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FEB 27 2020

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TIME: 2:14



Republic of the Philippines  
Supreme Court  
Manila

FIRST DIVISION

NARCISO L. HIPOLITO,  
Complainant,

A.C. No. 12485

Present:

- versus -

PERALTA, C.J., Chairperson,  
CAGUIOA, Working Chairperson,  
REYES, J. JR.,  
LAZARO-JAVIER, and  
LOPEZ, JJ.

ATTY. MA. CARMINA M.  
ALEJANDRO-ABBAS and  
ATTY. JOSEPH ANTHONY M.  
ALEJANDRO,  
Respondents.

Promulgated:

DEC 10 2019

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RESOLUTION

REYES, J. JR., J.:

This is an administrative complaint for grave abuse of authority and for conduct unbecoming of a lawyer in relation to Canon 1,<sup>1</sup> Rule 1.01<sup>2</sup> of the Code of Professional Responsibility (CPR) against siblings Attys. Ma. Carmina M. Alejandro-Abbas (Atty. Alejandro-Abbas) and Joseph Anthony M. Alejandro (Atty. Alejandro) (collectively, respondents).

Facts

Narciso L. Hipolito (complainant) and his family were in actual and physical possession of the disputed property located at Brgy. San Pedro,

<sup>1</sup> CANON 1 - A LAWYER SHALL UPHOLD THE CONSTITUTION, OBEY THE LAWS OF THE LAND AND PROMOTE RESPECT FOR LAW OF AND LEGAL PROCESSES.

<sup>2</sup> Rule 1.01 - A lawyer shall not engage in unlawful, dishonest, immoral or deceitful conduct.

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Bustos, Bulacan, which was planted with mango and other fruit-bearing trees. Complainant also constructed his family home on the property.<sup>3</sup>

In the morning of February 8, 2015, respondents, together with some 30 to 40 unidentified men, entered complainant's property and began demolishing his house, structures, and other farming implements using a hammer, mallet, crowbar, and other tools.<sup>4</sup> When complainant and his family attempted to stop said activity, Atty. Alejandro-Abbas uttered the words: "*Huwag kayong makialam. Huwag magsasalita. Lupa namin ito. Ang gumalaw mapahamak. Mabuti pang tumahimik na lamang kayo at lumayas na dito sa aming lupain!*" While Atty. Alejandro said: "*Putangna ninyo, huwag kayong aasta kung ayaw ninyong madisgrasya. Abogado kami. Magdemanda kayo kung saan ninyo gusto mga putangna ninyo at haharapin namin kayo!*"<sup>5</sup>

The above incident was repeated on February 14, 2015. After which, Atty. Alejandro-Abbas left with a warning: "*Bantayan ninyo iyan. Pag gumalaw at nanlaban, barilin at patayin ninyo at kami ang bahalang magkapatid, mga putangnang iyan ayaw pang umalis sa lupain namin!*"<sup>6</sup>

These incidents were reported to the barangay hall and the police,<sup>7</sup> but they, too, were allegedly threatened by the respondents.

Because of these events, complainant lodged the instant administrative complaint before the Integrated Bar of the Philippines (IBP) Commission on Bar Discipline (CBD) for grave abuse of authority and conduct unbecoming of a lawyer, in violation of Canon 1, Rule 1.01 of the CPR against respondents docketed as CBD Case No. 15-4527.

Respondents moved for the consolidation of CBD Case No. 15-4527 with an earlier case docketed as CBD Case No. 15-4526 on the ground that both cases were related to the case filed by complainant before the Department of Agrarian Reform Adjudicatory Board (DARAB).<sup>8</sup> The motion for consolidation was apparently not favorably acted upon by the CBD as the latter went on to resolve CBD Case No. 15-4527 alone.<sup>9</sup>

In their Consolidated Verified Position Paper,<sup>10</sup> respondents averred that the administrative complaint was indisputably related to the DARAB complaint where the complainant alleged similar facts. According to respondents, the DARAB complaint constitutes the civil aspect of the

<sup>3</sup> *Rollo*, p. 31.

<sup>4</sup> *Id.* at 68.

<sup>5</sup> *Id.*

<sup>6</sup> *Id.*

<sup>7</sup> *Id.* at 14 and 16.

<sup>8</sup> Docketed as Case No. R-03-02-0141'15 to 0142'15.

<sup>9</sup> *Rollo*, p. 69.

<sup>10</sup> *Id.* at 52-57.

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administrative complaint, and, as such, the outcome of the former should be considered in resolving the latter.<sup>11</sup>

Respondents further argued that said DARAB complaint was dismissed without prejudice for lack of cause of action. According to respondents, complainant was required to present his Certification of Land Ownership Award (CLOA) which was allegedly awarded to him by the Department of Agrarian Reform (DAR), but he failed to do so.<sup>12</sup>

Respondents contended that the instant administrative complaint, which was filed immediately after the DARAB complaint was filed, was a harassment case meant to scare respondents because complainant knew that his DARAB complaint had no leg to stand on.<sup>13</sup>

*Report and Recommendation of the  
IBP Commission on Bar Discipline*

On January 26, 2016, the Investigating Commissioner found that respondents violated Canon 1, Rule 1.01 of the CPR and recommended a penalty of three months suspension from the practice of law.<sup>14</sup> The Investigating Commissioner observed that respondents relied on the dismissal of the DARAB cases as their defense and did not categorically deny the acts of violence, threat, intimidation, and defamation which occurred on February 8 and 14, 2015, and, consequently, were deemed to have admitted the same.<sup>15</sup> Such high-handed and abusive conduct, according to the Investigating Commissioner, amounts to grave abuse of authority and conduct unbecoming of a lawyer, in violation of its duty to uphold the Constitution, obey the laws of the land, and promote respect for law and of legal processes.<sup>16</sup>

The Investigating Commissioner also observed that, even assuming respondents have superior right over the property, they should have employed legal means to effect their rights.<sup>17</sup>

Respondents' contention that the DARAB complaint was related to the administrative case was disregarded by the Investigating Commissioner who noted that the two cases involved different causes of action.<sup>18</sup>

Ultimately, the Investigating Commissioner concluded:

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<sup>11</sup> Id. at 53.

<sup>12</sup> Id.

<sup>13</sup> Id. at 54.

<sup>14</sup> Id. at 68-70.

<sup>15</sup> Id. at 69-70.

<sup>16</sup> Id. at 70.

<sup>17</sup> Id.

<sup>18</sup> Id. at 69.

**WHEREFORE, PREMISES CONSIDERED**, the undersigned recommends that a penalty of THREE (3) MONTHS SUSPENSION from the practice of law be imposed against the respondents for violation of Rule 1.01, Canon 1 of the Code of Professional Responsibility for Lawyers.

Respectfully submitted.<sup>19</sup>

*Resolution of the IBP Board of Governors*

On August 31, 2017, the Board of Governors of the IBP (IBP Board of Governors) passed Resolution No. XXIII-2017-019<sup>20</sup> increasing the recommended penalty of suspension from the practice of law from three months to six (6) months, thus:

*RESOLVED to ADOPT the findings of fact and recommendation of the Investigating Commissioner with modification by increasing the recommended penalty of Suspension from the practice of law three (3) months to six (6) months.*

*RESOLVED FURTHER to direct the Director, Commission on Bar Discipline to prepare an extended resolution explaining the Board of Governors' action.*<sup>21</sup> (Emphasis and italics in the original)

In an Extended Resolution<sup>22</sup> dated July 12, 2018, the IBP Board of Governors explained that respondents' highhanded and abusive conduct amounted to grave abuse of their authority as officers of the court and constitutes unlawful conduct proscribed under Canon 1, Rule 1.01 of the CPR.<sup>23</sup>

The records of the case were then transmitted to the Court for final action.<sup>24</sup> No motion for reconsideration or petition for review was filed by either party. At any rate, the Court proceeds with the final determination of respondents' administrative culpability, if any, pursuant to the Court's authority to discipline members of the bar.<sup>25</sup>

### Issue

The sole issue for resolution is whether respondents are guilty of grave abuse of authority and conduct unbecoming of a lawyer, in violation of Canon 1, Rule 1.01 of the CPR.

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<sup>19</sup> Id. at 70.

<sup>20</sup> Id. at 66.

<sup>21</sup> Id.

<sup>22</sup> Id. at 71-74.

<sup>23</sup> Id. at 74.

<sup>24</sup> Pursuant to Rule 139-B. Section 12(b) which provides:

If the Board, by the vote of a majority of its total membership, determines that the respondent should be suspended from the practice of law or disbarred, it shall issue a resolution setting forth its findings and recommendations which, together with the whole record of the case, shall forthwith be transmitted to the Supreme Court for final action.

<sup>25</sup> *The Flight Shop, Inc. v. Barican*, G.R. No. 9959 (Notice), February 10, 2014.

### Ruling of the Court

The Court affirms Resolution No. XXIII-2017-019 dated August 31, 2017 of the IBP Board of Governors, increasing the recommended penalty to six months.

At the outset, we reject respondents' contention that the resolution of the administrative complaint is related to or dependent upon the resolution of the DARAB complaint. The issue before us is whether respondents committed a violation of the CPR, while that of the DARAB complaint deals with the contested ownership over the property. The outcome of one case has no bearing on the resolution of the other, as there is neither identity of issues nor causes of action between the two.

It is, likewise, plain error to argue that the administrative complaint constitutes the civil aspect of the DARAB complaint. Complaints for disbarment or suspension are intended to cleanse the ranks of the legal profession of its undesirable members for the protection of the public and the courts. It is not meant to grant relief to a complainant as in a civil case.<sup>26</sup> Proceedings to discipline erring members of the bar are instituted not only for the protection and promotion of the public good, but also to maintain the dignity of the profession by weeding out those who have proven themselves unworthy.<sup>27</sup> The Court, therefore, has full authority to discipline respondents, when circumstances and evidence warrant, despite the alleged dismissal of the DARAB complaint.

Going to the pivotal issue of whether respondents should indeed be disciplined by the Court, we begin by emphasizing the time-honored principle that the practice of law is a privilege bestowed by the State only on those who possess and continue to possess the legal qualifications of the profession. Thus, lawyers are expected to maintain, at all times, a high standard of legal proficiency, morality, honesty, integrity and fair dealing, and must perform their four-fold duty to society, the legal profession, the courts and their clients.<sup>28</sup>

These standards hold true whether a lawyer acts in his or her professional or private capacity.<sup>29</sup> As such, a lawyer is required to observe the law and be mindful of his or her actions whether acting in a public or private capacity.<sup>30</sup> Consequently, a lawyer may be disciplined not only for

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<sup>26</sup> *Atty. Yumul-Espina v. Atty. Tabaquero*, 795 Phil. 653, 659 (2016).

<sup>27</sup> *Alpajora v. Atty. Calayan*, 850 Phil. 99, 113 (2018).

<sup>28</sup> *Molina v. Atty. Magat*, 687 Phil. 1, 5 (2012).

<sup>29</sup> *Tumbokon v. Pefianco*, 692 Phil. 202, 207 (2012).

<sup>30</sup> *Enriquez v. Atty. De Vera*, 756 Phil. 1, 11-12 (2015).

malpractice in connection with his or her profession, but also for gross misconduct outside of his professional capacity.<sup>31</sup>

In this case, the allegations that respondents forcibly entered the property and demolished the structures thereon, shouted invectives and used abusive language against complainant remain undisputed. In fact, respondents did not deny that these incidents actually occurred on February 8 and 14, 2015, nor did they offer any justification for said acts. Although respondents claim to be the rightful owners of the property, they are without authority to use force and violence to eject complainant who was in prior physical possession of it. The rule of law does not allow the mighty and the privileged to take the law into their own hands to enforce their alleged rights.<sup>32</sup> As lawyers, respondents are deemed to know the law,<sup>33</sup> but their actions demonstrate a deliberate disobedience to the rule of law, in violation of Canon 1, Rule 1.01 of the CPR. We remind respondents that as lawyers, they ought to be keepers of public faith, and, are thus, burdened with a high degree of social responsibility and must handle their personal affairs with greater caution.<sup>34</sup>

Aside from the IBP Board of Governors' finding that respondents violated Canon 1, Rule 1.01, we also find respondents to be guilty of violating Canon 7, Rule 7.03 which provides:

CANON 7 – A LAWYER SHALL AT ALL TIMES UPHOLD THE INTEGRITY AND DIGNITY OF THE LEGAL PROFESSION x x x.

x x x x

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.

For the Court, respondents erred in their conduct, especially in taunting complainant to file a case against them and threatening the latter that they can defend themselves as they are lawyers. Part of respondents' duties as lawyers is to maintain the dignity owing to the profession. When respondents misused their profession to intimidate complainant, they transgressed the mandates of Canon 7, Rule 7.03.

While complainant seeks that respondent be disbarred, we find that suspension from the practice of law is sufficient to discipline respondents. The supreme penalty of disbarment is meted out only in clear cases of misconduct that seriously affect the standing and character of the lawyer as an officer of the court. Where a lesser penalty will suffice to accomplish the

<sup>31</sup> *Philippine Amusement and Gaming Corp. v. Atty. Carandang*, 516 Phil. 299, 306 (2006).

<sup>32</sup> *Heirs of Laurora v. Sterling Technopark III*, 449 Phil. 181, 188 (2003).

<sup>33</sup> *Philippine Amusement and Gaming Corp. v. Atty. Carandang*, supra note 31.

<sup>34</sup> *Valdez v. Dabon, Jr.*, 773 Phil. 109, 126 (2015).

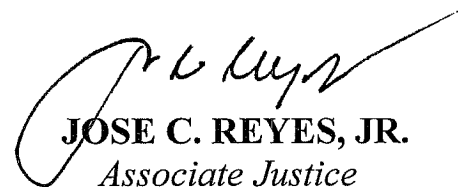
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desired end, the court will not disbar an erring lawyer.<sup>35</sup> Here, we find the suspension for six months as a sufficient sanction against respondents to protect the public and the legal profession.<sup>36</sup>

**WHEREFORE**, we find Atty. Ma. Carmina M. Alejandro-Abbas and Atty. Joseph Anthony M. Alejandro **LIABLE** for violation of Canon 1, Rule 1.01 and Canon 7, Rule 7.03 of the Code of Professional Responsibility and are hereby **SUSPENDED** from the practice of law for six (6) months effective from the date of their receipt of this Resolution.


Let copies of this Resolution be furnished the Office of the Bar Confidant to be entered in respondents' personal records as members of the Philippine Bar, the Integrated Bar of the Philippines for distribution to all its chapters, and the Office of the Court Administrator for circulation to all courts.

**SO ORDERED.**



**JOSE C. REYES, JR.**  
*Associate Justice*

**WE CONCUR:**



**DIOSDADO M. PERALTA**  
*Chief Justice*  
*Chairperson*



**ALFREDO BENJAMIN S. CAGUIOA**  
*Associate Justice*



**AMY C. LAZARO-JAVIER**  
*Associate Justice*



**MARIO V. LOPEZ**  
*Associate Justice*

<sup>35</sup> *Spouses Saburnido v. Madroño*, 418 Phil. 241, 248 (2001).

<sup>36</sup> *See Dr. Sanchez v. Atty. Somoso*, 459 Phil. 209 (2003) and *Samaniego v. Atty. Ferrer*, 578 Phil. 1 (2008).