

FIRST DIVISION

[A.C. No . 12485, December 10, 2019]

**NARCISO L. HIPOLITO, COMPLAINANT, VS. ATTY. MA. CARMINA
M. ALEJANDRO-ABBAS AND ATTY. JOSEPH ANTHONY M.
ALEJANDRO, RESPONDENTS.**

R E S O L U T I O N

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 ,^[1] Rule 1.01^[2] of the Code of Professional Responsibility (CPR) against siblings Attys. Ma. Carrmina 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, Bustos, Bulacan, which was planted with mango and other fruit-bearing trees. Complainant also constructed his family home on the property .^[3]

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.^[4] 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 !*" ^[5]

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 !*" ^[6]

These incidents were reported to the barangay hall and the police ,^[7] 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) .^[8] 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 .^[9]

In their Consolidated Verified Position Paper ,^[10] 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 administrative complaint, and, as such, the outcome of the former should be considered in resolving the latter .^[11]

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.^[12]

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.^[13]

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 .^[14] 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.^[15] 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 .^[16]

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 .^[17]

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.^[18]

Ultimately, the Investigating Commissioner concluded:

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.^[19]

*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^[20] 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 .^[21] (Emphasis and italics in the original)

In an Extended Resolution ^[22] 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.^[23]

The records of the case were then transmitted to the Court for final action .^[24] 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 .^[25]

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.

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