



REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila

SECOND DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, Second Division, issued a Resolution dated August 22, 2022 which reads as follows:

“A.C. No. 11643 [formerly CBD Case No. 18-5559] (Daisy A. Batac, complainant v. Atty. Romualdo M. Jubay, respondent). – In her Affidavit-Complaint¹ dated February 15, 2017, complainant Daisy A. Batac (Batac) charged respondent Atty. Romualdo M. Jubay (Atty. Jubay) with violations of Rule 1.01, Canon 1, Rule 7.03, Canon 7, and Rule 8.01, Canon 8 of the Code of Professional Responsibility (CPR).² She averred that Atty. Jubay called her “*sira ulo*” (insane) and referred to her as a “*puta*” (whore), a “*Japayuki*,” a prostitute, and a nincompoop.³

Scott Henry Abadinas Englis III (Scott), then a minor, was charged with reckless imprudence resulting in serious physical injuries,⁴ and violation of Republic Act No. (RA) 4136⁵ for allegedly bumping Elsa D. Jubay (Elsa), wife of Atty. Jubay, while Scott was driving a motorcycle without a license.⁶

Atty. Jubay claimed that Scott, grandson of their neighbor Natalia Englis (Natalia) and nephew of Batac,⁷ was represented by Batac and an unnamed lawyer for the purpose of reaching a settlement with his wife.⁸ He and Elsa were supposed to sign an Affidavit of Desistance in consideration of ₱400,000.00, but things turned sour because of the supposedly deceitful acts of Batac and the unnamed lawyer.⁹

The deceitful acts allegedly committed by Batac were recounted by Atty. Jubay in the first paragraph of his Letter dated August 18, 2015 (August 2015 Letter) to Natalia, as follows:

¹ Rollo, pp. 2–6.

² Id. at 2.

³ Id. at 4.

⁴ Id. at 51.

⁵ Id. at 52.

⁶ Id. at 51–53.

⁷ Id. at 41–42.

⁸ Id. at 42–43.

⁹ Id. at 7–9.

[Mrs.] NATALIA ENGLIS
JN Pharmacy; Public Market
Balamban, C e b u

[Dear] Mrs. Englis:

Ako nakahukom karon sa pagsulat kanimo aron imong masayran ang hinungdan nga wala namo pirmahi ang Affidavit of Desistance niadtong September 11, didto sa Toledo kay naglagot ako kang Daisy Batac nga subra ka humbugera ug gipakainogon lang ako ug mag-uuma nga wala siyay [respetar] wala man kami magsabot nga ang kuwarta adto nila ibayad sa office sa inyong abugado didto kuno sa Second Floor sa RTC Bldg. sa Toledo office kuno sa inyong abugado apan wala naman opisina sa abogado [didto] sa maong Building kay ang mga kuwarta sa Husgado man, Branch 29 ug 59; sa RTC; Misaka ko sa hagdan ug maoy akong nakita si Judge Montero nga nagbarog atubangan sa iyang korte. Mao nga misurok [akong] dugo sa akong ulo kay nagtuo ako nga adto magbayad sa Sala ni Judge Montero ug niloko lang nila ako ug maoy hinungdan nga nanaog dayon ako uban si Elsa kay mouli na sa Balamban.¹⁰

[Dear Mrs. Englis:

I have decided now to write you so that you will know the reason why we did not sign the Affidavit of Desistance last September 11, there in Toledo City as I was mad (or angry) with Daisy Batac that she is so hifalutin [boastful] that she just treated me as if I am just a farmer who had no respect for me that we did not agree that the money will be paid at the office of your lawyer [allegedly] at the Second Floor of the RTC [Building] at the Toledo Office of your lawyer but we know that there is no office of a lawyer at the said building as the rooms there are of the Courts, Branch 29 and 59 RTC; I tried to go up on the [stairs] but what I saw was Judge Montero who was standing in front of his sala. This is why my blood rose in anger as I thought that the payment will be made at the [sala] of Judge Montero and they just fooled me so this is the reason that we went down with Elsa (my wife) to return to Balamban.]¹¹

Atty. Jubay also expressed his and Elsa's displeasure in the aforesaid Letter,¹² viz.:

[A]ng maong abugado pareho lang kang Daisy nga mga sira ulo, x x x **Kini tungod lang gayud kay hambugera kini si [Daisy] ug sa akong pagtuo usa ka puta o Japayuki nga babae.**¹³

x x x x

Kami ni Elsa naglagot gayod ni Daisy kay subra ka wise kay gusto moadto kuno kami sa Fiscal unya ang bayad mouli pa kami diha sa inyong tindahan

¹⁰ Id. at 7.

¹¹ Id. at 41.

¹² Id. at 7-9.

¹³ Id. at 7.

aron anha ang bayad. Sa laktud nga pagkasulti, ipa-dismiss una ang kaso unyapa ang bayad. Kini nakalagot kaayo nga gusto ko masagon ang nawong [niining] Daisy nga akong pagtuo usa ka puta o Japayuki na babae.¹⁴ (Emphasis and underscoring supplied)

[That lawyer is the same with Daisy who is also insane. x x x This is because Daisy is boastful and I believe that she is a whore or a Japayuki.]

Elsa and I were really angry at Daisy because she was really clever and wanted us to go to the Fiscal [to have the case against Scott dismissed], then we will go to your pharmacy to receive [half of] the [proceeds of the settlement]. In short, the cases against Scott will be dismissed first, then payment to us will be made later. This made me really angry that I wanted to [unintelligible] Daisy's face, a person who I believe to be a whore or a Japayuki.]

Batac recalled that in the evening of September 25, 2015, she learned about Atty. Jubay's letter to Natalia. Consequently, she filed a libel case against Atty. Jubay.¹⁵ In his Counter-Affidavit (with Motion for Outright Dismissal)¹⁶ dated February 2016 (Counter-Affidavit), Atty. Jubay stated:

j) Thus, it was very insulting to me that Daisy Batac would just treat me as if I am just a laborer so **I felt that this woman is just a nincompoop** who could not understand where she stands and who she is dealing with so **I honestly thought that she may be a prostitute or Japayuki**, x x x if she were a man[,] I could have broken his nose!¹⁷ (Emphasis supplied)

In his Comment¹⁸ dated August 11, 2017, Atty. Jubay countered that the August 2015 Letter he sent to Natalia was a "privileged communication" and the result of his frustration brought by Batac's supposed attempt to fool or deceive him and Elsa. He sent the Letter hoping that Natalia would convince Batac to accede to the ₱400,000.00 settlement that he and Elsa were demanding.¹⁹ Finally, Batac initiated the disbarment complaint to dissuade him from prosecuting Scott for the crimes imputed to him.²⁰

By Resolution²¹ dated October 18, 2017, the case was referred to the Integrated Bar of the Philippines (IBP) for investigation, report, and

¹⁴ Id. at 8.

¹⁵ Id. at 10–12.

¹⁶ Id. at 13–18.

¹⁷ Id. at 15.

¹⁸ Id. at 40–47.

¹⁹ Id. at 43.

²⁰ Id. at 46.

²¹ Id. at 90.

recommendation. The IBP-Commission on Bar Discipline (IBP-CBD) set the case for mandatory conference on May 09, 2018, during which only Batac appeared.²² On even date, the IBP-CBD issued an Order²³ declaring the mandatory conference closed and terminated, and directing the parties to submit their verified position papers.²⁴ Both parties failed to submit their respective position papers within the given period.²⁵

Report and Recommendation of the IBP

The IBP-CBD noted that Atty. Jubay admitted the questioned utterances “*sira ulo*,” “*puta*,” and “*Japayuki*” he directed to Batac. Even then, he explained that he made the statements out of frustration related to the reckless imprudence case he and his wife filed against Batac’s nephew, Scott. Atty. Jubay also did not deny that his Counter-Affidavit contained offensive remarks against Batac.²⁶ Consequently, the IBP-CBD recommended that a penalty of one (1) year suspension be imposed on him.²⁷

By Resolution ²⁸ dated September 12, 2020, the IBP Board of Governors resolved to adopt and approve the report and recommendation of the IBP-CBD, with the modification that an additional fine of ₱10,000.00 be imposed upon Atty. Jubay for his failure to: (a) attend the mandatory conference; and (b) to submit his position paper.²⁹

Our Ruling

We adopt the factual findings and conclusions of the IBP Board of Governors as well as the recommended penalty.

The Court is constitutionally-mandated to discipline erring lawyers and purge the legal profession of its unworthy members.³⁰ In disciplinary cases against lawyers, substantial evidence, or that amount of relevant evidence which a reasonable mind might accept as adequate to justify a conclusion, is necessary to justify the imposition of administrative liability.³¹

²² Id. at 114–115.

²³ Id. at 115.

²⁴ Id..

²⁵ Id. at 180.

²⁶ Id. at 180–181.

²⁷ Id. at 181.

²⁸ Id. at 176–178.

²⁹ Id. at 176.

³⁰ *Development Bank of the Philippines v. Atty. Badilla*, A.C. No. 10931 (Notice), September 29, 2021 citing *Republic v. Sereno*, 833 Phil. 449 (2018) [Per *J. Tijam*, En Banc].

³¹ See *Partsch v. Atty. Vitorillo*, A.C. No. 10897, January 4, 2022 [Per *J. Hernando*, En Banc] citing *Spouses Nocuenca v. Bensi*, A.C. No. 12609, February 10, 2020 [Per *J. Hernando*, Second Division].

Atty. Jubay has not, in any manner, denied that he referred to Batac as “*sira ulo*,” “*puta*,” “*Japayuki*,” prostitute, and nincompoop. He simply justified his distasteful utterances, claiming they were the result of his frustration over the alleged deceit perpetrated by Batac on him and his wife.³² But even in his pleadings filed before the Court, he repeatedly called Batac a “liar.”³³ His implied admissions, together with the other documentary evidence on record, satisfy the required quantum of substantial evidence to hold him administratively liable.³⁴

As pointed out by Batac, the offensive statements uttered by Atty. Jubay contravened Rule 1.01 Canon 1, of the CPR, *viz.*:

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

Rule 1.01 A lawyer shall not engage in unlawful, dishonest, immoral or deceitful conduct.

On this score, the Court ordained:³⁵

Verily, members of the Bar are expected at all times to uphold the integrity and dignity of the legal profession and refrain from **any act or omission which might lessen the trust and confidence reposed by the public in the fidelity, honesty, and integrity of the legal profession.** By no insignificant measure, respondent blemished not only his integrity as a member of the Bar, but also that of the legal profession. In other words, his conduct fell short of the exacting standards expected of him as a guardian of law and justice.³⁶ (Emphasis supplied)

By casting aspersion on the character and mental capacity of Batac, Atty. Jubay cast upon himself, too, serious doubt on his character, and by association, diminished the trust and confidence reposed by the public in the integrity of the legal profession.

Further, his use of offensive and intemperate language violated Rule 7.03, Canon 7 of the CPR which provides:

CANON 7 — A lawyer shall at all times uphold the integrity and dignity of the legal profession, and support the activities of the integrated bar.

X X X X

³² *Rollo*, p. 40.

³³ *Id.* at 40 and 44.

³⁴ *See Brennisen v. Atty. Contawi*, 686 Phil. 342 (2012).

³⁵ *Vasco-Tamaray v. Atty. Daquis*, 779 Phil. 191 (2016), citing *Yupangco-Nakpil v. Uy*, 743 Phil. 138 (2014) [Per *J. Perlas-Bernabe*, First Division].

³⁶ *Id.* at 205; *Id.* at 144.

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.

Indubitably, the words he uttered are of scandalous nature and ultimately brought the legal profession into disrepute.³⁷

The Court is not unmindful of the unique situation that members of the legal profession find themselves in when it comes to the use of language, viz.:³⁸

The adversarial nature of our legal system has tempted members of the bar to use strong language in pursuit of their duty to advance the interests of their clients. Though a lawyer's language may be forceful and emphatic, it should always be dignified and respectful, befitting the dignity of the legal profession. **The use of intemperate language and unkind ascriptions has no place in the dignity of the judicial forum.** Language abounds with countless possibilities for one to be emphatic but respectful, convincing but not derogatory, and illuminating but not offensive. **In this regard, all lawyers should take heed that they are licensed officers of the courts who are mandated to maintain the dignity of the legal profession, hence, they must conduct themselves honorably and fairly.**

X X X X

Surely, the "sobriety of speech demanded of a lawyer" should have implored respondent not to "spill over the walls of decency or propriety" in defending herself. x x x Disciplinary action against respondent is, therefore, incumbent upon this Court as the "guardian of the legal profession."³⁹ (Emphases supplied; citations omitted)

Although the Court understands that the incident which preceded Atty. Jubay's use of offensive language (*i.e.*, the motorcycle mishap which injured his wife) is deeply personal and emotionally charged, he ought to be reminded that the language he employed is highly unbecoming of a member of the legal profession.⁴⁰ In his own words, he only hoped that Natalia "might explain and convince Daisy to settle the full amount of the damages that [he and Elsa] demanded for settlement."⁴¹ Surely, with more thought and prudence, he could have achieved his purpose without resorting to raging, disparaging, and offensive words.

³⁷ See *Vasco-Tamaray v. Atty. Daquis*, supra citing *Noble III v. Ailes*, 762 Phil. 296 (2015) [Per J. Perlas-Bernabe, First Division].

³⁸ *Martin v. Atty. Ala*, A.C. No. 10556, June 30, 2021 (Notice).

³⁹ *Id.*

⁴⁰ *Id.*

⁴¹ *Rollo*, p. 43.

Rule 8.01, Canon 8 of the CPR provides:

CANON 8 — A lawyer shall conduct himself with courtesy, fairness and candor toward 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.

Notably, Atty. Jubay stated in his Counter-Affidavit⁴² that:

[I] honestly thought that [Batac] may be a prostitute or Japayuki, but I did not categorically state that she is a prostitute **it was just my opinion** due to [her] insulting actions that if she were a man I could have broken his nose!⁴³

x x x x

[T]here [was] no malice at all [in making the statement]; **it was just my opinion** that she is a prostitute because she tried to fool us x x x⁴⁴ (Emphases supplied)

In *Buenviaje v. Atty. Magdamo*,⁴⁵ the Court regarded Atty. Magdamo's imputation that Buenviaje was a swindler as malicious because he had no evidence that Buenviaje was actually engaged in swindling. The Court then reiterated that the use of malicious statements is a violation of Rule 8.01 of Canon 8 of the CPR. Here, Atty. Jubay's baseless imputation that Batac is a "*puta*," "*Japayuki*," and prostitute, among others, amounts to a violation of Rule 8.01 of Canon 8.

Finally, Atty. Jubay's claim that the statements he made are privileged in nature does not shield him from the Court's disciplinary authority. To reiterate, there is not, and never has been, a place for offensive and intemperate language in civilized discourse. It is of no consequence that the August 2015 Letter of Atty. Jubay was sent to a private individual⁴⁶ or that the libel case for which he filed his Counter-Affidavit was dismissed for lack of probable cause.⁴⁷ As a member of the bar "whose conduct ought to be and must be scrupulously observant of law and ethics,"⁴⁸ he had the duty to temper his thoughts and language regardless of the size of his intended audience.

⁴² Id. at 13–18.

⁴³ Id. at 15.

⁴⁴ Id. at 16.

⁴⁵ 817 Phil. 1 (2017) [Per J. Peralta, Second Division].

⁴⁶ See *Zafra III, v. Atty. Pagatpatan*, A.C. No. 12457, April 2, 2019.

⁴⁷ *Rollo*, p. 40.

⁴⁸ *Zafra III, v. Atty. Pagatpatan*, *supra*.

In any event, even if his statements were indeed privileged, he remains subject to the Court's supervisory and disciplinary powers for lapses in the observance of his duty as a member of the legal profession.⁴⁹

The Proper Penalty

In *Noble III v. Ailes*,⁵⁰ *The Law Firm of Chavez Miranda Aseoche v. Lazaro*,⁵¹ *Parks v. Misa, Jr.*,⁵² and *Martin v. Ala*,⁵³ the Court admonished lawyers for referring to another person as “*polpol*” (stupid), “grossly ignorant,” a “drug addict,” and “fraud.”

In this case, however, we find that an admonition is too gentle a penalty considering that Atty. Jubay's utterances were gender-insensitive and extremely misogynistic. To be sure, his words constitute a veritable assault on the dignity of Batac and the rest of womankind. His words reflect the values of a bygone era and have no place in a society which strives towards true and complete gender equality.

Although A.M. No. 21-11-25-SC⁵⁴ specifically pertains to the use of gender-fair language in the Judiciary, we find its preambulatory clauses applicable to Atty. Jubay who, as a lawyer, is an officer of the court.⁵⁵

WHEREAS, Article II, Section 11 of the 1987 Constitution recognizes the policy of the State to value the dignity of every human person and guarantee full respect for human rights;

WHEREAS, Article II, Section 14 of the 1987 Constitution recognizes the role of women in nation-building, with the **State mandate to ensure the fundamental equality of women and men before the law**;

X X X X

WHEREAS, under Section 13 of Republic Act No. 9710, or “The Magna Carta for Women,” **gender-sensitive language shall be used at all times to further the avowed policy of abolishing the unequal structures and practices that perpetuate discrimination and inequality in society**;

⁴⁹ *The Law Firm of Chavez Miranda Aseoche v. Atty. Lazaro and Atty. Morta*, 794 Phil. 308 (2016) [Per C. J. Sereno, Second Division] citing *Lubiano v. Gordolla*, A.C. No. 2343, July 30, 1982 [Per J. Escolin, Second Division].

⁵⁰ Supra note 36.

⁵¹ Supra note 48.

⁵² A.C. No. 11639, February 5, 2020 [Per J. Delos Santos, Second Division].

⁵³ Supra note 37.

⁵⁴ Re: Proposed Rules on the Use of Gender-Fair Language in the Judiciary and Gender-Fair Courtroom Etiquette, February 15, 2022.

⁵⁵ See *Atty. Pefianco v. Atty. Garcia*, A.C. No. 11727, September 6, 2017 (Notice).

X X X X

WHEREAS, in Republic Act No. 11313, the State recognized the dignity of every human person, and penalized various acts, **including the use of words that ridicule on the basis of sex, gender or sexual orientation, identity and/or expression such as sexist, homophobic, and transphobic statements and slurs**; x x x (Emphases supplied)

The words “*puta*,” “*Japayuki*,” and prostitute contravene the Court’s thrust to purge the legal profession of words which “ridicule on the basis of sex, gender or sexual orientation” and are sexist. Further, the words signify an attempt to perpetuate a patriarchal power structure which views women as inferior and undeserving of respect. Thus, we find it proper to suspend Atty. Jubay for one (1) year, if only to serve as an example that gender-insensitivity has no place in modern society.

As for the ₱10,000.00 fine recommended by the IBP due to the failure of Atty. Jubay to attend the mandatory conference⁵⁶ and to file his position paper,⁵⁷ we find the same to be in order, as well. In *Adan and Adan v. Atty. Tacorda*,⁵⁸ we imposed the same fine on a lawyer for his failure to attend the mandatory conference/hearing and file the necessary pleadings before the IBP-CBD.

FOR THESE REASONS, the Court finds Atty. Romualdo M. Jubay **GUILTY** of violations of Rule 1.01, Canon 1, Rule 7.03, Canon 7 and Rule 8.01, Canon 8 of the Code of Professional Responsibility. He is **SUSPENDED** from the practice of law for one (1) year, effective upon his receipt of this Resolution. He is **STERNLY WARNED** that a repetition of the same or similar acts will be dealt with more severely. He is also **DIRECTED** to immediately file a Manifestation to the Court that his suspension has started, copy furnished all courts and quasi-judicial bodies where he has entered his appearance as counsel.

Atty. Romualdo M. Jubay is likewise **ORDERED** to **PAY** a fine in the amount of ₱10,000.00 for disobedience to the order of the Integrated Bar of the Philippines Commission on Bar Discipline.

Let copies of this Resolution be furnished to the Office of the Bar Confidant, to be attached to the personal record of Atty. Romualdo M.

⁵⁶ *Rollo*, p. 176.

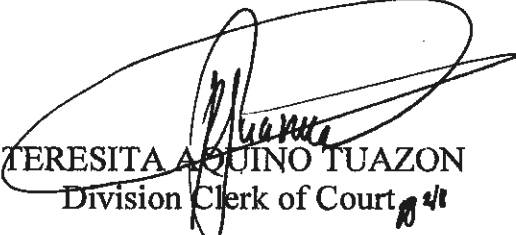
⁵⁷ *Id.*

⁵⁸ A.C. No. 12826, February 1, 2021 [Per *J. Delos Santos*, Third Division].

Jubay; 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
08 FEB 2023

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