



Republic of the Philippines  
Supreme Court  
Manila

FIRST DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, First Division, issued a Resolution dated **June 15, 2022** which reads as follows:*

**“A.C. No. 12997 [Formerly UE Case No. 18-297] (Jouie T. Balladares and Louie T. Balladares, v. Atty. Francis Nico F. Peña.)** – For resolution is the Verified Disbarment Complaint/Letter Affidavit<sup>1</sup> against Atty. Francis Nico F. Peña (Atty. Peña) for violation of Rules 1.01 and 8.01 of the Code of Professional Responsibility (CPR).

**Antecedents**

Complainants Jouie T. Balladares (Jouie) and Louie T. Balladares (collectively, complainants) were on their way to visit their father, then incumbent mayor of Kabasalan, Zamboanga Sibugay, when they saw Atty. Peña conducting legal aid just outside their father's office. Since they were still waiting for their father's availability, they took the opportunity to ask legal advice from Atty. Peña regarding a property they bought in Kabasalan.<sup>2</sup>

During their conversation, Jouie asked Atty. Peña if his legal consultation was really free like the latter had been advertising to the public. Atty. Peña allegedly got irked by the question. He retorted that he does not provide free legal services to financially capable people like complainants who are not only businessmen but also political scions. Supposedly, he even told complainants that they should give him their land instead if they could not pay his consultation fee.<sup>3</sup>

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244

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<sup>1</sup> *Rollo*, pp. 1-5.

<sup>2</sup> *Id.* at 2.

<sup>3</sup> *Id.*

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The tension escalated as Jouie answered back and insisted that he was as entitled as the other constituents of their town to free legal services from Atty. Peña. Infuriated, Atty. Peña called complainants “*bastos*.”<sup>4</sup>

After their verbal altercation, Atty. Peña went to the police station claiming that complainants threatened him with physical harm.<sup>5</sup> He then distributed copies of the police blotter to the residents of Kabasalan. He also posted about the incident on his social media account. He claimed that some individuals approached him under the pretense of asking for help, but they only insulted him. One of them even uttered, “*Kulatahon ka*” and “*Ibaligya pud imo wife for free*.”<sup>6</sup>

In turn, complainants filed this disbarment case against Atty. Peña. They claimed that the latter’s actions constituted bullying. It was also illmotivated and done in bad faith since he could have just filed the appropriate complaint if he sincerely wanted to vindicate a legitimate grievance. Instead, he resorted to public shaming, making use of the situation to boost his political aspiration to become the vice mayor of their town and, at the same time, damage the reputation of complainants and their families.<sup>7</sup>

### **Report and Recommendation of the IBP**

In a Report and Recommendation<sup>8</sup> dated 26 February 2019, Integrated Bar of the Philippines (IBP) Commissioner on Bar Discipline Roland B. Beltran (investigating commissioner) recommended the outright dismissal of the complaint for lack of merit. He found the complaint to be politically motivated. Moreover, he did not find a specific allegation of wrongdoing committed by Atty. Peña. The investigating commissioner held that, in bringing his complaint to the police, Atty. Peña abided by his lawyer's oath not to take the law into his own hands. He added that Atty. Peña did not do anything wrong when he refused to give free legal help to complainants as it was clearly intended only for indigents.<sup>9</sup>

On 14 December 2019, the IBP Board of Governors passed a Resolution,<sup>10</sup> dismissing the complaint as it approved and adopted the Report and Recommendation of the investigating commissioner.

- over -

244

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<sup>4</sup> Id.

<sup>5</sup> Id. at 1 of the Report and Recommendation.

<sup>6</sup> Id. at 3 and 6.

<sup>7</sup> Id. at 3.

<sup>8</sup> Unpaginated.

<sup>9</sup> Unpaginated, p. 2 of Report and Recommendation.

<sup>10</sup> Unpaginated.

The Office of the Bar Confidant informed the Court that neither party filed a motion for reconsideration or petition for review as of 08 February 2021.<sup>11</sup>

### **Ruling of the Court**

Based on the facts presented, the Court veers away from the findings and recommendation of the IBP to dismiss the instant petition against Atty. Peña.

Disbarment is the most severe form of disciplinary sanction given to a lawyer. It is with high regard that this Court has repeatedly held in various cases that the power to disbar or suspend ought always to be exercised on the preservative and not on the vindictive principle, with great caution and only for the most weighty reasons. It should only be imposed in clear cases of misconduct affecting the standing and moral character of the lawyer as an officer of the court and a member of the Bar.<sup>12</sup>

Moreover, lawyers are presumed innocent of the charges against them. Hence, they enjoy the presumption that their acts are consistent with their oath. Thus, the burden of proof still rests upon complainants to prove their claim.<sup>13</sup>

Under the given circumstances in this case, the Court finds no sufficient basis to disbar Atty. Peña. Nevertheless, he should be reprimanded as the facts substantially prove that he violated the Lawyers' Oath and Canon 7 and Rule 7.03 of the CPR.

Atty. Peña was within his right to criminally charge complainants for being hurt or threatened during his run-in with them. However, arrogantly posting the details of the incident on social media, and even alluding to the complainants, was uncalled for.

As the complainants' aptly argued, Atty. Peña could have just quietly filed the appropriate complaint if he sincerely wanted to vindicate a legitimate grievance. Instead, he thoughtlessly invited the public's attention, possibly to get sympathy or shame the complainants due to politics. Understandably, Atty. Peña may have also just been

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244

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<sup>11</sup> Unpaginated, *see* Report for Agenda dated 07 May 2021.

<sup>12</sup> *See Santamaria v. Tolentino*, A.C. No. 12006, 29 June 2020.

<sup>13</sup> *See Ricafort v. Medina*, 785 Phil. 911, 919 (2016).

carried away by his heated discussion with the complainants. However, even if emotions ran high, it should not have gotten the better of Atty. Peña.

His unnecessary outburst online caused him to violate his Lawyer's Oath, particularly the undertaking to conduct himself as a lawyer according to the best of his knowledge and discretion. Also, he also disregarded Canon 7 and Rule 7.03 of the CPR:

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.

Rule 7.03 - A lawyer shall not engage in conduct that adversely reflects on his fitness to practice law, nor shall he [or she] whether in public or private life, behave in a scandalous manner to the discredit of the legal profession.

In view of the foregoing, Atty. Peña should be disciplined. For now, the penalty of reprimand suffices as this is his first administrative infraction, and given his age, along with the prevailing circumstances. However, this case should serve as a strong reminder to Atty. Peña and the rest of the Bar to be more circumspect in their actions because lawyers may be disciplined for acts committed even in their private capacity for anything that tends to bring reproach to the legal profession or could injure it in the favorable opinion of the public.<sup>14</sup>

**WHEREFORE**, premises considered, the Court finds respondent Atty. Francis Nico F. Peña **GUILTY** of violating the Lawyer's Oath, as well as Canon 7 and Rule 7.03 of the Code of Professional Responsibility. He is hereby **REPRIMANDED with a STERN WARNING** that a repetition of the same or similar act shall be dealt with more severely.

Let a copy of this Resolution be furnished to the Office of the Bar Confidant to be appended to the respondent's personal record as an attorney.

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244

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<sup>14</sup> See *Valin v. Ruiz*, 820 Phil. 390, 405(2017).

**SO ORDERED.”**

**By authority of the Court:**

**LIBRADA C. BUENA**  
Division Clerk of Court

*4/0-718*

by:



**MARIA TERESA B. SIBULO**  
Deputy Division Clerk of Court

**244**

**JUL 20 2022**

Atty. Jouie T. Balladares & Louie T. Balladares  
Complainants  
No. 33 Paseo Elizabeth Phase 6  
Maria Luisa Estate Park, Banilad  
6000 Cebu City

Atty. Francis Nico Peña  
Respondent  
c/o Seoail Gas Station  
Melodia Mapagmahal, Gomburza Street  
Poblacion, Ipil, 7001 Zamboanga Sibugay

Integrated Bar of the Philippines  
Doña Julia Vargas Avenue  
Ortigas Center, 1605 Pasig City

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