



Republic of the Philippines
Supreme Court
Manila

THIRD DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, Third Division, issued a Resolution dated August 8, 2022, which reads as follows:

“A.C. No. 13509 (Elita Borgonia v. Atty. Samuel Alentaje). — Submitted to this Court is a Notice of Resolution dated 18 March 2022 of the Board of Governors of the Integrated Bar of the Philippines (**TBP**), pursuant to Rule 139-B of the Rules of Court, which denied the motion for reconsideration filed by respondent Atty. Samuel B. Alentaje (**Atty. Alentaje**) and upheld the Resolution dated 12 June 2021 of the Board of Governors of the IBP, adopting the report and recommendation of the IBP-Commission on Bar Discipline (**IBP-CBD**) imposing the penalty of suspension from the practice of law for six (6) months.

Facts

Complainant Borgonia is the legal secretary of Atty. Leonard de Vera (**Atty. De Vera**) for the last fourteen (14) years.¹ On the other hand, Atty. Alentaje is the alleged collaborating counsel of Atty. Teodorico Molina representing the plaintiffs in Civil Case No. 13-72988-CV titled “*Norma Gacayan et. al. vs. Central Taxicab Corp. et. al.*” pending before Branch 93 of the Regional Trial Court of Quezon City.²

Borgonia alleged that, on 9 August 2018, while Atty. De Vera was conducting the oral deposition of the plaintiff in the civil case, Laura Rubio Peralta (**Ms. Peralta**), Borgonia noticed that Benjamin Ramirez Rubio (**Mr. Rubio**) was coaching Ms. Peralta through hand gestures and hand-signal movements.³ Upon catching Mr. Rubio for a third time, Borgonia reported her observations to Atty. De Vera, who then manifested to the Branch Clerk of Court the alleged coaching.⁴ Mr. Rubio angrily denied the accusation, while Atty. Alentaje remarked that Mr. Rubio probably just got carried away.⁵ A

¹ Id., at p. 2.

² Id.

³ Id., at pp. 2-7.

⁴ Id., at p. 7.

⁵ Id.

heated argument ensued between Atty. De Vera and Atty. Alentaje, wherein the latter accused Borgonia of coaching Atty. De Vera by informing him of Mr. Rubio's hand gestures and hand-signal movements.⁶

After the argument, Atty. Alentaje allegedly menacingly stared and continuously glared at Borgonia, transferred his seat to her immediate left, and continued to stare and glower at her "with an expression of anger, hostility, and impressing threats and intimidation."⁷ Atty. Alentaje also allegedly induced Mr. Rubio to likewise stare and glower at Borgonia, instructing him "*Tapatan mo ng upuan, titigan mo,*" while the deposition was ongoing.⁸

Later, Atty. Alentaje conferred with Mr. Rubio behind Borgonia's seat.⁹ Atty. Alentaje then positioned his cellphone away from his face and made it appear that he was taking a video recording of the proceeding.¹⁰ Without naming names, Atty. De Vera made a manifestation about the prohibition on recording any part of the proceedings.¹¹ This led to another heated argument between Atty. De Vera and Atty. Alentaje. Mr. Rubio seemingly lost his temper and angrily shouted, while pointing his right index finger towards Borgonia, "*Ikaw ang nagcocoach! Ikaw ang nagcocoach!*"¹² Borgonia, on the verge of tears, faced Mr. Rubio and said, "*Huwag mo ako duduruin ha. Huwag mo ako duduruin.*" Mr. Rubio kept shouting and menacingly pointing his finger at Borgonia, and later kicked Borgonia on her inner right thigh.¹³ In response, Borgonia slapped Mr. Rubio's left cheek.¹⁴ The Branch Clerk of Court and other court staff pacified the commotion. Five policemen were eventually called in to maintain peace and order until the termination of the deposition proceeding.¹⁵

On 16 August 2019, during the continuation of the oral deposition of Ms. Peralta, Atty. Alentaje asked for the exclusion of Borgonia as she is not a party to the case, and called her "*a fighting ninja*" while recalling the incidents during the previous deposition proceeding.¹⁶ On the same date, a certain Alicia Herrera, claiming to be a buyer of the property subject of the civil case, remarked "*Hindi naman ako mananampal, eh... takot na takot, may tinatago ba kayo?*," allegedly to disrupt the deposition proceeding, and to add tension and hostility to the situation.¹⁷

⁶ Id., at pp. 7-14.

⁷ Id., at pp. 14-15.

⁸ Id., at p. 16.

⁹ Id., at p. 18.

¹⁰ Id.

¹¹ Id.

¹² Id., at p. 20.

¹³ Id.,

¹⁴ Id.

¹⁵ Id., at p. 16.

¹⁶ Id., at p. 24.

¹⁷ Id., at p. 25.

Aggrieved, Borgonia filed a *Verified Complaint* dated 4 October 2018 against Atty. Alentaje with the IBP-CBD. The IBP-CBD directed Atty. Alentaje to submit his verified answer within fifteen (15) days from receipt of the *Order*. For failure of Atty. Alentaje to file his Answer, Borgonia filed a *Motion to Declare Respondent Samuel B. Alentaje in Default and for Complainant to Present Evidence Ex-Parte* dated 25 January 2018. In an *Order* dated 12 May 2015, the IBP-CBD declared Atty. Alentaje in default and set the case for hearing on 11 March 2019 for the presentation of Borgonia's evidence ex-parte.

On 4 March 2019, Atty. Alentaje filed a *Motion to Lift Order of Default & To Allow Respondent to File Verified Answer* dated 3 March 2019, with the attached *Verified Answer*. In an *Order* dated 11 March 2019, the IBP-CBD ruled to lift the order of default and allowed the filing of Atty. Alentaje's *Verified Answer*. In his defense, Atty. Alentaje denied committing violations of the CPR and further claimed that he merely performed dutifully and religiously his ethical duty and responsibility to his clients.¹⁸

The parties were further directed to submit their respective mandatory conference briefs and set the case for Mandatory Conference on 29 April 2019. When the conference was terminated, both parties were required to submit their respective verified position papers.

On 14 June 2019, the Investigating Commissioner of the IBP-CBD, ruled that Atty. Alentaje committed acts in violation of the Code of Professional Responsibility and unbecoming of a lawyer, which makes him liable for the imposition of disciplinary sanctions:

In view of the foregoing premises, it is respectfully recommended that Respondent Atty. Samuel B. Alentaje be **SUSPENDED** from the practice of law for **SIX (6) months** and **SEVERELY WANTED** that a repetition of the same or similar act will be more strictly dealt with.

RESPECTFULLY SUBMITTED.¹⁹

On 12 June 2021, the IBP Board of Governors adopted the ruling of the IBP-CBD:

RESOLVED to **APPROVE** and **ADOPT**, as it is hereby **APPROVED** and **ADOPTED**, the Report and Recommendation of the Investigating Commissioner in the above-entitled case to **SUSPEND Atty. Samuel B. Alentaje from the practice of law for six (6) months**, after

¹⁸ Id., at pp. 171-178.

¹⁹ *Rollo*, Vol. II, IBP-CBD Report and Recommendation dated 14 June 2019, (unpagged).

finding the same to be fully supported by the evidence on record and the applicable laws and rules.²⁰

On 18 March 2022, the IBP Board of Governors denied the motion for reconsideration filed by Atty. Alentaje and upheld its *Resolution* dated 12 June 2021:

RESOLVED, to DENY, as it is hereby DENTED, the Motion for Reconsideration filed by the Respondent Atty. Samuel B. Alentaje for lack of merit, and to UPHOLD the Board of Governors' Resolution dated 12 June 2021 recommending the imposition of the penalty of suspension from the practice of law for six (6) months.²¹

On 27 April 2022, the IBP, through Atty. Avelino V. Sales, Jr., Director for Bar Discipline, transmitted the case to the Court, with the IBP's recommendation, for final resolution.²²

Issue

Should Atty. Alentaje be held administratively liable for violation of the CPR, the lawyer's oath, and for conduct unbecoming of a lawyer?

The Ruling of the Court

The Court adopts the findings and recommendation of the IBP.

Membership in the legal profession is a high personal privilege burdened with conditions, including continuing fidelity to the law and constant possession of moral fitness. Lawyers, as guardians of the law, play a vital role in the preservation of society, and a consequent obligation of lawyers is to maintain the highest standards of ethical conduct. Failure to live by the standards of the legal profession and to discharge the burden of the privilege conferred on one as a member of the bar warrant the suspension or revocation of that privilege.²³ The Court is duty-bound to sanction a lawyer who lacks moral character, probity and good demeanor.

The CPR guides the conduct of lawyers, who must always reflect the values and norms of the legal profession whether they perform their duties as

²⁰ Id., Notice of Resolution No. CBD-2021-06-31 dated 12 June 2021, (unpaged).

²¹ Id., Notice of Resolution No. CBD-XXV-2022-03-27 dated 17 March 2022, (unpaged).

²² Id., Letter dated 27 April 2022 addressed to Chief Justice Alexander G. Gesmundo, (unpaged).

²³ *Antonio T. Aguinaldo v. Atty. Isaiah C. Asuncion, Jr.*, A.C. No. 12086, 7 October 2020 (Per C.J. Peralta, First Division), citing *Ana Maria Kare v. Atty. Catalina L. Tumuluan*, A.C. No. 8777, 9 October 2019 (Per J. Peralta, Third Division).

a member of the Bar or in their private capacities. As early as 1923 in *In Re Vicente Pelaez*,²⁴ the Court explained that:

[A]s a general rule, a court will not assume jurisdiction to discipline one of its officers for misconduct alleged to have been committed in his private capacity. But this is a general rule with many exceptions. The courts sometimes stress the point that the attorney has shown, through misconduct outside of his professional dealings, a want of such professional honesty as render him unworthy of public confidence, and an unfit and unsafe person to manage the legal business of others. The reason why such a distinction can be drawn is because it is the court which admits an attorney to the bar, and the court requires for such admission the possession of a good moral character.

This has since been codified in Rule 7.03 of the CPR.

In the case at bar, it is undisputed that the proximate cause of the incidents subject of the complaint was Borgonia's act of reporting to Atty. De Vera the alleged coaching by Mr. Rubio. Regardless of whether the alleged coaching actually transpired, Atty. Alentaje's administrative liability must be judged based on acts carried out afterwards.

Borgonia's claim that she was targeted for harassment and intimidation was validated when Atty. Alentaje admitted to calling her "*a fighting ninja*" during the scheduled oral deposition on 16 August 2018.²⁵ The Court agrees with the finding of the IBP-CBD that Borgonia "would not have been subjected to the name calling a week after, if the version she alleged during the 9 August 2018 incident was without factual basis."²⁶

Atty. Alentaje's act of uttering aggressive comments against Borgonia in open court was a clear violation of his Lawyer's Oath, with specific regard to his undertaking to "conduct [himself] as a lawyer according to the best of [his] knowledge and discretion." Further, his actions directly contravene Canons 7, 8, and 11 of the CPR, which state:

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.

[xx]

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.

²⁴ *In Re suspension of Vicente Pelaez*, 44 Phil. 567 (1923).

²⁵ *Rollo*, Vol. I, Verified Answer dated 3 March 2019, p. 173.

²⁶ *Rollo*, Vol. II, IBP-CBD Report and Recommendation dated 14 June 2019, (unpagged).

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.

[xx]

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.

A lawyer's language, though forceful and emphatic, must always be dignified and respectful, befitting the dignity of the legal profession.²⁷ Clearly, Atty. Alentaje's actions and scandalous behavior did not promote respect for the legal profession, much less for court proceedings.

Furthermore, the Court deems it proper to sanction Atty. Alentaje for knowingly making erroneous submissions in his *Motion to Lift Order of Default & To Allow Respondent to File Verified Answer* dated 3 March 2019. In this *Motion*, Atty. Alentaje asserted that he was too busy preparing for the renewal of his notarial commission that he failed to read the contents of the parcel containing the IBP-CBD's *Order* dated 7 November 2018 requiring him to file an answer in the administrative case.

However, the records show that Atty. Alentaje already knew, as early as 13 November 2018, about the administrative case filed against him before the IBP-CBD. In support of his petition for renewal of notarial commission, Atty. Alentaje submitted a *Certification* dated 13 November 2018 issued by the IBP-CBD, which stated that he had a pending administrative or disbarment case. Thus, when Atty. Alentaje received a parcel containing a copy of the *Order* dated 7 November 2018 from IBP-CBD on 16 November 2018, he already knew that such mail was related to the pending administrative case referred to in the *Certification*.

Atty. Alentaje's failure to submit his verified answer on time, despite due notice, and willful misrepresentation in his filed *Motion* constitute blatant disregard of the IBP-CBD's authority. Such conduct is unbecoming of a lawyer and violative of Canons 1, 10, 11, and 12 of the CPR:

²⁷ *Enrico R. Velasco v. Atty. Berteni C. Causing*, A.C. No. 12883, 2 March 2021 (Per J. Lirio, En Banc), citing *Sps. Nuezca v. Atty. Villagracia*, 792 Phil. 535, 540 (2016).

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.

[xx]

Rule 1.03 — A lawyer shall not, for any corrupt motive or interest, encourage any suit of proceeding or delay any man's cause.

[xx]

CANON 10 — A lawyer owes candor, fairness, and good faith to the court.

Rule 10.01 — A lawyer shall not do any falsehood, nor consent to the doing of any in court; nor shall he mislead, or allow the Court to be misled by any artifice.

[xx]

Rule 10.03 — A lawyer shall observe the rules of procedure and shall not misuse them to defeat the ends of justice.

[xx]

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.

[xx]

CANON 12 — A lawyer shall exert every effort and consider it his duty to assist in the speedy and efficient administration of justice.

[xx]

Rule 12.04 — A lawyer shall not unduly delay a case, impede the execution of a judgment, or misuse Court processes.

The Court finds no cogent reason to depart from the resolution of the IBP-CBD and the IBP Board of Governors to suspend respondent Atty. Alentaje from the practice of law for a period of six (6) months. Atty. Alentaje demonstrated a lack of moral fitness expected of a member of the legal profession when he committed acts of intimidation and harassment against Borgonia, aggravated by his disregard of the IBP-CBD's order, compounded by his false representation in his *Motion to Lift Order of Default & To Allow Respondent to File Verified Answer* dated 3 March 2019 and such conduct should be administratively sanctioned.

WHEREFORE, the Court hereby finds respondent Atty. Samuel B. Alentaje **GUILTY** of violation of Canons 1, 7, 8, 10, 11, and 12 of the Code

of Professional Responsibility. Accordingly, effective immediately, the Court hereby **SUSPENDS** him from the practice of law for a period of six (6) months.

Furthermore, respondent is **DIRECTED** to report to this Court the date of his receipt of this Resolution to enable it to determine when his suspension from the practice of law shall take effect.

Let copies of this Resolution be furnished to: (1) the Office of the Bar Confidant to be appended to respondent's personal record as an attorney; (2) the Integrated Bar of the Philippines for its information and guidance; and (3) the Office of the Court Administrator for circulation to all courts in the country.

SO ORDERED."

By authority of the Court:

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MISAEAL DOMINGO C. BATTUNG III
Division Clerk of Court *8/12/22*

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