



Republic of the Philippines
Supreme Court
Manila

THIRD DIVISION

NOTICE

Sirs/Mesdames

Please take notice that the Court, Third Division, issued a Resolution dated March 27, 2023, which reads as follows:

“A.C. No. 11445 (Philip H. Piccio v. Atty. Arnold P. Castro and Atty. Zea Mai D. Wycoco).— At the vortex of the present controversy is the *Complaint*¹ filed by Philip H. Piccio against Atty. Arnold P. Castro and Atty. Zea Mai D. Wycoco for violation of the Code of Professional Responsibility (CPR).

The factual milieu of the case is uncomplicated.

Complainant Philip H. Piccio (Piccio) filed a complaint for disbarment,² docketed as A.C. No. 11000, against Atty. J. Virgilio L. Bautista (Bautista) and Atty. Sherrylyne Estrella Madrid (Madrid) for Gross Immoral Conduct. On the other hand, herein respondents Atty. Arnold P. Castro (Atty. Castro) and Atty. Zea Mai D. Wycoco (Atty. Wycoco) served as counsels for Attys. Bautista and Madrid in the abovenamed administrative case.

Governor Aurelio M. Umali (Governor Umali) and Cabanatuan City Mayor Jay Vergara (Mayor Vergara) were political adversaries. Mayor Vergara’s wife, Rosanna (Representative Vergara), defeated Governor Umali in the May 2016 elections for the position of Representative of the 3rd District of Nueva Ecija. Piccio was a broadcast commentator in the radio station of the Nueva Ecija Provincial Government. Owing to the remarks made by Piccio against Representative Vergara, several libel cases were filed against him before the Regional Trial Court of Cabanatuan City, Branch 29. Attys. Bautista and Madrid were the private prosecutors in the said libel cases.³

The Court, in its Resolution⁴ dated March 14, 2016, directed Attys. Bautista and Madrid to file their Comment⁵ to the said disbarment complaint, which they filed through Atty. Castro and Atty. Wycoco. Pertinent portions of the Comment read as follows:

¹ *Rollo*, pp. 3-10.

² *Id.* at 13-17, see Notice of the Third Division of the Supreme Court, dated March 14, 2016.

³ *Id.* at 36, Comment.

⁴ *Id.* at 12.

⁵ *Id.* at 13-17.

1. This is the second-in-a-row complaint for disbarment filed by a minion of Nueva Ecija Governor Aurelio Umali xxx,⁶

2. The present complaint has been filed by one Philip H. Piccio, a man of questionable character and heretofore stranger in Nueva Ecija until he found favor as Governor Umali's vicious attack dog under the guise of being a broadcast commentator in Nueva Ecija Channel 48 and in DWNE, the *teleradyo* and radio stations, respectively, of the provincial government of Nueva Ecija. Mr. Piccio has no known source of income except only what he derives from his being an obsequious sidekick and minion of Governor Aurelio Umali,⁷

Taking umbrage at such remarks, Piccio filed the present *Complaint*⁸ against respondents before the Office of the Court Administrator. He averred that respondents' language in their Comment was in contravention of the provisions of the CPR, specifically Canon 1, Rule 1.02, Canon 8, Rule 8.01, and Canon 11 thereof, which violations warrant the ultimate penalty of disbarment.⁹ The rules read thus:

CANON 1 – A lawyer shall uphold the constitution, obey the laws of the land and promote respect for law and for 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.

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

Railing against the disputations of Piccio, Atty. Castro and Atty. Wycoco proffered a divergent narrative. Attys. Castro and Wycoco avouched that the language used in the Comment was simply descriptive of Piccio's character, which he tellingly failed to controvert. They further averred that under the doctrine of privileged communication, allegations in a pleading are absolutely privileged, so long as they are relevant, pertinent or material to the cause at hand or subject of inquiry.¹⁰

In its Report and Recommendation¹¹ dated February 21, 2018, the Commission on Bar Discipline (CBD) of the Integrated Bar of the Philippines

⁶ Id. at 13.

⁷ Id. (Emphases supplied)

⁸ Id. at 3-10.

⁹ Id.

¹⁰ See Respondents' Comment, id. at 36-37.

¹¹ MR Folder, pp. 2-6.

(IBP), through Commissioner Oliver A. Cachapero, recommended the dismissal of the complaint as there was no adequate cause to justify the sanction prayed for. The CBD found that Piccio failed to specifically deny the veracity of respondents' remarks, and as such, deprived the CBD of the opportunity to determine whether or not such statements were unfair, and therefore were tantamount to violation of the CPR. Moreover, the CBD concluded that the remarks on the pleading were within the realm of a lawyer's peculiar privilege, allowed some latitude of comments in the furtherance of the causes to be upheld. The CBD concluded that Piccio did not adduce sufficient proof that respondents transcended the limits of fair comment and thus, did not warrant CBD's rebuke.¹²

The IBP Board of Governors adopted the findings of fact and recommendation of the CBD to dismiss the Complaint in the Notice of Resolution¹³ dated January 19, 2019.

THE COURT'S RULING

After a perspicacious study of the case, the Court upholds the findings of fact and recommendation of the IBP CBD to dismiss the instant Complaint for disbarment for lack of merit.

Prefatorily, lawyers are licensed officers of the courts who are empowered to appear, prosecute, and defend; and upon whom peculiar duties, responsibilities, and liabilities are devolved by law as a consequence. Membership in the Bar imposes upon them certain obligations. Mandated to maintain the dignity of the legal profession, they must conduct themselves honorably and fairly.¹⁴

Nevertheless, it is the generally accepted rule that counsel, parties, or witnesses are exempted from liability in libel or slander for words otherwise defamatory published in the course of judicial proceedings.¹⁵ Such doctrine, however, is not without qualification. **Statements made in the course of judicial proceedings are absolutely privileged — that is, privileged regardless of defamatory tenor and of the presence of malice — if the same are relevant, pertinent, or material to the cause in hand or subject of inquiry.**¹⁶ In several judicial iterations, the Court has been liberal in determining the relevance of the statements.¹⁷ In order that a matter alleged in a pleading may be privileged, it need not be in every case material to the issues presented by the pleadings. It must, however, be legitimately related thereto, or

¹² Id. at 4-6.

¹³ Id. at 1.

¹⁴ See *Nava II v. Artuz*, A.C. No. 7253, February 18, 2020; *Nava II v. Hon. Artuz*, A.M. No. MTJ-08-1717, February 18, 2020 (Formerly OCA IPI No. 07-1911-MTJ).

¹⁵ See *Tolentino v. Baylosis*, 110 Phil. 1010, 1013 (1961).

¹⁶ *People v. Sesbreno*, 215 Phil. 411, 417 (1984).

¹⁷ See *Malit v. People of the Phil., et al.*, 199 Phil. 532, 535 (1982); see also *Gonzales v. Alvarez*, 122 Phil. 238, 243 (1965).

so pertinent to the subject of the controversy that it may become the subject of the inquiry in the course of the trial.¹⁸

In the case at bench, it appears that the statements denounced as derisive and offensive were made in the Comment to the second disbarment complaint filed by Piccio against Attys. Bautista and Madrid, where he asserted that the said lawyers were engaged in grossly immoral conduct. However, a closer scrutiny of the records reveals that these statements in the Comment were intended to discredit the accusations of Piccio against Attys. Bautista and Madrid. Likewise, these assertions established the relationship of Piccio to Governor Umali and expounded on his motivations to initiate politically motivated cases on behalf of Governor Umali. Respondents described Piccio in such a manner to contextualize their assertion that the disbarment case was actually orchestrated by Governor Umali.

The Court finds that although the statements made by respondents were strong, they are also pertinent to the main issue of the disbarment complaint filed by Piccio against Attys. Bautista and Madrid. Considering that respondents' clients were at risk of being disbarred, they were justified to use strong language, articulated in ardent but legitimate defense of their clients' interests. Although the respondents described Piccio as a "*minion*," "*man of questionable character*," "*vicious attack dog*," and "*has no known source of income except only what he derives from his being an obsequious sidekick and minion of Governor Aurelio Umali*," these acerbic statements were not personal attacks against Piccio. Instead, respondents intended to disprove Piccio's claim of gross immoral conduct against Attys. Bautista and Madrid. The divergent positions of the parties call for the use of sharp and commanding language, especially in this case where the practice of law of the concerned individuals was at stake.

It is not amiss to emphasize the oft-cited rule that lawyers should treat their opposing counsels and other lawyers with courtesy, dignity, and civility. A great part of their comfort, as well as of their success at the bar, depends upon their relations with their professional brethren. Since they deal constantly with each other, they must treat one another with trust and respect. Any undue ill feeling between clients should not influence counsels in their conduct and demeanor toward each other. Mutual bickering, unjustified recriminations, and offensive behavior among lawyers not only detract from the dignity of the legal profession, but also constitute highly unprofessional conduct subject to disciplinary action.¹⁹ In the same vein, however, lawyers are duty-bound to represent their clients with zeal and with utmost competence and diligence. The Court must then strike a balance, in order to serve justice and allow the lawyers to discharge their duties.

¹⁸ *People v. Sesberano*, supra.

¹⁹ Supra note 12.

Upon this point, the Court in the seminal case of *Deles v. Aragona*²⁰ enunciates that the doctrine of privileged communication is not an idle and empty principle. It has been distilled from wisdom and experience. The privilege is not intended so much for the protection of those engaged in the public service and in the enactment and administration of law, as for the promotion of the public welfare, the purpose being that members of the legislature, judges of courts, jurors, lawyers, and witnesses may speak their minds freely and exercise their respective functions without the risk of a criminal prosecution or an action for recovery of damages. *Lawyers, most especially, should be allowed a great latitude of pertinent comment in the furtherance of the causes they uphold, and for the felicity of their clients they may be pardoned some infelicities of the language.*

All in all, the Court finds that since the statements made were pertinent to the subject of the controversy, thus, are within the purview of privileged communication. There was no violation of Canon 8 and Rule 8.01 of the CPR.

Anent the purported violations of Canon 1, Rule 1.02, and Canon 11 of the CPR, it is primal that in disbarment proceedings, the burden of proof rests upon the complainant. An attorney enjoys the legal presumption that he is innocent of the charges against him until the contrary is proved, and that as an officer of the Court, he is presumed to have performed his duties in accordance with his oath. The quantum of proof in administrative cases, such as disbarment proceedings, is substantial evidence, which is that amount of relevant evidence as a reasonable mind might accept as adequate to support a conclusion, even if other minds, equally reasonable, might conceivably opine otherwise.²¹ As Piccio proffered no substantial evidence to prove any such violations, the dismissal of the charge under the rules is in order.

IN LIGHT OF THE FOREGOING, the instant Complaint for disbarment against respondents Atty. Arnold P. Castro and Atty. Zea Mai D. Wycoco is hereby **DISMISSED**.

SO ORDERED.”

By authority of the Court:

Mis-POC Bat
MISAELO DOMINGO C. BATTUNG III
Division Clerk of Court *06-16-23*

Mr. Philip H. Piccio
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²⁰ 137 Phil. 61 (1969).

²¹ *Tan v. Alvarico*, G.R. No. A.C. No. 10933, November 3, 2020.

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