



Republic of the Philippines  
Supreme Court  
Manila

SPECIAL FIRST DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, Special First Division, issued a Resolution dated **March 29, 2023** which reads as follows:*

**“A.C. No. 12485 [Formerly CBD Case No. 15-4527] (Narciso L. Hipolito, Complainant v. Atty. Ma. Carmina M. Alejandro-Abbas and Atty. Joseph Anthony M. Alejandro, Respondents).** – The Court resolves to **NOTE** the respondent Atty. Ma. Carmina M. Alejandro-Abbas’ Verified Manifestation dated February 23, 2023, stating that she has substantially complied with all the requirements pertaining to the lifting of her suspension and that she shall resume her practice of law immediately, or starting February 27, 2023.

Respondent Atty. Ma. Carmina M. Alejandro-Abbas (Atty. Alejandro-Abbas) prays that her suspension from the practice of law, as ordered in the Resolution<sup>1</sup> dated December 10, 2019, be lifted. The Court, through Resolution<sup>2</sup> dated December 10, 2019, found her and her co-respondent Atty. Joseph Anthony M. Alejandro (Atty. Alejandro) guilty of violation of Canon 1, Rule 1.01 and Canon 7, Rule 7.03 of the Code of Professional Responsibility (CPR). Respondents earlier filed a Motion for Reconsideration<sup>3</sup> of the Resolution dated December 10, 2019.

To recall, complainant Narciso L. Hipolito (Hipolito) charged respondents with grave abuse of authority and conduct unbecoming of a lawyer in relation to Canon 1, Rule 1.01 of the CPR before the Integrated Bar of the Philippines (IBP)-Commission on Bar Discipline (CBD). The case was docketed as CBD Case No. 15-4527.<sup>4</sup>

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<sup>1</sup> *Rollo*, pp. 79–85.

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

<sup>3</sup> *Id.* at 92–99.

<sup>4</sup> *Id.* at 79.

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Hipolito alleged that on February 8, 2015, respondents, together with 30 to 40 unidentified men, entered his property and began demolishing the structures and farming implements found therein. When he and his family attempted to stop them, Atty. Alejandro-Abbas threatened “*Huwag kayong makialam. Huwag magsasalita. Lupa namin ito. Ang gumalaw mapahamak. Mabuti pang tumahimik na lamang kayo at lumayas na dito sa aming lupain*”. Atty. Alejandro, on the other hand, cursed and threatened, too: “*Putangna ninyo, huwag kayong aasta kung ayaw ninyong madisgrasya. Abogado kami. Magdemanda kayo kung saan ninyo gusto mga putangna ninyo at haharapin namin kayo*”.<sup>5</sup>

The same incident happened on February 14, 2015 where Atty. Alejandro-Abbas again threatened “*Bantayan ninyo iyan. Pag gumalaw at nanlaban, barilin at patayin ninyo at kami ang bahalang magkapatid, mga putangnang iyan ayaw pang umalis sa lupain namin[g]*”.<sup>6</sup>

Respondents moved for the consolidation of CBD Case No. 15-4527 with an earlier case docketed CBD Case No. 15-4526 filed by another complainant, since the two cases involved similar facts. The Motion for Consolidation was denied by the IBP-CBD.<sup>7</sup>

In their Consolidated Verified Position Paper,<sup>8</sup> respondents averred that the administrative complaints were related to Hipolito’s complaint before the Department of Agrarian Reform Adjudication Board (DARAB) involving the same property. The DARAB complaint was allegedly dismissed for lack of cause of action. Hipolito failed to present the Certificate of Land Ownership (CLOA) supposedly awarded to him by the Department of Agrarian Reform. When the DARAB complaint got dismissed, Hipolito filed the administrative case against them to harass and scare them as he knew that his DARAB complaint had no leg to stand on.<sup>9</sup>

In his Report and Recommendation<sup>10</sup> dated January 26, 2016, IBP-CBD Investigating Commissioner Eldrid C. Antiquiera (Investigating Commissioner Antiquiera) found respondents liable for violating Canon 1, Rule 1.01 of the CPR, and accordingly,

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<sup>5</sup> Id. at 80.

<sup>6</sup> Id.

<sup>7</sup> Id.

<sup>8</sup> Id. at 52–57.

<sup>9</sup> Id. at 81.

<sup>10</sup> Id. at 68–70

recommended their suspension from the practice of law for three months. He concluded that since respondents did not categorically deny the acts of violence, threat, and intimidation imputed on them, they were deemed to have admitted the same. These acts amounted to grave abuse of authority and conduct unbecoming of a lawyer.

Investigating Commissioner Antiquera added that even assuming that respondents had a superior right over the property, they should have exercised this right lawfully.<sup>11</sup>

In its Resolution No. XXIII-2017-019<sup>12</sup> dated August 31, 2017, the IBP-Board of Governors (IBP-BOG) adopted the findings of fact and recommendation of Investigating Commissioner Antiquera with modification. It increased the recommended suspension from three months to six months. Under its Extended Resolution<sup>13</sup> dated July 12, 2018, the IBP-BOG held that respondents' highhanded and abusive conduct amounted to grave abuse of authority as officers of the court and constituted unlawful conduct proscribed under Canon 1, Rule 1.01 of the CPR.

By Resolution<sup>14</sup> dated December 10, 2019, the Court found respondents liable for violation of Canon 1, Rule 1.01 and Canon 7, Rule 7.03 of the CPR, and consequently, ordered their suspension from the practice of law for six months, *viz*:

**WHEREFORE**, we find Atty. Ma. Carmina M. Alejandro -Abbas and Atty. Joseph Anthony M. Alejandro **LIABLE** for violation of Canon 1, Rule 1.01 and Canon 7, Rule 7.03 of the Code of Professional Responsibility and are hereby **SUSPENDED** from the practice of law for six (6) months effective from the date of their receipt of this Resolution.

xxx

In his letter dated July 7, 2020, addressed to the Office of the Bar Confidant (OBC), Atty. Siddharta JP III S. Peñaredondo informed that despite her suspension, Atty. Alejandro-Abbas continued her practice of law by appearing as counsel and filing numerous pleadings in Civil Case No. 95-73823 before the Regional Trial Court-Branch 1, Manila.<sup>15</sup>

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<sup>11</sup> Id. at 70.

<sup>12</sup> Id. at 66.

<sup>13</sup> Id. at 71-74.

<sup>14</sup> Id. at 79-85.

<sup>15</sup> Id. at 176-177.

Meanwhile, on August 7, 2020,<sup>16</sup> respondents sought reconsideration of the Resolution dated December 10, 2019. Atty. Alejandro-Abbas claimed that she learned of the order of suspension only on July 23, 2020 when the OBC sent her an electronic copy of the Resolution dated December 10, 2019. They nonetheless asserted that their right to due process was violated when (1) they were not notified by the IBP that their Motion to Consolidate CBD Case No. 15-4527 with CBD Case No. 15-4526 was not favorably acted upon. Both complaints alleged the same facts but Investigating Commissioner Antiquiera resolved CBD Case No. 15-4527 separately; and (2) they were deprived of the opportunity to seek a reconsideration of the IBP-BOG's Resolution No. XXIII-2017-019<sup>17</sup> dated August 31, 2017 since they did not receive any notice of such Resolution.

Subsequently, or on November 11, 2021, Atty. Alejandro-Abbas filed a Motion to Lift Order of Suspension.<sup>18</sup> She claimed that she had already fully served her six-month suspension. She admitted though that despite actual notice of the Resolution dated December 10, 2019 on July 23, 2020, she did not immediately desist from the practice of law. She allegedly believed that the pendency of her Motion for Reconsideration stalled the effectivity of her suspension.

In support of her Motion to Lift Order of Suspension, she submitted certifications, issued by the IBP-Quezon City and the courts where she previously appeared as counsel, stating that she has not engaged in the practice of law during the period of her suspension, or from December 11, 2020 onward.<sup>19</sup>

### **Report and Recommendation of the OBC**

In its Report and Recommendation<sup>20</sup> dated December 20, 2021, the OBC recommended the lifting of the suspension of Atty. Alejandro-Abbas considering that she had already served her suspension in full. She desisted from the practice of law for at least six months, from December 11, 2020 up to June 11, 2021 or onward.

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<sup>16</sup> Id. at 327-342.

<sup>17</sup> Id. at 66.

<sup>18</sup> Id. at 357-358.

<sup>19</sup> Id. at 360-362.

<sup>20</sup> Id. at 383-384.

**Ruling****There was no violation of due process**

The essence of due process in administrative proceedings is the opportunity to explain one's side or seek a reconsideration of the action or ruling complained of. So long as the parties are given the opportunity to be heard before judgment is rendered, the demands of due process are sufficiently met.<sup>21</sup>

Respondents claim that they were deprived of due process when (1) they were not informed that their Motion to Consolidate the two similar administrative complaints was not favorably acted upon by the IBP-CBD, and (2) they were not afforded opportunity to seek a reconsideration of the IBP-BOG's Resolution No. XXIII-2017-019 dated August 31, 2017.

With respect to respondents' lack of notice of the CBD's denial of their Motion to Consolidate CBD Case No. 15-4527 with CBD Case No. 15-4526, suffice it to state that consolidation of the two separately filed administrative complaints does not relate to the merit of said cases so as to constitute denial of due process. Notably, they had the opportunity to answer the complaints and present their defense in the proceedings before the IBP-CBD.

Too, respondents failed to adduce substantial evidence of their supposed lack of notice of the IBP-BOG's Resolution No. XXIII-2017-019 dated August 31, 2017, which allegedly led to their failure to file a motion for reconsideration. In the absence of evidence to the contrary, respondents are presumed to have received notice of the IBP-BOG's Resolution No. XXIII-2017-019 dated August 31, 2017. In any event, the aforesaid resolution is merely recommendatory. Only the Court, no other, has the authority to resolve the main case or any incident thereof with finality.

On this score, the Resolution dated December 10, 2019 is maintained. Notably, instead of refuting the allegations against them, all respondents did was point to inexistent procedural defects in the administrative proceedings before the IBP-CBD and IBP-BOG. In

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<sup>21</sup> See *Cojuanco v. Atty. Palma*, 501 Phil. 1, 8 (2005) [Per Curiam, *En Banc*].

their motion for reconsideration, nonetheless, respondents still do not categorically deny that they forcibly entered the property involved and demolished the structures thereon, shouted invectives, and used abusive language against Hipolito.

**Atty. Alejandro-  
Abbas is guilty of  
disobedience to a  
lawful order of  
the Court and  
unauthorized  
practice of law**

The Court further notes that the IBP did not conduct proceedings on Atty. Alejandro-Abbas' continued practice of law despite her suspension. In *Rosa Paras v. Justo Paras*,<sup>22</sup> the Court ordained that IBP's formal investigation may be dispensed with when the respondent lawyer admits to having resumed his or her practice of law, sans a Court order lifting the suspension.

Here, Atty. Alejandro-Abbas admitted that she desisted from the practice of law only from December 2020, though she had actual notice of the Court's order of suspension as early as July 2020. There is, thus, no need to refer the case to the IBP for formal investigation.

In any case, a lawyer, during the period of his or her suspension from the practice of law, is barred from representing parties and filing pleadings in courts, among others.<sup>23</sup>

The Resolution dated December 10, 2019 ordering the suspension of Atty. Alejandro-Abbas and her co-respondent Atty. Alejandro expressly states that respondents' suspension shall be "*effective from the date of their receipt of th[e] Resolution.*" To emphasize, a mere motion for reconsideration will not automatically enjoin the effectivity of the order of suspension. It is only upon the Court's order that such suspension may be lifted.

In fine, Atty. Alejandro-Abbas is guilty of willful disobedience to a lawful order of the court and unauthorized practice of law. Section 27, Rule 138 of the Revised Rules of Court, as amended,

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<sup>22</sup> 807 Phil. 153 (2017) [Per J. Perlas-Bernabe, First Division].

<sup>23</sup> See *Cansino and Cansino, JR. v. Atty. Sederiosa*, A.C. No. 8522, October 06, 2020 [Per J. Hernando, *En Banc*].

provides that willful disobedience to any lawful order of a superior court and unauthorized practice of law are grounds for disbarment or suspension:

*SEC. 27. Disbarment or suspension of attorneys by Supreme Court; grounds therefor.* - A member of the bar may be disbarred or suspended from his office as attorney by the Supreme Court for any deceit, malpractice, or other gross misconduct in such office, grossly immoral conduct, or by reason of his conviction of a crime involving moral turpitude, or for any violation of the oath which he is required to take before admission to practice, **or for a willful disobedience of any lawful order of a superior court, or for corruptly or willfully appearing as an attorney for a party to a case without authority to do so.** The practice of soliciting cases at law for the purpose of gain, either personally or through paid agents or brokers, constitutes malpractice.

The Court has consistently imposed a six-month suspension on lawyers who engaged in the practice of law despite their suspension.<sup>24</sup>

In *In Re: Order Dated October 27, 2016 Issued by Branch 137, Regional Trial Court, Makati in Criminal Case No. 14-765 v. Ramon*,<sup>25</sup> respondent Ramon was found to have defied the Court's suspension order and appeared as private prosecutor in a criminal case. Despite Ramon's earlier disbarment, the Court deemed it proper to still impose a six-month suspension on him for recording purposes, which should be taken into consideration in the event that he subsequently files a petition for reinstatement.

In *Ibana-Andrade v. Paita-Moya*<sup>26</sup>, the Court ordered the suspension of respondent Paita-Moya for an additional six months because of her continued practice of law despite the clear language of the Court's previous suspension order, with warning that a repetition of the same or similar offense will be dealt with more severely.

The Court imposes the same additional penalty of suspension from the practice of law for six months on respondent Atty. Alejandro-Abbas for her defiance of the Court's previous suspension order and unauthorized practice of law.

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<sup>24</sup> See *In Re: Order Dated October 27, 2016 Issued by Branch 137, Regional Trial Court, Makati in Criminal Case No. 14-765 v. Ramon*, A.C. No. 12456 (2020) [Per J. Lopez, *En Banc*], citing *Molina v. Magat*, 687 Phil. 1 (2012) [Per J. Mendoza, Third Division].

<sup>25</sup> *Id.*

<sup>26</sup> See 763 Phil. 687-695 (2015) [Per CJ Sereno, *En banc*]

**FOR THESE REASONS**, the Motion for Reconsideration of respondents Atty. Ma. Carmina M. Alejandro-Abbas and Atty. Joseph Anthony M. Alejandro is **DENIED**.

The Motion to Lift Order of Suspension of Atty. Ma. Carmina M. Alejandro-Abbas is likewise **DENIED**. Atty. Ma. Carmina M. Alejandro-Abbas is found **GUILTY** of violation of Section 27, Rule 138 of the Rules of Court. She is **SUSPENDED** from the practice of law for another **SIX MONTHS, EFFECTIVE IMMEDIATELY**, with **STERN WARNING** that a repetition of the same or similar offense will be dealt with more severely.

Let a copy of this Resolution be attached to her personal records in the Office of the Bar Confidant.

Furnish a copy of this Resolution to the Integrated Bar of the Philippines for its information and guidance; and the Office of the Court Administrator for dissemination to all courts of the Philippines.

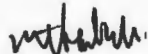
The Report and Recommendation dated December 20, 2021 of the Office of the Bar Confidant is **NOTED**.

**SO ORDERED.”**

**By authority of the Court:**

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

by:

  
**MARIA TERESA B. SIBULO**  
Deputy Division Clerk of Court  
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**JUL 21 2023**

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