

## THIRD DIVISION

[ A.C. No. 10204, September 14, 2020 ]

**JUDGE ROSEMARIE V. RAMOS, REGIONAL TRIAL COURT,  
BRANCH 19, BANGUI, ILOCOS NORTE, COMPLAINANT, VS. ATTY.  
VICENTITO M. LAZO, RESPONDENT.**

### DECISION

**GAERLAN, J.:**

This resolves the Verified Disbarment Complaint/Letter Affidavit (With Urgent Prayer for Injunction/Gag Order)<sup>[1]</sup> filed by Judge Rosemarie V Ramos (Judge Ramos) against Atty. Vicentito M. Lazo (Atty. Lazo) for violation of the Code of Professional Responsibility.

#### The Antecedents

On September 9, 2013, Atty. Lazo, a member of the *Sangguniang Panlalawigan* of Ilocos Norte delivered a speech during the Question and Privilege Hour of the *Sangguniang Panlalawigan*. In his Speech, he related that in Criminal Case Nos. 2131-2131-19, pending before the Regional Trial Court (RTC), Branch 19, Bangui, Ilocos Norte, Presiding Judge Ramos issued an Order inhibiting from the case in view of a report made to the OIC Prosecutor that she received P2,000,000.00 in exchange for the acquittal of the four accused. He urged Judge Ramos to inhibit, and implored the *Sangguniang Panlalawigan* to monitor the case closely to avoid the possibility of money changing hands.<sup>[2]</sup>

Subsequently, on September 16, 2013, Atty. Lazo again delivered a speech<sup>[3]</sup> before the *Sangguniang Panlalawigan* regarding Criminal Case No. 1962 for illegal sale of dangerous drugs decided by Judge Ramos. Atty. Lazo intimated that there was something "fishy" about the case.<sup>[4]</sup> Allegedly, the case was re-opened to receive newly discovered evidence, which eventually resulted to an acquittal. Atty. Lazo theorized that the reversal was due to Judge Ramos' personal bias in favor of the accused's relative who is "'very, very, very, very close" to her.<sup>[5]</sup> He likewise mentioned a rumor about justice for sale at Judge Ramos' sala. Accordingly, Atty. Lazo implored his colleagues to scrutinize the case and file a complaint against Judge Ramos before the Office of the Court Administrator (OCA).<sup>[6]</sup> In both instances, the media was present during the delivery of Atty. Lazo's speeches.<sup>[7]</sup>

Thereafter, the *Sangguniang Panlalawigan* passed Provincial Resolution No. 011-2013 entitled "A Resolution Imploring the Honorable Supreme Court to Conduct an Investigation to Determine the Moral Fitness and Competence of Judge Rosemarie V. Ramos to Continue to Sit as Presiding Judge of the Regional Trial Court, Branch 19 in Bangui, Ilocos Norte."<sup>[8]</sup> However, the Complaint was returned for failure to comply with the required form.<sup>[9]</sup>

On December 9, 2013, Atty. Lazo, in his personal capacity, filed an administrative complaint against Judge Ramos. The case was docketed as OCA IPI No. 13-4177-RTJ.<sup>[10]</sup>

Meanwhile, Judge Ramos filed a Verified Disbarment Complaint/Letter Affidavit (With Urgent Prayer for Injunction/Gag Order)<sup>[11]</sup> dated October 3, 2013 against Atty. Lazo. She alleged that Atty. Lazo violated Canons 1, Rule 1.02; Canon 11, Rules 11.04 and 11.05; and Canon 13, Rule 13.02 of the Code of Professional Responsibility. She claimed that Atty. Lazo helplessly slandered and insulted her in public out of personal interest and pure malice. She likewise charged Atty. Lazo of "maliciously flaunting his unfounded, baseless and highly speculative imputations"<sup>[12]</sup> against her in the public and the media, thereby stirring "anti-sentiments against her"<sup>[13]</sup> and the office she holds.<sup>[14]</sup>

### **IBP Report and Recommendation**

On July 15, 2016, IBP Commissioner Peter M. Bantilan (Commissioner Bantilan) issued a Report and Recommendation<sup>[15]</sup> recommending Atty. Lazo's suspension from the practice of law for a period of one year. Commissioner Bantilan opined that Atty. Lazo was compelled by bad faith and malice in delivering his speeches.<sup>[16]</sup> He knew fully well that the media was present and he attempted to publicize allegations of bribery and suspicions of irregularity in the cases handled by Judge Ramos. In turn, his acts destroyed the integrity of the RTC of Bangui, Ilocos Norte and cast doubt on the court's ability to exercise fairness and deliver justice.<sup>[17]</sup> He transgressed the Code of Professional Responsibility which mandates that a lawyer must promote respect for the courts, legal processes, and judicial officers, and shall not attribute to a judge motives not supported by the records or have no materiality to the case. Moreover, his concerns about Judge Ramos' illicit conduct should have been resolved by submitting a grievance before this Court.<sup>[18]</sup>

The dispositive portion of the Report and Recommendation reads:

WHEREFORE, it is respectfully recommended the herein respondent be declared guilty of violating Canon 1, Rule 1.02, Canon 11, Rule 11.04, Rule 11.05, and Rule 13.02 of the Code of Professional Responsibility for which he should be suspended from the practice of law for a period of one (1) year with a stern warning that a repetition of the same or similar wrongdoing will be dealt with more severely.<sup>[19]</sup>

### **IBP Board of Governors Resolution**

On May 27, 2017, the IBP Board of Governors passed a Resolution<sup>[20]</sup> dismissing the Complaint, viz.:

*RESOLVED to REVERSE the recommendations of the Investigating Commissioner and to **DISMISS** the complaint.*

*RESOLVED FURTHER to direct CIBD Assistant Director Leo B. Malagar to prepare an extended resolution explaining the Board's action.<sup>[21]</sup>*

In an Extended Resolution<sup>[22]</sup> dated June 23, 2019, the IBP Board of Governors explained that Atty. Lazo, as a member of the *Sangguniang Panlalawigan*, was well-

within his rights to make a privileged speech subject to the limitations of its rules of procedure, laws and the Constitution. The manner in which Atty. Lazo delivered his speeches did not violate the Code of Professional Responsibility or Rule 138, Section 27 of the Rules of Court. In the same vein, he may not be faulted for the presence of the media because all the sessions of the *Sangguniang Panlalawigan* are open to the public.<sup>[23]</sup>

### **Issue**

The main issue raised in the instant case is whether or not Atty. Lazo is administratively liable for violating Canon 1, Rule 1.02, Canon 11, Rules 11.04 and 11.05, Canon 13, and Rule 13.02 of the Code of Professional Responsibility.

### **Ruling of the Court**

***The Court finds Atty. Lazo administratively liable.***

#### ***A Lawyer Owes the Court Fidelity and Respect***

Significantly, a lawyer is an "officer of the court" and is "an agency to advance the ends of justice."<sup>[24]</sup> This sacred role is enshrined in the first Canon of the Code of Professional Responsibility, which reminds lawyers of their fundamental duty to "x x x uphold the Constitution, obey the laws of the land and promote respect for law and legal processes."<sup>[25]</sup> To achieve this end, Rule 1.02 prohibits lawyers from engaging in activities "aimed at defiance of the law or at lessening confidence in the legal system."<sup>[26]</sup>

Likewise, a lawyer must uphold the dignity and authority of the courts to which he owes fidelity, and preserve the people's faith in the judiciary.<sup>[27]</sup> It is every lawyer's sworn and moral duty to help build the high esteem and regard towards the courts that is essential to the proper administration of justice.<sup>[28]</sup> In line with this, Canon 11 mandates that lawyers shall observe and maintain the respect due to the courts and judicial officers.<sup>[29]</sup> Relative thereto, Rules 11.04 and 13.02 forbid lawyers from attributing to a Judge "motives not supported by the record or have no materiality to the case;"<sup>[30]</sup> and "[making] any public statements in the media regarding a pending case tending to arouse public opinion for or against a party," respectively.<sup>[31]</sup> Furthermore, Rule 11.05 ordains that any grievances against judges must be submitted to the proper authorities only.<sup>[32]</sup>

Compliance with the above-mentioned rules of conduct is essential for the proper administration of justice. Respect towards the courts guarantees the stability of the judicial institution, without which, it would be resting on a very shaky foundation.<sup>[33]</sup> A lawyer must build and not destroy the high esteem and regard towards the judiciary.<sup>[34]</sup> "To undermine the judicial edifice 'is disastrous to the continuity of government and to the attainment of the liberties of the people.'"<sup>[35]</sup>

Remarkably, in *Re: Letter of Atty. Noel S. Sorreda*,<sup>[36]</sup> this Court, citing the case of *Rheem of the Phil., Inc., et al., v. Ferrer, et al.*,<sup>[37]</sup> reminded lawyers of their fundamental duty to respect the courts and its judicial officers:

By now, a lawyer's duties to the Court have become commonplace. Really, there could hardly be any valid excuse for lapses in the observance thereof. Section 20(b), Rule 138 of the Rules of Court, in categorical terms, spells out one such duty: 'To observe and maintain the respect due to the courts of justice and judicial officers.' As explicit is the first canon of legal ethics which pronounces that '[i]t is the duty of the lawyer to maintain towards the Courts a respectful attitude, not for the sake of the temporary incumbent of the judicial office, but for the maintenance of its supreme importance.' That same canon, as a corollary, makes it peculiarly incumbent upon lawyers to support the courts against 'unjust criticism and clamor.' And more. The attorney's oath solemnly binds him to a conduct that should be 'with all good fidelity x x x to the courts.' Worth remembering is that the duty of an attorney to the courts 'can only be maintained by rendering no service involving any disrespect to the judicial office which he is bound to uphold.'"<sup>[38]</sup>

***Unsubstantiated  
Criticisms and Unfounded  
Personal Attacks Against  
Judges Degrade the  
Administration of Justice***

Notably, a lawyer's duty to respect the courts and its officers does not require blind reverence. The Code does not aim to cow lawyers into silence. In fact, in *Judge Lacurom v. Atty. Jacoba and Atty. Velasco*,<sup>[39]</sup> this Court recognized the right of a lawyer, both as an officer of the court and as a citizen, to criticize the acts of courts and judges in respectful terms and through legitimate channels.<sup>[40]</sup> Criticisms, if warranted, must be respectful and ventilated through the proper forum.

Remarkably, the lawyer's right to criticize judges and the limits thereof have been the subject of numerous rulings. In all of these, this Court struck a balance between the lawyer's right to respectfully voice his/her opinions without denigrating the administration of justice. Reprisals that transgress the boundaries of decency and fair play are unwarranted.

In *Re: Matter of Proceedings for Disciplinary Action Against Atty. Vicente Raul Almacen*,<sup>[41]</sup> this Court elaborately discussed the dichotomy between fair criticism and slander:

Criticism of the courts has, indeed, been an important part of the traditional work of the bar. In the prosecution of appeals, he points out the errors of lower courts. In written for law journals he dissects with detachment the doctrinal pronouncements of courts and fearlessly lays bare for all to see that flaws and inconsistency" of the doctrines. x x x

x x x x

Hence, as a citizen and as Officer of the court a lawyer is expected not only to exercise the right, but also to consider it his duty to avail of such right. No law may abridge this right. Nor is he 'professionally answerable for a scrutiny into the official conduct of the judges, which would not expose him to legal animadversion as a citizen.'

Above all others, the members of the bar have the best opportunity to become conversant with the character and efficiency of our judges. No class is less likely to abuse the privilege, as no other class has as great an interest in the preservation of an able and upright bench.

To curtail the right of a lawyer to be critical of the foibles of courts and judges is to seal the lips of those in the best position to give advice and who might consider it their duty to speak disparagingly. "Under such a rule," so far as the bar is concerned, "the merits of a sitting judge may be rehearsed, but as to his demerits there must be profound silence."

**But it is the cardinal condition of all such criticism that it shall be *bona fide*, and shall not spill over the walls of decency and propriety. A wide chasm exists between fair criticism, on the one band, and abuse and slander of courts and the judges thereof, on the other. Intemperate and unfair criticism is a gross violation of the duty of respect to courts. It is such a misconduct that subjects a lawyer to disciplinary action.**<sup>[42]</sup> (Emphasis supplied and citations omitted)

Markedly, unsubstantiated accusations against judges spurred by ill-motives warrant administrative sanctions. In *Ret. Judge Alpajora v. Atty. Calayan*,<sup>[43]</sup> the lawyer made unsupported allegations in his pleading, claiming that the Presiding Judge antedated an Order, was in cahoots with, had "deplorable close ties with the adverse counsels," and coached said counsels.<sup>[44]</sup> This Court noted that the allegations were unsupported by evidence and reminded the lawyer of Canon 11 and Rule 11.04, which mandates maintaining respect due to the Courts and judicial officers, and abstaining from attributing to a Judge motives not supported by the records and bear no materiality to the case.<sup>[45]</sup>

A similar ruling was rendered in *Cañete v. Atty. Puti*,<sup>[46]</sup> where the lawyer imputed abuse of discretion, partiality and bias against the Judge. This Court declared that criticisms must be made respectfully and aired through legitimate channels, and further reminded the lawyer of Canon 11 of the Code of Professional Responsibility:

While a lawyer, as an officer of the court, has the right to criticize the acts of courts and judges, the same must be made respectfully and through legitimate channels. In this case, Atty. Puti violated the following provisions in the Code of Professional Responsibility:

CANON 11 - A lawyer shall observe and maintain the respect due to the courts and to judicial officers and should insist on similar conduct by others.

Rule 11.03 - A lawyer shall abstain from scandalous, offensive or menacing language or behavior before the Courts.

Rule 11.04 -A lawyer shall not attribute to a Judge motives not supported by the record or have no materiality to the case.<sup>[47]</sup>

In the same vein, *In Re: Letter of Atty. Noel S. Sorreda*,<sup>[48]</sup> this Court acknowledged the right of lawyers to criticize judges, yet at the same time