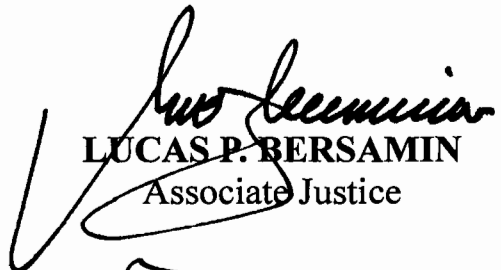
On official business
TERESITA J. LEONARDO-DE CASTRO
Associate Justice



ARTURO D. BRION
Associate Justice



DIOSDADO M. PERALTA
Associate Justice



LUCAS P. BERSAMIN
Associate Justice



MARIANO C. DEL CASTILLO
Associate Justice



JOSE PORTUGAL PEREZ
Associate Justice



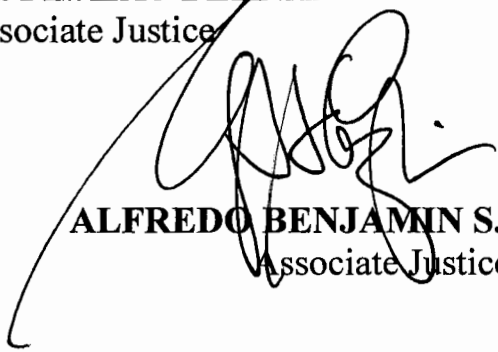
JOSE CATRAL MENDOZA
Associate Justice



BIENVENIDO L. REYES
Associate Justice

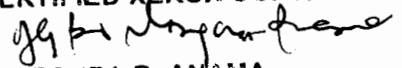
On official business
ESTELA M. PERLAS-BERNABE
Associate Justice

On official leave
FRANCIS H. JARDELEZA
Associate Justice



ALFREDO BENJAMIN S. CAGUIOA
Associate Justice

CERTIFIED XEROX COPY:



FELIPA B. ANAMA
CLERK OF COURT, EN BANC
SUPREME COURT