



REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila

SECOND DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated **January 30, 2023** which reads as follows:*

“A.C. No. 13649 [Formerly CBD Case No. 18-5694] (Metro Ormoc Community Multi-Purpose Cooperative, Arvin N. Villena, Mizpah Aira I. Taala, Segundino L. Bornasal, Fr. Elmo P. Manching, Msgr. Manuel M. Damayo, Sr. Erlinda B. Lanigao, Estela D. Suralta, Estrella A. Cortes, Immaculada C. Serenio, Juan S. Labra, and Gilberto A. Nuñez, Complainants v. Atty. Adelito M. Solibaga, Jr., Respondent). — This Court resolves a Complaint¹ filed by Metro Ormoc Community Multi-Purpose Cooperative (OCCCI), through its current and incumbent board members/officers, as well as members of its management team, against Atty. Adelito M. Solibaga, Jr. (*Atty. Solibaga, Jr.*) for violation of several provisions of the Code of Professional Responsibility.

OCCCI is a duly registered cooperative with its principal place of business at OCCCI Central Office, Arradaza Street, Ormoc City, Leyte.²

The following are the current and incumbent members of the Board of Directors of OCCCI:³

FR. ELMO P. MANCHING, the Chairman of the Board, OCCCI, and the current, [sic] Social Action Director of the Archdiocese of Palo, Leyte; Parish Priest, [sic] of San Miguel Parish, San Miguel, Leyte;

MSGR. MANUEL M. DAMAYO, Board Member, OCCCI; and Parish Priest, Holy Child Parish Rectory, Villaba, Leyte[;]

SR. ERLINDA B. LANIGAO, Board Member . . . ;

ESTELA D. SURALTA, Board Member . . . ;

ESTRELLA A. CORTES, Board Member . . . ;

IMMACULADA C. SERENIO, Board Member . . . ;

JUAN S. LABRA, Board Member . . . ;

GILBERTO A. NUÑEZ, Board Member . . . ;

¹ *Rollo* (Vol. 1), pp. 2–22.

² *Id.* at 2–3.

³ *Id.* at 3.

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The rest of the [complainants] are members of the Management Team, namely:

ARVIN N. VILLENA, Chief Administrative Officer and former Chief Finance Officer of OCCCI;

MIZPAH AIRA I. TAALA, Chief Operation Officer, OCCCI; and

SEGUNDINO L. BORNASAL, Chief Finance Officer, OCCCI.⁴ (Emphasis in the original)

On the other hand, Atty. Solibaga, Jr. is the duly appointed and sole legal officer of OCCCI since 2014. As part of his duties, he is tasked with filing the proper cases to protect the interests of OCCCI and taking immediate measures to investigate facts and ascertain claims or liabilities against OCCCI, whenever requested by the chief executive officer or the board.⁵

OCCCI alleged that sometime in the *third* quarter of 2017, one “Farrah Martinez Paras” posted on her Facebook account that anomalous dealings were entered into by some of OCCCI’s board members and its three chief executive officers to the detriment of the cooperative members. The anomalous dealings pertained to the proceeds of the sale of three cooperative properties located in Albueria, Baybay City, and Tacloban City, respectively, in Leyte province.⁶

The Facebook post reads:

Sa lahat na mga members ng OCCCI:

May nagsumbong sa akin na ang mga opisyal ng OCCCI, yong tatlong chiefs at [ilang] membro ng Board ay hinohotang ang kaban ng OCCCI.

Sabi ng informant ko, yong property sa Cambalading, Albueria, naibenta for 22.8 million pesos, pero ang napunta lang sa OCCCI ay 20 million. Ang 2.8 million ay pinag hati-hatian ng mga nasabing opisyal.

Pangalawa: Ang property sa Baybay City, naibentang 7.4 million pesos, pero ang napasok sa treasury ng OCCCI ay more than 3M pesos lang. Ang sobra na 3.5 million ay pinaghati-hati na naman ng mga nasabing opisyal.

Pangatlo: Bago [l]ang to, last month lang. Ang property ng OCCCI sa Tacloban City naibenta ng 6 million pesos, pero ang napunta lang sa OCCCI ay 4 million. Ang 2 million ang pinaghati-hati ng nasabing opisyal at sa isang Area Manager.

Marani pong na terminate na empleyado sa OCCCI dahil sa pagnanakaw ng pera ng OCCCI, pero itong mga opisyal na ito, mas masahol pa sa mga na terminated [sic] na employees. Dahil for less than 2 years [l]ang po,

⁴ *Id.* at 3--4.

⁵ *Id.* at 4.

⁶ *Id.* at 5.

mayron na silang nanakaw na pera sa OCCCI na umabot sa 8.3 million pesos po.

Dapat ang perang yan ay para sa lahat ng members sa OCCCI as dividends. Income po yan ng OCCCI, hindi po yan income sa nasabing malalaking officers sa OCCCI.

Pinalitan nga ang dating CEO ng tatlong CEOs, pero mas malala pa tong tatlong CEOs dahil sa pinag-piperahan nila ang OCCCI at the expense of the members.

Sana makonsyensya kayo, i[-]balik niyo ang pera sa OCCCI na ninakaw niyo.⁷

As a result of this Facebook post, OCCCI averred that cooperative members panicked and withdrew their memberships and participation from OCCCI. Further, they stressed that these allegations circulated over the City of Ormoc, Leyte, yet Atty. Solibaga, Jr. did not do anything to protect their interests or address these issues.⁸

On February 19, 2018, the chairperson of the board wrote to Atty. Solibaga, Jr. directing him to act in order to protect OCCCI and its officers from the malicious accusations made against the cooperative and officers imputed in the Facebook post. However, Atty. Solibaga, Jr. refused to do so reasoning that the board members of OCCCI committed wrongdoing and should be held responsible for their actions.⁹

On February 26, 2018, Atty. Solibaga, Jr. was served with a show cause order directing him to explain in writing within a period of five days from receipt why his services should not be terminated based on loss of trust and confidence, serious misconduct, insubordination or willful disobedience of a lawful order of the employer or representative. With this, he was also given an order of preventive suspension.¹⁰

After receipt of the show cause order, Atty. Solibaga Jr. went live on his Facebook account. There, he announced that he was served with the order and that OCCCI took a portion of the proceeds of the sale of cooperative property in Albura, Leyte. Specifically, Atty. Solibaga, Jr. claimed that the Albura property was sold for PHP 22.8 million but an amount of PHP 2 million was secretly taken therefrom by Chief Operation Officer Mizpah Aira T. Taala (*COO Taala*). He emphasized that this transfer was approved by Chief Financial Officer Arvin Villena (*CFO Villena*) to the damage of the cooperative members.¹¹

⁷ *Id.* at 43–44.

⁸ *Id.* at 5–6.

⁹ *Id.* at 6–7.

¹⁰ *Id.* at 7.

¹¹ *Id.* at 11–12.

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Atty. Solibaga, Jr. also said during the livestream that the act committed by OCCCI may even amount to the crime of qualified theft and declared that he will personally file a case against them.¹²

A transcript¹³ of the Facebook live video that was uploaded showed the following statements made by Atty. Solibaga, Jr.:

Transcript with translation in Filipino:

I will expose ang mga binuhatan niining mga naa karon sa nagdumala sa Metro Ormoc Community Multi-purpose Cooperative. *(I will expose the doings of the current officers managing the Metro Ormoc Community Cooperative.)*

Karon, to all the OCCCI members who are deceived, who are bullied by the Officers of OCCCI and the Board of Directors. Here is the truth. *(This time to all the OCCCI members who are deceived, who are bullied by the Officers of OCCCI and the Board of Directors. Here is the truth.)*

Kung wa silay gitagoan mga members of OCCCI nga karon murag na deceived sa tinuod mga kamatuoran mga kaigsuonan. Ato na silang pautingkayon. Ihatag na nila ang dokumento. *(If there is nothing to hide, members of the OCCCI who are seemingly deceived of the truth, brothers and sisters. We demand that they sort out and provide us the document.)*

This is a picture of Cash Disbursement Voucher number 1848 dated October ah August 30, 2017. Dili man siguro ma klaro Ninyo diha noh? Di ninyo maklaro? Tan-awon nato ni ha kung unsa ni sila ka garapalan. Kinsa ang nakabutang? Payee, Mizpah Aira Taala. Kinsu mana si Mizpah Aira Taalah? She is the Chief Operations Officer of OCCCI.

(This is a picture of Cash Disbursement Voucher number 1848 dated October ah August 30, 2017. Maybe you cannot clearly see this. Can you see it clearly? Let us see this, how they do things shamelessly. Whose name appeared? Mizpah Aira Taala? Who is Mizpah Aira Taala? She is the Chief Operations Officer of OCCCI.)

Gihagit man gud ko nila nagpakahilom ko. Gi ing-nan nako sila na I cannot defend you because that is an illegal act to defend you, because you know that I know everything about it.

(I am silent with this issue but they challenge me. I told them that I cannot defend you because that is an illegal act to defend you because you know that I know everything about it.)

Kining kasoha if I were to be asked, qualified theft ni. Nawagtang ang kwarta sa panudlanan sa OCCCI, ang naghimo ang duha pa gyud kabuok na mga Chief. Pabaga mo na e-terminate ko ug e-terminate ninyo ang mga membership sa mga complainants.

(This case if I were to be asked, it is qualified theft. The money was lost in OCCCI reserve, and then the responsible persons are the two

¹² *Id.* at 8.

¹³ *Id.* at 8–11.

chiefs. What a thick face, you threaten me and the members who are complaining will be terminated.)

Be truthful *naman sa inyo mga kaugalingon naa intawn mo sa simbahan. Pila ka Pari diha, Msgr. Damayo. Siya pa ang Chairman si Msgr. Damayo pa ang Chairman sa Committee nga gi create sa Board to conduct an investigation. Pero Msgr. Nawagtangan na gyud ko ug respeto.*

(Be truthful in yourselves, you are with the church. How many priests are there? Msgr. Damayo. He is the Chairman of the committee who is tasked to conduct the investigation, but Msgr. [m]y respect to them is lost.)

Pagsugod karon mo actively ko participate ni-anang mga complainants karon sa OCCCI nga gi bully nining mga members of the Board of Directors ug kining tulo ka mga Chief Executive Officers. (Starting now, I will actively participate on the complainants now to OCCCI who are bullied by the members of the Board of Directors and the three Executive Officers.)

Kaning mga miyembro sa Board of Directors except kanang walay labot. I will make sure that they will go to jail kauban ni-anang mga kawatan nga mga empleyado sa OCCCI.

(These members of the Board of Directors except to some, I will make sure that they will go [with the thieving employees of] OCCCI.)

My goodness! naa sa mga relihiyon pero ka-ako ug pamakak sa publiko.

(My goodness! {You are members of a religion but you are the ones with the gall to lie to the public.})

Wow! Calling the attention, ug kining relihiyona, purya gaba na lamang gyud.

(Wow! Calling the attention and this religion, oh my god!)

Members of the Board wa gyud diay moy konsensiya.

(Members of the board, [you have no conscience.])

Either naka-share mo niini or wa gyud mo nag huna-huna sa Kooperatiba.

([You either shared it, or you never thought about the Cooperative.])

Not all mga Pari ha, naa lay pipila lang ka Pari, they are all hypocrites! There are few hypocrites! Pasayloa ko Ginoo!

(Not all priests, the selected [few], are all hypocrites! There are few hypocrites! Forgive me, Lord God.)

Ayaw ninyo law-gawa ang huna-huna sa cluster meeting, nga inyo nang gi-brainwash.

([Don't confuse the members in the cluster meetings where you brainwash them.])

I know something illegal has been done by you.

Ako pa ninyo kung naa mo delicade[?]a mo resign mo oy! Mizpah, Arvin, Dino. Fr. Manching, Msgr. Damayo, Sr. Lanigao, ug tanan

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pang mga members of the Board. The Macro, kana pong ma Macro Audit. I was there. Resign nalang mo if you have the delicade[z]a. (If you have any courtesy, please resign! Mizpah, Arvin, Dino, Fr. Manching, Msgr. Damayo, Sr. Lanigao [and to all the] members of the Board. The Macro, as well as the Macro Audit. I was there. Please resign if you have delicadeza.)

The Two Million Pesos was released illegally by Arvin to Mizpah.

If you have the delicade[z]a resign kay di gyud ta mo long-an. I will personally see to it that the cases would prosper against you. (If you have the delicadeza, resign [because I will not stop.] I will personally see to it that the cases would prosper against you.)

Makatilaw mo ug bilanggoan gyud! (You will feel what it [feels like] in jail.)

Ma'am Suralta, tanan members of the Board of Directors, I will tell you now. If you have the delicade[z]a resign. (Ma'am Suralta, all members of the Board of Directors, I will tell you now. If you have the delicadeza, resign.)

Mizpah, Arvin, Dino, if you love our OCCCI. Do your part, resign.

Don't wait nga ang mga kaso Ninyo mag pusot-pusot diri sa korte, diri sa Fiscal Office. (Don't wait for your legal cases here in the court, here in fiscal office to bloom.)

I will prosecute you all.”¹⁴ (Emphasis in the original)

These statements were discussed again on another day on the public affairs radio/TV program “Krusada,” where Atty. Solibaga, Jr. challenged complainants to tell the truth and inform the cooperative members about the anomalous transactions.¹⁵

Aggrieved, OCCCI filed the present Complaint for disbarment against Atty. Solibaga, Jr. for violations of several provisions of the Code of Professional Responsibility and the lawyer's oath, particularly on his failure to render his duty to them as their counsel and for his wanton disregard of the law and legal processes which were aggravated by his defamation of them online.¹⁶

Additionally, OCCCI sought Atty. Solibaga, Jr. to refrain from publicly discussing confidential information and matters affecting the cooperative and its officers in various media outlets.¹⁷

¹⁴ *Id.*

¹⁵ *Id.* at 53.

¹⁶ *Rollo* (Vol. V), pp. 1028-1029.

¹⁷ *Id.*

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For his part, Atty. Solibaga, Jr. admitted that he was appointed as the legal officer of OCCCI but that he was tasked to not only represent the board but also its members and employees. Thus, as OCCCI committed illegal acts against the cooperative, it is also his duty to initiate actions to protect the interests of OCCCI, even against board members who acted to the disadvantage of the cooperative members.¹⁸

After the Facebook post of “Farrah Martinez Paras” was published and the withdrawal of memberships with the cooperative, Atty. Solibaga, Jr. advised the board to seriously act on the issues. This led to the creation of a committee on investigation and appeals within OCCCI which was tasked to investigate the anomalous transactions. However, the investigation remained pending.¹⁹

A special board of directors meeting was then called where Atty. Solibaga, Jr. stated that Father Manching (*Fr. Manching*), chairperson of the board, admitted that he indeed took PHP 2.8 million from the PHP 22.8 million proceeds of the Albura property. Atty. Solibaga, Jr. informed him that the act could hold him liable under the Revised Penal Code and the Cooperative Code of the Philippines, and he directed OCCCI to decide these issues and investigate these matters. However, no resolution was made.²⁰

During this same period, Atty. Solibaga, Jr. learned that several members of OCCCI resorted to filing an action against OCCCI for violation of Articles 52, 53, and 83 of Republic Act No. 9520, or the Philippine Cooperative Code of 2008. These members had their memberships illegally terminated by the complainants after requesting to examine and inspect OCCCI’s books and records regarding the anomalous sale of the Albura property.²¹

Atty. Solibaga, Jr. expressed his refusal to defend the acts done by the members of the board. Thereafter, Atty. Solibaga, Jr. learned that the board began consulting with the legal retainer of OCCCI’s Cebu Branch, Atty. Russel Collin.²²

Atty. Solibaga, Jr. denied having violated the Code of Professional Responsibility. He stated that he did not divulge confidential cooperative information as the cash disbursement vouchers he presented during the livestream were not confidential documents.²³

¹⁸ *Id.*

¹⁹ *Rollo* (Vol. I), p. 96.

²⁰ *Id.* at 97.

²¹ *Id.*

²² *Id.* at 98.

²³ *Id.*

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He added that he did not refuse to render services to OCCCI as counsel, rather he refused to conform to any illegal acts done by them for which he may be held criminally and civilly liable.²⁴

Ultimately, Atty. Solibaga, Jr. prayed for the dismissal of the Complaint against him.

In their Report and Recommendation,²⁵ the investigating commissioner recommended the following penalty against Atty. Solibaga Jr., to wit:

PREMISES CONSIDERED, it is herein recommended that respondent is not free from violation of his ethical duties and for that, it is recommended that he be given a gentle and friendly reproof, a mild rebuke, and is hereby meted out the penalty of ADMONITION.

RESPECTFULLY SUBMITTED.²⁶

The investigating commissioner found the existence of a lawyer-client relationship between the parties. Therefore, Atty. Solibaga, Jr. was expected to comply with his obligations and his client's lawful requests. However, the investigating commissioner stated that lawyers must obey their own conscience and not their clients. Thus, Atty. Solibaga, Jr.'s act of advising OCCCI to investigate the anomaly regarding the proceeds of the sale of the cooperative's property was found by the investigating commissioner to be within his right and duty as a member of the bar.²⁷

Nonetheless, the investigating commissioner found that Atty. Solibaga, Jr.'s acts of refusing to defend the interests of OCCCI, going live on his Facebook account to speak on the alleged unlawful acts performed by them, and showing viewers the cash disbursement vouchers before a comprehensive investigation was conducted, were violative of the ethical norms of a lawyer. In doing these acts, Atty. Solibaga, Jr. placed OCCCI in a disadvantageous position to being susceptible to public ridicule and hate.²⁸

Yet, despite these findings, the investigating commissioner only meted Atty. Solibaga, Jr. with an admonition.²⁹

In a Resolution,³⁰ the Integrated Bar of the Philippines-Board of Governors (*Board of Governors*) resolved to adopt and approve the factual findings in the report and recommendation of the investigating commissioner

²⁴ *Id.*

²⁵ *Rollo* (Vol. V), pp. 1028–1032. Dated June 6, 2019.

²⁶ *Id.* at 1032.

²⁷ *Id.* at 1035.

²⁸ *Id.*

²⁹ *Id.*

³⁰ *Id.* at 1025–1026. Dated November 14, 2020.

but modified the recommended penalty against Atty. Solibaga, Jr. from admonition to suspension from the practice of law for six months. In the Extended Resolution,³¹ the Integrated Bar of the Philippines Commission on Bar Discipline (*Commission on Bar Discipline*) disposed as follows:

WHEREFORE, premises considered, this Board RESOLVES to APPROVE and ADOPT, as it is hereby APPROVED and ADOPTED, the Report and Recommendation of the Investigating Commissioner in the above-entitled case, for being fully supported by the evidence on record and the applicable laws and rules, with modification on the recommended penalty against Atty. Adelito M. Solibaga to SUSPENSION from the practice of law for six (6) months.

SO ORDERED.³²

In arriving at their ruling, the Commission on Bar Discipline emphasized that the modified penalty was proper given that it was shown that there existed a lawyer-client relationship between OCCCI and Atty. Solibaga, Jr., thus, it was proper for OCCCI to expect Atty. Solibaga, Jr. to exact conduct befitting of their relationship.³³

Instead of performing his duties as OCCCI's legal officer, after being served with a show cause order, Atty. Solibaga, Jr. livestreamed on his Facebook account and radio/TV program to publicize cooperative matters.

In turn, this affected the degree of trust and confidence of the public in the integrity of OCCCI's officers.

As explained by the Commission on Bar Discipline:

However, in this case, it is clear that respondent violated the sanctity of his fiduciary duty to his client when he went public through his Facebook account and on his radio program exposing internal matters of the cooperative which he received in confidence by reason of his engagement. This is not to suggest that any illicit and/or unlawful activities of a client be put under the rug. This Board simply noted that respondent, having received information by reason of his engagement, became the accuser, the judge, and the executioner of the complainant all at the same time. This, in turn, affected the degree of trust and confidence of the public to the legal profession.

The respondent should have been more circumspect in his conduct before divulging matters concerning his client to the public. Commissioner Cachapero correctly suggests that these matters may be better threshed out during an investigation or a proper action in court.³⁴

³¹ *Id.* at 1033–1037. Dated July 3, 2022.

³² *Id.* at 1037.

³³ *Id.* at 1036.

³⁴ *Id.* at 1036–1037.

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From the records of this case, this Court notes that a series of actions have been filed by the parties.

Atty. Solibaga, Jr. filed a complaint for illegal dismissal against OCCCI before the labor arbiter after his refusal to comply with their order and the livestreaming incident. The labor arbiter ruled in his favor and OCCCI was ordered to pay him separation pay and backwages. However, on appeal to the National Labor Relations Commission, the decision of the labor arbiter was reversed.³⁵

The National Labor Relations Commission found that Atty. Solibaga, Jr. was rightfully terminated due to his failure to comply with the show cause order and willful betrayal of the trust and confidence reposed upon him under Article 297 of the Labor Code when he livestreamed the incident on Facebook and discussed the same in the radio/TV program "Krusada."³⁶

This Court affirms the findings of fact and conclusions of the law of the Board of Governors.

A member of the bar may be penalized, even disbarred or suspended from their office as an attorney for violation of the lawyer's oath and/or for breach of the ethics of the legal profession as embodied in the Code of Professional Responsibility.³⁷

In this Complaint, OCCCI bears the burden to prove their charge with substantial evidence, without which the presumption of innocence of respondent prevails.

Here, OCCCI was able to discharge that burden.

Atty. Solibaga, Jr. contravened Canon 1, Rule 1.02, Canon 8, Rule 8.01, Canon 17, Canon 18, Rule 18.03, and Canon 21, Rules 21.01 and 21.02 of the Code of Professional Responsibility which provide:

CANON 1 — A LAWYER SHALL UPHOLD THE CONSTITUTION, OBEY THE LAWS OF THE LAND AND PROMOTE RESPECT FOR LAW OF AND LEGAL PROCESSES.

Rule 1.02 — A lawyer shall not counsel or abet activities aimed at defiance of the law or at lessening confidence in the legal system.

³⁵ *Id.* at 842.

³⁶ *Id.* at 840–842.

³⁷ *Query of Atty. Karen M. Silverio-Buffe, Former Clerk Of Court - Branch 81, Romblon, Romblon - On The Prohibition From Engaging In The Private Practice Of Law*, 613 Phil. 1, 23 (2009) [Per J. Brion, *En Banc*]. (Citation omitted)

CANON 8 — A LAWYER SHALL CONDUCT HIMSELF WITH COURTESY, FAIRNESS AND CANDOR TOWARDS HIS PROFESSIONAL COLLEAGUES, AND SHALL AVOID HARASSING TACTICS AGAINST OPPOSING COUNSEL.

Rule 8.01 — A lawyer shall not, in his professional dealings, use language which is abusive, offensive or otherwise improper.

CANON 17 — A LAWYER OWES FIDELITY TO THE CAUSE OF HIS CLIENT AND HE SHALL BE MINDFUL OF THE TRUST AND CONFIDENCE REPOSED IN HIM.

CANON 18 — A LAWYER SHALL SERVE HIS CLIENT WITH COMPETENCE AND DILIGENCE.

Rule 18.03 — A lawyer shall not neglect a legal matter entrusted to him, and his negligence in connection therewith shall render him liable.

CANON 21 — A LAWYER SHALL PRESERVE THE CONFIDENCE AND SECRETS OF HIS CLIENT EVEN AFTER THE ATTORNEY-CLIENT RELATION IS TERMINATED.

Rule 21.01 — A lawyer shall not reveal the confidences or secrets of his client except;

- (a) When authorized by the client after acquainting him of the consequences of the disclosure;
- (b) When required by law;
- (c) When necessary to collect his fees or to defend himself, his employees or associates or by judicial action.

Rule 21.02 — A lawyer shall not, to the disadvantage of his client, use information acquired in the course of employment, nor shall he use the same to his own advantage or that of a third person, unless the client with full knowledge of the circumstances consents thereto.

As found by the investigating commissioner and the Commission on Bar Discipline and admitted by the parties, Atty. Solibaga, Jr. was employed as the legal officer of OCCCI and was under an obligation to perform the duties reposed on him by reason of their lawyer-client relationship.

In *Quitazol v. Capela*,³⁸ this Court stated that:

Whenever lawyers take on their client's causes, they pledge to exercise due diligence in protecting the client's rights. Their failure to exercise that degree of vigilance and attention expected of a good father of a family makes them unworthy of the trust reposed in them by their client

³⁸ A.C. No. 12072, December 9, 2020 [Per J. J. Lopez, *En Banc*].

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and make[s] them answerable to their client, the courts and society[.]³⁹
(Citation omitted)

Likewise, Atty. Solibaga, Jr. committed acts against OCCCI, which caused loss of confidence in him as their counsel when he failed to exercise the required diligence in handling his client's cause and publicly maligned his client.

At the height of the speculations resulting from the Facebook post on the anomalous transfer of money from the sale of cooperative property allegedly made by OCCCI's board members and its officers and the withdrawal of memberships with the cooperative, Atty. Solibaga, Jr. refused to perform his duties as a legal officer, due to his belief that a crime was committed by them.

As a result of his inaction and refusal to comply with their request to address the issues, a show cause order with notice of preventive suspension was issued against him, which he did not comply with.

To reiterate, Atty. Solibaga, Jr. took to his Facebook and radio/TV program to broadcast what he believed had transpired and aired his sentiments which promoted distrust in OCCCI officers.

We note that Atty. Solibaga, Jr. cannot be said to have committed acts that eroded public confidence in the integrity of the legal profession. He was pursuing rightful advocacy when he pointed out the anomalies done by OCCCI. However, the manner in which he aired these anomalies was still violative of the lawyer-client relationship he had with them. As counsel, Atty. Solibaga, Jr. should have continued to advise OCCCI on what proper actions to take, instead of talking to the general public to air his sentiments and make accusations against the officers of OCCCI.

It bears noting that even before an investigation was concluded within the cooperative, or a resolution was reached, Atty. Solibaga, Jr. publicly named board members and officers whom he believed were involved and responsible for the incident.

Initially, Atty. Solibaga, Jr. claimed that PHP 2 million was taken from cooperative funds. He attempted to prove the unauthorized withdrawals by showing cash disbursement vouchers during the livestream bearing the names of COO Taala and CFO Villena.

³⁹ *Id.* at 5. This pinpoint citation refers to the copy of the Decision uploaded to the Supreme Court Decision website.

After Atty. Solibaga, Jr.'s livestream, he then changed his statements and pointed to Fr. Manching as the person ultimately responsible for the anomalous transfer of the PHP 2.8 million. Thereafter, these same statements were again broadcasted on his radio/TV program. These public statements affected the reputation of OCCCI, who were likewise his clients.

Atty. Solibaga, Jr. cannot act as counsel for OCCCI and the cooperative members without creating a situation of conflict of interest.

Equally significant is that throughout these incidents, Atty. Solibaga, Jr. was still employed as OCCCI's legal officer, albeit he was preventively suspended.

Atty. Solibaga, Jr. admitted in his position paper that he violated the sanctity of his fiduciary duty to complainants when he chose to expose information that he received in confidence regarding the transactions.

Again, Atty. Solibaga, Jr. stated that this information was received by him in a special meeting with the board of directors by reason of his engagement.

In *Rosacia v. Bulalacao*,⁴⁰ this Court highlighted the importance of an attorney-client relationship, viz.:

The Court reiterates that an attorney owes loyalty to his client not only in the case in which he has represented him but also after the relation of attorney and client has terminated as it is not good practice to permit him afterwards to defend in another case other person against his former client under the pretext that the case is distinct from, and independent of the former case. It behooves respondent not only to keep inviolate the client's confidence, but also to avoid the appearance of treachery and double dealing for only then can litigants be encouraged to entrust their secrets to their attorneys which is of paramount importance in the administration of justice. The relation of attorney and client is one of confidence and trust in the highest degree. A lawyer owes fidelity to the cause of his client and he ought to be mindful of the trust and confidence reposed in him. An attorney not only becomes familiar with all the facts connected with his client's cause, but also learns from his client the weak and strong points of the case. No opportunity must be given attorneys to take advantage of the secrets of clients obtained while the confidential relation of attorney and client exists. Otherwise, the legal profession will suffer by the loss of the confidence of the people.⁴¹ (Citations omitted)

Further, Atty. Solibaga, Jr. uttered threatening remarks during his livestream against OCCCI on Facebook that were unbecoming of a person

⁴⁰ 319 Phil. 1, 4-5 (1995) [Per J. Francisco, Second Division].

⁴¹ *Id.*

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belonging to the legal profession, such as “Makatilaw mo ug bilanggoan gyud!” (*You will feel what it [feels like] in jail.*), “I know something illegal has been done by you.”, and “Don’t wait nga ang mga kaso ninyo mag pusot-pusot diri sa korte, diri sa Fiscal Office.” (*Don’t wait for your legal cases here in the court, here in fiscal office, to bloom.*) These statements were followed by Atty. Solibaga, Jr. publicly threatening to personally prosecute OCCCI.

In *Velasco v. Causing*,⁴² this Court emphasized that the right to freedom of speech of lawyers is not absolute, viz.:

And *second*, it is settled that the freedom of speech, of expression, and of the press, like all constitutional freedoms, are *not* absolute.

On this point, the Court’s ruling in *Belo-Henares v. Atty. Guevarra* (*Belo-Henares*) is instructive. As in the present case, the respondent lawyer in *Belo-Henares* published Facebook posts that maligned and insulted the complaining party, which he claimed had been written in the exercise of his freedom of speech and expression. The Court, however, rejected this defense as the “*freedom of expression may not be availed of to broadcast lies or half-truths, insult others, destroy their name or reputation or bring them into disrepute.*” Thus, the Court suspended the respondent lawyer therein for a period of one (1) year for publicly insulting the complaining party through his Facebook posts.⁴³ (Emphasis supplied; citations omitted)

Indeed, it is the duty of a lawyer not to engage in unlawful conduct.⁴⁴ However, it is also a lawyer’s duty to be mindful of the trust and confidence reposed upon them by their client. A lawyer should not sow conflict between their client and another individual, especially in a virtual space, easily accessible to the public.

Withal, this Court finds that the collective acts of Atty. Solibaga, Jr. violated the lawyer-client relationship he has with OCCCI.

In a number of cases,⁴⁵ this Court imposed the penalty of suspension from the practice of law ranging from six months to two years.

However, the surrounding circumstances of this case merit Atty. Solibaga, Jr.’s suspension from the practice of law for a period of three months, together with a stern warning to deter him from repeating his transgression and committing other acts of professional misconduct.

⁴² A.C. No. 12883, March 2, 2021 [Per J. Inting, *En Banc*].

⁴³ *Id.* at 7. This pinpoint citation refers to the copy of the Decision uploaded to the Supreme Court Decision website.

⁴⁴ CODE OF PROFESSIONAL RESPONSIBILITY, Canon 1, Rule 1.01.

⁴⁵ *Tulio v. Buhaugin*, 785 Phil. 292 (2016) [Per J. Peralta, Third Division]; *Samson v. Atty. Era*, 714 Phil. 101 (2013) [Per J. Bersamin, *En Banc*]; *Castro Justo v. Atty. Galing*, 676 Phil. 139 (2011) [Per J. Perez, Second Division].

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FOR THESE REASONS, Atty. Adelito M. Solibaga, Jr. is found administratively liable for violation of Canon 1, Rule 1.02, Canon 8, Rule 8.01, Canon 17, Canon 18, Rule 18.03, and Canon 21, Rules 21.01 and 21.02 of the Code of Professional Responsibility. He is **SUSPENDED** from the practice of law for a period of three (3) months, effective immediately upon Atty. Solibaga, Jr.'s receipt of this Resolution, with a **STERN WARNING** that a repetition of the same or similar acts will be dealt with more severely.

Atty. Adelito M. Solibaga, Jr. is **DIRECTED** to immediately file a manifestation to this Court that his suspension has started, copy furnished all courts of quasi-judicial bodies where he has entered his appearance as counsel.

Let copies of this Resolution be furnished to the Office of the Bar Confidant, to be attached to the personal record of Atty. Adelito M. Solibaga, Jr.; the Office of the Court Administrator for dissemination to all lower courts; and the Integrated Bar of the Philippines for proper guidance and information.

SO ORDERED."

By authority of the Court:

TERESITA AQUINO TUAZON
Division Clerk of Court

By:



MA. CONSOLACION GAMINDE-CRUZADA
Deputy Division Clerk of Court^{mm}_{74/2}

12 OCT 2023

METRO ORMOC COMMUNITY MULTIPURPOSE
COOPERATIVE, ET AL. (reg)

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Counsel for Complainants

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General Maxilom Avenue, Cebu City

ATTY. ADELITO M. SOLIBAGA, JR. (reg)

Respondent

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Pro Deo Et Patria Building
Ormoc City, Leyte

INTEGRATED BAR OF THE PHILIPPINES (reg)

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Supreme Court, Manila

*HON. RAUL B. VILLANUEVA (x)

Office of the Court Administrator
Supreme Court, Manila

*for Circularization to all Courts

Please notify the Court of any change in your address.

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